

SHIRE OF SHARK BAY MINUTES

25 November 2020

ORDINARY COUNCIL MEETING



Tamala Rose – *Diplolaena Grandiflora*
SHARK BAY





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MINUTES OF THE ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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 25 November 2020 commencing at 3.02 pm.

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1.0 DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 3.02 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 J Burton	
Cr G Ridgley	
Cr M Smith	

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 P Stubberfield	Approved Leave of Absence Item 5.1 OCM 25 November 2020
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VISITORS

1 Visitor at 3.03 pm

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There are no previous public questions on notice.

4.0 PUBLIC QUESTION TIME

The President opened public question time at 3.02 pm and with no public present closed public question time at 3.02 pm.

25 NOVEMBER 2020

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR STUBBERFIELD
GV00021**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Burton
Seconded Cr Fenny

Council Resolution

Councillor Stubberfield is granted/ refused 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 25 November 2020.

6/0 CARRIED

Background

Councillor Stubberfield has applied for leave of absence from the ordinary meeting of Council scheduled for Wednesday 25 November 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 Stubberfield has advised the Chief Executive Officer, he will be unable to attend the Ordinary meeting of Council scheduled to be held on Wednesday 25 November 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 Stubberfield 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.

25 NOVEMBER 2020

- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
- a) If no meeting of the council at which a quorum is present is actually held on that day; or
 - b) If the non attendance occurs while –
 - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
 - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no policy implications 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 19 November 2020

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6.0 PETITIONS

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

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 OCTOBER 2020

Moved Cr Burton
Seconded Cr Ridgley

Council Resolution

That the minutes of the Ordinary Council meeting held on 28 October 2020, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

Australian Citizenship Ceremony for Mr Andrew Robinson will be held before the Ordinary Council meeting at 2.00 pm in Council Chamber.

At 2.30 a deputation from Tomahawk Property by the Director, Mr Tom Carmondy and Ian Burrow (owner), was presented to Council on the proposed development application for unmanned service station on Lot 1 Shark Bay Road, Denham, which is item 12.3 of this agenda.

The President advised of the meeting that she attended with Mr & Mrs Hargreaves in regard to the operation of the Crisis Centre.

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9.0 COUNCILLORS' REPORTS

9.1 CR RIDGLEY
GV00008

Committee Membership

Member	Audit Committee
Member	Shark Bay Business and Tourism Association
Deputy Delegate	Local Emergency Management Advisory Committee

Meeting Attendance

10 November 2020	Attended the Tourism and Business Association meeting
14	Attended the launch of the Gascoyne Open for Business Celebrations in Carnarvon

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	16 November 2020

Moved	Cr Fenny
Seconded	Cr Bellottie

Council Resolution

That Councillor Ridgley's November 2020 report on activities as Council representative be received.

6/0 CARRIED

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10.0 ADMINISTRATION REPORT

10.1 DRAFT LOCAL GOVERNMENT (CODE OF CONDUCT) REGULATIONS 2020
GV10000

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Burton
Seconded Cr Ridgely

Council Resolution

That Council:

Reaffirm their support for Draft submission by the Western Australian Local Government Association previously submitted in response to the State Governments proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates

6/0 CARRIED

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (the Department) on 24 September 2019 issued for comment the proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates (The Code).

At the Ordinary meeting of Council held in October 2019 the Council resolved the following:

Note and endorse the Draft submission by the Western Australian Local Government Association in response to the State Governments proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates

The report to Council from October 2019 is attached at the end of this report. Also attached under separate cover is the Western Australian Local Government Association's State Council Updated Agenda for the 2 December 2020 which has Matters for Decision 5.1 and 5.6 that relate to this item.

COMMENT

The Department of Local Government has now forwarded the code of conduct consultation draft for comment with an explanatory notes. The consultation period is open until Sunday 6 December 2020.

Western Australian Local Government Association has asked that a response be provided to them by 13 November 2020 by Councils if possible, to enable a position to be put to the State Council.

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An information page from Western Australian Local Government Association notes that:

Among concerns previously noted is the requirement for Local Governments to determine behavioural breach allegations specified in Division 3 of the Draft Regulations. The administrative process for dealing with breach allegations is unspecified and the option to use external consultants so that impartial and procedurally fair outcomes can be achieved will prove costly, particularly where numerous allegations arise. It is also open for 'any person' to make a complaint which may in extreme circumstances lead to a proliferation of complaints.

The Draft in the format presented for consultation would appear not to have taken into consideration the majority of matters raised in the consultation.

Council can now consider if they wish to.

LEGAL IMPLICATIONS

The establishment of new Local Government regulations to regulate and manage the conduct of Council members, committee member and candidates

POLICY IMPLICATIONS

There are no known policy implications relative to this report

FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

STRATEGIC IMPLICATIONS

There are no known strategic implications relative to this report

RISK MANAGEMENT

There are no known significant identified risk factors identified in this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

10 November 2020

25 NOVEMBER 2020

INFOPAGE

To: All Local Governments**From: Tony Brown
Executive Manager Governance &
Organisational Services****Date: 6 November 2020****Priority: High****Subject: Draft *Local Government (Code of Conduct) Regulations 2020* –
Mandatory Code of Conduct for council members, committee members and
candidates**

Operational Area:	Governance
Key Issues:	<ul style="list-style-type: none"> • Amendments to the <i>Local Government Act 1995</i> to provide for a mandatory code of conduct for council members, committee members and candidates were passed in 2019 but are yet to come into effect. • Consultation on draft <i>Local Government (Model Code of Conduct) Regulations 2020</i> prescribing the proposed code of conduct is open until Sunday 6 December. • Local Governments are requested to provide a response to WALGA by 13 November.
Action:	Council Decision required (If possible) Feedback Requested – 13 November 2020

Background

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including a requirement for Local Governments to adopt a mandatory Code of Conduct for council members, committee members and candidates that is yet to take effect.

In 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the Mandatory Code of Conduct Working Group. The Department discontinued the Working Group and released a Consultation Paper without endorsement by the Working Group in September 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop an endorsed mandatory Code of Conduct for further sector consultation. State Council also identified several concerns with the proposals in the Consultation Paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Model Code of Conduct) Regulations 2020* (Draft Regulations), to prescribe the mandatory Code of Conduct, together with Explanatory Notes. Both documents are available via the [Department's website](#). Consultation will close on Sunday 6 December.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector.

Among concerns previously noted is the requirement for Local Governments to determine behavioural breach allegations specified in Division 3 of the Draft Regulations. The administrative process for dealing with breach allegations is unspecified and the option to use external consultants so that impartial and procedurally fair outcomes can be achieved will prove costly, particularly where numerous allegations arise. It is also open for 'any person' to make a complaint which may in extreme circumstances lead to a proliferation of complaints.

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INFOPAGE



WALGA is seeking to coordinate a sector response and seeks feedback from Member Local Governments on the Draft Regulation. Please provide any comments by **4pm Friday 13th November 2020** to governance@walga.asn.au to enable an agenda item to be prepared for the November/December round of Zone and State Council meetings.

For further information please contact:

Executive Manager Governance & Organisational Services, Tony Brown
on 9213 2051 or email tbrown@walga.asn.au or Manager Governance, James McGovern on 9213 2093
or email jmcgovern@walga.asn.au

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Western Australia

**Local Government (Model Code of Conduct)
Regulations 2020**

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Local Government (Model Code of Conduct) Regulations 2020

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Local Government Act 1995

**Local Government (Model Code of Conduct)
Regulations 2020**

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government (Model Code of Conduct) Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

Local Government (Model Code of Conduct) Regulations 2020

Part 2 Model code of conduct

r. 3

Part 2 — Model code of conduct

3. Model code of conduct (Act s. 5.103(1))

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

Local Government (Model Code of Conduct) Regulations 2020

Repeal and consequential amendments

Part 3

Repeal

Division 1

r. 4

Part 3 — Repeal and consequential amendments

Division 1 — Repeal

**4. *Local Government (Rules of Conduct) Regulations 2007*
repealed**

The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

Division 2 — Other regulations amended

**5. *Local Government (Administration) Regulations 1996*
amended**

- (1) This regulation amends the *Local Government (Administration) Regulations 1996*.
- (2) Delete regulation 29(1)(baa).
- (3) After regulation 34C insert:

Part 9A — Minor breaches by council members

**34D. *Contravention of local law as to conduct*
(Act s. 5.105(1)(b))**

- (1) In this regulation —
local law as to conduct means a local law relating to the conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

Local Government (Model Code of Conduct) Regulations 2020

Part 3 Repeal and consequential amendments

Division 2 Other regulations amended

r. 6

6. Local Government (Audit) Regulations 1996 amended

- (1) This regulation amends the *Local Government (Audit) Regulations 1996*.
- (2) In regulation 13 in the Table:
 - (a) under the heading “*Local Government Act 1995*” delete “s. 5.103” and insert:

s. 5.104

- (b) delete:

<i>Local Government (Rules of Conduct) Regulations 2007</i>		
r. 11		

7. Local Government (Constitution) Regulations 1998 amended

- (1) This regulation amends the *Local Government (Constitution) Regulations 1998*.
- (2) In Schedule 1 Form 7 delete “*Local Government (Rules of Conduct) Regulations 2007*.” and insert:

code of conduct adopted by the³ under section 5.104 of the *Local Government Act 1995*.

Local Government (Model Code of Conduct) Regulations 2020

Model code of conduct **Schedule 1**

Preliminary provisions **Division 1**

cl. 1

Schedule 1 — Model code of conduct

[r. 3]

Division 1 — Preliminary provisions

1. Citation

This is the *[insert name of local government]* Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest, including by the refusal of gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour; and

(e) avoid damage to the reputation of the local government.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Local Government (Model Code of Conduct) Regulations 2020

Schedule 1 Model code of conduct

Division 2 General principles

cl. 5

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.
- 5. Relationships with others**
- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.
- 6. Accountability**
- A council member or committee member should —
- (a) base decisions on relevant and factually correct information; and
 - (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
 - (c) read all agenda papers given to them in relation to council or committee meetings; and
 - (d) be open and accountable to the public and represent all constituents.

Local Government (Model Code of Conduct) Regulations 2020

Model code of conduct **Schedule 1**

Behaviour **Division 3**

cl. 7

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationships with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive, informative and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local

Local Government (Model Code of Conduct) Regulations 2020

Schedule 1 Model code of conduct

Division 3 Behaviour

cl. 10

government employee in connection with the performance of their official duties; and

- (f) when attending a council or committee meeting —
 - (i) must not act in an abusive or threatening manner towards another person; and
 - (ii) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
 - (iii) must not repeatedly disrupt the meeting; and
 - (iv) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
 - (v) must comply with any direction given by the person presiding at the meeting; and
 - (vi) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting;
- and
- (g) must direct to the CEO any request for a query or complaint to be dealt with, or other work or action to be undertaken, by a local government employee.

10. Complaints about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints made under subclause (1).

Local Government (Model Code of Conduct) Regulations 2020

Model code of conduct **Schedule 1**

Behaviour **Division 3**

cl. 11

11. Local government to deal with complaints

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under subclause (2), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) The local government must dismiss the complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (3) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (4) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (5) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) decide to take no further action; or
 - (b) in consultation with the person to whom the complaint relates, develop and implement a plan to address the person's behaviour.
- (6) A plan under subclause (5)(b) may include requirements for the person to participate in training, mediation or counselling or to take any other action the local government considers appropriate.
- (7) The local government must give written notice to the complainant and to the person to whom the complaint relates of —
 - (a) its finding in relation to the complaint under subclause (1) or its decision to dismiss the complaint under subclause (2); and
 - (b) its reasons for the finding or decision.

Local Government (Model Code of Conduct) Regulations 2020

Schedule 1 Model code of conduct

Division 4 Rules of conduct

cl. 12

12. Other provisions about complaints

- (1) A complaint made under clause 10(1) about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints made under clause 10(1) may be determined by the local government to the extent that it is not provided for in clause 11.

Division 4 — Rules of conduct

13. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

14. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

15. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or

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Local Government (Model Code of Conduct) Regulations 2020

Model code of conduct **Schedule 1**

Rules of conduct **Division 4**

cl. 16

- (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.
- 16. **Prohibition against involvement in administration**
 - (1) A council member must not undertake a task that contributes to the administration of the local government.
 - (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- 17. **Relations with local government employees**
 - (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
 - (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
 - (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
 - (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event at which members of the public are present, the council member or candidate must not orally, in writing or by any other means —

Local Government (Model Code of Conduct) Regulations 2020

Schedule 1 Model code of conduct

Division 4 Rules of conduct

cl. 18

- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
 - (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.
- 18. Disclosure of information**
- (1) In this clause —
 - closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
 - document** includes a part of a document;
 - non-confidential document** means a document that is not a confidential document.
 - (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
 - (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

MINUTES OF THE ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Local Government (Model Code of Conduct) Regulations 2020

Model code of conduct **Schedule 1**

Rules of conduct **Division 4**

cl. 19

19. Disclosure of interests

(1) In this clause —

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

- (a) that they had an interest in the matter; or
- (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
- (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

MINUTES OF THE ORDINARY COUNCIL MEETING

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cl. 19

- (7) The nature of the interest must be recorded in the minutes of the meeting.

Clerk of the Executive Council

MINUTES OF THE ORDINARY COUNCIL MEETING

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LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2020 – EXPLANATORY NOTES

These regulations will bring into effect **sections 48 to 51** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.102A, 5.103, 5.104 and 5.105.

	Regulation	Explanation
3	Model Code of Conduct	These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1.
4	<i>Local Government (Rules of Conduct) Regulation 2007</i> repealed.	The new Local Government (Model Code of Conduct) Regulations repeal the Rules of Conduct regulations as the rules now form part of the Model Code.
5	<i>Local Government (Administration) Regulations 1996</i> amended	<p>This clause amends Administration Regulation 29 (Information to be available for public inspection) to delete the requirement to keep a register maintained under regulation 12(5) of the Rules of Conduct. This regulation was deleted when the new gifts framework was introduced in 2019.</p> <p>This clause also inserts new Part 9A – Minor breaches by council members. It replaces regulation 4 of the existing Rules of Conduct Regulations (Contravention of certain local laws) and inserts it into the Administration Regulations.</p> <p>It provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code.</p>
6	<i>Local Government (Audit) Regulations 1996</i> amended	This clause amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code under section 5.104 and deletes the reference to the Rules of Conduct Regulations.
7	<i>Local Government (Constitution) Regulations 1998</i> amended	This clause amends Schedule 1 Form 7 (Declaration by elected member of council) of the Constitution Regulations, to reference the code of conduct adopted by the relevant local government, rather than Rules of Conduct Regulations.
	Schedule 1 – Model code of conduct	
1	Citation	New section 5.104 of the Local Government Act will require local governments to adopt the model code of conduct within three months of these Regulations coming into operation.

MINUTES OF THE ORDINARY COUNCIL MEETING

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		<p>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.</p> <p>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.</p> <p>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website.</p>
2	Terms Used	This clause defines Act, candidate and publish. All other terms used that are also in the Act have the same meaning, unless the contrary intention appears.
	Division 2 – General principles	
3	Overview of Division	<p>As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.</p> <p>Throughout the Model Code, where appropriate, the principles, behaviours and rules of conduct are separated into three categories; personal integrity, relationships with others and accountability.</p>
4	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> • act with reasonable care, diligence, honesty and integrity • act lawfully • avoid damage to the reputation of the local government • act in accordance with the trust placed in council members and committee members, and • participate in decision-making in an honest, fair, impartial and timely manner.
5	Relationships with others	This clause outlines principles for relationships with others, including the need to treat others with respect and maintain and contribute to a harmonious, safe and productive work environment.
6	Accountability	This clause outlines principles for accountability, including the need for decisions to be based on relevant and factually correct information, and to make decisions on merit.
	Division 3 - Behaviour	
7	Overview of Division	As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.

MINUTES OF THE ORDINARY COUNCIL MEETING

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		This division sets the standards of behaviour which enable and empower council members to meeting the principles outlined in Division 2. Division 3 behaviour breaches are managed by local governments, and so the division also includes provisions about how to manage complaints. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.
8	Personal Integrity	<p>This clause provides behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>It includes a behaviour that the use of social media and other forms of communication complies with the code.</p>
9	Relationships with others	<p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> • deal with the media in a positive, informative and appropriate manner • not disparage the character of another council member, committee member, candidate or local government employee • not impute dishonest or unethical motives to another council member, committee member, candidate of local government employee • not make a statement that the member of candidate knows, or could reasonably be expected to know, is false or misleading.
10	Complaints about alleged breach	<p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to accept the complaints.</p>
11	Local government to deal with complaints	<p>The process for consideration of a complaint is at the discretion of the local government, however, the Code requires that after considering the complaint, the local government must make a finding as to whether the breach occurred.</p> <p>A local government is also required to dismiss a complaint if it is satisfied that the complaint relates to behaviour which occurred at a council or committee meeting that has already been dealt with or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

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		<p>It is a requirement, in accordance with 11(3), that before making a finding, the person to whom the complaint relates, is given a reasonable opportunity to be heard.</p> <p>A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>After a finding has been made, written notice of the outcome should be given to the complaint and the person to whom the complaint relates.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This could include training, mediation, counselling or any other action considered appropriate.</p>
12	Other provisions about complaints	<p>Clause 12 provides that the procedure for dealing with complaints is a matter for the local government (to the extent it is not inconsistent with clause 11).</p> <p>If a complaint is made about a candidate, the alleged breach cannot be dealt with unless the candidate is elected as a council member.</p>
	Division 4 – Rules of conduct	
13	Overview of Division	<p>As per section 5.103(2)(c), the Code contains specific rules of conduct. The rules of conduct are specific rules, for which alleged breaches are referred to the Standards Panel.</p> <p>A reference to a council member in this division includes a council member acting as a committee member.</p>
14	Misuse of local government resources	This is based on current regulation 8 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Misuse of local government resources.
15	Securing personal advantage or disadvantaging others	This is based on current regulation 7 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Securing personal advantage or disadvantaging others.
16	Prohibition against involvement in administration	This is based on current regulation 9 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Prohibition against involvement in administration.
17	Relations with local government employees	This is based on current regulation 10 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Relations with local government employees.

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		This regulation also applies to candidates.
18	Disclosure of information	This is based on current regulation 6 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Use of information.
19	Disclosure of interest	This is based on current regulation 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Disclosure of interest.

25 NOVEMBER 2020

Officer's Report from OCM October 2019

11.4 Draft Local Government Act Consultation Conduct GV10000

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest:

Nature of Interest:

Moved Cr
Seconded Cr

Officer Recommendation

That Council:

- 1. Note and endorse the Draft submission by the Western Australian Local Government Association in response to the State Governments proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates.**

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (the Department) on 24 September 2019 issued for comment the proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates (The Code). Feedback will help inform the changes proposed the Local Government Act as part of the *Local Government Legislation Amendment Act 2019*. The Code was developed through a working group with key stakeholders including Western Australia Local Government Association, but it would seem additional changes were made without reference to the stakeholders and that the draft does not necessarily reflect the views of those consulted so far. The Shire's comments are due by 6 November 2019.

Western Australia Local Government Association subsequently advised in an email on 25 September 2019 that this document was released without Western Australia Local Government Association's endorsement and it has a number of concerns. In a follow-up email on 4 October 2019, Western Australia Local Government Association provided a draft submission for comment as well as outlining its concerns that include inconsistent references regarding who the Code is applicable to, inappropriate nomenclature and whether Part C of the Code is relevant along with the inclusion of a number of other requirements in Part C not workshopped previously. Western Australia Local Government Association has asked for feedback from local governments by Friday 25 October 2019 so that its submission can be considered at the November Zone meetings and then at Western Australia Local Government Association State Council on 4 December 2019.

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COMMENT

It is noted that a submission could be made through either the completion of an online survey or by sending through a written submission.

The use of a survey to provide responses may be suitable for the wider audience in Western Australia, but not where a local government is concerned. Surveys, if not constructed properly and applied through an independent mechanism can lead to a constructed outcome.

This may not be the intent, but it does cause some concern. Also, this is a specific issue and not one of a broad nature when the Department was seeking a direction to take regarding the raft of changes proposed to the Local Government Act.

The matter of council member behaviour is too important.

Bringing Codes and Rules Together: Uncoupling Codes of Conduct for Council Members and Employees

The clarification regarding the Chief Executive Officer preparing a separate code of conduct for local government employees with the introduction of the new section 5.51A to the Local Government Act is welcomed.

Up until now, whether a local government has had one code of conduct in place or separate codes of conduct has been dependent on how section 5.103 (1) is interpreted. Under the Local Government Act, the Chief Executive Officer is responsible for all employees and so having a common code of conduct undermines the Chief Executive Officer's authority in this area.

The Chief Executive Officer supports that the Mandatory Code of Conduct applies to election candidates. It is important that candidates exhibit the same behaviour that they will need to have as a council member once elected.

The ability to include additional behaviours into Part B of the Code, providing they are not inconsistent with the Code is also important. Some local governments do this now by way of their current code of conduct or through council policy.

Part A - Principles

The expanded explanation of the 'General principles that guide the behaviour' currently found under Regulation 3 of the Local Government (Rules of Conduct Regulations 1996) is of benefit. The further clarification provided makes sure there is no doubt the intent of the Regulations in this regard.

However, like all things, consistency in wording is important. Some words can and are interpreted differently by individuals. For example: Part A states "Council members and candidates are expected to adhere to and promote and support the following principles by example." In this case the word expected is the issue.

A person who is committed to the principles will give a much stronger meaning to the word expected as opposed to the person who does not.

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The Guidelines then state “The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives.” In other words, the words: expected, should and must are not the same as they have different meanings.

Part B - Behaviours

1. Application

The Chief Executive Officer supports Western Australia Local Government Association’s comments that seeking an explanation from the Department as to why neither Part B nor Part C includes a reference to committee members or candidates

Also, the term council employee should be replaced with either local government employee or local government officer. The Council is a different legal entity to that of a local government which only has one employee, the Chief Executive Officer.

II. New Complaints Provision

The introduction of a complaints provision is important. This is certainly consistent with what some other states in Australia have introduced regarding a council being able to “deal” with its own.

The notion of education as a constructive approach through effectively using a performance improvement plan (action plan) to help address breaches of the Code of Conduct is positive. However, there are occasions when this approach is ineffective.

Further discussion is certainly required by the sector regarding the processes and consequences associated with managing behavioural breach allegations.

III. Complaint Management

Under the Guidelines section it says that local governments are to have a policy in place. The Guidelines also outline sources for developing a policy and what should be in the policy regarding a complaints process.

In terms of the possible actions in Attachment 1 to the Department’s model code, the use of training, mediation, counselling and an apology does work in many instances. However, sometimes these are not enough re very strong personalities or repeat offenders.

Perhaps the criterion that might allow a Council by resolution the ability to refer the matter to the Standards Panel (similar to what the Chief Executive Officer can do at present) should be removed from Part C and placed here.

Referring a matter to the Standards Panel though may be subject to verification by the Standards Administrative Tribunal. Also, some consideration should be given as to whether a matter should be referred by Council to the Minister for a determination.

Referring the matter to the Minister would imply, in terms of consistency with other provisions of the Act, the Minister’s decision is final.

Also, clarification regarding what happens when a council member is charged with an offence that, if convicted, will disqualify them from being a council member may need to be included by way of explanation as this is a ministerial intervention under the Act.

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Part C – Rules of Conduct

The value of Part C is for information only. To this extent, it should be removed from the Model Code and be made available as a separate reference tool.

However, it could be included as an attachment to the Code to explain certain criteria. That being said, the inconsistencies and corrections identified by Western Australia Local Government Association should be addressed before such a step is taken.

Also, if the new matters regarding repeat offences, threatening behaviour towards an employee and disclosure of personal information are agreed to, they should be listed in Part B.

LEGAL IMPLICATIONS

There are no Known policy implications relative to this report

POLICY IMPLICATIONS

There are no Known policy implications relative to this report

FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

STRATEGIC IMPLICATIONS

There are no known Strategic implications relative to this report

RISK MANAGEMENT

There are no known significant identified risk factors identified in this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

18 October 2019



Mandatory Code of Conduct for Council Members, Committee Members and Candidates

Draft for Consultation

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Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct for council members, committee members and candidates. These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

This document outlines the proposed Code which will inform the drafting of regulations. This is contained in the grey boxes. The accompanying guidelines provide clarification and guidance in relation to compliance and enforcement of the Code and would be available on the Department's website.

The proposed Code and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LG Pro). The Department gratefully acknowledges the participation of these representatives.

The Department notes that the content of the Code does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed Code and guidelines and associated matters.

A survey is available at www.dlqsc.wa.gov.au/lqareview or you can provide your feedback to actreview@dlqsc.wa.gov.au by 22 November 2019.

Mandatory Code of Conduct

Preamble

The purpose of this Code of Conduct (Code) is to guide the decisions, actions and behaviours of council members, committee members and candidates running for election.

As an elected representative, council members govern the affairs and are responsible for the performance of their local government. To do this, council members must demonstrate professional and ethical behaviour to build and strengthen trust in their communities.

A person who has nominated to be a council member is also required to demonstrate professional and ethical behaviour during the election campaign.

In addition to carrying out the duties outlined in the *Local Government Act 1995*, council members and committee members must comply with the provisions in this Code of Conduct in carrying out their functions as public officials. It is the responsibility of council members, committee members and candidates to ensure that they are familiar with, and comply with, this Code at all times.

Guidelines

The Local Government Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.

While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.

In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.

To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.

Part A – Principles

Council members and candidates are expected to adhere to and promote and support the following principles by example. Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. All behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

Personal integrity

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.
- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and the interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.
- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.
- 1.5 Avoid damage to the reputation of the local government.
- 1.6 Not be impaired by mind affecting substances while performing official duties.

Relationships with others

- 1.7 Treat others with respect, courtesy and fairness.
- 1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.
- 1.9 Respect and value diversity in the workplace and in the community.

Accountability

- 1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.
- 1.11 Be open and accountable to the public, represent all constituents and make decisions in the public interest.

Guidelines

The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.

All council members, committee members and candidates must familiarise themselves with the Code and Guidelines and any relevant policies the local governments have in place.

Council members are generally very active in their communities which may lead to conflicts of interests. To comply with this Code, those conflicts, or perceived conflicts, need to be managed appropriately. While a member may be confident of the integrity of their actions, how the relationship and actions may appear to others must be thought through.

There are many situations that council members, committee members and candidates might find themselves in that could lead to a breach of the Code. Members should seek further guidance and advice on specific situations whenever necessary.

Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

Personal integrity

- 2.1 Act in line with the principles outlined in this Code when performing official duties.
- 2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.
- 2.3 Respect and comply with all council policies, procedures and resolutions.
- 2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.
- 2.5 Use all forms of media, including social media, in a way that complies with this Code.

Relationships with others

- 2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.
- 2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.
- 2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.
- 2.9 While acting as a council member, do not:
 - i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or
 - ii. disparage the character of any council member or employee, or impute dishonest or unethical motives to them in the performance of their duties.
- 2.10 When attending a council or committee meeting, do not:
 - i. behave in an abusive or threatening manner towards another council member or other person attending the meeting;
 - ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or
 - iii. repeatedly disrupt the meeting.
- 2.11 When attending a council or committee meeting:
 - i. comply with the local law that relates to conduct of people at council or committee meetings;

- ii. promptly comply with any direction given by the presiding member at that meeting; and
 - iii. immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.
- 2.12** Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.
- Accountability**
- 2.13** Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.
- 2.14** Take responsibility for decisions and actions.
- 2.15** Abide by the decisions of council and publicly support the decisions even if of an alternative view.
- 2.16** Adhere to the principles in the:
- i. Occupational Safety and Health Act 1984 (WA);
 - ii. Equal Opportunity Act 1984 (WA);
 - iii. Racial Discrimination Act 1975 (Cth); and
 - iv. Sex Discrimination Act 1984 (Cth).

- Complaint management**
- 2.17** Any person may make a complaint about a council member under this Part within three months of the alleged breach occurring.
- 2.18** A breach of this part does not include a matter:
- i. that is resolved by the Presiding Member during a meeting, or
 - ii. where a council member complies with a request for remedial action in accordance with the relevant local law.
- 2.19** Complaints about an alleged breach should be made to the Mayor or President or the CEO of the local government or nominated delegate.
- 2.20** Complaints about an alleged breach by the Mayor or President should be made to the Deputy Mayor or President or a nominated delegate.
- 2.21** A complaint may be handled or managed in any manner that council deems appropriate for handling an alleged breach of this section. This includes investigation or dismissal of the complaint. This must be laid out in a council endorsed policy.
- 2.22** A complaint may be dismissed as trivial, vexatious or frivolous and accordingly not investigated.
- Findings**
- 2.23** Following an investigation in accordance with rule 2.21, the Council may, by resolution, make a finding of breach or no breach.
- 2.24** In accordance with rule 2.23, if a breach is found, the Council may, by resolution:
- i. take no action, or
 - ii. prepare an action plan, developed in conjunction with the council member, to address future behaviour.

- 2.25** An action plan may include the requirement for the council member to undertake training, mediation or counselling or any other actions deemed appropriate by the Council.
- 2.26** The Council to which the member is elected, may decide, via resolution, to make an allegation of a rule of conduct breach under Part C:
- i. after the third finding of a breach of this Part by the same council member, or
 - ii. where the council member fails to comply with the action plan in accordance with sub-rule 2.24(ii).
- 2.27** A matter under sub-rule 2.26(i) cannot be alleged as a Part C breach unless an action plan has been developed in accordance with sub-rule 2.24(ii) for the previous two breaches.
- 2.28** Written notification of the outcome of an alleged breach under this section must be given to the council member and complainant.
- 2.29** A written record must be kept of all complaints made under this Part and how they were dealt with.

Guidelines

Local governments are responsible for taking action against alleged breaches under Part B.

Local governments are to have a policy on how complaints are going to be handled or managed.

Australian/New Zealand Standards for complaints resolution AS/NZS 10002:2018 provides a tool and framework to assist local governments with developing a policy.

Whether or not local governments choose to adopt the Standard is optional, however, the policy must provide a clear outline of the steps that will be taken once a complaint is submitted. The complaint process must also uphold the principles of natural justice.

There are a number of resources for effective complaints handling available on the Ombudsman WA's website www.ombudsman.wa.gov.au

In developing a policy, the following key matters should be considered.

The complaints process

- The role of the council in the process.
- The extent to which independent persons are involved and their role in the process (complaint lodgement, investigation, findings). Local governments may decide to establish a regional or shared committee to deal with these complaints, for example.
- What types of remedial action are appropriate.
- The form of the action plan.

Process for making a complaint

- The process for a person to make a complaint needs to be clearly outlined in the policy, including whether complaints are required to be in a specific form.
- Complaints should be submitted in writing, with consideration given to a variety of methods, including email, letter or fax.
- The policy should also outline how the complaint is lodged, whether this is via a specific code of conduct complaint email address or a letter addressed to the Mayor or President (or alternative).
- The process should be simple and not act as a barrier to the raising of concerns about elected member behaviour.

Acknowledgement of the complaint

- The policy should include that complaints will be acknowledged and the timeframe for this.
- Complaints should be acknowledged in a timely manner. As part of the acknowledgement process, consideration may be given to providing information on how the complaint will be progressed. This may include providing the complainant with a copy of the complaint handling policy.

Responsiveness

- The policy should outline whether complaints are going to be addressed based on seriousness or impact of the allegation or on order of submission.
- Inclusion of an expected timeframe for the matter to be reviewed is also encouraged.

Action

- Complaints must be dealt with in an equitable, objective, timely and unbiased manner. The principle of natural justice should be applied.
- The policy needs to outline who will make the initial assessment of the complaint. This includes who will make the determination that the complaint is trivial, vexatious or frivolous or worthy of further investigation.
- The policy also needs to address the process for the investigation including:
 - giving adequate opportunity for a right of reply from both parties
 - if a breach is found, what are the actions that could be imposed by council.
- Attachment 1 provides further guidance on possible actions for breaches found against Part B.

Action plans

- Action plans are designed to provide council members with the opportunity to remedy their behaviour.
- The measures to stop the behaviour from continuing are not intended to be a punishment, rather a mechanism to prevent the behaviour from reoccurring.
- The Code requires that the action plan is prepared in conjunction with the relevant council member. This is designed to provide the council member with

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the opportunity to be involved in matters such as the timing of meetings or training.

- While Council is required to give the council members the opportunity, not all council members will actively participate in the process.

What happens if agreement cannot be reached

- Circumstances may arise when a Council cannot agree on the outcome of an investigation, or whether an investigation is required to an alleged breach.
- In these situations, Council may decide to engage an independent person to:
 - review the complaint
 - investigate the complaint, or
 - make recommendations on appropriate actions
- The policy should address who will be engaged as an independent person. Local governments may consider sharing the services of an independent person.

Attachment 1 – possible actions for Part B breaches

Personal integrity		Possible actions
2.1	Act in line with the principles outlined in this Code when performing official duties.	Training
2.2	Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.	Training Mediation
2.3	Respect and comply with all council policies, procedures and resolutions.	Training
2.4	Ensure professional behaviour is not compromised by the use of alcohol or drugs.	Counselling
2.5	Use all forms of media, including social media, in a way that complies with this Code.	Training
Relationships with others		
2.6	Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.	Training Mediation Apology
2.7	Do not bully or harass council staff, other council members or members of the public in any form, including social media	Training Mediation Apology
2.8	Deal with the media in a positive, informative and appropriate manner in accordance with the <i>Local Government Act 1995</i> and relevant local government policies.	Training
2.9	While acting as a council member, do not: <ul style="list-style-type: none"> i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or ii. disparage the character of any council member or impute dishonest or unethical motives to them in the performance of their duties. 	Training Mediation Counselling Apology
2.10	When attending a council or committee meeting, do not: <ul style="list-style-type: none"> i. behave in an abusive or threatening manner towards another council member or other person attending the meeting; ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or 	Training Mediation Counselling Apology

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	iii. <u>repeatedly</u> disrupt the meeting.	
2.11	When attending a council or committee meeting: i. comply with the local law that relates to conduct of people at council or committee meetings; ii. promptly comply with any direction given by the presiding member at that meeting; and iii. <u>immediately</u> cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.	Training Mediation Counselling
2.12	Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.	Training
Accountability		
2.13	Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.	Training
2.14	Take responsibility for decisions and actions.	Training Counselling
2.15	Abide by the decisions of council and publicly support the decisions even if of an alternative view.	Training
2.16	Adhere to the principles in the: i. <i>Occupational Safety and Health Act 1984 (WA)</i> ; ii. <i>Equal Opportunity Act 1984 (WA)</i> ; iii. <i>Racial Discrimination Act 1975 (Cth)</i> ; and iv. <i>Sex Discrimination Act 1984 (Cth)</i> .	Training Mediation

Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- negatively affect the honest or impartial performance of a council member;
- involve a breach of trust placed in the council member; or
- involve the misuse of information or material.

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a "minor breach". In the event the Standards Panel makes a finding of breach against a council member, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this part removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Guidelines

A breach of Part C is considered by the Standards Panel in accordance with the Act. The Standards Panel, which was established in 2007, has the authority to make binding decisions to resolve allegations of minor misconduct. The Standards Panel is independent of the Minister for Local Government and the department.

The process for complaints under Part C is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

As the Panel does not have investigative powers, findings and decisions are made on the basis of the information it receives. To assist with understanding each Part C rule of conduct, the elements are outlined alongside each. For a finding of breach, the Standards Panel needs to be satisfied that it is more likely than not, (on the balance of probabilities) that a breach of each element has occurred.

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Personal Integrity

Misuse of local government resources	Elements of Rule of Conduct
<p>a. <u>resource</u> is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money.</p> <p>b. A person who is a council member must not either directly or indirectly use the resources of a local government —</p> <p>i. for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i>; or</p> <p>ii. for any purpose other than fulfilling the legal obligations and duties of the council member's office,</p> <p><u>unless</u> authorised under the Act, by the council or the CEO to use the resources for that purpose.</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member directly or indirectly used;</p> <p>(c) resources that belonged to the local government;</p> <p>(d) for the identified electoral purpose or any other purpose other than in their legal role as a council member;</p> <p>(e) <u>without</u> such purpose being authorised under the Act, by the council or the local government's CEO.</p>
Securing personal advantage or disadvantaging others	Elements of Rule of Conduct
<p>c. A person who is a council member must not make improper use of the person's office as a council member —</p> <p>i. to gain directly or indirectly an advantage for the person or any other person; or</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) by engaging in the conduct, the person the subject of the complaint made use of the office of a council member (in</p>

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<p>ii. <u>to</u> cause detriment to the local government or any other person.</p> <p>d. Rule 3.3 does not apply to conduct that contravenes section 5.93 of the Act or <i>The Criminal Code</i> section 83.</p>	<p>the sense that he or she acted in their capacity as a council member, rather than in some other capacity);</p> <p>(c) when viewed objectively, such use was an improper use of the person's office as council member in that it:</p> <ul style="list-style-type: none"> i. involved a breach of the standards of conduct that would be expected of a person in the position of a council member by reasonable persons with knowledge of the duties, powers and authority of the councillor and the circumstances of the case (by for example, an abuse of power or the doing of an act which the councillor knows or ought to have known that he or she had no authority to do); and ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and <p>(d) the person engaged in the conduct in the belief that:</p> <ul style="list-style-type: none"> i. <i>[in the case of rule 3.3(i)]</i> an advantage (pecuniary or otherwise) would be gained directly or indirectly for the person or any other person; <u>or</u> ii. <i>[in the case of rule 3.3(ii)]</i> detriment (pecuniary or otherwise) would be suffered by the local government or another person; <p>(e) It is irrelevant whether advantage was actually gained or detriment suffered;</p> <p>(f) The conduct does not fall under section 5.93 of the Act: improper use of information (which would be a serious breach), or section 83 of the Criminal Code (which would be a crime).</p>
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<i>Repeated breaches of Part B</i>	<i>Elements of Rule of Conduct</i>
<p>e. A breach of Part B of the Code of Conduct is a minor breach if:</p> <ul style="list-style-type: none"> i. it occurs after the council member has been found to have committed 3 or more other breaches of Part B; or ii. the council member fails to comply with the action plan developed after a finding of inappropriate behaviour under Part B; <p>and</p> <ul style="list-style-type: none"> iii. <u>the</u> Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part. 	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Standards Panel makes its determination; (b) the council has passed a resolution referring the matter to the Standards Panel; (c) in the case of (i) – <ul style="list-style-type: none"> i. the person has been found to have breached Part B of the code of conduct on at least three occasions; ii. the behaviour the subject of this complaint occurred after a finding of inappropriate behaviour; iii. the person has engaged in behaviour that is a breach of Part B of the code of conduct; iv. an action plan is in place; or (d) In the case of (ii) – <ul style="list-style-type: none"> i. there was an action plan in place; ii. the action plan resulted from a previous finding of a breach of Part B; iii. <u>the</u> person has not complied with the action plan.

Relationships with employees

<i>Prohibition against involvement in administration</i>	<i>Elements of Rule of Conduct</i>
<p>3.7 A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the CEO to undertake that task.</p>	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member took on or was involved or participated in the performance, attempted performance, or part-performance, of a function or responsibility which under the

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3.8 Rule 3.7 does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.	<p>Act or by delegation it is for the local government's CEO to perform or direct; and</p> <p>(c) such taking on, involvement or participation:</p> <ul style="list-style-type: none"> i. contributed (for example, played a part in achieving) something; and ii. did not occur as anything the council member did as part of the deliberations at a council or committee meeting (which may include something the member did as part of their preparation for any such deliberation); and <p>(d) the local government's CEO did not authorise such taking on, involvement or participation.</p>
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<i>Relations with local government employees</i>	<i>Elements of Rule of Conduct</i>
<p>3.9 In this rule —</p> <p><u>employee</u> means a person as defined in section 5.36 of the Act and any person contracted to provide a service to the local government.</p> <p>3.10 A person who is a council member or candidate must not —</p> <ul style="list-style-type: none"> i. direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or ii. attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee; or 	<p>Rule 3.10(i)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) the council member or candidate gave or tried or made an effort to give a direction or an order or command; (c) to another person, who is an employee of the relevant local government; (d) to do or not to do something in the other person's capacity as a local government employee; and (e) the direction or attempted direction was not part of anything that the person did as part of the deliberations at a council or committee meeting (which may include something he or she did as part of their preparation for any such deliberation).

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<p>iii. <u>behave</u> in an abusive or threatening manner towards any local government employee.</p> <p>3.11 Rule 3.10(i) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p> <p>3.12 If a person, in their capacity as a council member, is attending a council meeting, committee meeting or other organised event, other than at a meeting or part of a meeting that is closed to the public, the person must not, either orally, in writing or by any other means —</p> <ul style="list-style-type: none"> i. make a statement that a local government employee is incompetent or dishonest; or ii. <u>use</u> offensive or objectionable expressions in reference to a local government employee. <p>3.13 Rule 3.12(i) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.</p>	<p>Rule 3.10(ii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) a council member or candidate tried or made an effort to affect, sway or produce an effect on; (c) the conduct of another person, who is an employee of the relevant local government, in that person's capacity as a local government employee; and (d) the council member or candidate's effort to affect, sway or produce an effect was carried out by means of — <ul style="list-style-type: none"> (i) a threat by the person (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course), or (ii) a promise or undertaking by the person to give the employee something having a value, or to do or not do something where the act or omission concerned has some value or advantage for or to the employee. <p>Rule 3.10(iii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) the person behaved in a manner which was: <ul style="list-style-type: none"> (i) abusive (for example, the council member uses insulting, disparaging belittling or derogatory language about or to the employee); or
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	<p>(ii) threatening (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course);</p> <p>(c) <u>the</u> behaviour is directed towards a local government employee.</p> <p>Rule 3.12(i)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(c) the council member either verbally, in writing or by some other means, made a statement (for example, a communication or declaration in speech or writing setting forth facts, particulars; etc.); and</p> <p>(d) <u>viewed</u> objectively, the council member's statement (or a sufficiently clear inference from the words used) was that an employee of the council member's local government was incompetent or dishonest.</p> <p>(e) Chapter XXXV of <i>The Criminal Code</i> does not apply.</p> <p>Rule 3.12(ii)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p>
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	<p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(b) the council member either verbally, in writing or by some other means, used an expression (for example, any word, phrase or form of speech) which it is more likely than not that a member or members of the public present heard or otherwise became aware of;</p> <p>(c) the expression was an offensive or objectionable expression (for example, an expression that is likely to cause offence or displeasure and is insulting); and</p> <p>(d) the expression was an offensive or objectionable expression in reference to an identified employee of the council member's local government.</p>
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Accountability

<i>Unauthorised disclosure of information</i>	Elements of Rule of Conduct
<p>3.14 In this rule —</p> <p><i>closed meeting</i> means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;</p> <p><i>confidential document</i> means a document, or that part of a document, marked by the CEO or a nominated delegate to clearly show that the information is not to be disclosed;</p>	<p>Rule 3.15(i)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and</p> <p>(c) the disclosed information was information the disclosing council member derived from a document that was marked by the relevant local government's CEO, or at the CEO's direction, to clearly show that the information in the document was not to be disclosed; and</p>

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<p><u>non-confidential document</u> means a document that is not a confidential document or is not marked confidential.</p> <p>3.15 A person who is a council member must not disclose —</p> <ul style="list-style-type: none"> i. information that the council member derived from a confidential document; or ii. information that the council member acquired at a closed meeting other than information derived from a non-confidential document; or iii. <u>personal information</u> as defined in the <i>Freedom of Information Act 1992</i>. <p>3.16 Sub-rule (3.15) does not prevent a person who is a council member from disclosing information —</p> <ul style="list-style-type: none"> i. at a closed meeting; or ii. to the extent specified by the council and subject to such other conditions as the council determines; or iii. that is already in the public domain; or iv. to an officer of the Department; or v. to the Minister; or vi. to a legal practitioner for the purpose of obtaining legal advice; or vii. <u>if</u> the disclosure is required or permitted by law. 	<p>(d) <u>the</u> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</p> <p>Rule 3.15(ii)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) a council member disclosed information to someone who at the time was not also a council member of the same local government; and</p> <p>(c) the disclosed information was information the disclosing council member acquired at a council or committee meeting, or a part of a council or committee meeting, that was closed to members of the public under section 5.23(2) of the Act; and</p> <p>(d) the disclosing council member did not derive the disclosed information from a non-confidential document (that is, a document that was <i>not</i> marked by the local government's CEO, or at the CEO's direction, to clearly show that the information in it was not to be disclosed); and</p> <p>(e) <u>the</u> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</p>
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	<p>Rule 3.15(iii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and (c) the disclosed information was personal information as defined in the <i>Freedom of Information Act 1992</i> (for example, name, date of birth, address, or a reference to an identification number or other identifying particular such as a fingerprint or body sample). (d) <u>the</u> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16. <p><i>Freedom of Information Act 1992</i> defines personal information as:</p> <p>information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —</p> <ul style="list-style-type: none"> (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or (b) <u>who</u> can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.
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Disclosure of interest	Elements of Rule of Conduct
<p>3.17 In this rule —</p> <p><u>interest</u> means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest.</p> <p>3.18 A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —</p> <ol style="list-style-type: none"> in a written notice given to the CEO before the meeting; or at the meeting immediately before the matter is discussed. <p>3.19 Rule 3.18 does not apply to an interest referred to in section 5.60 of the Act.</p> <p>3.20 Rule 3.18 does not apply if —</p> <ol style="list-style-type: none"> a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began. <p>3.21 If, under sub-rule (3.18)(i), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —</p>	<ol style="list-style-type: none"> the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; subject to rule 3.19, the person had a private or personal interest in a matter that is more likely than not a conflict of interest or a bias (apparent or real) that does adversely affect, or might adversely affect the council member's impartiality in considering the matter, and includes an interest arising from kinship, friendship, membership of an association, or another circumstance; the member attended the council or committee meeting concerned and was present when the matter under consideration came before the meeting and was discussed; the member did not disclose the nature of the relevant interest in the matter in either of the two ways required by Rule 3.18(i) or 3.18(ii); Rule 3.20 does not apply.

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<p>i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</p> <p>ii. at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.</p> <p>3.22 If —</p> <p>i. under sub-rule (3.18)(ii) or (3.20)(ii) a person's interest in a matter is disclosed at a meeting; or</p> <p>ii. under sub-rule (3.21)(ii) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,</p> <p>the nature of the interest is to be recorded in the minutes of the meeting.</p>	
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Code of Conduct survey

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct (Code) for all council members, committee members and candidates in local government elections.

These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

The proposed Code will inform the drafting of regulations. This will be accompanied by guidelines that provides clarification and guidance in relation to compliance and enforcement with the Code.

This survey is intended to provide the Government with feedback regarding the proposed the content of the Code.

Thank you for taking the time to complete this survey.

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1. Who are you completing this survey on behalf of?
 - a. Yourself
 - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
 - a. Resident or ratepayer
 - b. Staff member
 - c. Council member (includes Mayor or President)
 - d. Survey responses are provided on behalf of a local government (council endorsed)
 - e. Peak body
 - f. State Government agency
 - g. Community body
 - h. Other (please specify)
5. What best describes your gender?
 - a. Male
 - b. Female
 - c. Other
 - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
 - a. Under 18
 - b. 18-24
 - c. 25-34
 - d. 35-44
 - e. 45-54
 - f. 55-64
 - g. 65+
 - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?

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8. Do you wish for your response to this survey to be confidential?
 - a. Yes
 - b. No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
 - a. Yes
 - b. No
 - c. Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
 - a. I was not aware of the Local Government Act review
 - b. I was not interested in providing my views
 - c. I did not have time to provide my views
 - d. Other (please specify)

Part A - Principles

Council members, committee members and candidates are expected to adhere to and promote and support the following principles by example.

Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. all behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

12. Please indicate your support of the following *Personal Integrity Principles*

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

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Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.5 Avoid damage to the reputation of the local government.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.6 Not be impaired by mind effecting substances while performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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13. Please indicate your support of the following *Relationships With Others Principles*

1.7 Treat others with respect, courtesy and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.9 Respect and value diversity in the workplace and in the community.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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14. Please indicate your support of the following *Accountability Principles*

1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.

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Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.11 Be open and accountable to the public, represent all constituents and make decisions in the public.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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15. Should any additional principles be incorporated in Part A?

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Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

16. Please indicate your support for the following *Personal Integrity Behaviours*.

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2.1 Act in line with the principles outlined in this Code when performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.3 Respect and comply with all council policies, procedures and resolutions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.5 Use all forms of media, including social media, in a way that complies with this Code.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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17. Please indicate your support for the following *Relationships with Others Behaviours*.

2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.9 While acting as a council member, do not:

- (i) Use offensive or pejorative language in reference to another council member, council employee or member of the public; or
- (ii) Disparage the character of any council member or council employee or impute dishonest or unethical motives to them in the performance of their duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.10 When attending a council or committee meeting, do not:

- (i) Behave in an abusive or threatening manner towards another council member or other person attending the meeting;

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(ii) Make statements that the person knows, or could be reasonably expected to know, that are false or misleading;

Or

(iii) Repeatedly disrupt the meeting

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.11 When attending a council or committee meeting:

(i) Comply with the local law that relates to conduct of people at council or committee meetings;

(ii) Promptly comply with any direction given by the presiding member at that meeting; and

(iii) Immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.12 Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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MINUTES OF THE ORDINARY COUNCIL MEETING

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18. Please indicate your support for the following **Accountability Behaviours**.

2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.14 Take responsibility for decisions and actions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.16 Adhere to the principles in the:

- (i) *Occupational Safety and Health Act 1984*(WA);
- (ii) *Equal Opportunity Act 1984*(WA);
- (iii) *Racial Discrimination Act 1975*(Cth); and
- (iv) *Sex Discrimination Act 1984* (Cth).

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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19. Should any additional behaviours be incorporated in Part B?

--

20. Part B of the Code includes a complaint management process. Should this part include a time period in which complaints must be lodged after the alleged breach occurred?

- ☐ No time period
- ☐ 1 month
- ☐ 3 months
- ☐ 6 months
- ☐ Other (please specify)

--

21. Who is the best person for Part B complaints to be directed to?

- ☐ Mayor or President
- ☐ Deputy Mayor or President
- ☐ Presiding member
- ☐ Chief Executive Officer
- ☐ Nominated local government employee

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- Other (please specify)

22. What actions are appropriate for councils to impose if a Part B breach is found?

- Apology
- Training
- Mediation
- Counselling
- Other (please specify)

23. Do you have any suggestions for specific actions that could be incorporated into the guidelines?

24. Should recurrent breaches of behaviour be referred to the Local Government Standards Panel?

- Yes
- No

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Please provide a reason(s) for your answer

25. Should Council be required to develop an action plan and give the council member an opportunity to resolve their behaviour before a third complaint is referred to the Standards Panel under Part C?

- ☐ Yes
- ☐ No
- ☐ Other (please specify)

26. How beneficial would it be for local governments to engage an independent person to assist with the review of complaints?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful
- ☐ Other (please specify)

27. What should happen if a council cannot agree on an investigation or course of action following an alleged breach of Part B?

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- An independent person should be engaged to conduct a review
- The complaint should be dismissed
- The Mayor or President makes the decision
- The CEO makes the decision
- Other (please specify)

Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- **Negatively affect the honest or impartial performance of a council member;**
- **Involve a breach of trust placed in the council member; or**
- **Involve the misuse of information or material.**

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”.

36. Do you have any comments or feedback on Part C?

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Guidelines

Guidelines have been prepared to accompany the Code the Conduct. The guidelines are intended to provide clarification and guidance in relation to complain and enforcement.

37. Are the guidelines a useful tool to accompany the Code?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful

Please specify why

38. Do you have any suggestions for additional inclusions in the guidelines?



Draft Submission

Mandatory Code of Conduct for Council Members, Committee Members and Candidates

October 2019



About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organisation representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,222 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

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Background

The *Local Government Legislation Amendment Act 2019* will introduce new requirements in relation to Mandatory Codes of Conduct for Council Members, Committee Members and Candidates for Local Government Elections (Part 5, Division 9 as amended by the *Local Government Legislation Amendment Act 2019*).

The Department of Local Government, Sport and Cultural Industries have released a draft document – *Mandatory Code of Conduct for Council Members, Committee Members and Candidates* – for consultation.

While WALGA and other invited parties participated in a working group to develop the document, the draft was released without WALGA's endorsement and there are a number of concerns with the draft that will be expanded upon in this submission. WALGA appreciates the opportunity afforded to participate in the working group process and to make a submission on the draft document.

The Department of Local Government, Sport and Cultural Industries is seeking feedback on the draft document by 8 December 2019. It is important that Local Governments also make submissions to the Department on this draft document to ensure the sector's views are received.

WALGA is seeking feedback on this draft submission by 25 October 2019. WALGA's submission, which will be updated following sector feedback, will then be included in the December State Council Agenda for consideration at November Zone meetings, before being considered at the 4 December meeting of State Council.



General Comments - Councillor Conduct

WALGA has long led its Member Local Government's advocacy for high standards of behaviour by those who are democratically elected to represent the people within their district, and personal responsibility for the consequences when there is a lack of it.

WALGA commenced lobbying for official conduct legislation in 2002, to enable action to be taken against individuals rather than an entire Council. The Sector held the view that Council dismissals, such as occurred at the City of Cockburn (2000), City of South Perth (2002) and City of Joondalup (2005) could possibly have been averted if powers were available to deal with individual Elected Member's behaviour.

The Sector's advocacy for official conduct legislation correlated with a shared frustration that Codes of Conduct, a compulsory requirement of Section 5.103(3) of the *Local Government Act 1995* ('the Act') were unenforceable when behaviours departed from expressed standards. This was due to the absence at that time of a disciplinary framework in the Act to deal with misbehaviour and misconduct by individual council members.

WALGA conducted extensive consultation with the Sector over a number of years, leading to promulgation of the *Local Government (Official Conduct) Amendment Act 2007*, amending the Act to introduce minor, serious and recurrent breach allegation complaint processes, and the commencement in October 2007 of the *Local Government (Rules of Conduct) Regulations* ('the Regulations').

More recently, the Act was amended to introduce powers enabling the Minister for Local Government to suspend or dismiss individual council members failing in their duties or behaving in an egregious manner if '...seriousness or duration of that failure or conduct make it inappropriate for the council member to remain a member of the council.'¹ The amendments contained in the *Local Government (Suspension and Dismissal) Act 2018* commenced in November 2018.

The Rules of Conduct Regulations were reviewed in 2010 and 2016. WALGA acknowledges past amendments improving operational efficiency e.g. Standards Panel may refuse to deal with frivolous, trivial, vexatious etc. allegations,² and recent amendments that extend confidentiality provisions³ and providing the Standards Panel with discretion to refer parties to participate in mediation.⁴

¹ *Local Government Amendment (Suspension and Dismissal) Bill 2018* Explanatory Memorandum at Page 1.

² Section 5.110(3A) of 2016

³ Section 5.123 of 2019

⁴ Section 5.110(3B) of 2019



Bringing Codes and Rules Together; Uncoupling Codes of Conduct for Council Members and Employees

The Mandatory Code of Conduct will be a departure from the present legislative form that separates Codes of Conduct and the Rules of Conduct Regulations.

It will also depart from the present requirement to adopt one Code of Conduct that is to be observed by council members, committee members and employees.

The new section 5.51A, to commence at another time, will require the CEO to prepare and implement a Code of Conduct to be observed only by employees, aligning with the Sector's view that all matters relating to employees be separated from Council involvement and be contemplated within the CEO's functions under Section 5.41(g) of the Act.⁵

An additional significance is that the Mandatory Code of Conduct will apply to Local Government election candidates in the same way it applies to council members, and an alleged breach of the Code of Conduct by a candidate can only be referred to the Local Government Standards Panel if elected.⁶

This aligns with the Sector's advocacy that a Code of Conduct should apply to candidates⁷ and the proposal that any inappropriate behaviour during the election cycle should result in the successful candidate being held accountable under the Rules of Conduct Regulations.⁸

The Department's Draft for Consultation provides further guidance⁹ on the new Code:

- *The Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.*
- *While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.*
- *In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.*
- *To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.*

⁵ 'be responsible for the employment, management supervision, direction and dismissal of other employees'

⁶ Local Government Legislation Amendment Bill 2019 Explanatory Memorandum at Page 2.

⁷ WALGA State Council Minutes Review of 2011 Local Government Elections' Ref. Resolution 24.2/2012

⁸ WALGA State Council Minutes 'Review of 2013 Local Government Elections' Ref. Resolution 44.2/2014

⁹ See 'Guidelines' at Page 3



Specific Feedback

The following pages provide a commentary on the Draft for Consultation document ('the Draft') released by the Department of Local Government, Sport and Cultural Industries. The Draft refers to a 'Mandatory' Code of Conduct whereas amendments to the Local Government Act refer to a 'Model' Code of Conduct. This paper will use the term 'Model' throughout the following commentary.

Construction of the Model Code

Codes and Rules will be brought together under Section 5.103(2) as amended by the Local Government Legislation Amendment Act 2019:

- (2) *The model code of conduct must include -*
- (a) general principles to guide behaviour;*
 - (b) requirements relating to behaviour; and*
 - (c) the rules of conduct.*

The Draft informs that the Model Code of Conduct is to be constructed in three Parts:

- Part A – Principles [Section 5.103(2)(a)]
- Part B – Behaviours [Section 5.103(2)(b)]
- Part C – Rules of Conduct [Section 5.103(2)(c)]

Local Governments will not be able to amend Parts A and C, but additional behavioural content may be included in Part B that is not inconsistent with the Model Code.

Part A - Principles

The Preamble to the Model states that 'the purpose of this Code is to guide the decisions, actions and behaviours of council members, committee members and candidates.'

Part A sets out the Principles to be contained in the new Model Code under the headings 'Personal Integrity', 'Relationships with others' and 'Accountability'. This expands upon the 'General principles that guide the behaviour of council members' currently found under Regulation 3 of the *Local Government (Rules of Conduct) Regulations* and are intended to support Part B – Behaviours, and Part C – Rules of Conduct.



Part B - Behaviours

I. Application

It is noted that neither Part B nor Part C of the Model apply to the behaviours of committee members or candidates. No information is provided to clarify why only council members are subject to Parts B and C nor any rationale for the exclusion of committee members and candidates from behavioural standards and Rules of Conduct, particularly noting Section 5.103(3)(b), as amended, states:

(3) *The model code of conduct may include provisions about how the following are to be dealt with –*

(b) *alleged breaches of the rules of conduct by committee members*

The Minister for Local Government, Hon. David Templeman, when introducing the *Local Government Legislation Amendment Bill 2019* to Parliament in the Second Reading Speech, specified the application of the Code to candidates, in an effort to improve behaviour during an election period, stating:

*"Alleged breaches of the rules of conduct during the election campaign will be progressed when the candidate is elected."*¹⁹

WALGA recommends seeking comment from the Department of Local Government, Sport and Cultural Industries on the intended application of Part B – behavioural standards, and Part C – Rules of Conduct to committee members and candidates.

II. New Complaints Provision

Section 5.103(3)(a) will introduce the discretion for the Model Code of Conduct to deal with alleged breaches of requirements relating to behaviour. This is a significant amendment as the *Local Government Act 1995* has not previously mandated a complaints process relating to behavioural content of a Code of Conduct, but nor has it imposed any restriction.

Under the Model Code, an alleged breach of a Rule of Conduct will continue to be referred to the Local Government Standards Panel. Part B, Rule 2.17 of the Model sets out that Local Governments will be required to deal with allegations made by 'any person' of a behavioural breach.

¹⁹ Extract from Hansard, Legislative Assembly, March 2019 at p1310d to 1312a



Some Local Governments have incorporated in their current Code of Conduct a process for dealing with a behavioural breach that permits 'any person' to make a complaint; the majority of Local Governments have not.

The City of Joondalup¹¹ and City of South Perth¹² are examples of Local Governments that exercised discretion under general competence powers to incorporate a complaints process in their adopted Code of Conduct. No information is currently available on the frequency or management of complaints of a behavioural breach under current Codes of Conduct.

WALGA seeks comment from Members experienced in dealing with breach allegations relating to their current Code of Conduct to assist with building perspective on processes and consequences associated with managing behavioural breach allegations.

III. Complaint Management

Rules 2.17 to 2.22 set out the Complaint Management standards, with Rule 2.21 requiring development of a Council-endorsed policy to guide the process. The associated Guidelines provide additional information on tools and resources to assist with policy development, complaints management and resolution. Attachment 1 provides a matrix of possible actions where there is finding of a behavioural breach.

WALGA seeks comment on the proposed Complaint Management process.

IV. 'Rules'

Throughout Part B, the numbered provisions are referred to as 'Rules'. This has the potential to create confusion with the already-established terminology familiar to the Sector of 'Rules of Conduct', which form Part C.

WALGA recommends a separate nomenclature for numbered provisions in Part B (i.e. 'Item' or 'Clause') to avoid any potential for confusion between Part B and Part C, particularly when breach allegations arise.

¹¹ 'City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members' at Page 21

¹² 'City of South Perth Code of Conduct' at Page 9



Part C – Rules of Conduct

As previously discussed, Part C of the Model Code only references council members.

It is noted there are numerous, self-evident typographical errors throughout Part C (i.e. inconsistent referencing and numbering) and it is presumed the Department is aware and will remedy where necessary.

The Rules of Conduct replicate for the most part, the existing provisions from the current Rules of Conduct Regulations. The Model Code adds commentary by including 'Elements of Rule of Conduct'. It is not known whether these Elements will have any influence on the deliberations of the Local Government Standards Panel in the event of a breach allegation under Part C.

WALGA seeks comment on whether the 'Elements of Rule of Conduct' content adds value or assists council members to understand their responsibility to observe Rules of Conduct.

Misuse of Local Government Resources - Regulation 8 of the current Local Government (Rules of Conduct) Regulations

The Model Code creates a definition of the term 'resource' which does not appear in the current Rules of Conduct:

'resource is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money'

It is not stated why there is a need to define 'resource' specifically, the potential impact this definition may have upon determining a breach allegation¹³ or whether the common dictionary definition is known to be ineffective - 'a stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively.'¹⁴

Securing Personal Advantage of Disadvantaging Others – Regulation 7 of the current Local Government (Rules of Conduct) Regulations

The Model Code is consistent with the current Regulations.

¹³ Section 6 of the Interpretation Act 1984 (WA) applies – 'Definitions in a written law, application of'

¹⁴ Oxford English Dictionary



Repeated Breaches of Part B – Not currently Regulated

This new provision will provide an accountability measure where a council member continually breaches the behavioural requirements of Part B of the Model Code and appears to have no value to have merit.

Item (iii) of this Rule will require thoughtful consideration, as it requires the Council to make a determination by resolution before a council member, who is found to have committed three or more breaches under Part B, can be referred to the Local Government Standards Panel:

'(and) iii. the Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part.'

WALGA notes that this new provision did not appear in early drafts of the Model Code and therefore was not considered at the Working Group convened by the Department of Local Government, Sport and Cultural Industries.

Prohibition against Involvement in Administration – Regulation 9 of the current Local Government (Rules of Conduct) Regulations

The Model Code is consistent with the current Regulations.

Relations with Local Government Employees - Regulation 10 of the current Local Government (Rules of Conduct) Regulations

The Model Code creates a definition of the term 'employee' which does not appear in the current Rules of Conduct. This definition references Section 5.36 of the Act, whereas the Act defines 'employee' under Section 1.4.

The Model Code proposes to add a further prohibition under Item (iii) that does not currently appear in the Rules of Conduct:

'behave in an abusive or threatening manner towards any local government employee'

Unauthorised Disclosure of Information - Regulation 6 of the current Local Government (Rules of Conduct) Regulations

The Model Code proposes to add a further prohibition under Item (iii) that does not currently appear in the Rules of Conduct:

'personal information as defined in the Freedom of Information Act 1992'

The remainder of the Model Code is consistent with the current Regulations.



Disclosure of Interest - Regulation 11 of the current Local Government (Rules of Conduct) Regulations

The Model Code amends the definition of the term 'interest'. It currently reads:

'interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association'

It is amended to read:

'interest means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest'

It is unclear why it is proposed to amend this definition, given that the terms 'kinship, friendship or membership of an association' provide useful reference points that presently help council members to understand their responsibility to declare this type of interest.

Contravention of certain Local Laws - Regulation 4 of the current Local Government (Rules of Conduct) Regulations

This provision is now included in Part B of the Model Code at 2.10 and 2.11.

WALGA seeks comment on the proposed Part C Model Code provisions.

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10.2 APPLICATION FOR USE OF THE TOWN COMMON (RESERVE 49809), UNALLOCATED CROWN LAND AND NETTERS BEACH
RES49809

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Smith

Nature of Interest: Financial Interest as Business Director

Cr Smith left the Council Chamber at 3.13 pm.

Officers Recommendation

That Council:

1. Note that there are several options outlined in the body of this report for consideration.
- 2a. Approve a Permit in accordance with Clause 3.3(1)(a) of the Shire of Shark Bay Local Government Property Local Law to Mark Smith and Taylor Smith to use a portion of Reserve 49809 subject to the following conditions:
 - (i) The Permit is granted for a maximum period of xxx months/years from the date of this Permit, following which this Permit expires.
 - (ii) The Permit is granted to Mark Smith and Taylor Smith as the registered proprietors of Camel Adventures Shark Bay, being the Permit Holder.
 - (iii) The Permit is restricted to the route depicted on the map lodged as part of the permit application dated the 15 November 2020. The plan forms part of this Permit and allows the Permit Holder to conduct camel walks.
 - (iv) Ongoing compliance with the guidelines of the Shires Management Statement for Reserve 49809 and any subsequent policies of Council applicable to the reserve and/or the allocated area.
 - (v) All Camels must be under the care and control of a responsible person at all times when walking on the approved route subject of this Permit.
 - (vi) The Permit Holder maintaining a current and valid public risk insurance in an amount and on terms reasonably required by the Chief Executive Officer. The Public Risk Insurance must be valid at all times for the period of this Permit.

OR

- 2b. Refuse a Permit in accordance with Clause 3.3 (3) of the Shire of Shark Bay Local Government Property Local Law as lodged by Mark Smith and Taylor Smith as the registered proprietors of Camel Adventures Shark Bay proposing to use a portion of Reserve 49809 for walking camels.
Council does not approve the request to utilise Reserve 49809 for the purpose of walking camels outside of the current licensed area.
3. Authorise the Chief Executive Officer to advise all current license holders of areas within portions of Reserve 49809 of the requirement to apply for a separate Permit if they propose to utilise any areas outside of their licensed area. A separate Permit is required under the Shire of Shark Bay Local Government Property Local Law for use of any part of Reserve 49809 outside of a persons Licence area.
4. Authorise the Chief Executive Officer to provide a letter to Mark Smith and Taylor Smith as the registered proprietors of Camel Adventures Shark Bay that confirms that the Shire of Shark Bay Council would support any application

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made by the applicants for any commercial licence or permissions to walk camels on Unallocated Crown Land (through the Department of Planning, Lands and Heritage) subject to the following:

- (i) The Shire of Shark Bay being indemnified and not being held responsible for any loss, damage accident or injury to property or persons and that the right to traverse the land does not interfere with the quiet enjoyment by other of the Unallocated Crown Land.
- (ii) The proposed route being generally in accordance with the map lodged to the Shire.
- (iii) That the Shire be further consulted when the Department of Planning, Lands and Heritage considers any application for a licence or lease for the commercial operation of camel walking on Unallocated Crown Land or any Reserve land that is not vested in the Shire of Shark Bay.

AMENDMENT OF OFFICER'S RECOMMENDATION

Reason: Council felt the point 4 needed clarification, to ensure that Council's general supports the proponent but would prefer the option to provide comment on a more definitive proposal.

Moved Cr Fenny
Seconded Cr Burton

Council Resolution

That Council:

1. **Note that there are several options outlined in the body of this report for consideration.**
2. **Approve a Permit in accordance with Clause 3.3(1)(a) of the Shire of Shark Bay Local Government Property Local Law to Mark Smith and Taylor Smith to use a portion of Reserve 49809 subject to the following conditions:**
 - (i) **The Permit is granted for a maximum period of 12 months, for non commercial activities, from the date of this Permit, following which this Permit expires.**
 - (ii) **The Permit is granted to Mark Smith and Taylor Smith as the registered proprietors of Camel Adventures Shark Bay, being the Permit Holder.**
 - (iii) **The Permit is restricted to the route depicted on the map lodged as part of the permit application dated the 15 November 2020. The plan forms part of this Permit and allows the Permit Holder to conduct camel walks.**
 - (iv) **Ongoing compliance with the guidelines of the Shires Management Statement for Reserve 49809 and any subsequent policies of Council applicable to the reserve and/or the allocated area.**

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- (v) All Camels must be under the care and control of a responsible person at all times when walking on the approved route subject of this Permit.
 - (vi) The Permit Holder maintaining a current and valid public risk insurance in an amount and on terms reasonably required by the Chief Executive Officer. The Public Risk Insurance must be valid at all times for the period of this Permit.
3. Authorise the Chief Executive Officer to advise all current license holders of areas within portions of Reserve 49809 of the requirement to apply for a separate Permit if they propose to utilise any areas outside of their licensed area. A separate Permit is required under the Shire of Shark Bay Local Government Property Local Law for use of any part of Reserve 49809 outside of a person's Licence area.

Point 4 of the Council resolution was REVOKED at the Ordinary Council meeting held on the 15 December 2020 at point 7.1 of the minutes

~~4. Authorise the Chief Executive Officer to provide a letter of support to Mark Smith and Taylor Smith as the registered proprietors of Camel Adventures Shark Bay that confirms that the Shire of Shark Bay Council generally support a commercial licence for permission to walk camels on Unallocated Crown Land (through the Department of Planning, Lands and Heritage) subject to the following:~~

- ~~(i) The Shire of Shark Bay being indemnified and not being held responsible for any loss, damage accident or injury to property or persons and that the right to traverse the land does not interfere with the quiet enjoyment by other of the Unallocated Crown Land.~~
- ~~(ii) The proposed route being generally in accordance with the map lodged to the Shire.~~
- ~~(iii) That the Shire be further consulted when the Department of Planning, Lands and Heritage considers any application for a licence or lease for the commercial operation of camel walking on Unallocated Crown Land or any Reserve land that is not vested in the Shire of Shark Bay.~~

5/0 CARRIED

Cr Smith returned to Council Chamber at 3.56 pm.

Background

Reserve 49809 is crown land vested to the Shire of Shark Bay for use as a 'town common'. The area of the reserve is 1,139.223 hectares.

The Shire has a Management Order for the reserve which allows Council to licence areas to other parties subject to written approval by the Minister for Lands. Licences can be issued for periods up to a maximum of 5 years.

Where Council has issued licenses for individuals to depasture their stock on a specific area within Reserve 49809 that is fenced in accordance with the Shires conditions of

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occupation, then the Council is effectively issuing a Permit in accordance with the Local Laws for the animal in that specific Licence area.

Council approved a license for an 8 Hectare area within Reserve 49809 to be used by Mark Smith at the Ordinary Meeting held on the 25 March 2020. The Licence is for 5 years. The Shire also has a general policy statement that must be complied with by the approved applicant for the duration of the occupation.

The Shire of Shark Bay Local Government Property Local Law ('the Local Law') applies to certain activities in Reserve 49809 that are proposed outside of existing Licence areas.

The current permit/license allows for the tenure of stock for tourism purposes only and does not permit any trading from the allocated area.

The Shire charges a fee for any allocated area which is set annually in the budget and is currently:

- \$165 for non-commercial users
- \$500 for commercial users

There is no fee set in the 2020/221 Budget for a permit to use an area of reserve outside of a licensed area.

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

Comment

- ***Permit Application for portion of Reserve 49809***

Mark Smith and Taylor Smith are the registered proprietors of Camel Adventures Shark Bay. They have lodged an application seeking a Permit from the Shire to use portions of Reserve 49809, as required under the Shire of Shark Bay Local Government Property Local Law ('the Local Law').

The applicant proposes to use portions of Reserve 49809 for walking camels, outside of their existing Licence area – refer Attachment 1 (map).

Section 3.13(o) of the Local Law specifically refer to 'camels' and requires a Permit to be issued by the Local Government to take the animal onto any Local Government Property. The definition of 'Local Government Property' includes any reserve where the Shire is the Management Body.

In accordance with Clause 3.3 (1) of the Local Law Council can -

- (a) approve an application for a permit unconditionally or subject to any conditions, or
- (b) refuse to approve an application for a permit.

- ***Permit Exemption***

In addition to the above, Council also has discretion to exempt a person from any Permit requirement under the Local Law and allow the camels to enter parts of Reserve 49889.

25 NOVEMBER 2020

An exemption is not recommended and it is considered important to control activities within the reserve, and to ensure users of the reserve maintain current public risk insurance.

- ***Proposed Use of Unallocated Crown Land***

The applicants propose to walk the camels in areas outside of Reserve 49809 and lodged the following request:

"Thank you for the opportunity to submit an application to walk our camels along the foreshore well south on Netters Beach. We will walk the camel along existing 4-wheel motor bike track from the common along the beach using the same bike track and return on same track. Please refer to attached Drawings.

*This is only to walk the camels. We **WILL NOT** be carrying on any business nor advertising any services while exercising the camels. It is understood that in no circumstances is this a precursor for any approval or licence in the future on this consideration.*

Our objective for seeking this permit is so when the camels arrive with the current owner, they can carry out a safe and thorough handover in a sea side environment. These camel are coming from the Flinders Rangers South Australia. We can walk and exercise the camels in the town common but need some beach to familiarize the camels with.

Covid19 has put us in an unusual position to move forward with our camels. We did not expect the hard borders to be drop until April of 2021 as per the State government advice. With the hard borders now being remove an opportunity for the delivery of camels has occurred prior to completion of a commercial business application. We are currently finalising the Business Plan and Tourism Council Accreditation. Once complete we will be seeking licencing and permits from the Shark Bay Shire to carry out a commercial operation.

It important to note we are taking this opportunity to transport now due to COVID19. If the borders are closed again we will not be able to move forward with our Tourism Operation. The State Government via Honourable Paul Papalia in his visit highlighted the importance of new tourism ventures in this region.

All veterinarian checks are being completed on 30th November in Port Augusta South Australia then again in Kalgoorlie Western Australia on arrival. Registration as Stock Owner with the Department of Primary industry are also submitted.

We carry \$10,000 000.00 insurance with SGIO and have attached a copy.

All Camel droppings will be picked up during the walk and camels feed prior to walk to mitigate foraging during walk. Thank you for your consideration."

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The areas proposed to be traversed by the applicant have been identified as Unallocated Crown Land which does not fall under the Shires Local Law. The Department of Planning, Lands and Heritage, on behalf of the State of Western Australia, has controls over Unallocated Crown Land.

The applicant has liaised with the Department of Planning, Lands and Heritage to investigate the permissions required to walk camels on Unallocated Crown Land and lodged an addition request below:

"In addition I would ask that the Council consider a Letter of Support for the walk to and on the beach via Vacant Crown Land.

This would support my application to the Department of Planning Lands and Heritage that would issue "General to access Crown Land" as per attached Drawing 2b."

The Shire Council cannot approve use of Unallocated Crown Land for walking camels as the Shire is not the approving body.

The Shire can offer support to the applicant and condition the support by ensuring that the Shire of Shark Bay is indemnified and not held responsible for any loss, damage accident or injury to property or persons by this support.

Council may consider quantifying its support by including that the right to traverse does not interfere with the quiet enjoyment by others utilising the Unallocated Crown Land.

Legal Implications

The council has a policy in place in regard to use of the reserve 498909 (common) which should be adhered to by all users

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

Pursuant to clause 1.4 of the Local Law, the Local Law applies throughout the Shire's district. However, the application of the Local law is limited to the regulation of activities on Local Government property within the Shire's district.

'Local Government property' is defined by clause 1.2 of the Local Law to mean:

"...anything except a thoroughfare –

(a) which belongs to the Local Government,

(b) of which the Local Government is the management body under the Land Administration Act 1997, or

(c) which is an 'otherwise unvested facility' within Section 3.53 of the Act."

Unallocated Crown land does not fall within the above definition because –

(a) It does not belong to the Shire;

(b) It is not land of which the Shire is the management body under the Land Administration Act (such as a Crown reserve); and

(c) It is not an 'otherwise unvested facility', which is defined by section 3.53 of the Local Government Act to mean "...a thoroughfare, bridge, jetty, drain, or

25 NOVEMBER 2020

watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."

In view of the above, the Shire has no power under the Local Law to regulate activity on unallocated Crown land. It follows, therefore, that the Shire is not responsible for the general management of unallocated Crown land. That responsibility lies with the State Government.

Note, however, that the Shire may have power to regulate particular activities on Unallocated Crown Land within the Shire's district pursuant to other legislation. For example, a person who carries out building work or development on unallocated Crown land may still require the Shire's approval under the relevant legislation. Furthermore, the Shire may have an obligation to take action in respect of dangerous or unsafe buildings and activities such as littering, camping or control of Dogs on unallocated Crown land.

However, the Shire's obligations in relation to those types of matters would have to be assessed on a case by case basis as the Shire may not be obliged to act in every case.

In any event, what is clear is that the Local Law does not apply to unallocated Crown land. As a result, the activities regulated by the Local Law are not regulated by the Shire if they occur on unallocated Crown land.

Council local law division 5 when a permit is required section 3.13 activities needing a permit has the following clauses

- (1) A person shall not without a permit -
 - (a) subject to subclause (3), hire Local Government property,
 - (b) advertise anything by any means on Local Government property,
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on Local Government property,
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is Local Government property,
 - (e) plant any plant or sow any seeds on Local Government property,
 - (f) carry on any trading on Local Government property unless the trading is conducted -
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit, or
 - (ii) by a person who has a licence or permit to carry on trading on Local Government property under any written law,
 - (g) unless an employee of the Local Government in the course of her or his duties or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to Local Government property, or
 - (ii) park or stop any vehicle on Local Government property,
 - (h) conduct a function on Local Government property,
 - (i) charge any person for entry to Local Government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation,
 - (j) light a fire on Local Government property except in a facility provided for that purpose,

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- (k) parachute, hang glide, abseil or base jump from or on to Local Government property,
 - (l) erect a building or a refuelling site on Local Government property,
 - (m) make any excavation on or erect or remove any fence on Local Government property,
 - (n) erect or install any structure above or below ground, which is Local Government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person,
 - (o) **depasture, take on to, or allow to enter or remain upon Local Government property, any horse, sheep, cattle, goat, camel, ass or mule, unless the Local Government has made a determination under Clause 2.1(1) of this Local Law, in which event the provisions of the determination shall prevail, or**
 - (p) conduct or take part in any gambling game or contest, or bet, or offer to bet, publicly.
- (2) The Local Government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The Local Government may exempt specified Local Government property or a class of Local Government property from the application of subclause (1)(a).

The Shire has throughs the determinations listed at Schedule 2 previously made the following determination specifically in relation to reserve 49809

2. Animals on local government property

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

Policy Implications

There are no policy implications relative to this report.

Financial Implications

The currently fees for annual license for non-commercial users of the common is \$165 per annum and \$500 for commercial users for the 2019/2020 financial year and the applicant will need to supply a copy of their Certificate of Currency for Public Liability Insurance once the Minister for Lands has issued approval.

The council does not currently have a separate fee for the approval of a permit for general use of reserve 49809 outside of the licensed areas.

Strategic Implications

There are no strategic implications relative to this report.

The area identified by Mr Smith is outside the Local Planning strategy undertaken in 2013 which informed the Town Planning Scheme, and the area is not currently identified for future townsite expansion.

MINUTES OF THE ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

17 November 2020



ACTIVITIES REQUIRING PERMITS ON LOCAL GOVERNMENT PROPERTY

Guidelines and Application Form

INTRODUCTION

The purpose of these guidelines is to provide prospective applicants information as to the requirements of obtaining a permit for conducting activities on local government property, and to provide a Permit Application form.

The Permit Application form can be used for renewal applications where a permit has expired.

THE LOCAL LAWS

A permit is required to carry out activities on reserves vested in the Shire of Shark Bay. A permit is required for commercial businesses other non-commercial activities that are not being conducted by the local government.

Permits are issued under either the Shire of Shark Bay Local Government Property Local Law or the Shire of Shark Bay Activities in Thoroughfares and Public Places and Trading Local Law.

A copy of these local laws can be found on the Shire of Shark Bay website:

www.sharkbay.wa.gov.au (under 'Your Council' and 'Public Documents')

WHO NEEDS A PERMIT?

Anyone conducting an activity or business on land that is vested in the Shire must have a permit to do so. It is important that the Shire is aware of who is operating any ongoing activity or business from land managed and controlled by Shire to:

- manage competing uses of public open space;
- manage the impact on the asset (e.g. wear and tear of the reserve, rubbish management);
- ensure there is adequate public liability insurance and risk management processes in place, and
- ensure that the activation of the space is in the best interests of the Shire and the community; and
- Have regard for any Management Order applicable to the land if it is a reserve vested to the Shire.

You do not need a permit under these local laws if you are conducting your business on private land (with planning approval), or have a current lease over Council land and the activity is in line with the core function of your lease.

Note: These permits are different to food stallholders permits. Anyone selling food or edible goods (including drinks and ice) is required to have a stallholders permit regardless of what type of property you are selling goods on. To apply for this permit, please contact the Shire's Environmental Health Officer.

DEFINITIONS

The following definitions may be useful in determining your application.

Local Government means the Shire of Shark Bay

Local Government Property means anything which belongs to the local government (Shire of Shark Bay).

Permit means a permit issued under the local law (most specifically the Shire of Shark Bay Local Government Property Local Law or the Shire of Shark Bay Activities in Thoroughfares and Public Places and Trading Local Law.

Permit Holder means the person who holds a valid permit.

APPLICATION PROCESS

The permit application will be assessed in accordance with the Shire's Local Laws and may be referred to the Shire of Shark Bay Council.

Please read the following information carefully to ensure you complete your application and meet all the requirements.

1. Assessment of Permit Applications for activities on Council reserves

In determining an application the Shire may have regard for a number of matters:

- (a) the preservation of the amenity of the locality;
- (b) the preservation of public safety;
- (c) where the local government property is Crown land:
 - (i) the purpose, if any, for which the land is reserved under the Land Administration Act 1997; and
 - (ii) the purpose for which the land is designed, developed and used; and
 - (iii) any Management Order.
- (d) the protection, management and control of the local government property and assets on the local government property;
- (e) the conservation, protection and proper management of flora and fauna on the local government property;
- (f) the impact of the proposed activity on the use of the local government property by existing users (permits holders and bookings), and by the public;
- (g) any other matter as determined by Council.

Once the application has been received with all the required information, the application will be assessed in consultation with the Chief Executive Officer.

All new applications will be referred to Council for determination.

2. Application Requirements – what must be included in your application?

All applications must provide the following information to the Shire before the assessment process can take place.

- Submission of the completed Permit Application Form (or Renewal Application Form)
- Detailed site plan of the proposed location to be submitted as part of the application.
- Public liability insurance cover for no less than 10 million dollars that is current at the time of application. A new certificate is required to be forwarded to the Shire on expiry, or with any Renewal Application Form.

In addition to this information, additional specific information related to activities should be lodged to the Shire as specified below.

Personal Trainers

- Provide evidence that you are a qualified Exercise Professional (Personal Trainer specification). This may be through provision of your qualifications, or a copy of your Fitness Australia registration certificate.

Water Based Activities

- These activities include but are not limited to: kite surfers, wind surfers, paddle boarders, kayaks and canoes, wave skis, powered watercrafts, sailing, yachting and inflatable amusements on the water). Permission is usually also required from Department of Transport or Department of Biodiversity, Conservation and Attractions (previously known as Department of Parks and Wildlife) to conduct the activity on the water as the water is not the Shires jurisdiction. It is up to the applicant to contact these statutory bodies to determine if they need additional approval.
- Provide the Shire with a detailed risk management plan

Amusement Operators

- Provide the Shire with current Work Safe certificates to verify the equipment is compliant with Australian standards.
- Provide the Shire with current maintenance log books to ensure that the amusement structure is maintained in good order.
- Provision of a site plan, or photographic evidence of each amusement operation.

****Australian Standard 3533.2 provides a definition for amusement structure. It is advisable to check if your equipment for your activity is considered an amusement structure.**

Other Activities

These may include; push bike or motor bike tours, dog obedience classes, taking on or allowing on specific classes of animals ,the landing of sky diving or para-motoring, charitable bins etc. Additional information may be required for permit applications for these activities; however the same application process applies.

3. Conditions of Approval

Standard conditions relating to the conduct of permit holders are set out in the Shire of Shark Bay Activities in Thoroughfares and Public Places Local Law and Local Government Property Local Law. In addition to these standard conditions, in approving an application for a permit, the Shire may impose such conditions as it sees relevant to the application. Some of these conditions are detailed below.

- Approval to operate will be for a maximum period of twelve (12) months from the date of issue.
- The permit holder is required to respond to any substantiated complaints received in relation to the activity (to the satisfaction of the Shire).

Additional Information

Access to reserve facilities

Access to Shire facilities on reserves such as floodlights, toilets and change rooms are not guaranteed for the permit holder's use. It is advisable to select a location that has public toilets available to the permit holder, and park or street lighting that is set to come on during darker hours.

Vehicles on reserves

Permission to use any vehicle must be sought in the application form and will be considered based on the potential risk to the reserve.

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**APPLICATION FOR PERMIT**

This form is for application of a new permit under the Shire of Shark Bay Activities in Thoroughfares & Public Places & Trading Local Law and Local Government Property Local Law.

1. What category best describes your activity in this permit?

- ☐ A non-food stall (including face painting, massage, glow sticks, all non-edible goods).
- ☐ Personal Trainer/Yoga Instructor
- ☐ Water based activity (kite surfing, kayak hire, paddle boarding)
- ☒ Other activity **Walk Camels**

2. Which of the following best describes your application for a permit?

- ☐ Renewal – I had an existing Permit in the last 12 months for the same activity
- ☒ New Application

3. Applicant DetailsName of Applicant: **Taylah and Mark Smith**Registered Business Name: **Camel Adventures Shark Bay**ABN Number: **80 140 399 390**Residential Address: **23 Brockman Street Denham 6537**Postal Address: **As Above**Telephone: **Mark 0438 436 325**
Taylah 0400 740 373Email Address: **mark_smith_690@outlook .com**

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Details of assistants or employees to be included on this permit:

1. Name **Karen Ellis** Contact Phone Number: **0432 236 131**
2. Name **Paul Ellis** Contact Phone Number: _____
3. Name _____ Contact Phone Number: _____
4. Name _____ Contact Phone Number: _____

4. Details of Proposed Activity

Name and location of Reserve for the Proposed Activity (list all that apply) for example: Reserve 39569 Denham foreshore, or the name of the park. *Reserve: 49809*

To walk our camels along the foreshore well south on Netters Beach. We will walk the camel along existing 4 wheel motor bike track from the common along the beach using the same bike track and return on same track Please refer to attached Drawings.

5. Details of type of activity for this permit (detail what services you will deliver/products you will sell on the reserve:

This is only to walk the camels. I **WILL NOT** be carrying on any business nor advertising any services while exercising the camels. It is understood that in no circumstances is this a precursor for any approval or license in the future on this consideration.

We are currently finalizing the Business Plan and Tourism Council Accreditation. Once complete we will be seeking licensing and permits from Shire of Shark Bay to carry out a commercial operation.

I also carry \$10,000 000.00 insurance with SGIO and have attached a copy. All Camel droppings will be picked up during the walk.

6. Checklist for Submission

Will these activities include taking money (making a financial transaction) on the reserve?

☐ Yes

☒ No

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7. What equipment will you use on the reserve? (Include marquees, tables, chairs, list of personal training equipment, list any equipment to be hired out for public use – eg small boats, kayaks, sail boats, bikes, quad bikes).

6 Camels being led by Rope
Droppings Bag and or Shovel and Bucket.

**** Please attach photographs of any equipment to be hired with advice on**

8. Details of days and hours of operation

During daylight hour. 3 to 4 day per week

9. Fees and Charges

Not for profit group/organisation (exempt from fees and charges)

Commercial Operator (payment charges below – liaise with Shire to determine fee)

Application Fee (12 months)

1. Low risk impact -Readily assessable - No advertising
2. Medium risk impact/moderate time assessable/With advertising/No objections received
3. High risk impact/Difficult assessment/Community objection
With advertising/Monitoring Required

See Current
Year Fees
& Charges

MINUTES OF THE ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

10. Declaration

I, Mark Smith (name of applicant) declare that the information contained in this application is true and correct in every particular.

Signature of Applicant:  Date: 15 November 15, 2020

I, Taylah Smith (name of applicant) declare that the information contained in this application is true and correct in every particular.

Signature of Applicant:  Date: 15 November 15, 2020

Do you consent to giving your business contact details out to the public for advertising?

☒ Yes

☐ No

Office Use Only

Date Received Application: 16.11.20

Application Approved ☐ Application Refused Date: _____

Total Fees: 255 Date Debtors Invoice Raised: _____

MINUTES OF THE ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



Contact: Retail Business Insurance
Direct Line:
Your Ref:

Date: 15 June 2020

MARK SMITH
54344 DEPOSITED PLAN, LOT 3005
MONKEY MIA RD
DENHAM WA 6537

Business Insurance

SGIO
46 Colin Street
WEST PERTH WA 6005

PO Box 810 WEST PERTH WA 6872
Telephone: 132 818
Facsimile: 1300 367 310

Dear Sir/Madam,

Certificate of Currency

This Certificate of Currency confirms the details of the Business Insurance Policy as of the issue date. This document is prepared for your information only. The risk details stated below are limited and may not reflect all covers selected by you. For full details about the Terms and Conditions of your policy please refer to your current Certificate of Insurance and the Business Insurance Product Disclosure Statement and Policy Booklet.

Item	Details
Policy Number	RH 914414 / TBC
Type of Policy	Rural & Horticultural Policy
Insured Names	SMITH MARK T/AS MARK SMITH

Interested Parties

Period of Insurance 12/6/2020 to 4pm 12/6/2021

What's Insured
Broadform Liability (Public and Product Liability)
Risk Address: As per Territorial Limits

Sum Insured
\$10,000,000

Contact us

If you have any questions or need more information, please call us on 132 818.

Yours faithfully,

Cheryl Middleton
Manager, Sales & Service-SME Direct

CMLCOCA

Insurance Australia Limited ABN 11 000 016 722 AFS Licence No. 227681 trading as SGIO



25 NOVEMBER 2020

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 Burton

Seconded

Cr Cowell

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$541,170.93 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of October 2020 totalling \$1,344.48

Municipal fund account cheque number 26932 totalling \$7,635.52

Municipal fund direct debits to Council for the month of October 2020 totalling \$20,419.28

Municipal fund account electronic payment numbers MUNI 27222 to 27349 totalling \$370,182.26

Municipal fund account for October 2020 payroll totalling \$126,605.09

Municipal fund Police Licensing for October 2020 transaction number 202104 totalling \$14,984.30 and

There was no Trust fund account payment for October 2020.

The schedule of accounts submitted to each member of Council on 20 November 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.

25 NOVEMBER 2020

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

16 November 2020

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY – CREDIT CARD

PERIOD – OCTOBER 2020

CREDIT CARD TOTAL \$ 1,344.48

CEO

DATE	NAME	DESCRIPTION	AMOUNT
5/10/2020	REGIONAL EXPRESS DIRECT	FLIGHT AMENDMENT FOR LGIS CONSULTANT VISIT – BENJAMIN GALVIN	272.71
7/10/2020	SHARK BAY BAKERY	MORNING TEA STAFF MEMBER BIRTHDAY	32.00
			\$ 304.71

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
15/09/2020	SHARK BAY BAKERY	MORNING TEA – STAFF MEMBER BIRTHDAY	26.00
21/09/2020	SUPER AUSSIE DEALS	JACK WIRELESS BLUETOOTH RECEIVER AUDIO ADAPTER X 2	18.62
30/09/2020	BELONG MOBILE	1GB MONTHLY TELEVISION WITH N-COM	10.00
1/10/2020	IDEAL SYSTEMS WA	NALLY MEGA BIN PALLET FOR COLLECTION OF CEMETERY STONES – PO 9478	474.32
			\$528.94

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
24/09/2020	KMART ONLINE	ACTIVITIES AND DECORATIONS – SB COMMUNITY CHRISTMAS FESTIVAL – PO 9524	170.00
6/10/2020	OVERLANDER ROADHOUSE	FUEL EMCD VEHICLE	47.05
15/10/2020	DJ CITY	SNOW FLUID FOR MACHINE – SB COMMUNITY CHRISTMAS FESTIVAL – PO 9519	58.00
15/10/2020	DISCOUNT PARTY SUPPLIERS	DECORATION – SB COMMUNITY CHRISTMAS FESTIVAL – PO 9522	235.78
			\$510.83

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY – MUNI CHQ

OCTOBER 2020

CHEQUE # 26932

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26932	20/10/2020	WATER CORPORATION - OSBORNE PARK	WATER USAGE AND SERVICE CHARGES FOR SHIRE PREMISES	\$7,635.52
			TOTAL	\$7,635.52

SHIRE OF SHARK BAY – MUNI DIRECT DEBITS

OCTOBER 2020

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15726.1	21/10/2020	VIVA ENERGY AUSTRALIA	FUEL FOR EMCD VEHICLE	-140.92
DD15731.1	11/10/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4157.96
DD15731.2	11/10/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-217.38
DD15731.3	11/10/2020	THE TRUSTEE FOR SUPER TRAWLER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-185.27
DD15731.4	11/10/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-441.46
DD15731.5	11/10/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-1435.38
DD15731.6	11/10/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-223.86
DD15731.7	11/10/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-411.87
DD15731.8	11/10/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-408.85
DD15731.9	11/10/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-116.22
DD15747.1	25/10/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1225.69
DD15751.1	25/10/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4140.06
DD15751.2	25/10/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-217.38

ORDINARY COUNCIL MEETING

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15751.3	25/10/2020	THE TRUSTEE FOR SUPER TRAWLER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-390.03
DD15751.4	25/10/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-441.46
DD15751.5	25/10/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-223.86
DD15751.6	25/10/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-501.88
DD15751.7	25/10/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-544.67
DD15751.8	25/10/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1832.81
DD15751.9	25/10/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-68.18
DD15753.1	28/10/2020	EXETEL PTY LTD	MONTHLY INTERNET CHARGES FOR SHIRE HOUSES	-374.99
DD15731.10	11/10/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-2036.79
DD15731.11	11/10/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-120.52
DD15731.12	11/10/2020	REST	SUPERANNUATION CONTRIBUTIONS	-361.28
DD15731.13	11/10/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-219.18
DD15731.14	11/10/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-194.81
DD15731.15	11/10/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-584.95
DD15751.10	25/10/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-205.85
DD15751.11	25/10/2020	REST	SUPERANNUATION CONTRIBUTIONS	-424.08
DD15751.12	25/10/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-205.85
DD15751.13	25/10/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-194.82
DD15751.14	25/10/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-622.35
			TOTAL	\$20,419.28

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY – MUNI EFT

OCTOBER 2020
EFT 27222-27349

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27222	06/10/2020	AUSTRALIA POST	SHIRE POSTAGE FOR SEPTEMBER 2020	-151.70
EFT27223	06/10/2020	AHF VALVES (AUSTRALIA) PTY LTD	GATE VALVE AND FLANGE ENDS FOR FIRE FIGHTING UNIT AT SBDC	-662.20
EFT27224	06/10/2020	BOC LIMITED	GAS CYLINDER RENTAL - AUGUST 2020	-46.46
EFT27225	06/10/2020	BRAD PHILLIPS	GYM CARD REFUND	-20.00
EFT27226	06/10/2020	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-1650.00
EFT27227	06/10/2020	CHUBB FIRE & SECURITY LTD	PREVENTATIVE MAINTENANCE - DISCOVERY CENTRE OCTOBER TO DECEMBER 2020	-257.40
EFT27228	06/10/2020	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	SOLENOID VALVE FOR IRRIGATION TOWN OVAL	-180.00
EFT27229	06/10/2020	C J D EQUIPMENT PTY LTD	SERVICE FILTERS FOR VOLVO LOADER (P191)	-410.03
EFT27230	06/10/2020	DENHAM MEATS	MEAT SUPPLY FOR COUNTRY CREW WORKING ON USELESS LOOP ROAD	-106.82
EFT27231	06/10/2020	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2020/2021 ESL ON SHIRE PROPERTIES	-3706.21
EFT27232	06/10/2020	FAR WEST ELECTRICAL	FORESHORE BBQ ELECTRICAL REPAIRS	-779.90
EFT27233	06/10/2020	GERALDTON TROPHY CENTRE	10 YEAR SERVICE PLAQUE CEO	-56.55
EFT27234	06/10/2020	HORIZON POWER	SEPTEMBER 2020 SHIRE STREET LIGHTING	-4000.40
EFT27235	06/10/2020	HORIZON POWER	ELECTRICITY FOR SHIRE PREMISES - SEPTEMBER 2020	-4733.05
EFT27236	06/10/2020	JUDY BRITZA	GYM CARD REFUND	-20.00
EFT27237	06/10/2020	LGISWA	INSTALMENT 2 - LGIS PROPERTY, LIABILITY AND WORKCARE INSURANCES AND CREDIT NOTE FOR CONTRIBUTIONS ASSISTANCE PACKAGE 2020-2021	-95826.49
EFT27238	06/10/2020	MIDWEST FIRE PROTECTION SERVICE	REPAIR FAULTS ON FIRE PANEL AT SBDC	-3058.00
EFT27239	06/10/2020	OCLC (UK) LTD	AMLIB SUBSCRIPTION LICENCE AND MAINTENANCE SEPTEMBER 2020 TO AUGUST 2021	-2096.60

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27240	06/10/2020	OUTBACK COAST AUTOMOTIVES AND RADIATORS	SUPPLY NEW TYRES TO TOYOTA HILUX (P189)	-671.00
EFT27241	06/10/2020	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS AND COMPUTER LICENCES FOR OCTOBER 2020	-1873.15
EFT27242	06/10/2020	PAPER PLUS OFFICE NATIONAL	OFFICE STATIONERY	-212.35
EFT27243	06/10/2020	LYONS ENTERPRISES-SHARK BAY CAR HIRE	SEPTEMBER 2020 CAR HIRE FOR VISITING MEDICAL STAFF	-711.12
EFT27244	06/10/2020	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	SECOND QUARTER LGGS PAYMENT 2020-2021	-12441.00
EFT27245	06/10/2020	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATION CENTRE MANAGEMENT AND INSCRIPTION POSTS FOR OFFICE MANAGERS SEPTEMBER 2020	-5775.25
EFT27246	06/10/2020	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING ACCOUNT SHIRE PREMISES - SEPTEMBER 2020	-21146.53
EFT27247	06/10/2020	MCKELL FAMILY TRUST	RUBBISH COLLECTION AND STREET SWEEPING MONTHLY ACCOUNT - SEPTEMBER 2020	-11719.05
EFT27248	06/10/2020	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	DEFIBRILLATOR PADS AND BATTERY FOR RECREATION CENTRE DEFIBRILLATOR	-614.95
EFT27249	06/10/2020	TELSTRA CORPORATION LTD	SHIRE MOBILE PHONE CHARGES AND SMS TO PUBLIC WITH COMMUNITY MESSAGES CHARGES FOR SEPTEMBER 2020	-459.10
EFT27250	06/10/2020	URL NETWORKS PTY LTD	SHIRE SEPTEMBER 2020 TELEPHONE USAGE CHARGES	-308.34
EFT27251	06/10/2020	YADGALAH ABORIGINAL CORPORATION	HIRE OF DIGGER FOR STORM REPAIRS (INSURANCE CLAIM) NETTAS BEACH	-490.00
EFT27252	09/10/2020	JAMES SNR POLAND	BOOKEASY SEPTEMBER 2020	-132.00
EFT27253	09/10/2020	MAC ATTACK FISHING CHARTERS	BOOKEASY SEPTEMBER 2020	-696.75
EFT27254	09/10/2020	SHARK BAY AVIATION	BOOKEASY SEPTEMBER 2020	-11083.60
EFT27255	09/10/2020	BLUE DOLPHIN CARAVAN PARK	BOOKEASY SEPTEMBER 2020	-2393.75
EFT27256	09/10/2020	BAY LODGE MIDWEST OASIS	BOOKEASY SEPTEMBER 2020	-616.00
EFT27257	09/10/2020	BLUE LAGOON PEARLS	BOOKEASY SEPTEMBER 2020	-1485.80
EFT27258	09/10/2020	HOWARD COCK	BOOKEASY SEPTEMBER 2020	-87.88
EFT27259	09/10/2020	DENHAM SEASIDE CARAVAN PARK	BOOKEASY SEPTEMBER 2020	-2703.36

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27260	09/10/2020	HARTOG COTTAGES	BOOKEASY SEPTEMBER 2020	-2414.90
EFT27261	09/10/2020	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY SEPTEMBER 2020	-2017.10
EFT27262	09/10/2020	HERITAGE RESORT	BOOKEASY SEPTEMBER 2020	-473.44
EFT27263	09/10/2020	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FARE HARBOUR SEPTEMBER 2020	-10051.00
EFT27264	09/10/2020	MONKEYMIA WILDSIGHTS	WILDSIGHTS BOOKINGS SEPTEMBER 2020	-3174.16
EFT27265	09/10/2020	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY SEPTEMBER 2020	-778.80
EFT27266	09/10/2020	WA OCEAN PARK PTY LTD	FARE HARBOUR SEPTEMBER 2020	-501.25
EFT27267	09/10/2020	PATRICIA ANDREW	BOOKEASY SEPTEMBER 2020	-128.00
EFT27268	09/10/2020	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY SEPTEMBER 2020	-3939.00
EFT27269	09/10/2020	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY SEPTEMBER 2020	-3239.28
EFT27270	09/10/2020	SHARK BAY DIVE AND MARINE SAFARIS	FARE HARBOUR SEPTEMBER 2020	-11575.72
EFT27271	09/10/2020	SHARK BAY HOTEL MOTEL	BOOKEASY SEPTEMBER 2020	-759.00
EFT27272	09/10/2020	SHARK BAY CARAVAN PARK	BOOKEASY SEPTEMBER 2020	-2689.60
EFT27273	09/10/2020	SHARK BAY 4WD TOURS	FARE HARBOUR SEPTEMBER 2020	-2717.20
EFT27274	09/10/2020	SHARK BAY HOLIDAY COTTAGES	BOOKEASY SEPTEMBER 2020	-4070.40
EFT27275	09/10/2020	SHIRE OF SHARK BAY	SBDC BOOKING COMMISSION SEPTEMBER 2020	-10963.06
EFT27276	09/10/2020	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY SEPTEMBER 2020	-334.40
EFT27277	09/10/2020	WULA GURA NYINDA ECO ADVENTURES	FARE HARBOUR SEPTEMBER 2020	-5872.00
EFT27278	09/10/2020	DRAGONFLY MEDIA	TV COMMERCIAL CREATION – 30 SECOND TV ADVERT FOR REGIONAL VIEWING	-845.00
EFT27279	09/10/2020	BUNNINGS BUILDING SUPPLIES PTY LTD	SPRAY AND MARK, POTTING MIX, FERTILISER & SANDING DISCS - MAINTENANCE TOWN STREETS	-1671.63
EFT27280	09/10/2020	BOOKEASY AUSTRALIA PTY LTD	SEPTEMBER 2020 BOOKEASY COMMISSION	-1162.91
EFT27281	09/10/2020	CDH ELECTRICAL	REPAIRS TO RECREATION CENTRE FRIDGE	-396.00
EFT27282	09/10/2020	DENHAM IGA X-PRESS	SEPTEMBER 2020 MONTHLY SUPERMARKET ACCOUNT	-882.02
EFT27283	09/10/2020	FUTURE GLASS	SBDC MERCHANDISE	-1059.50

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27284	09/10/2020	SHARK BAY SUPERMARKET	MONTHLY SUPERMARKET ACCOUNT - SEPTEMBER 2020	-443.34
EFT27285	09/10/2020	FAR WEST ELECTRICAL	REWIRING OF FIRE PUMP SBDC	-1772.10
EFT27286	09/10/2020	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	MONTHLY FUEL ACCOUNT - SEPTEMBER 2020 - COMMUNITY BUS AND WORKS MANAGER VEHICLE	-178.26
EFT27287	09/10/2020	ATOM-GERALDTON INDUSTRIAL SUPPLIES	SEGMENTED BLADES FOR DEPOT TOOLS	-856.02
EFT27288	09/10/2020	GEORGE LIVESEY	SBDC MERCHANDISE	-315.00
EFT27289	09/10/2020	HOUSE OF MUGS	SBDC MERCHANDISE	-685.00
EFT27290	09/10/2020	MARKET FORCE PTY LTD	ADVERTISEMENT SBDC COORDINATOR POSTION ON SEEK, LG ASSIST AND LG NET	-1186.15
EFT27291	09/10/2020	MOMAR AUSTRALIA PTY LTD	DISINFECTANTS, NUTCRACKER AND MARK OFF - WORKSHOP CONSUMABLES	-2073.50
EFT27292	09/10/2020	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEES FOR ADVICE ON OFF ROAD VEHICLES ACT SEPTEMBER 2020	-1503.51
EFT27293	09/10/2020	PATRICIA ANDREW	SBDC MERCHANDISE	-240.00
EFT27294	09/10/2020	PROFESSIONAL PC SUPPORT	NEW MONITORS FOR DEPOT ADMINISTRATION OFFICER	-437.80
EFT27295	09/10/2020	ROAD SPECIALIST AUSTRALIA	HOSE REEL, SPRAY LANCE AND COUPLINGS FOR FLOCON (PP021)	-3094.30
EFT27296	09/10/2020	WINC AUSTRALIA PTY LIMITED	OFFICE STATIONERY	-147.55
EFT27297	09/10/2020	SHARK BAY CLEANING SERVICE	TOWEL DISPENSER FOR OFFICE TOILET	-55.55
EFT27298	09/10/2020	SUMMER GYPSEA	SBDC MERCHANDISE	-190.00
EFT27299	09/10/2020	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES SEPTEMBER 2020	-8827.50
EFT27300	09/10/2020	WENDY BINKS - STUNNED EMU DESIGN	SBDC MERCHANDISE	-591.30
EFT27301	09/10/2020	WA HOLIDAY GUIDE PTY LTD	WA HOLIDAY GUIDE COMMISSION FEE SEPTEMBER 2020	-654.00
EFT27302	09/10/2020	YOGA EVERYWHERE	SBDC MERCHANDISE	-3317.50
EFT27303	21/10/2020	AUSTRALIAN TAXATION OFFICE	BAS FOR SEPTEMBER 2020	-33014.00
EFT27304	19/10/2020	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	PAYMENT OF BUILDING SERVICES LEVY FOR P3345, P3347, P3441, P3346, P3343 AND P3338	-401.55
EFT27305	19/10/2020	SHIRE OF SHARK BAY	COMMISSION ON BUILDING SERVICES LEVY P3345, P3347, P3441, P3346, P3343 AND P3338	-30.00

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27306	20/10/2020	J & K HOPKINS	OFFICE FURNITURE PURCHASED TO HOLD FIRE FIGHTING SUPPLIES – BUSH FIRE BRIGADE DFES GRANT FUNDED	-609.00
EFT27307	20/10/2020	ASM ECLIPSE PTY LTD	SBDC MERCHANDISE	-398.75
EFT27308	20/10/2020	BOOLBARDIE COUNTRY CLUB	ROUND 1 COMMUNITY ASSISTANCE GRANTS 2020-2021	-2000.00
EFT27309	20/10/2020	BATAVIA COAST TRIMMERS	REPAIRS TO SHADE SAILS - FORESHORE	-980.00
EFT27310	20/10/2020	BRAD FITCH	GYM CARD REFUND	-20.00
EFT27311	20/10/2020	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-198.00
EFT27312	20/10/2020	CORAL COAST PLUMBING	SUPPLY, INSTALL AND RETEST A NEW 100MM DOUBLE CHECK VALVE METER - FRANCIS RD	-2229.70
EFT27313	20/10/2020	CELLARBRATIONS DENHAM	STAFF FUNCTION REFRESHMENTS - 10 YEARS FOR CEO	-373.95
EFT27314	20/10/2020	CANDICE USZKO	SALARY SACRIFICE – INTERNET CHARGES	-79.00
EFT27315	20/10/2020	DANIEL ADRIAN EVE	CROSSOVER REIMBURSEMENT FOR 19 OAKLEY RIDGE	-655.50
EFT27316	20/10/2020	CDH ELECTRICAL	REPLACE LAMPS IN FOYER AT SBDC	-187.44
EFT27317	20/10/2020	DANIEL MILLER	CLEANING BOND REFUND - REC CENTRE	-275.00
EFT27318	20/10/2020	DENHAM MEATS	MEAT SUPPLY FOR COUNTRY CREW WORKING ON USELESS LOOP ROAD	-130.00
EFT27319	20/10/2020	HARE & FORBES PYT LTD	DEPOT MINOR TOOLS	-459.40
EFT27320	20/10/2020	JANE ELEANOR GREEN	REIMBURSEMENT FOR POLICE CLEARANCE	-52.00
EFT27321	20/10/2020	KEVREK (AUSTRALIA) PTY LTD	PARTS FOR HINO (P178)	-806.41
EFT27322	20/10/2020	KESTREL AU PTY LTD	KESTREL - FIRE WEATHER METER PRO FOR BUSH FIRE BRIGADE	-1060.00
EFT27323	20/10/2020	KICK SOLUTIONS	SBDC MERCHANDISE	-1786.00
EFT27324	20/10/2020	SHARK BAY MARINE AND HARDWARE	MITRE 10 HARDWARE ACCOUNT SEPTEMBER 2020	-587.28
EFT27325	20/10/2020	TRISHA SUSAN MORONEY	REIMBURSEMENT FOR KEYS CUT FOR SHIRE OFFICE x 3	-24.00
EFT27326	20/10/2020	NATURALISTE PLUMBING PTY LTD	REPAIRS TO BBQS AT LITTLE LAGOON	-680.00
EFT27327	20/10/2020	SHARK BAY P & C	ROUND 1 COMMUNITY ASSISTANCE GRANT 2020-2021	-3160.83
EFT27328	20/10/2020	SHARK BAY NEWSAGENCY	A4 PRINTING PAPER FOR SHIRE OFFICE	-399.50
EFT27329	20/10/2020	SHARK BAY SUB BRANCH RSL	REMEMBRANCE DAY SPONSORSHIP FOR 2020	-500.00

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27330	20/10/2020	SHARK BAY MECHANICAL & TOWING SERVICES	PUMP OUT AND DISPOSE SEPTIC WASTE FROM INFORMATION BAY DUMP POINT	-750.00
EFT27331	20/10/2020	SHARK BAY SKIPS	MAIN ROADS AND USELESS LOOP SKIP BIN SUPPLY AND EMPTY SEPTEMBER 2020	-3773.00
EFT27332	20/10/2020	NORTHERN GLASS	REPLACE SLIDING DOOR AND 2 SIDE PANELS TO HAIRDRESSER FRONT DOOR	-6340.40
EFT27333	20/10/2020	AFGRI EQUIPMENT	PARTS FOR GRADER (P156) MAINTENANCE	-1853.37
EFT27334	20/10/2020	WREN OIL	WASTE OIL DISPOSAL FOR RUBBISH TIP	-660.00
EFT27335	28/10/2020	ABROLHOS STEEL PTY LTD	MATERIALS FOR TOWN OVAL MAINTENANCE	-176.88
EFT27336	28/10/2020	COUNTRYWIDE PUBLICATIONS	2021 ADVERT IN WA VISITOR GUIDE PUBLICATION	-550.00
EFT27337	28/10/2020	EMU TRACKS	SBDC MERCHANDISE	-826.21
EFT27338	28/10/2020	GYM CARE	ANNUAL GYM MAINTENANCE AUDIT AND SAFETY CHECK	-2887.50
EFT27339	28/10/2020	GREAT NORTHERN RURAL SERVICES	ROUNDUP FOR TOWN STREETS	-176.00
EFT27340	28/10/2020	HORIZON POWER	SHIRE PREMISES ELECTRICITY CHARGES OCTOBER 2020	-4324.22
EFT27341	28/10/2020	ITVISION	MAPPING UPDATE FOR SYNERGY	-687.50
EFT27342	28/10/2020	KELSIE KOONTZ	GYM CARD REFUND	-20.00
EFT27343	28/10/2020	PEST-A-KILL	OCTOBER MONITORING AND BAITING - SHIRE PREMISES	-330.00
EFT27344	28/10/2020	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS AND COMPUTER LICENCES FOR NOVEMBER 2020	-1580.88
EFT27345	28/10/2020	PAPER PLUS OFFICE NATIONAL	TONER CARTRIDGES FOR SHIRE OFFICE PRINTERS	-106.30
EFT27346	28/10/2020	R & L COURIERS	FREIGHT SHIRE OFFICE STATIONERY	-22.00
EFT27347	28/10/2020	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	PROVIDE FIRST AID TRAINING FOR F.HOULT, F.JOL, V.CHEUNG, R.BLACKMAN, J.FREE, M.JAMES, R.HEWITT	-1120.00
EFT27348	28/10/2020	TELSTRA CORPORATION LTD	SHIRE MOBILE PHONE CHARGES AND SMS TO PUBLIC WITH COMMUNITY MESSAGES CHARGES FOR OCTOBER 2020	-410.00
EFT27349	28/10/2020	TOTAL UNIFORMS	SHIRE UNIFORM ORDER – NEW OFFICE EMPLOYEES AND SBDC STAFF	-824.15
			TOTAL	\$370,182.26

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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

DATE	NAME	DESCRIPTION	AMOUNT
13/10/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 11 OCTOBER 2020	\$67,713.09
27/10/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 25 OCTOBER 2020	\$58,892.00
		TOTAL	\$126,605.09

**SHIRE OF SHARK BAY
OCTOBER 2020
POLICE LICENSING TRANSACTION # 202104**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
202104	31/10/2020	COMMISSIONER OF POLICE	POLICE LICENSING OCTOBER 2020	\$14,984.30
			TOTAL	\$14,984.30

25 NOVEMBER 2020

11.2 FINANCIAL REPORTS TO 31 OCTOBER 2020
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved

Cr Fenny

Seconded

Cr Ridgley

Council Resolution

**That the monthly financial report to 31 October 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 October 2020** are attached.

VARIANCE ANALYSIS

Operating Revenue was in excess of the year to date budget by \$146,017 driven by the high turnover of visitors to Shark Bay during August and September resulting in increases in Shark Bay World Heritage Discovery and Visitor Centre Entrance Fees (\$28,068), Sales and Booking commissions (\$84,485), Camping Fees (\$3,364) and Refuse Site Fees (\$19,917).

Operating Expenditure is under the year to date budget by \$644,218 and is largely due to depreciation (\$465,684) which cannot be run until completion of the year end audit by the Office of Auditor General. The remaining variance of \$178,534 has been contributed to under year to date budgeted expenditure in Conference Expenses – Members (\$9,500), Strategic Planning (\$5,964), Elected Members Training (\$8,400), Utility costs (\$17,305), Housing (\$27,180), Recycling Service Review (\$14,310), Council Assistance Program (\$12,507), Maintenance Shark Bay World Heritage Discovery and Visitor Centre (\$8,131), DOT Marina Facility Expenditure (\$6,866), Men's Shed Sites Works (\$20,000), Shark Bay Business Association Contribution (\$5,000) and Private Works Main Roads Western Australia Shark Bay Road (\$48,438).

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 \$3,245 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.

25 NOVEMBER 2020

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.

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
17 November 2020

25 NOVEMBER 2020

SHIRE OF SHARK BAY						
MONTHLY FINANCIAL REPORT						
For the Period Ended 31 October 2020						
LOCAL GOVERNMENT ACT 1995						
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996						
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ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 October 2020							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		2,502	1,170	0	(1,170)	(100.00%)	▼
General Purpose Funding - Rates	9	1,416,289	1,416,289	1,440,397	24,108	1.70%	▲
General Purpose Funding - Other		948,046	244,150	256,775	12,625	5.2%	▲
Law, Order and Public Safety		67,340	30,155	35,717	5,562	18%	▲
Health		1,800	1,123	866	(257)	(22.89%)	▼
Housing		126,780	42,512	44,536	2,024	4.8%	▲
Community Amenities		308,876	258,842	283,034	24,192	9.35%	▲
Recreation and Culture		552,130	135,018	277,130	142,112	105.3%	▲
Transport		522,620	273,247	268,216	(5,031)	(1.8%)	▼
Economic Services		798,900	223,357	158,458	(64,899)	(29.1%)	▼
Other Property and Services		40,000	13,332	20,083	6,751	50.6%	▲
Total Operating Revenue		4,785,283	2,639,195	2,785,212	146,017	5.53%	
Operating Expense							
Governance		(240,462)	(147,856)	(36,290)	111,566	(75.5%)	▲
General Purpose Funding		(123,220)	(35,408)	(37,012)	(1,604)	4.5%	▼
Law, Order and Public Safety		(259,359)	(99,494)	(93,134)	6,360	(6.4%)	▲
Health		(87,889)	(20,436)	(17,475)	2,961	(14.5%)	▲
Housing		(224,065)	(84,927)	(57,747)	27,180	(32.0%)	▲
Community Amenities		(698,626)	(244,038)	(208,696)	35,342	(14.5%)	▲
Recreation and Culture		(2,564,061)	(860,856)	(590,288)	270,568	(31.4%)	▲
Transport		(1,780,612)	(496,483)	(490,465)	6,018	(1.2%)	▲
Economic Services		(1,047,114)	(299,480)	(180,449)	119,031	(39.7%)	▲
Other Property and Services		(39,500)	2,104	68,901	66,797	3174.8%	▲
Total Operating Expenditure		(7,064,908)	(2,286,874)	(1,642,656)	644,218	(28.2%)	
Funding Balance Adjustments							
Add back Depreciation		1,886,365	635,671	0	(635,671)		
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		
Net Cash from Operations		(254,130)	1,127,122	1,176,730	49,608		
Capital Revenues							
Grants, Subsidies and Contributions	11	887,763	7,174	7,174	0	0.0%	▲
Proceeds from Disposal of Assets	8	257,182	58,182	56,237	(1,945)	3.3%	▼
Total Capital Revenues		1,144,945	65,356	63,411	(1,945)	(3.0%)	
Capital Expenses							
Land and Buildings	13	(462,721)	(11,692)	(11,692)	(0)	0.0%	▲
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)	(2,818)	34.3%	▼
Infrastructure - Public Facilities	13	(180,000)	0	(2,621)	(2,621)		▼
Infrastructure - Footpaths	13	(260,000)	0	0	0		▲
Plant and Equipment	13	(519,000)	(6,668)	(4,474)	2,194	(32.9%)	▲
Total Capital Expenditure		(2,237,657)	(26,563)	(29,808)	(3,245)	(12.2%)	
Net Cash from Capital Activities		(1,092,712)	38,793	33,603	(5,190)	13.38%	
Financing							
Proceeds from Loans		0	0	0	0		
Transfer from Reserves	7	1,028,914	0	0	0		
Repayment of Debentures	10	(74,957)	(32,273)	(32,273)	(0)	0.0%	
Transfer to Reserves	7	(1,388,957)	(1,167)	(4,587)	(3,420)	293.0%	
Net Cash from Financing Activities		(435,000)	(33,440)	(36,860)	(3,420)	(10.2%)	
Net Operations, Capital and Financing		(1,781,842)	1,132,475	1,173,473	40,998	(3.62%)	▲
Opening Funding Surplus(Deficit)	3	1,781,842	1,781,842	1,643,705	(138,137)		
Closing Funding Surplus(Deficit)	3	(0)	2,914,317	2,817,178	(97,139)		

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.

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 October 2020				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		\$	\$	\$
Rates	9	1,416,289	1,416,289	1,440,397
Operating Grants, Subsidies and Contributions	11	1,434,024	506,910	508,110
Fees and Charges		1,512,891	621,540	676,140
Interest Earnings		9,650	3,168	10,586
Other Revenue		411,927	90,786	149,978
Profit on Disposal of Assets	8	502	502	0
Total Operating Revenue		4,785,283	2,639,195	2,785,212
Operating Expense				
Employee Costs		(2,257,076)	(743,151)	(736,301)
Materials and Contracts		(1,910,483)	(535,143)	(475,052)
Utility Charges		(194,240)	(64,328)	(47,023)
Depreciation on Non-Current Assets		(1,886,365)	(635,671)	0
Interest Expenses		(31,159)	(9,817)	(6,132)
Insurance Expenses		(168,073)	(166,208)	(217,410)
Other Expenditure		(477,880)	(132,556)	(126,563)
Loss on Disposal of Assets	8	(139,632)	0	(34,174)
Total Operating Expenditure		(7,064,908)	(2,286,874)	(1,642,656)
Funding Balance Adjustments				
Add back Depreciation		1,886,365	635,671	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
Net Cash from Operations		(254,130)	1,127,122	1,176,731
Capital Revenues				
Grants, Subsidies and Contributions	11	887,763	113,363	7,174
Proceeds from Disposal of Assets	8	257,182	58,182	56,237
Total Capital Revenues		1,144,945	171,545	63,411
Capital Expenses				
Land and Buildings	13	(462,721)	(11,692)	(11,692)
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)
Infrastructure - Public Facilities	13	(180,000)	0	(2,621)
Infrastructure - Footpaths	13	(260,000)	0	0
Plant and Equipment	13	(519,000)	(6,668)	(4,474)
Total Capital Expenditure		(2,237,657)	(26,563)	(29,808)
Net Cash from Capital Activities		(1,092,712)	144,982	33,603
Financing				
Proceeds from Loans		0	0	0
Transfer from Reserves	7	1,028,914	0	0
Repayment of Debentures	10	(74,957)	(32,273)	(32,273)
Transfer to Reserves	7	(1,388,957)	(1,167)	(4,587)
Net Cash from Financing Activities		(435,000)	(33,440)	(36,860)
Net Operations, Capital and Financing		(1,781,842)	1,238,664	1,173,473
Opening Funding Surplus(Deficit)	3	1,781,842	1,781,842	1,643,705
Closing Funding Surplus(Deficit)	3	(0)	3,020,506	2,817,178

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 31 October 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	11,692	0	11,692	11,692	462,721	(0)	
Infrastructure Assets - Roads	13	0	11,021	11,021	8,203	815,936	(2,818)	
Infrastructure Assets - Public Facilities	13	2,359	262	2,621	0	180,000	(2,621)	
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	6,668	519,000	2,194	
Furniture and Equipment	13	0	0	0	0	260,000	0	
Capital Expenditure Totals		14,052	15,757	29,808	26,563	2,497,657	(3,245)	

CAPITAL REVENUE

Month	Budget 2020-21	Actual 2020-21
Jul	65	63
Aug	66	63
Sep	66	64
Oct	65	63
Nov		
Dec		
Jan		
Feb		
Mar		
Apr		
May		
Jun		

CAPITAL EXPENDITURE

Month	Budget 2020-21	Actual 2020-21
Jul	8	13
Aug	19	23
Sep	19	24
Oct	27	30
Nov		
Dec		
Jan		
Feb		
Mar		
Apr		
May		
Jun		

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES					
(a) Basis of Preparation					
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.					
The Local Government Reporting Entity					
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) Rounding Off Figures					
All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.					
(c) Rates, Grants, Donations and Other Contributions					
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.					
Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.					
(d) Goods and Services Tax (GST)					
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.					
(e) Superannuation					
The Council contributes to a number of Superannuation Funds on behalf of employees.					
All funds to which the Council contributes are defined contribution plans.					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(f) Cash and Cash Equivalents					
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.					
(g) Trade and Other Receivables					
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.					
(h) Inventories					
General					
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.					
Land Held for Resale					
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.					
(i) Fixed Assets					
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.					
Mandatory Requirement to Revalue Non-Current Assets					
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.					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(j)	Fixed Assets (Continued)				
	Revaluation				
	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.				
	Transitional Arrangement				
	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 Initial Recognition section as detailed above.				
	Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.				
	Land Under Roads				
	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.				
	Depreciation				
	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.				

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
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.					
Capitalisation Threshold					
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.					
(k) Fair Value of Assets and Liabilities					
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.					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
<p>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.</p>					
<p>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).</p>					
<p>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.</p>					
Fair Value Hierarchy					
<p>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:</p>					
Level 1					
<p>Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.</p>					
Level 2					
<p>Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.</p>					
Level 3					
<p>Measurements based on unobservable inputs for the asset or liability.</p>					
<p>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.</p>					
Valuation techniques					
<p>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.</p>					
<p>The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:</p>					
Market approach					
<p>Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.</p>					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(k)	Fair Value of Assets and Liabilities (Continued)				
	Income approach				
	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.				
	Cost approach				
	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)	Financial Instruments				
	Initial Recognition and Measurement				
	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.				
	Classification and Subsequent Measurement				
	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.				

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(l) Financial Instruments (Continued)					
The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.					
<i>(i) Financial assets at fair value through profit and loss</i>					
Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.					
<i>(ii) Loans and receivables</i>					
Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.					
Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.					
<i>(iii) Held-to-maturity investments</i>					
Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.					
Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.					
<i>(iv) Available-for-sale financial assets</i>					
Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.					
They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.					
Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.					
<i>(v) Financial liabilities</i>					
Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.					

25 NOVEMBER 2020

Confirmed at the Ordinary Council meeting 15 December 2020 – Signed by the President Cr Cowell

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(m) Impairment of Assets (Continued)					
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.					
(n) Trade and Other Payables					
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.					
(o) Employee Benefits					
Short-Term Employee Benefits					
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.					
Other Long-Term Employee Benefits					
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.					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(p) Borrowing Costs					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
(q) Provisions					
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.					
(r) Current and Non-Current Classification					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where 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.					

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 October 2020					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(1,170)	(100.0%)	▼	Timing	No Reportable Variance
General Purpose Funding - Rates	24,108	0.0%	▲	Timing	No Reportable Variance
General Purpose Funding - Other	12,625	5.2%	▲	Timing	Interest Earned, Department of Transport Commission and Rate Instalment Fees and Penalty Interest higher than Year to Date Budget
Law, Order and Public Safety	5,562	18.4%	▲	Timing	Fines and Penalties Local Laws, Dog Registration Fees, Reimbursements from SES and St Johns Ambulance Services for Insurances and Vehicle Registrations in advance of YTD Budget
Health	(257)	(22.9%)	▼	Timing	No Reportable Variance
Housing	2,024	4.8%	▲	Timing	No Reportable Variance
Community Amenities	24,192	9.3%	▲	Timing	Increase in Refuse Fees and Development Applications compared to YTD Budget
Recreation and Culture	142,112	105.3%	▲	Timing	Increase in Child Care Buildings Refunds Income, Gym Memberships, SBDC Entrance Fees, Sales and Booking Commissions compared to YTD Budget
Transport	(5,031)	(1.8%)	▼	Timing	No Reportable Variance
Economic Services	(64,899)	(29.1%)	▼	Timing	Caravan Rental November to June 2021 \$80,000 Prepaid Income transferred Grants Received in Advance resulting in timing variance compared to YTD budget
Other Property and Services	6,751	50.6%	▲	Timing	Increase in Fuel Rebate and Refunds Income compared to YTD Budget
Operating Expense					
Governance	111,566	(75.5%)	▲	Timing	Overall Expenditure less than YTD Budget
General Purpose Funding	(1,604)	4.5%	▼	Timing	No Reportable Variance
Law, Order and Public Safety	6,360	(6.4%)	▲	Timing	Ranger Patrol actual timing ahead of year to date budget
Health	2,961	(14.5%)	▲	Timing	No Reportable Variance
Housing	27,180	(32.0%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Community Amenities	35,342	(14.5%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Recreation and Culture	270,568	(31.4%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Transport	6,018	(1.2%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation. In addition Useless Loop Road Maintenance expenditure is ahead of YTD Budget timing.
Economic Services	119,031	(39.7%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Other Property and Services	66,797	3174.8%	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Capital Revenues					
Grants, Subsidies and Contributions	0	0.0%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	(1,945)	0.0%	▲	Timing	No Reportable Variance
Capital Expenses					
Land and Buildings	(0)	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Roads	(2,818)	34.3%	▼	Timing	No Reportable Variance
Infrastructure - Public Facilities	(2,621)		▼	Timing	No Reportable Variance
Infrastructure - Footpaths	0		▲	Timing	No Reportable Variance
Plant and Equipment	2,194	(32.9%)	▲	Timing	No Reportable Variance
Financing					
Loan Principal	(0)	0.0%	▼	Timing	No Reportable Variance

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

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2020			
Note 3: NET CURRENT FUNDING POSITION			
		Positive=Surplus (Negative=Deficit)	
	Note	31 October 2020	31 October 2019
		\$	\$
Current Assets			
Cash Unrestricted	4	3,030,171	2,353,888
Cash Restricted	4	2,926,938	1,565,539
Receivables - Rates	6	361,589	691,799
Receivables -Other	6	95,013	75,085
Interest / ATO Receivable		16,846	18,447
Inventories		129,990	129,612
		6,560,547	4,834,370
Less: Current Liabilities			
Payables		(175,162)	(107,309)
Provisions		(263,384)	(208,068)
Grants/Income Received in Advance		(363,865)	0
Bond Liability (Formally Trust Account)		(14,021)	(12,135)
		(816,432)	(327,512)
Less: Cash Reserves	7	(2,926,938)	(1,565,539)
Net Current Funding Position		2,817,178	2,941,319

Note 3 - Liquidity Over the Year

Month	2018-19	2019-20	2020-21
Jul	1,500	1,900	1,700
Aug	3,200	3,500	3,400
Sep	3,000	3,200	3,100
Oct	2,700	3,000	2,900
Nov	2,800	2,800	2,800
Dec	2,400	2,700	2,700
Jan	2,200	2,600	2,600
Feb	2,300	2,600	2,600
Mar	2,200	2,400	2,400
Apr	1,400	2,100	2,100
May	1,400	3,200	3,200
Jun	1,800	1,800	1,800

Comments - Net Current Funding Position

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2020							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	215,892			215,892	Bankwest	At Call
Reserve Bank Account	0.00%		179		179	Bankwest	At Call
Reserve Telenet Saver Account	0.25%		2,926,759		2,926,759	Bankwest	At Call
Municipal Telenet Saver	0.50%	2,813,379			2,813,379	Bankwest	At Call
Trust Bank Account	0.00%			0	0	Bankwest	At Call
Cash On Hand		900			900		On Hand
(b) Term Deposits							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment					0		
Total		3,030,171	2,926,938	0	5,957,109		
Comments/Notes - Investments							
Surplus funds invested for terms conducive to cashflow requirements.							

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2020									
Note 6: RECEIVABLES									
Receivables - Rates Receivable		31 October 2020	30 June 2020		Receivables - General	Current	30 Days	60 Days	90+Days
		\$	\$			\$	\$	\$	\$
Opening Arrears Previous Years		32,544	31,927		Receivables - General	56,984	4,319	4,412	4,681
Levied this year		1,760,475	1,827,891		Total Receivables General Outstanding				70,396
Less Collections to date		(1,431,430)	(1,827,274)		Amounts shown above include GST (where applicable)				
Equals Current Outstanding		361,589	32,544						
Net Rates Collectable		361,589	32,544						
% Collected		79.83%	98.25%						

Note 6 - Rates Receivable

Month	2019-20	2020-21
Jul	50	50
Aug	1700	1350
Sep	1050	550
Oct	700	400
Nov	550	
Dec	480	
Jan	380	
Feb	250	
Mar	250	
Apr	100	
May	50	
Jun	50	

Receivables-General

Category	Percentage
Current	81%
30 Days	6%
60 Days	6%
90+Days	7%

Comments/Notes - Receivables Rates	Receivables-General
	No major issues at this time

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2020									
Note 7: Cash Backed Reserve									
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	2,900	710,457	0	(480,476)	0	2,079,402	1,850,821
Pensioner Unit Maintenance Reserve	127,114	30	199	45,000	0	(35,000)	0	137,144	127,313
Recreation Facility Replacement/Upgrade Res.	322,812	850	507	180,000	0	(193,438)	0	310,224	323,319
Plant Replacement Reserve	401,851	300	631	450,000	0	(320,000)	0	532,151	402,482
Leave Reserve	171,006	680	268	0	0	0	0	171,686	171,274
Monkey Mia Jetty Reserve	22,087	60	35	0	0	0	0	22,147	22,122
Shared Fire Fighting System Reserve	29,560	80	47	0	0	0	0	29,640	29,607
	2,922,352	3,500	4,587	1,385,457	0	(1,028,914)	0	3,282,394	2,926,938

Note 7 - Year To Date Reserve Balance to End of Year Estimate									
Infrastructure Reserve									
Pensioner Unit Maintenance Reserve									
Recreation Facility Replacement/Upgrade Res.									
Plant Replacement Reserve									
Leave Reserve									
Monkey Mia Jetty Reserve									
Shared Fire Fighting System Reserve									

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2020							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
					YTD 31 10 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							

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 October 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	5,576	75	399,298	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	8,415	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	5,576	75	1,410,486	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
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
GRV Rural Resort	876.00	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
UV Mining	920.00	1	693	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							(145,719)				(138,834)
Amount from General Rates							1,403,293				1,379,185
Specified Area Rates							37,104				37,104
Totals							1,440,397				1,416,289
Comments - Rating Information											

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 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	16,310	32,951	86,653	70,012	920	4,154
Loan 56 - Staff Housing	9,901	0	0	9,901	9,901	0	(76)	289
Loan 58 - Town Oval Bore	800,000		15,963	32,105	784,037	767,895	5,288	26,716
	912,864	0	32,273	74,957	880,590	837,907	6,132	31,159
All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.								

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 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
GENERAL PURPOSE FUNDING								
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
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Y	8,970	0	8,970	0	4,687	4,283
Grant FESA - SES	Dept. of Fire & Emergency Services	Y	45,240	0	45,240	0	22,620	22,620
RECREATION AND CULTURE								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	250	0
Little Lagoon Rehabilitation Project	Department of Industry, Science, Energy and Reso	Y	12,500	0	0	12,500	0	0
ECONOMIC SERVICES								
Thank a Volunteer	Dept of Communities	Y	700	0	700	0	750	0
Keep Australia Beautiful for Community Litt	Keep Australia Beautiful Council	Y	0	0	0	0	1,200	0
Horizon Power Christmas Festival	Horizon Power	Y	0	0	0	0	7,500	0
TRANSPORT								
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 Infrastructre		Y	334,062	0		334,062	167,031	167,031
TOTALS			2,321,787	0	1,434,024	887,763	779,314	1,538,773
		Operating	1,434,024				516,888	
		Non-operating	887,763				262,426	
			2,321,787				779,314	
Comments - Operating and Non Operating Grants								

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 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-Oct-20	
	\$	\$	\$	\$	
CITF Levy	\$ 294	1,071	(774)	592	
Library Card Bond	\$ 150	50	(100)	100	
Bookeasy- Sales	\$ 199	307,322	(307,521)	0	
Kerb/Footpath Deposit	\$ 4,800	0	0	4,800	
Bond Key	\$ 3,850	1,020	(460)	4,410	
Hall Bond	\$ 825	275	(550)	550	
Police Licensing	\$ 4,705	91,614	(95,818)	500	
Election Deposit	\$ -	0	0	0	
Marquee Deposit	\$ -	0	0	0	
Building Licence Levy	\$ 277	1,843	(1,559)	562	
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	403,195	(406,781)	14,021	

ORDINARY COUNCIL MEETING

25 NOVEMBER 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
Land and Buildings								
Governance								
Asbestos Removal - Shire Office	3.1, 4.1	WKSM	(75,000)	0	0	0	0	
Governance Total			(75,000)	0	0	0	0	
Housing								
Staff Housing - 5 Spaven Way	4.1	WKSM	(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St	4.1	WKSM	(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St	4.1	WKSM	(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St	4.1	WKSM	(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	
Housing Total			(75,000)	0	0	0	0	
Community Amenities								
Buildings								
Morgue	4.1	EMCD	(40,000)	0	0	0	0	
Community Amenities Total			(40,000)	0	0	0	0	
Recreation								
Buildings								
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)	(6,407)	(6,407)	0	0	
Recreation Total			(255,000)	(6,407)	(6,407)	0	0	
Transport								
Buildings								
Depot - Office Awning	4.1	WKSM	(10,000)	0	0	0	0	
Depot - Boundary Fencing	4.1	WKSM	(7,721)	(5,285)	(5,285)	0	0	
Transport Total			(17,721)	(5,285)	(5,285)	0	0	
Land and Buildings Total			(462,721)	(11,692)	(11,692)	0	0	
Footpaths								
Infrastructure								
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	
Footpaths Total			(260,000)	0	0	0	0	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	4.1	CEO	(70,000)	0	0	0	0	
Total Governance			(70,000)	0	0	0	0	
Transport								
Major Plant Items	4.1	WKSM	(20,000)	(6,668)	(4,474)	2,194	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	
Transport Total			(449,000)	(6,668)	(4,474)	2,194	4,474	
Plant , Equipment and Vehicles Total			(519,000)	(6,668)	(4,474)	2,194	4,474	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Infrastructure Assets	Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	(Renewal Exp)	Comment
Public Facilities								
Community Amenities								
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			
Community Amenities Total			(30,000)	0	0	0	0	
Recreation And Culture								
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	(262)	(262)	262	
Foreshore Limestone Wall	4.1	WKSM	(45,000)	0	0	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	4.1, 5.1, 5.2	WKSM	0	0	(1,860)	(1,860)	1,860	
Town Oval Fence Extensions	4.1, 5.1, 5.2	WKSM	0	0	(499)	(499)	499	
Recreation And Culture Total			(150,000)	0	(2,621)	(2,621)	262	
Public Facilities Total			(180,000)	0	(2,621)	(2,621)	262	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Roads (Non Town)								
Transport								
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	
Transport Total			(815,936)	(8,203)	(11,021)	(2,818)	11,021	
Roads (Non Town) Total			(815,936)	(8,203)	(11,021)	(2,818)	11,021	
Capital Expenditure Total			(2,237,657)	(26,563)	(29,808)	(3,245)	15,757	

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11.3 CARNARVON RANGELAND BIO-SECURITY
EM00013

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as family owns Stations in the area

Officer Recommendation

1. That Council contribute \$5,000.00 plus GST, as budgeted, to the Carnarvon Rangeland Bio-Security Association to assist with Wild Dog, Control, Mesquite and Parkinsonia control and to purchase professional assistance from Licenced Pest Management Technicians.

Or

2. Council advise the Carnarvon Rangeland Bio-Security Association that they will not be contributing towards the control of pest plants and animals in the pastoral area as they believe this is a State Government, not Local Government, responsibility.

Councillor Fenny left the Council Chamber at 4.09 pm

Moved Cr Ridgely
Seconded Cr Burton

Council Resolution

1. **That Council contribute \$5,000.00 plus GST, as budgeted, to the Carnarvon Rangeland Bio-Security Association to assist with Wild Dog, Control, Mesquite and Parkinsonia control and to purchase professional assistance from Licenced Pest Management Technicians.**

4/1 CARRIED

Cr Fenny returned to the Council Chamber at 4.10 pm

Background

The Carnarvon Rangeland Bio-security Association has written a letter to Council requesting a financial support contribution of between \$20,000 - \$30,000 to contribute towards the group to carry out its charter. The goal of the association is to control pest (declared) plants and animals on, and in relation to, pastoral leases.

Comment

The pastoralists' contribute to the association in the form of an Agricultural Protection Rate, with the exception of the Department of Biodiversity, Conservation and Attractions. This rate applies to all land within Western Australia that is held under a Crown Pastoral Lease. The rate is imposed under section 60 and 61 of the **Agriculture**

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and Related Resources Protection Act 1976 and calculated by striking a rate against the unimproved value of each pastoral lease.

All contributions from all sources are matched dollar for dollar by the State Government. This matching funding provides leverage to the Shire's contribution by attracting extra outside funding to the region.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

An amount of \$5,000 was included in this year's budget for Council to consider contributing toward the control of wild dogs in the region.

Council's income from Pastoral Rates this financial year was \$91,105 with a concession of \$59,545. being allocated, this leaving an actual rate amount of \$31,560.

Council may wish to consider including in the draft 2021/2022 budget a specified area rate on ratable land within the Pastoral Ward of the Shire to fund the annual contribution being requested, however it appears that the pastoralists already contribute to this cause in the form of the Agricultural Protection Rate.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

17 November 2020

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



Carnarvon Rangelands Biosecurity Association Inc.

Chairperson: Justin Steadman

18th August 2020

Shire of Shark Bay
Attn: Paul Anderson
Chief Executive Officer
65 Knight Terrace
DENHAM WA 6537

Dear Paul,

RE: Financial contribution towards Carnarvon Rangelands Biosecurity Association Inc. (CRBA) 2020/21

The CRBA is a not-for-profit recognised biosecurity group (RBG) that operates across the Shire of Shark Bay. Our key role is to assist pastoral landholders and key stakeholders across our region in the management of declared pests including: weeds such as Mesquite and Parkinsonia and have Licensed Pest Management Technicians (LPMT) for the control of dogs, foxes; pigs, weeds and large herbivores (LFH).

Over the past two years the CRBA has welcomed your shires contribution towards the growing task of managing the regions declared pests.

The CRBA would again like to invite the Shire of Shark Bay, to work with us in protecting the following industries and areas within your local government area:

- Agricultural livestock: Cattle, sheep and goats;
- Tourism including the impact wild dogs are having in and around coastal camps;
- Protection of Biodiversity within the region on Leasehold, Freehold, Unallocated Crown Land (UCL), Indigenous Owned Lands and National Parks/Reserves.

The Carnarvon Rangelands Biosecurity Association Inc. committee is made up of members from various shires within our region and also key stake holders with whom we have valuable working relationships. Our professional run committee is guided by a number of different legislations and legal requirements:

- We operate under a Constitution monitored by the Associations Incorporations Act 2015;
- Our financial records are managed professionally by an Executive Officer and audited by an accountant annually;
- Key points of contact are established and maintained with the Health Department, Department of Primary Industry and Regional Development (DPIRD), Department of Biodiversity, Conservation and Attractions (DBCA); and
- Detailed records are kept on the control of all biosecurity related activities undertaken by the CRBA.

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Carnarvon Rangelands Biosecurity Association Inc.

Chairperson: Justin Steadman

To assist us in protecting the key industry within the CRBA region, the following is undertaken:

- 8 highly experienced Licenced Pest Management Technicians (LPMT) are contracted to assist with the reduction of wild dog numbers within the rangelands, this is done to the best of the committee's ability within the financial constraints;
- Our highly valued LPMTs are all fully licenced and registered, bring a wide range of respected skill sets, keep excellent communication with not only the CRBA committee but also their Coordinator and landholders;
- LMPTs, where possible assist with the eradication of Large Feral Herbivores (LFH);
- Maintaining a beneficial Memorandum of Understanding (MOU) with DBCA, this includes working with them on wild dog issues surrounding the Shire of Carnarvon town site and turtle hatching areas;
- We work with landholders to identify and report declared pests;
- Contract out Administration to assist with the day to day running of the CRBA and apply for any/all relevant grants that become available.

As a key stakeholder within the Carnarvon Rangelands Biosecurity Association Inc. we are seeking a cash contribution of between \$20,000 and \$30,000 towards the ongoing costs of maintaining biosecurity management within the Shire of Shark Bay. The important role played by the CRBA in protecting the varied industries within the region is critical to their survival. It is hoped that your contribution will allow the CRBA to continue to assist in maintaining the viability of the Shire of Shark Bay these industries and by doing allow for the sector to continue to create employment and develop the region.

Keeping the biodiversity of the local environment in sound condition is everyone's responsibility and we would like to encourage the Shire of Shark Bay to be a part of that.

Should you have any queries or would like to discuss this matter further, please do not hesitate to contact me directly on 0417 172 208.

I look forward to hearing from you.

Kind regards,

PP
Justin Steadman

Justin Steadman

Chairperson, Carnarvon Rangelands Biosecurity Association Inc.

cc. Shire President Cheryl Cowell, Deputy President Ed Fenny



Department of
Primary Industries and
Regional Development

FREQUENTLY ASKED QUESTIONS

DECLARED PEST RATE

What is a Declared Pest Rate?

- Declared Pest Rates (DPR) are collected to support Recognised Biosecurity Groups (RBG), which have been formed by landholders who are concerned about the management of widespread and established declared pests in their communities.
- The *Biosecurity and Agriculture Management Act 2007* (BAM Act) allows RBGs to request the Minister for Agriculture and Food to determine a Declared Pest Rate (DPR) to be raised in their prescribed area.
- Rates are spent on the activities detailed in each RBG's operational plan, which is based on priority pests within their communities, which vary for each RBG.
- The WA State Government matches all Declared Pest Rates raised dollar-for-dollar - doubling the funds available for declared pest management.
- RBGs are working on a strategic approach to achieve long-lasting impacts on declared pests, and therefore Declared Pest Rates provide the certainty of funding needed for this to occur.

What is a declared pest?

- Widespread and established pests can be declared under the *Biosecurity and Agriculture Management Act 2007*, and are considered by government to be beyond prevention and eradication and are widespread in their distribution, across the state or within regions.
- Examples include narrow leaf cotton bush, Paterson's curse, blackberry, cape tulip, bridal creeper, some cactus species, wild rabbits, feral pigs, foxes and wild dogs.

How long has the DPR existed?

- Five RBGs in WA's pastoral regions have been collecting a DPR since 2014. Prior to that, it was collected as the Agriculture Pest Rate under the *Agriculture and Related Resources Protection Act 1976*.
- The RBG and DPR model has since been extended to the agricultural region.

Does everyone in Western Australia have to pay a Declared Pest Rate?

- A DPR is chargeable only for local governments within the prescribed area of an RBG. Not all local governments have a RBG operating in their area, or have a Declared Pest Rate being raised in their area.

This is government trying to get hold of my money

- This is not a State or local government rate. It goes direct to the RBGs operating in the areas it is collected from, to spend on activities that their communities want to see happen.
- DPIRD is involved by matching dollar-for-dollar any rates raised, which are also made available to the RBGs. This means your community will have double the amount of funding available for pest management.
- RBGs are controlled by local representatives, many of who pay the rate themselves, and who want to make sure their rates are well spent.
- RBGs and DPIRD are not involved in the issuing of rates notices or collection of rates – this is done by the Office of State Revenue.

Are the owners of government land being charged a rate?

- No. However, under the BAM Act, it is the responsibility of landholders to control pests on their own land and this includes all levels of government.
- RBGs can develop partnerships with government agencies to ensure pest management occurs on both private and public land, with a coordinated approach.

Can RBGs access other funds?

- Yes. In addition to the funds from Declared Pest Rates, RBGs can seek and obtain funds from others sources e.g. State Natural Resources Management Office, Royalties for Regions programs and private organisations.
- However, DPR funding is likely to be the most sustainable way for RBGs to fund activities to control declared pests over the long-term.

RECOGNISED BIOSECURITY GROUPS

What is a Recognised Biosecurity Group?

- Landholders who are concerned about management of widespread and established declared pests in their community can form biosecurity groups that may become a Recognised Biosecurity Group (RBG), through formal recognition under the *Biosecurity and Agriculture Management Act 2007* (BAM Act).
- Each RBG has been based on the specific pest management needs of their local communities, which vary.
- RBGs exist to help landholders manage declared pests on their own land, which is a requirement under the BAM Act.
- RBGs are also about normalising declared pest management across the community.
- They facilitate a community led, coordinated and cooperative approach.
- They are community led because the activities of each RBG are specific to their priority pests, which are decided on by their communities.
- They facilitate cooperation by organising coordinated control activities at both a landscape-scale and regional-scale.
- Pest management can be challenging for individuals when the species is widespread and crosses boundaries, and is best addressed when communities, industries and government are working together.

How are RBG boundaries determined?

- When a biosecurity group is seeking to be recognised, the group recommends to the Minister for Agriculture and Food the area to be specified for their operations.
- DPIRD encourages biosecurity groups to form along shire boundaries. Forming along shire boundaries is the easiest and most efficient way to administer the raising and collection of the Declared Pest Rate.

How can I get involved with a RBG?

- Find out if you have an RBG operating in your area, and contact them to learn about planned activities and opportunities to be involved.
- Contact details are available from the Department of Primary Industries and Regional Development website.

RBG ACTIVITIES

What exactly does an RBG do?

- The purpose of an RBG is specific to each. They vary according to each RBG's declared pest priorities, focus and strategy.
- It may be to create awareness, develop individual or community pest management knowledge and skills, provide the equipment and materials need for declared pest control, provide support through Licenced Pest Management Technicians, determine compliance programs or sometimes help fund on-ground control activities.
- They can organise landscape-scale coordinated activities, or collaborate and build partnerships with other RBGs, not for profit entities, industry and government to control declared pests that require large-scale regional efforts to manage.
- In summary:
 - **Educate** - RBGs help landholders understand their legal obligations under the *Biosecurity and Agriculture Management Act 2007* to manage declared pests on their own land, and how an RBG can help.
 - **Support** – RBGs provide landholders with knowledge, skills and the confidence to carry out control activities successfully on their land.
 - **Coordinate** - Declared pests don't recognise fence lines, so RBGs can help landholders to coordinate their activities on a large scale to make long-lasting impacts.
 - **Plan** - RBGs develop annual operational plans that detail management strategies and the budget needed for the year. These are based on local declared pest priorities, which are developed with input from landholders and their communities, as they are best placed to know about their local pest problems.

What are examples of what my rate will be spent on?

- Displays at local and regional field days and shows.
- Websites, social media, newsletters, brochures, annual reports.
- Meetings, presentations and information sessions.
- Training in:
 - various methods of control
 - pest identification
 - chemical use and certification.
- Individual pest workshops and control demonstrations.
- Subsidies for bait, restricted chemical product permits and chemicals.
- Provision of materials and equipment needed for pest management, through lending or hiring of equipment for landholder use.
- Annual awareness reminders.
- Seasonal control programs, such as community fox shoots, rabbit virus release and community baiting days.
- On-ground activities to complement landholder efforts, such as organising or engaging contractors to provide control of pests such as wild dogs or feral pigs.
- Opportunities for input into RBG activities:
 - face to face
 - surveys
 - app reporting such as Feralscan
 - requests for input

- o mail outs
- o feedback at local events and workshops
- o Facebook posts
- o Annual General Meetings

How do I find out what my money has been spent on?

- Expenditure is detailed in RBG annual reports, which are submitted to the Department of Primary Industries and Regional Development (DPIRD), placed on the DPIRD website and tabled at the RBG's own Annual General Meetings (open to the public).

I am already carrying out pest control. Why should I pay for managing pests on someone else's property?

- RBG activities are aimed at getting your neighbours on the same page when it comes to pest management, so that management activities are coordinated. This is the only way to make a lasting impact, because pests don't recognise boundaries or fence lines.
- To get everyone involved, landholders need awareness, information, skills and the means to carry out control. This is what a Declared Pest Rate pays for.
- Your rate is also paying for overall community and environmental benefits, such as preventing weeds from invading your town's landscapes, and reducing the impact of feral animals on our unique native plants and animals.

I don't have any pests on my property. What do I get out of paying a rate?

- The benefit you receive is stronger local economic development, and the environmental benefits of reducing the numbers of feral animals and invasive weeds.
- Research carried out through the Threatened Species Recovery Hub highlighted that invasive species are impacting 1,257 threatened species in Australia. The rabbit topped the top 10 list - impacting more than 321 native threatened species, including both plants and animals. Feral pigs also made the list impacting 149 threatened species.
- RBGs carry out a number of activities to reduce feral rabbit and pig numbers. This includes community-wide fox shoots, area-wide release of the feral rabbit virus, trapping/baiting workshops, and contracting Licensed Pest Management Technicians to carry out wild dog and feral pig control.

The RBG should use my rate to carry out pest control on my behalf

- Some RBGs might allocate funds to on-ground control when they determine there is a need to support landholders, such as managing large volumes of pests that cross tenures across large areas.
- Although RBG activities are always intended to complement landholder efforts – never to replace them.
- Where landholders don't have the skills or motivation to carry out pest management, RBGs may instead allocate funds to activities other than on-ground control, such as training and education.
- The circumstances for each RBG vary, and therefore their activities will not be the same.

How much of my rate will be spent on RBG staff?

- Good planning and management is needed to make best use of the Declared Pest Rate, which requires administrative staff.
- Staffing and contractors are also required to carry out activities such as training, surveillance, baiting, pest control and reporting.
- All RBGs want to minimise staff costs so they can maximise on-ground activities and pest control.
- RBGs are controlled by local representatives, many of who pay the rate themselves, and who want to make sure their rates are well spent.

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CALCULATION AND PAYMENT

How is the DPR calculated?

The process starts with RBGs developing an annual operational plan, which forms the basis on which to calculate the rate.

DPIRD then reviews the plan and advises the Minister for Agriculture and Food what rate is required to deliver on these plans.

The rate may be recommended as either the same amount for each property (a flat rate), or rates based on the unimproved value of land as provided by the Valuer General (ad valorem rate).

Before the rates are finalised the Minister for Agriculture and Food carries out consultation on the proposed rates, to be considered prior to the rates being finalised and gazetted (published in the WA Government Gazette).

Consultation is a requirement under the Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014.

The consultation period is promoted widely through public notices, social media and direct letters.

How are the rates collected?

- The Office of State Revenue is responsible for issuing of notices and collections of Declared Pest Rates.
- The DPR collected is matched dollar-for-dollar with State Government funds and transferred to the Declared Pest Account, which is administered by the Department of Primary Industries and Regional Development.
- Funds are then made available to each RBG.

Why have my rates increased?

- The calculation of Declared Pest Rates are based on each RBG's annual operational plan and budget, which changes according to need.
- This means that groups may undertake different activities each year, which may result in an increase in the budget required.

My rate is different from my neighbours/from other RBGs?

- The DPR for each RBG may differ, as they are based on each RBG's priority pests and annual operational plan and budget, which are specific to each group.
- Additionally, RBGs decide on the DPR differently, with some charging the same amount for each property (a flat rate), or based on the unimproved value of land as provided by the Valuer General (ad valorem rate).
- Landholders within the same RBG area may pay different rates due to factors decided on by your RBG, such as property size, or if an ad valorem rate is applied.
- These factors also influence whether or not a landholder must pay a DPR.

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When do I have to pay the rate?

- DPR notices are issued by the Office of State Revenue in September/October each year. Rates are due 49 days from date of issue.

I refuse to pay/will be sending the invoice to DPIRD

- The Office of State Revenue is responsible for managing the recovery of unpaid rates.
- Rates are due 49 days from date of issue. Within a month of expiry of the due date, OSR issues a payment demand notice via a letter or e-mail, giving a further 3-4 weeks for payment.
- Outstanding debts of two or more years are secured with a Memorial on the Title of the relevant property preventing sale and the registration of a mortgage such as re-financing.

I can't afford to pay

- You have the option of contacting the Office of State Revenue to make alternative payment arrangements, such as instalments.

I'm being told my rate is based on how many VENs I own. What is a VEN?

- A VEN is a Valuation Entity Number given to a parcel or parcels of land by the Valuer General (through Landgate).
- VENs are not generated by RBGs or DPIRD.
- Each VEN is charged a rate.
- If you have more than one VEN then you will be charged more than once.
- The same VEN is also used by the Shires for their own rate assessments.

I don't live in a RBG area/addressed to wrong person

- Please call the Office of State Revenue.

I called OSR and they have no idea what my money will be spent on

- The Office of State Revenue only deals with the issuing of rate notices and collection.
- They are not informed on each RBG's operational activities or what landholders will gain from paying the DPR.
- If you require information on your RBG and its expenditure, please contact the group direct.

Do pensioners have to pay?

- Eligible pensioners can apply to the Office of State Revenue to have their rate payments postponed, provided they meet the requirements under section 136 of the *Biosecurity and Agriculture Management Act 2007*.
- Contact the Office of State Revenue for more information.

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12.0 TOWN PLANNING REPORT

12.1 PROPOSED RESTAURANT/CAFE, HOLIDAY ACCOMMODATION, WORKFORCE ACCOMMODATION, CAMPING GROUND AND CARAVAN PARK – LOT 2 NORTH WEST COASTAL HIGHWAY, WANNOO P2025

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*

Officer Recommendation

That Council:

- A. Note that the application was referred to Main Roads Western Australia who has no objection to the proposal, however has advised that they are separately reviewing the existing shared access between Lot 2 and Lot 30 North West Coastal Highway.
- B. Note that revised plans for the proposal were advertised to the adjacent landowner for comment and one objection to the revised plans has been received (as outlined in this report).
- C. Council has three options in regards to the standards to be applied for the construction of new carparking as follows:

Option 1 – Accept compacted road base and / or gravel as suitable for new car parking and associated access ways.

If Council supports Option 1 the following condition can be added to Point C:

- (12) New informal carparking areas with a combined capacity to accommodate a minimum of 39 carparking bays is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020).

Option 2 – Require the access and car parking for the new holiday accommodation to be sealed bitumen or concrete and drained. Allow the overflow car parking to be compacted road base (as proposed).

If Council supports Option 2 the following conditions can be added to Point C:

- (12) Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas for the new short-term holiday accommodation units shall be designed, constructed, sealed, line marked and kerbed in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020) showing 24 spaces. The area must be paved in bitumen or concrete and all parking bays must be clearly line marked.
- (13) An informal overflow carparking area with a capacity to accommodate a minimum of 15 carparking bays is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance

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with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020).

Option 3 – Require all new car parking to be sealed bitumen or concrete and drained. If Council supports Option 3 the following condition can be added to Point C:

- (12) Prior to occupation or use of the development, all vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020) showing 39 spaces. The area must be paved in bitumen or concrete and all parking bays must be clearly line marked.

D. Approve the application for a restaurant/ café, holiday accommodation, workforce accommodation, caravan park, camping ground and ancillary ablutions on Lot 2 North West Coastal Highway, Wannoo subject to the following conditions and footnotes:

1. The owner/applicant to lodge a revised site plan for separate written approval of the Shire Chief Executive Officer prior to the issue of a Building Permit that demonstrates compliance with the following specific recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020):
 - (a) Provision of a hardstand and turnaround areas for a 50,000 litre tank suitable for a type 3.4 fire appliance in accordance with A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017); and
 - (b) Provision of individual turn around areas for each access into the property. Alternatively, or in addition to the turnaround areas the two access ways can be linked to provide a continual accessible open loop road through the development (to be accessible at all times).
2. 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.
3. The owner / operator to implement the recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020) prior to commencement of operation and at all times.
4. Internal firebreaks, access tracks and turnaround areas are to be adequately maintained with a trafficable surface at all times for access by emergency fire vehicles.
5. The owner/ operator to maintain the existing fire-fighting water tank facility in good working order to a minimum effective capacity of 50,000 litres (for fire fighting) and ensure the design meets the construction and vehicle access requirements of A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017);
6. Water supply to be designed and constructed so that heavy duty water firefighting equipment is able to access the supply with universal fittings.
7. The access way within the lot will be required to comply with the construction and vehicle access requirements of A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017).
8. Lodgement of a Compliance Certification report by a Level 3 accredited bushfire planning practitioner to the Shire Chief Executive Officer prior to commencement of operation;

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The bushfire planning practitioner is to certify:

- (a) That any revised site plan lodged in accordance with Condition 1 complies with the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017);
 - (b) Compliance with the recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020); and
 - (c) Compliance with Conditions 3-7 of this approval; and
 - (d) That the owner is aware of their ongoing responsibilities to implement the recommendations of the approved Bushfire Management Plan.
9. 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.
- 10.. The undercover parking proposed over existing road base is to be maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020).
11. The development shall substantially commence within 2 years from the date of this decision. If the development does not substantially commence before expiration of the 2 year period, this approval becomes invalid and expires.

Footnotes:

- (i) A planning consent is not an approval to commence any works. A separate building permit must be obtained for all works. A Building Permit cannot be issued retrospectively therefore it is recommended that no buildings be placed on the land until a Building Permit is obtained.
- (ii) A separate application is required for:
 - Any proposed signage. Separate Main Roads approval is required for the sign in addition to approval by the Shire.
 - Any proposed on-site effluent disposal. Please lodge an 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' to the Shire to process.
- (iii) A separate Licence is required to operate camping grounds and a caravan park in accordance with the *Caravan Parks & Camping Grounds Act 1995*. The camping and caravan sites cannot legally operate without a Licence.

Moved Cr Smith
Seconded Cr Fenny

Officer Recommendation

That Council:

- A. Note that the application was referred to Main Roads Western Australia who has no objection to the proposal, however has advised that they are separately reviewing the existing shared access between Lot 2 and Lot 30 North West Coastal Highway.**

- B. Note that revised plans for the proposal were advertised to the adjacent landowner for comment and one objection to the revised plans has been received (as outlined in this report).**

- C. Accept compacted road base and / or gravel as suitable for new car parking and associated access ways.**

New informal carparking areas with a combined capacity to accommodate a minimum of 39 carparking bays is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020).

- D. Approve the application for a restaurant/ café, holiday accommodation, workforce accommodation, caravan park, camping ground and ancillary ablutions on Lot 2 North West Coastal Highway, Wannoo subject to the following conditions and footnotes:**

- 1. The owner/applicant to lodge a revised site plan for separate written approval of the Shire Chief Executive Officer prior to the issue of a Building Permit that demonstrates compliance with the following specific recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020):**
 - (a) Provision of a hardstand and turnaround areas for a 50,000 litre tank suitable for a type 3.4 fire appliance in accordance with A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017); and**
 - (b) Provision of individual turn around areas for each access into the property. Alternatively, or in addition to the turnaround areas the two access ways can be linked to provide a continual accessible open loop road through the development (to be accessible at all times).**
- 2. 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.**
- 3. The owner / operator to implement the recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020) prior to commencement of operation and at all times.**
- 4. Internal firebreaks, access tracks and turnaround areas are to be adequately maintained with a trafficable surface at all times for access by emergency fire vehicles.**
- 5. The owner/ operator to maintain the existing fire-fighting water tank facility in good working order to a minimum effective capacity of**

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50,000 litres (for fire fighting) and ensure the design meets the construction and vehicle access requirements of A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017);

6. Water supply to be designed and constructed so that heavy duty water firefighting equipment is able to access the supply with universal fittings.
7. The access way within the lot will be required to comply with the construction and vehicle access requirements of A4.2 of the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017).
8. Lodgement of a Compliance Certification report by a Level 3 accredited bushfire planning practitioner to the Shire Chief Executive Officer prior to commencement of operation;

The bushfire planning practitioner is to certify:

- (a) That any revised site plan lodged in accordance with Condition 1 complies with the Western Australian Guidelines for Planning in a Bushfire Prone Area (Version 1.3 dated December 2017);
 - (b) Compliance with the recommendations in the revised Bushfire Management Plan prepared by Chadwick Barron (version 5 dated September 2020); and
 - (c) Compliance with Conditions 3-7 of this approval; and
 - (d) That the owner is aware of their ongoing responsibilities to implement the recommendations of the approved Bushfire Management Plan.
9. 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.
 - 10.. The undercover parking proposed over existing road base is to be maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the revised plans submitted (PA01 Rev 040820 V1.2 dated August 2020).
 11. The development shall substantially commence within 2 years from the date of this decision. If the development does not substantially commence before expiration of the 2 year period, this approval becomes invalid and expires.

Footnotes:

- (i) A planning consent is not an approval to commence any works. A separate building permit must be obtained for all works. A Building Permit cannot be issued retrospectively therefore it is recommended

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that no buildings be placed on the land until a Building Permit is obtained.

(ii) A separate application is required for:

- Any proposed signage. Separate Main Roads approval is required for the sign in addition to approval by the Shire.
- Any proposed on-site effluent disposal. Please lodge an 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' to the Shire to process.

(iii) A separate Licence is required to operate camping grounds and a caravan park in accordance with the *Caravan Parks & Camping Grounds Act 1995*. The camping and caravan sites cannot legally operate without a Licence.

6/0 CARRIED

BACKGROUND

- **Location**

Lot 2 has been developed with the Billabong Roadhouse and short term accommodation.



Adjacent Lot 30 has been developed with a motel, tavern, restaurant / café, caravan park and service station.

- **Application Plans**

The application was originally lodged in August 2019 and included a Traffic Impact Assessment and Bushfire Management Plan. Revised plans were lodged on the 8 September 2020.

COMMENT

The application includes a new restaurant/café, new ablutions, 6 four room holiday accommodation units, 2 relocated workforce accommodation units, two additional workforce accommodation units, 6 new powered caravan sites, 10 unpowered camping sites, 2 open sided carports and car parking.

An A3 site plan is included as Attachment 1.

- ***Restaurant/ café with ablutions***

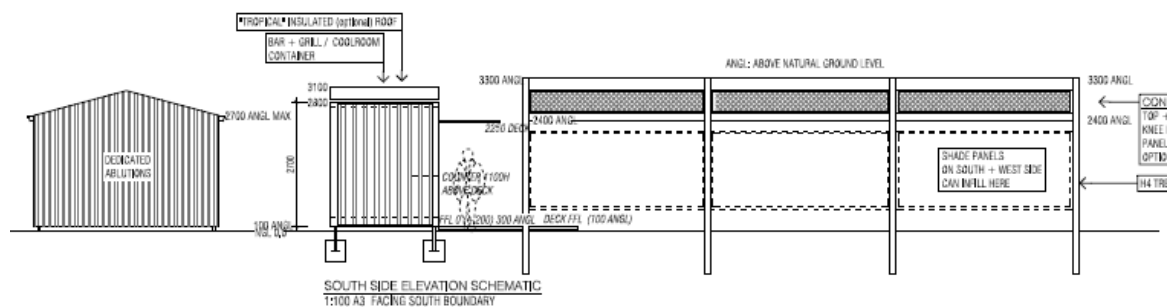
The application proposes a restaurant/café consisting of a sea container servery, and paved covered alfresco area for a maximum of 50 people (inclusive of staff). The two areas will be connected by a timber deck.

The restaurant/café is proposed to the immediate south of the existing service station building. The applicant has advised that the existing restaurant which caters for 30 seats will continue to operate.

The new decked alfresco area is expected to mainly cater for guests already staying on the lot, however it will also be open to the general public. Pizza is to be prepared in the new restaurant/café area which will cater for dining in and take away. It is proposed to operate from 3.00pm to 10.00pm 7 days a week.

The sea container will measure 2.35 metres by 12 metres, and include a cool room, bar/grill cooking and servery area. The covered alfresco area will measure 144m² – refer plans below.

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**FINAL TRANSFORMATION OF SEACONTAINER
TO LOOK VERY LIKE THIS (WHITE COLOUR SCHEME)**

A stand alone new ablution block is proposed adjacent to the restaurant/ café alfresco area for patrons.

- ***Workforce Accommodation***

There are 2 existing workforce accommodation buildings on the lot which are proposed to be relocated to the rear of the service station building. Two more workforce accommodation units (dongas) are also proposed so there will be a total of four buildings.

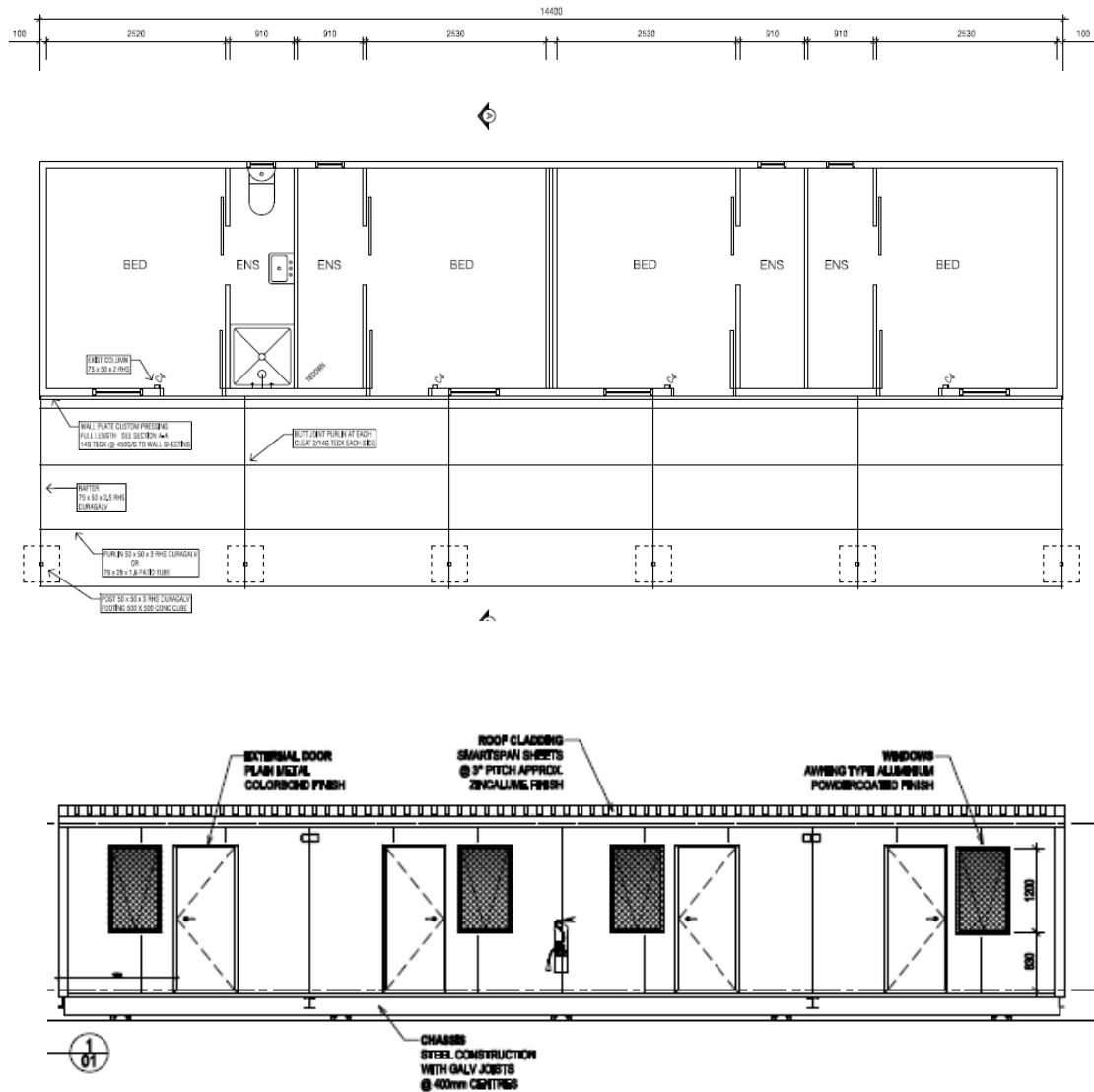
- ***Holiday Accommodation***

There are two existing holiday accommodation units on the lot which are proposed to be retained.



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Six four room holiday accommodation units are proposed in the southern portion of the lot, to the rear of the proposed restaurant/café.



- **Caravan Park**

Six caravan sites and 10 unpowered camping sites are proposed to the north west of the existing service station.

- **Zoning / Land Use Permissibility**

Lot 2 is zoned Special Use (No 6) under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Council has discretion to consider a restaurant/ café, holiday accommodation, workforce accommodation, camping ground and a caravan park under Schedule B of the Scheme within the applicable Special Use zone (No 6).

- ***Setbacks and Streetscape***

The existing service station on Lot 2 is setback 14 metres from the front boundary.

The covered alfresco area is also proposed to be setback 14 metres from the front boundary. All other proposed development is setback greater than 14 metres.

The proposed setbacks are consistent with the established building line for this lot.

The sea container (proposed as a servery) will not be visually prominent from North West Coastal Highway as it will be located to the south of the existing service station building, and will be behind the roofed alfresco area.

The majority of the proposed development will not be highly visible with the exception of the alfresco area and carports. Those structures are low scale, will be neat and tidy and setback a minimum of 14 metres from the front lot boundary. It is not anticipated that they will have any negative impact on streetscape.

- ***Traffic***

A Traffic Impact Assessment report was lodged and referred to Main Roads Western Australia as access to the North West Coastal Highway is under their control.

Main Roads Western Australia are separately trying to work with the owners of Lots 2 and 30 to improve traffic movements between the existing properties. For some time Main Roads has expressed the view that there needs to be a single shared access between Lot 2 and Lot 30.

For this reason, Main Roads initially delayed assessment of the Traffic Impact Assessment for Lot 2.

Main Roads has now confirmed support of the development application subject to the following condition being imposed:

- (a) The development shall contain all stormwater drainage within the Lot 2 boundaries.

Main Roads has also advised that it has generally been agreed with the owner of Lot 2 that further review of the existing shared access is required due to the potential for conflicting movements between vehicles.

Main Roads has recently determined that the shared access review, solution and construction should be completed separately to the development application process due to the stakeholder engagement required to achieve an agreed outcome. Main Roads is currently progressing with access design solutions as a separate issue.

- ***Car Parking***

The application proposes 1 car bay per room for the holiday accommodation units which is supported. An overflow car park (15 bays plus) is proposed to service the restaurant/ café.

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In general overall car parking provision is not anticipated to be an impediment to the proposal due to the large lot size, however it is noted that the car parking for the restaurant/ café is not in a position convenient for patrons.

The applicant proposes all car parking to be compacted road base. It is recommended that Council consider the standard of proposed car parking and whether it is appropriate for a commercial development. The majority of new commercial developments have included bitumen or concrete car parking areas and access ways, with lesser standards being applied to more remote tourist sites if appropriate.

Council has three options:

Option 1 – Accept compacted road base and / or gravel as suitable for new car parking and associated access ways.

Hardstand areas were required for the unmanned service station at Lot 1 Shark Bay Road, Denham and the service station on adjacent Lot 2 North West Coastal Highway.

Council may consider it fair and reasonable to allow more informal car parking for remote roadhouse sites.

Option 2 – Require the access and car parking for the new holiday accommodation to be sealed bitumen or concrete and drained. Allow the overflow car parking to be compacted road base.

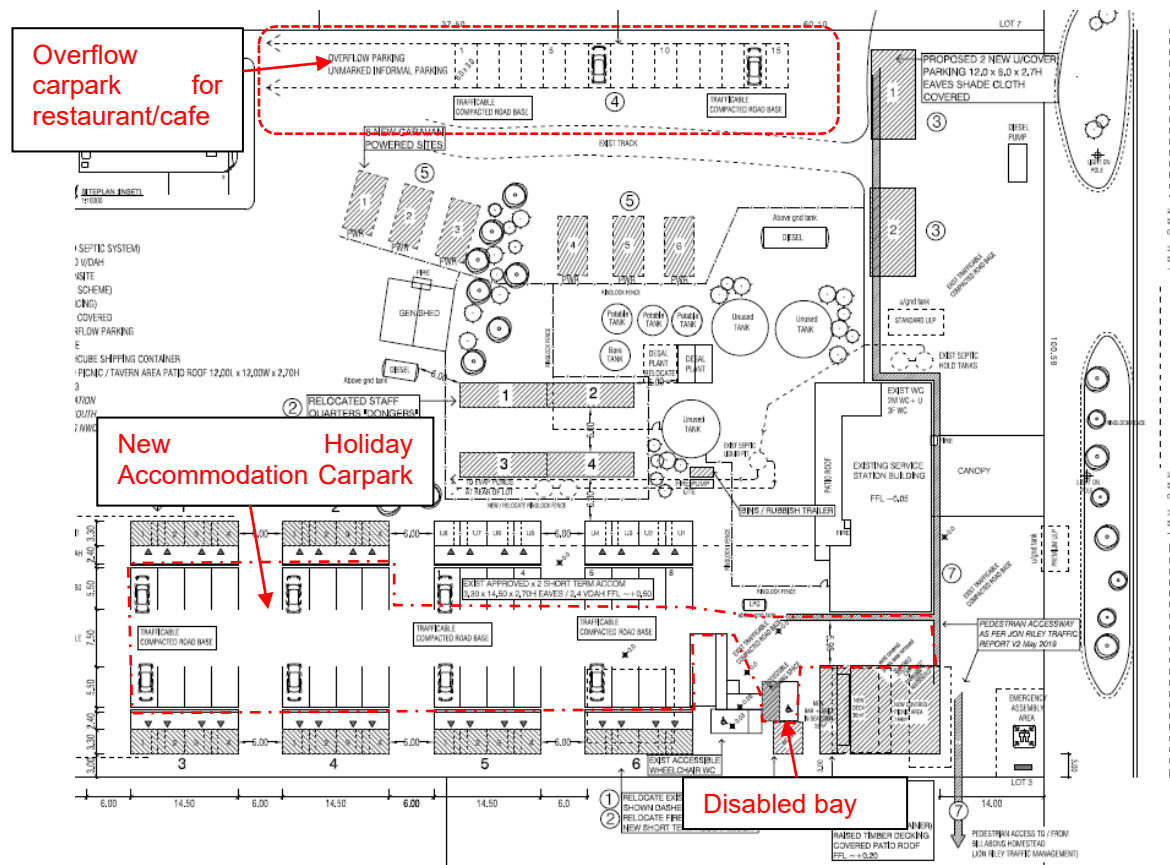
Option 2 allows for effective water catchment and drainage of car parking for the holiday accommodation, which also services the disabled bay for the restaurant/café. It is reasonable to allow a lesser standard for overflow car parking.

Option 3 – Require all new car parking to be sealed bitumen or concrete and drained.

Whilst Option 3 is also supported at an officer level, it is considered that Option 2 is a compromise and ensures the main new car parking is to a higher standard.

A plan showing the overflow carpark and car parking for new holiday accommodation is included over page.

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Ultimately car parking is to the discretion of Council.

- Bushfire Management Plan**

Lot 2 is within a declared bushfire prone area therefore a Bushfire Management Plan and Emergency Evacuation Plan has been lodged as required by State Planning Policy 3.7.

The original Bushfire Management Plan was referred to the Department of Fire and Emergency Services for comment, and has been revised to address the issues raised as summarised below:

Department of Fire and Emergency Services (DFES) comment	Town Planning Innovations Comment
Evidence to support the exclusion of Plot 3 as managed to low threat in accordance with AS3959 is required. Plot 3 is outside the lot boundary and there is no enforceable mechanism to ensure this area remains low threat or non-vegetated in perpetuity. It is acknowledged that the classification of this area is unlikely to affect the Bushfire Attack Level (BAL) rating of the proposed development.	DFES was concerned that the original BMP relied on vegetation outside of the lot boundary being maintained as low threat. A revised Bushfire Management Plan proposes that the entire lot area be managed in a low threat state. The revised BMP is self reliant and states that <i>'the widths of any potential Asset Protection Zones they would wholly be contained within the boundaries'</i> .

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The BMP does not contain a BAL assessment with the separation distances shown spatially on an aerial map or a BAL Contour Map. Given the level of development proposed for the site a BAL Contour Map would be more appropriate than a BAL assessment as it shows the potential radiant heat impacts and associated indicative BAL ratings in reference to any classified vegetation remaining within the assessment area.	A revised Bushfire Management Plan has been lodged and includes a clear Bushfire Attack Level (BAL) contour map.
The BAL ratings cannot be validated as a BAL Contour Map has not been provided as per the above table	A revised Bushfire Management Plan has been lodged and includes a clear Bushfire Attack Level (BAL) contour map.
The BMP proposes the application of acceptable solution A4.2 which requires a tank of 50,000L. However, the BMP states that a tank of only 10,000L will be provided	There was a discrepancy in the previous BMP. The revised Bushfire Management Plan includes clear statements that a 50,000 litre water tank is required. The applicant has advised that there is an existing tank fed by a bore that can be used for fire fighting purposes.
The referral has included a 'Bushfire Emergency Evacuation (Response) Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail in regard to what an EEP should include and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the decision maker.	A EEP has been lodged as part of a revised BMP.
The development design has not demonstrated compliance to – Element 1: Location, Element 2: Siting and Design or Element 4: Water.	The revised Bushfire Management Plan is clearer and appears to address the issues.

The Bushfire Management Plan includes a Bushfire Attack Level assessment and identifies that development can achieve a Bushfire Attack Level rating of Bushfire Attack Level 12.5 to Bushfire Attack Level 19. The Bushfire Attack Level map is included below.

- (iii) The Bushfire Management Plan requires other works to be implemented, such as a turnaround area for fire trucks adjacent to the water tanks, that are not reflected on the plans lodged.

- **Waste Management**

The applicant has advised that there are existing rubbish trailer / bins located to the rear of the main roadhouse building which will service the existing and proposed development.

A new septic system is proposed and will be designed by a suitably qualified consultant who will also examine the capacity of the existing ponds. The applicant has liaised with the Shires Environmental Health Officer and has been advised they will need to lodge a separate application for installation of any new effluent disposal system. New effluent disposal is proposed to cater for the restaurant/ café and accommodation units.

- **Consultation**

The original plans were referred to the adjacent landowner for comment and an objection was lodged by Altus Planning on behalf of Greg Lockyer on the 25 September 2019. The Shire referred the revised plans to Altus Planning and Greg Lockyer in October 2020 and no new submission was received.

The Shire has recently been advised of a change of ownership for Lot 30 North West Coastal Highway.

An objection to the revised plans has been lodged by Billabong Homestead Pty Ltd, as summarised below:

Summary of Submission	Town Planning Innovations Comment
The owners of Billabong Homestead Hotel Motel and Caravan Park in conjunction with the Billabong Shell Homestead believe that the application should be refused (based on the grounds listed below).	Submission Noted.
The Liquor Licencing Department of WA and the WA Police would not allow a new liquor licence on the North West Coastal Highway and they would prefer that there be no liquor outlets on the Highway.	It is not the Shires role to pre-suppose the position of the WA Police or the Department of Local Government, Sport and Cultural Industries (who determine liquor licence applications). The liquor licence process is under separate legislation. If the proponent cannot secure a separate liquor licence then they will need to make a commercial decision as to whether to proceed with the development without a licence.

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Summary of Submission	Town Planning Innovations Comment
<p>A second caravan and camping site in this location is not required as there is a more than adequate facility at the Billabong Homestead Hotel Motel which has paying its registration to the shire for many years.</p> <p>The owners of Lot 2 have been faulting the Shire rule with a free stop over camping site which has caused undesirable toileting behaviour etc by those who have used this unregistered activity as there is no facility.</p>	<p>This is not a planning matter. Regulation 67 (v) outlines that Council cannot consider the <i>'potential loss that may result between new and existing businesses'</i>.</p> <p>The Shire has previously written to the owner of Lot 2 advising that no caravan or camping sites on Lot 2 can be offered to the general public unless specific planning approval is issued by the Shire (and they obtain a Caravan Park Licence).</p> <p>This application seeks approval for formal camping and caravan sites.</p> <p>If planning approval is granted the Shire will continue to liaise with the owner of Lot 2 as they will need to apply for a separate Licence under the <i>Caravan Parks and Camping Grounds Act 1995</i> and <i>Caravan Parks and Camping Grounds Regulations 1997</i>.</p>
<p>The current sewerage system cannot cope with extra rooms as we have to deal with regular overflows of their ponds and fluid coming up to the surface.</p>	<p>The applicant has liaised with the Shires Environmental health officer and understands that they will need to address effluent disposal.</p> <p>The Shire EHO has provided the applicant with written information in regards to separate required approvals.</p>
<p>The extra Highway traffic created by COVID will settle back to a normal flow over the next 12 months and we are of the opinion that this proposed development application is more for the idea of finding someone to buy the property at an inflated amount of his mishandling of the preferred offer made by Gage Electrical.</p>	<p>Town Planning Innovations cannot decipher the point that the submitter is trying to make with this comment, however it does not appear planning related.</p>

• **Summary of Scheme requirements**

Conditions listed for the special use zone under Schedule B of the Scheme	Town Planning Innovations Comment
<p>1) Any development is to address the following matters to the satisfaction of the local government:</p>	

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a) Provision of adequate services including potable water supply;	The existing development is serviced and infrastructure can be extended to the proposed new development.
b) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management; and	The applicant has provided information on water supply for firefighting, access, car parking, location of existing rubbish bins and has liaised with the Shires Environmental Health Officer on new effluent disposal.
c) Suitable areas on site for carparking, loading, truck parking, access and traffic movements.	These are shown on the site plan and traffic is addressed in the Traffic Impact Assessment supported by Main Roads WA.
Council may refer any application to the Department of Health WA and Main Roads WA for recommendations and comment.	The proposal was referred to Main Roads WA. Depending on the volumes of wastewater, any separate effluent disposal application may be referred to the Health Department.
Council may require lodgement of a traffic impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (August 2016)</i> .	A Traffic Impact Statement was required and has been supported by Main Roads WA.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – Lot 2 is zoned 'Special Use' under the Scheme and is subject to specific conditions under Schedule B which are outlined in the body of this report. Council has discretion to consider a range of land uses as outlined in the body of this report.

Planning and Development (Local Planning Schemes) Regulations 2015

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

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Shark Bay Local Planning Scheme No 4.

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

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.

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STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

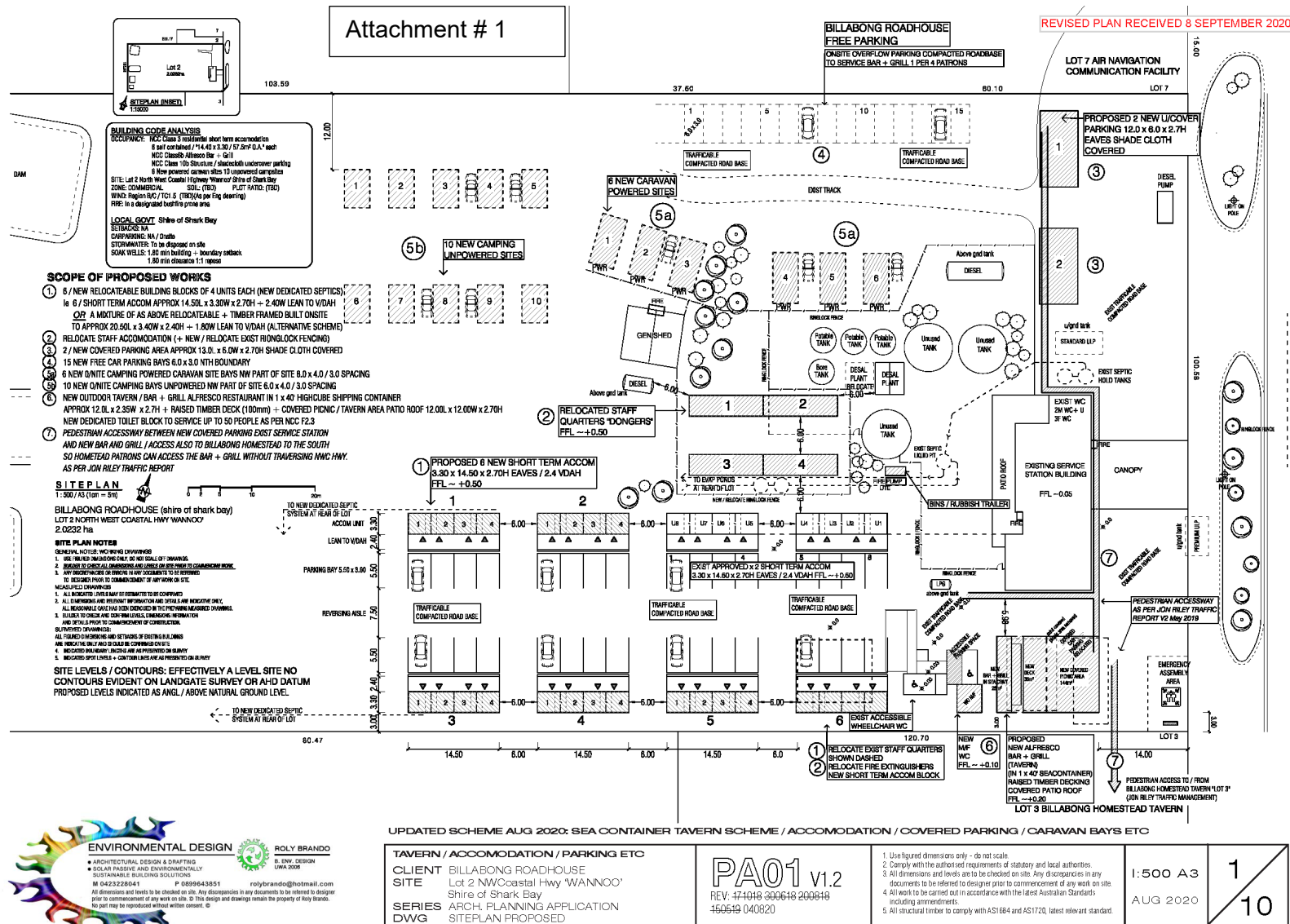
P Anderson

Date of Report

16 November 2020

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Attachment # 1



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12.2 PROPOSED INFRASTRUCTURE (DESALINATION PLANT) FOR WATER SUPPLY - LOT 100 (1)
STELLA ROWLEY DRIVE, DENHAM
P1053

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 Ridgely

Council Resolution

That Council:

- A. Note that this report outlines an optional condition that can be imposed on any approval in the event that the Shire requires the proposed sea container to be screened:**

‘Prior to the issue of a building permit, a plan shall be lodged for separate written approval of the Chief Executive Officer for additional screening of the sea container from Stella Rowley Drive.’

- B. Approve the planning application lodged for a sea container on Lot 100 (1) Stella Rowley Drive, Denham subject to the following conditions and footnotes:**

- (1) 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.**
- (2) The owner/applicant to lodge a wastewater management plan for separate written approval of the Chief Executive Officer for the disposal of wastewater.**
- (3) 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 approval does not negate the need to comply with any separate legislation such as health requirements for use of the building for desalination of water. Separate approval by the Water Corporation is required.**
- (b) In regards to Condition 2, if on site leach drains are proposed you will need to lodge a separate application to the Shire of Shark Bay**

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with details of the location and sizes. The Shire has discretion to consider accepting the details included as part of that application as being sufficient for a waste water management plan.

6/0 CARRIED

BACKGROUND

The Denham Seaside Caravan Park originally operated on Lot 309 and 310 Stella Rowley Drive Denham.

Planning approval for 20 overflow sites on Lot 309 Stella Rowley Drive Denham was approved by Council at the Ordinary Meeting held on the 30 June 2010. An application for expansion of the caravan park by approximately 50 sites was approved on the 28 August 2019.

Lot 309 and 310 have been amalgamated and are now known as Lot 100 (1) Stella Rowley Drive, Denham.

A location plan is included below for ease of reference.



Location Plan

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COMMENT

- *Description of Application*

The owners have advised that they propose to place a 20 foot sea container on the lot, with a width of 2.438 metres and height of 2.591 metres. It will be located behind an existing limestone wall already constructed along the Stella Rowley Drive lot boundary, adjacent to existing water tanks.

The purpose of the sea container is to desalinate the Water Corporation supplied saline water using reverse Osmosis and convert it into fresh drinking water.

The owner has liaised directly with the Water Corporation and the Department of Water and Environmental Regulation in regards to the proposal, as separate approvals by other authorities need to be obtained.

The Water Corporation supplied saline water is currently used to service the existing caravan park for toilet flushing, washing machines and watering plants. The maximum desalinated water output will be approximately 50 kilolitres per day with 75% efficiency.

It is estimated that the maximum residual saline water to be disposed of per day will be 17 kilolitres. The owner has had discussions with the Water Corporation about potentially disposing of waste water through proposed leach drains as:

- (i) They already use saline water for reticulation of the existing lot (which would have a similar salinity impact through evaporation);
- (ii) The ground water is already at higher salinity than the disposal water;
- (iii) The nearest groundwater is approximately 16-18 metres.

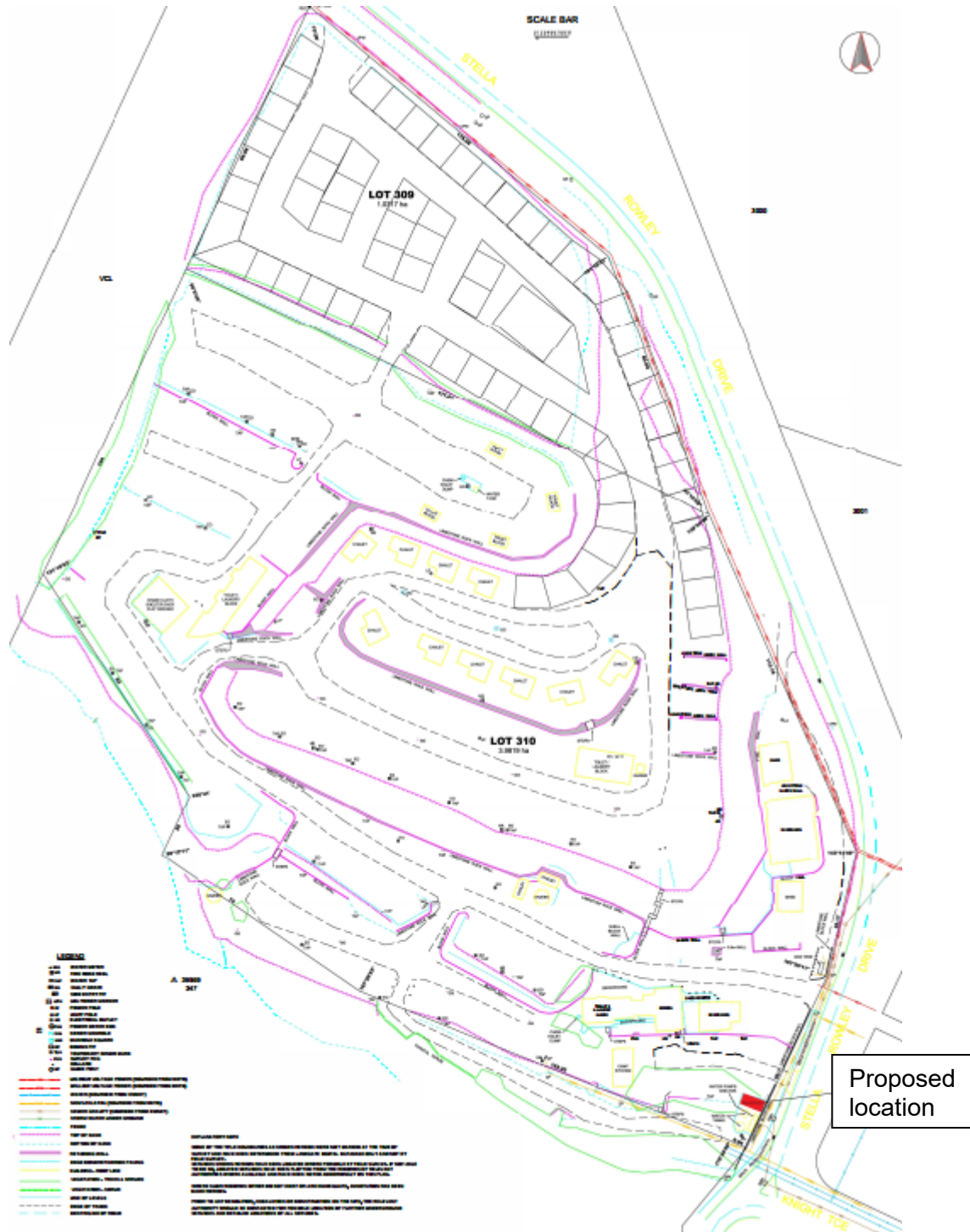
The Shires Environmental Health Officer has advised the owners will need to lodge a separate application for approval if on site waste water disposal is proposed via leach drains.

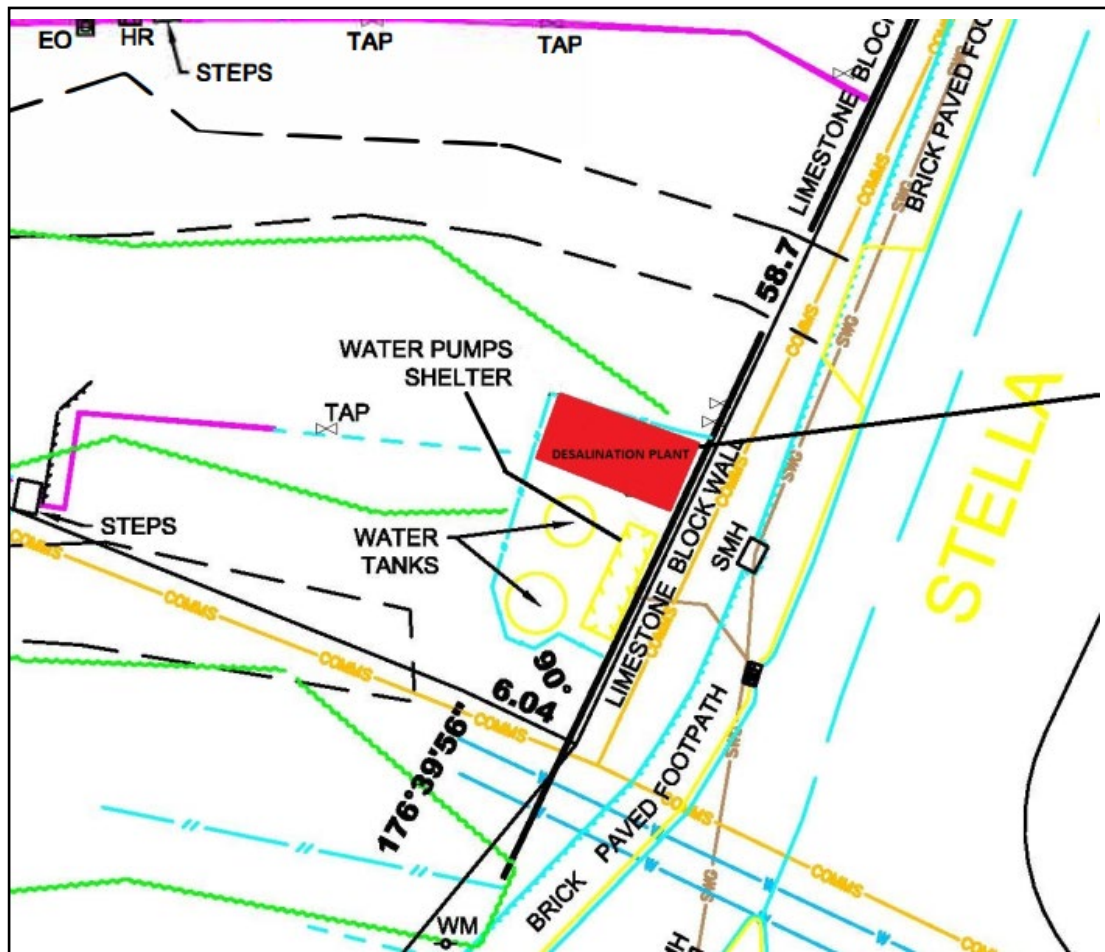
Regular water testing is required to ensure that the water quality meets the required drinking standards. The water will be tested using PathWest or an alternative accredited testing laboratory. Water test results will be available to the shire and the owner welcomes the Shire to also undertake their own testing if deemed appropriate.

The Department of Water and Environmental Regulation has advised the owner in writing that the desalination plant is for self-supply so it is not a water service as defined under the *Water Services Act 2012*, and therefore would not need a water services licence or exemption.

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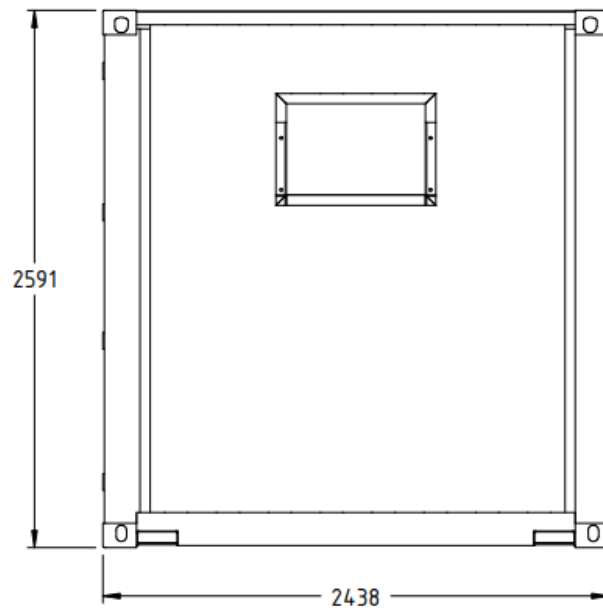
A site plan is included below.



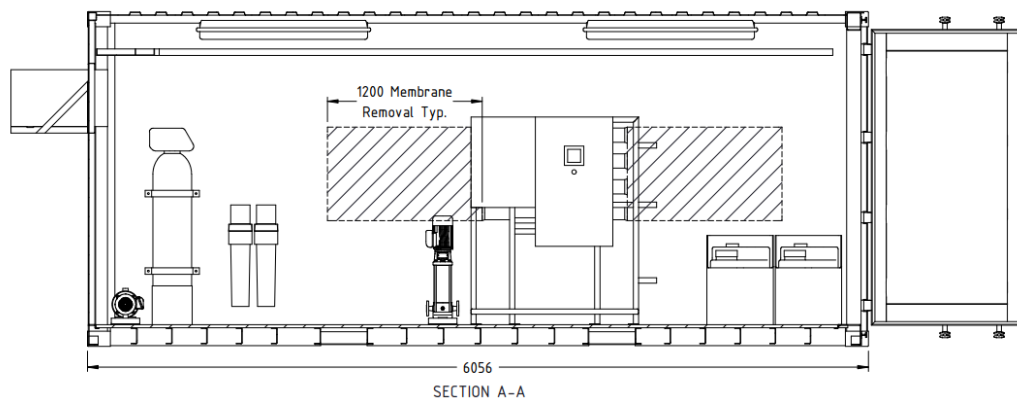


Above: Enlargement of location

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Above: Elevation facing Stella Rowley Drive



Above: Cross section



A MAK Water containerised RO plant with ClearAccess™ installed on a remote site



A MAK Water skid mounted RO plant installed onsite

Above: Photos of a similar development

The owner has lodged documents on the proposed system which includes external and internal photos of the proposed desalination building, which is available to Councillors on request.

- ***Setbacks and Streetscape***

The proposed sea container will have minimal setbacks to the front lot boundary. The existing limestone wall is on a slope so the right hand side of the third panel measures 1.36 metres while the left hand side is 1.49 metres.

This means that a 1.1 to 1.23 metre portion of the sea container will be visible above the limestone wall.

Although the proposed sea container will be visible from the street, it will be neat and tidy.



If Council has any concerns over visual appearance a condition can be imposed to require some form of screening to the satisfaction of the Chief Executive Officer as follows:

'Prior to the issue of a building permit, a plan shall be lodged for separate written approval of the Chief Executive Officer for additional screening of the sea container from Stella Rowley Drive.'

There are a number of options for screening such as increasing the limestone wall height, planting and maintaining trees on the verge, or some other built screen.

- ***Bushfire Management***

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 lot is within the declared bushfire prone area (pink area).

As a caravan park is a 'vulnerable' land use State Planning Policy 3.7. The Shire approved a Bushfire Management Plan for the north portion of the subject land (then known as Lot 309) as part of a previous planning approval.

A revised Bushfire Management Plan and / or Bushfire Attack Level assessment is not recommended for the proposed desalination plant as:

1. The proposal constitutes ancillary development as it is infrastructure for water supply to service the predominant use being the existing caravan park. It could be argued that it is ancillary and does not need planning approval (like water tanks).
2. The development will not result in any significant increase of staff on site.
3. The proposal will not increase bushfire risk.
4. Higher construction standards do apply to the proposed development at the separate building permit stage.

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 -

Lot 100 Stella Rowley Drive are zoned 'Special Use' (No 1) under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

A caravan park is a 'D' use in the applicable Special Use zone which '*means that the use is not permitted unless the local government has exercised its discretion by granting development approval*'.

The proposed development is ancillary to the existing caravan park use.

POLICY IMPLICATIONS

There are no local planning policies applicable to this development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The proposal addresses the Councils following strategy:

- Economic a progressive and resilient community;
- Supported local business and further investment in the district encouraged.

ORDINARY COUNCIL MEETING

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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 November 2020

25 NOVEMBER 2020

12.3 REQUEST TO MODIFY CONDITION OF EXISTING PLANNING APPROVAL FOR A UNMANNED SERVICE STATION – LOT 1 SHARK BAY ROAD, DENHAM (CORNER MONKEY MIA ROAD) P1347

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*

Officer Recommendation

That Council:

1. Note that an application has been lodged by Tomahawk Property who has been engaged as a Project Manager by the owner, Oregon Nominees Pty Ltd.
The application seeks to vary Condition 4 of an existing development approval dated the 31 July 2020 for an unmanned service station on Lot 1 Shark Bay Road in Denham.
Condition 4 currently requires all trafficable areas to be constructed out of hardstand concrete or bitumen. The applicant seeks approval to construct most of the trafficable areas out of compacted road base, and limit concrete areas to around the bowzers.
2. Note that three options have been outlined in the body of this report.
- 3a. Option 1 – Refuse the applicants request for a modified Condition 4
Refuse the application to modify Condition 4 of the existing development approval dated the 31 July 2020 for an unmanned service station on Lot 1 Shark Bay Road in Denham in accordance with Clause 77 (4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - (i) The proposal is contrary to the objectives of the Special Use applicable to Lot 1 *‘to promote a high standard of development including buildings, landscaping and carparking’* and *‘to ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite.’*
 - (ii) The request is inconsistent with the approved Local Development Plan for Lot 1 which requires *‘all trafficable areas including vehicle parking, loading areas, manoeuvring and circulation areas shall be designed, constructed, sealed (concrete or bitumen), line marked and kerbed.’*
 - (iii) Monkey Mia Road and Shark Bay Road fall under the jurisdiction of Main Roads Western Australia. Main Roads WA does not support the proposal and has identified concerns that it will create an unsafe traffic environment.
 - (iv) The proposal will result in a lower standard of development, is not in the interest of orderly and proper planning and will set an undesirable precedent for other future developments in Denham Townsite.
 - (v) The reasons provided by the applicant for the request (such as cost and viability) are not valid planning considerations.
 - (vi) The proposal has potential to cause dust nuisance, for material to be carried out to roads, and limit opportunities for comprehensive drainage management.
- 3b. Option 2 - Approve the applicants request for a modified Condition 4 (to allow road base material)

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Approve the application to modify Condition 4 of the existing development approval dated the 31 July 2020 for an unmanned service station on Lot 1 Shark Bay Road in Denham in accordance with Clause 77 (4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The modified Condition 4 will state as follows:

- “4. All trafficable areas including vehicle parking, bowser parking areas, loading areas, vehicle manoeuvring and circulation areas shall be designed in accordance with the revised plan dated 25 August 2020 (1920-010) and be constructed out of compacted road base (and concrete for the bowser area) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development. “

Moved Cr Smith
Seconded Cr Fenny

Council Resolution

That Council:

1. **Note that an application has been lodged by Tomahawk Property who has been engaged as a Project Manager by the owner, Oregon Nominees Pty Ltd.**

The application seeks to vary Condition 4 of an existing development approval dated the 31 July 2020 for an unmanned service station on Lot 1 Shark Bay Road in Denham.

Condition 4 currently requires all trafficable areas to be constructed out of hardstand concrete or bitumen. The applicant seeks approval to construct most of the trafficable areas out of compacted road base, and limit concrete areas to around the bowzers.

2. **Note that two options have been outlined in the body of this report.**
3. **Refuse the application to modify Condition 4 of the existing development approval dated the 31 July 2020 for an unmanned service station on Lot 1 Shark Bay Road in Denham in accordance with Clause 77 (4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - (i) **The proposal is contrary to the objectives of the Special Use applicable to Lot 1 ‘to promote a high standard of development including buildings, landscaping and carparking’ and ‘to ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite.’**
 - (ii) **The request is inconsistent with the approved Local Development Plan for Lot 1 which requires ‘all trafficable areas including vehicle parking, loading areas, manoeuvring and circulation areas shall be designed, constructed, sealed (concrete or bitumen), line marked and kerbed.’**

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- (iii) **Monkey Mia Road and Shark Bay Road fall under the jurisdiction of Main Roads Western Australia. Main Roads WA does not support the proposal and has identified concerns that it will create an unsafe traffic environment.**
- (iv) **The proposal will result in a lower standard of development, is not in the interest of orderly and proper planning and will set an undesirable precedent for other future developments in Denham Townsite.**
- (v) **The reasons provided by the applicant for the request (such as cost and viability) are not valid planning considerations.**
- (vi) **The proposal has potential to cause dust nuisance, for material to be carried out to roads, and limit opportunities for comprehensive drainage management.**

6/0 CARRIED

BACKGROUND

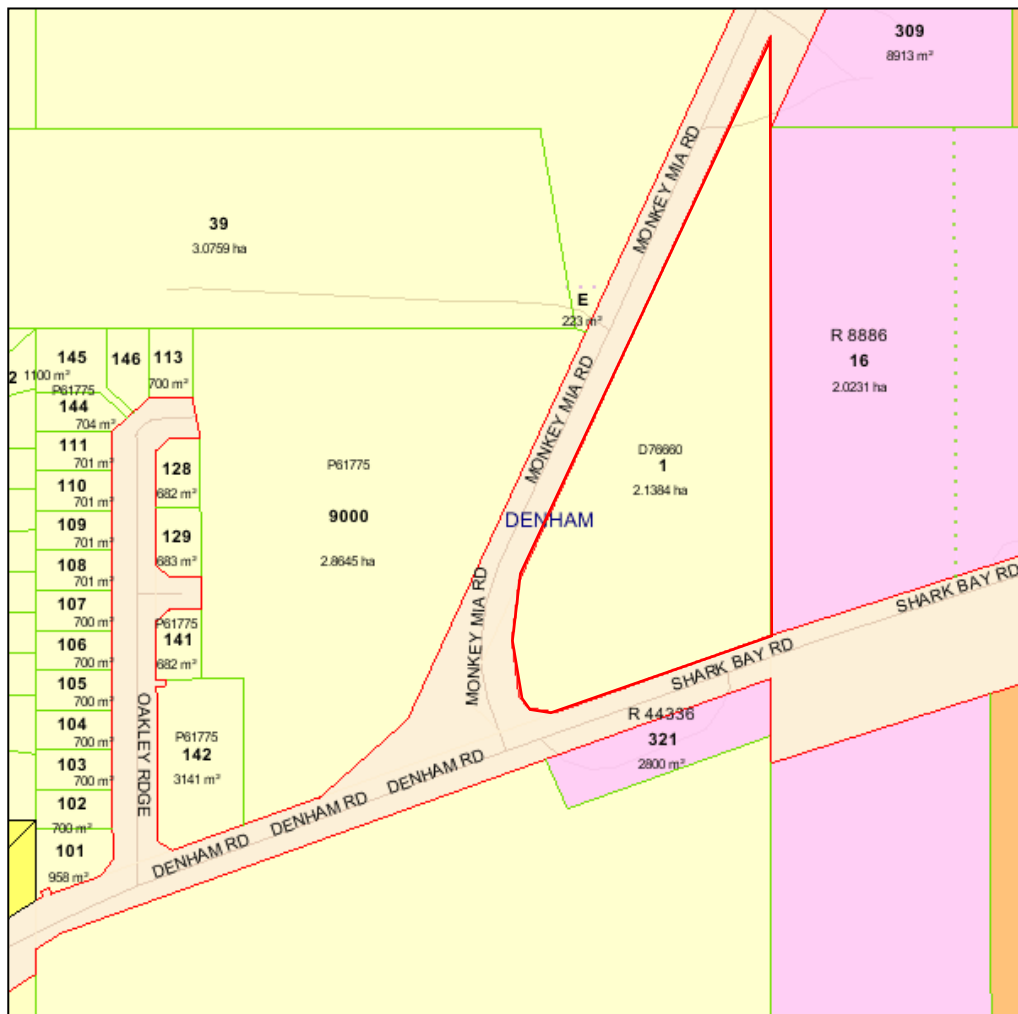
- ***Location***

Lot 1 is located on the corner of Shark Bay Road and Monkey Mia Road in Denham. It has an approximate area of 2.13 hectares and is vacant.

A cemetery is located on adjacent Reserve 886 to the immediate east.

There is potential for future residential lots and a road extension of Oakley Ridge to the west, in accordance with an existing Outline Development Plan (now referred to as Structure Plan).

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Location Plan

- Relevant Council decisions**

Council has considered a number of reports relating to this land as summarised below:

Ordinary Meeting date	Council	Summary of Council decision
27 February 2018		<p>Council considered a preliminary report on a proposed unmanned service station on the subject land.</p> <p>Council resolved to formally write to the Western Australian Planning Commission seeking advice on whether they agree that a Local Development Plan is beneficial to allow for co-ordinated development and integrated traffic circulation consistent with the objectives / conditions for the Special Use zone applicable to Lot 1.</p> <p>The Western Australian Planning Commission agreed that a Local Development Plan should be required.</p>

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27 February 2019	<p>Council resolved to advertise a Local Development Plan for the subject land.</p> <p>In the report to Council it stated:</p> <p><i>“Town Planning Innovations is of the view that the Local Development Plan will assist achievement of a higher quality development outcome for the site as:</i></p> <ul style="list-style-type: none"> <i>i. It allows for limited crossovers and integrated internal access between the proposed service station and any future development on the south portion of the lot;</i> <i>ii. Higher quality standards are proposed with previously identified gravel traffic circulation areas being replaced by concrete and bitumen;</i> <i>iii. Provision made for a future corner building addressing both available road frontages through a designated building envelope;</i> <i>iv. Landscaping to consist of a combination of trees and groundcovers; and</i> <i>v. Specific provisions and conditions on the Local Development will guide both the service station proposal and any future development on the lot. TPI drafted the provisions in consultation with the Chief Executive Officer to provide guidance to the applicant. “</i>
5 June 2020	<p>Council approved a Local Development Plan for Lot 1, and a development application for an unmanned service station.</p>

- **Zoning**

Lot 1 is zoned ‘Special Use’ under the Shire of Shark Bay Local Planning Scheme No 3 (‘the Scheme’). It is listed as Special Use No 4 in Schedule 4 of the Scheme.

The objectives for Special Use No 4 are:

- To ensure that any development is compatible with the Town Centre and surrounding zoning.
- To provide for a wide range of compatible landuses and encourage opportunities for mixed use development.
- To encourage development of attractive place to work and conduct business.
- To promote a high standard of development including buildings, landscaping and carparking.
- To ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite.

A condition for the special use zone states that *‘in determining any application, Council shall have regard for the objectives listed for this site’*.

Specific conditions apply to the special use lot as included in Attachment 1.

- **Approved Local Development Plan**

The approved Local Development Plan for Lot 1 is included as Attachment 2.

The Local Development Plan lists a number of purposes including to *'facilitate co-ordinated development over the entire lot and provide guidance on future building design elements to ensure a high quality development outcome is achieved consistent with the prominent high exposure location of this strategic site'*.

The objective of the Local Development Plan states that *'All development shall demonstrate compliance with the objectives outlines for Special Use Zone No 3 under Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.'*

Most relevant to this agenda report is that the Local Development Plan includes the following provision:

'7.0 Carparking and trafficable areas

All trafficable areas including vehicle parking, loading areas, manoeuvring and circulation areas shall be designed, constructed, sealed (concrete or bitumen), line marked and kerbed.

All stormwater from roof and hardstand areas shall be collected and disposed of on site.'

- **Existing Planning Approval**

Planning approval for an unmanned service station on Lot 1 was issued on the 31 July 2019 – Attachment 3.

Condition 4 of the approval states:

"4. All trafficable areas including vehicle parking, bowser parking areas, loading areas, vehicle manoeuvring and circulation areas on the approved site plan shall be designed in accordance with the Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019 and be constructed and sealed (concrete and/ or bitumen) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development. "

- **Traffic Impact Assessment**

Both Shark Bay Road and Monkey Mia Road fall under the jurisdiction of Main Roads Western Australia. Main Roads approval is required for any crossovers.

The proponent lodged a Traffic Impact Assessment report as part of their 2019 planning application which was supported by Main Roads Western Australia.

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COMMENT

- ***Application details***

A new application has been lodged seeking to vary Condition 4 of the existing planning approval.

The applicant has lodged a letter in support of their request which is included as Attachment 4. The applicant has lodged a revised site plan – refer Attachment 5.

The applicants advice is summarised in the table below:

Summary of Applicant comment	Town Planning Innovations Comment
<p>They are proposing the use of compacted road base as hard stand for the construction of the unmanned fuel station.</p> <p>The road base will be using local materials with a dustex sealer as an alternative to sealing the site as requested in Condition 4.</p>	<p>The use of compacted road base is not supported. The Local Development Plan was supported with provisions requiring trafficable areas to be constructed out of concrete or bitumen to achieve a high quality development outcome consistent with the provisions of the Scheme that apply to the Special use zone for Lot 1.</p> <p>The applicants proposal would result in a lower quality development outcome. It is considered reasonable and in the interest of orderly and proper planning to require service stations to include hardstand areas.</p>
<p>They also propose that the crossovers be made of compacted hardstand with a 1m concrete strip.</p> <p>The road base will be suitably compacted having a minimum of 100mm thickness which will be designed and constructed to the satisfaction of the Shire requirements.</p>	<p>Irrespective of the planning approval, the applicant requires separate approval from Main Roads WA for any crossovers. Main Roads has advised they do not support the applicants proposal.</p> <p>It should be noted that the applicant has not requested deletion of Condition 9 relating to crossover construction.</p>
<p>The road base will be supplied by a trusted contractor which will provide an A-Grade road base which is made of a mixture of cracker dust and fine stones that will be wet and compacted to form smooth and durable surface. We see the use of compacted road base as a long-term solution to future maintenance costs and will reduce any potential delays in the future that may occur due to maintenance.</p>	<p>Maintenance costs are not a planning consideration.</p> <p>If the trafficable areas are constructed to a high standard then it is difficult to anticipate that there will significant maintenance costs.</p>
<p>We have recently completed an unmanned fuel station for the same client resembling what is proposed at Denham which was approved by the Shire of Carnarvon. The Shire initially requested that the site be sealed however this was ultimately approved with the requirement for compacted road base as an alternative to sealing the site. The Shire of Carnarvon</p>	<p>This statement is incorrect. The Shire of Carnarvon considered an application for an unmanned service station on Lot 62 (No 45) Banksia Drive, Coral Bay at their Ordinary Meeting held on the 24 March 2020.</p> <p>The Principal Planner recommended that a sealed hardstand surface be provided to all</p>

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<p>agreed to the use of road base at 45 Banksia Drive, Coral Bay, the unmanned fuel station is operating efficiently and supplying tourists and the local community with fuel. No dust complaints have been received. The need to seal the Denham site as per Condition 4 will cause the development to be commercially unviable and will reduce supply of fuel available to locals and tourists.</p>	<p>internal vehicle access and manoeuvring areas.</p> <p>The Shire of Carnarvon Council imposed a modified condition (No 3) that requires provision of a sealed hardstand surface for all internal vehicle access and manoeuvring areas within 3 years.</p> <p>Effectively the Council supported gravel surfacing for 3 years and requires it to be hardstand after 3 years.</p> <p>The Carnarvon minutes are included as Attachment 6.</p> <p>Irrespective of the above, any decision made by the Shire of Carnarvon Council does not have any relevance or set a precedent for development in the Shire of Shark Bay.</p> <p>The commercial viability of the development is not a planning consideration.</p>
<p>The forecourt surrounding the tank and fuel bowsters will be sealed by concrete.</p>	<p>Noted. Town Planning Innovations is of the view that all traffic circulation areas should be of a higher standard and not limited to the fuel bowser area.</p> <p>It is a normal, standard and reasonable expectation for service stations to be developed properly with sealed hardstand areas.</p>
<p>Currently there are 2 existing service stations within Denham which are located at 85 and 97 Knight Terrace, respectively. The Department of Water and Environmental Regulation has identified the service station located on 97 Knight Terrace as being "Contaminated – remediation required". Remediation is required to reduce the risk to human health and the surrounding environment.</p> <p>From a risk perspective the new unmanned fuel station will meet new regulations set by the Dangerous Goods Safety Act 2004 and have a new fuel system which will be engineered to meet modern industry standards.</p>	<p>The two existing service stations are historic and not relevant to the current proposal.</p> <p>A service station on Lot 1 is only supported if it is developed to a high standard. Town Planning Innovations is of a view that a substandard development outcome would be achieved if the applicants request is agreed to, and it will set an undesirable precedent for other new future developments in Denham townsite.</p>
<p>From a traffic perspective the site can service at least three 19m long</p>	<p>The traffic situation in Knight Terrace is not relevant to this proposal.</p>

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<p>semi-trailers within the site at any one time. This is stated in the Traffic Impact Study that was carried out by Greenfield Technical Services on the unmanned fuel site. The fuel station will be accessible on a 24-hour basis and will be able to service all vehicle types due to the large trafficable area design. The existing service stations in Denham are shown to have much tighter trafficable areas increasing the risk of queuing occurring on Knight Terrace during peak times which is the main road servicing the Denham town centre.</p>	<p>Main Roads Western Australia has advised that they have concerns that if the applicant utilised compacted road base as a material it would create an unsafe environment.</p>
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- **Main Roads WA**

Town Planning Innovations has liaised with Main Roads Western Australia and they advise that they have already provided comment on this proposal directly to the applicant on the 11 September 2020 as follows:

'Main Roads would not be supportive of any amendment of the development application condition that refers to sealing of the driveways.

The future Monkey Mia Road realignment planning in this area, which is required as part of the future intersection upgrade, has not had funding committed or prioritized. Any crossovers affected by the realignment will be reconstructed as part of the overall works.

Considering the Planning and Development Regulations, 2015 clause 67, please find the following points to justify why the crossovers, driveways and forecourt area shall be sealed:

- *Driveway access to roads managed by Main Roads considers the safety and efficiency of the network and all road users. Service Stations may have two access locations onto state roads, if there are no local road alternatives. One of the reasons two access points are considered, is that one way traffic movement is generally understood to reduce conflict at the access points onto the road for the volumes that can be generated by service stations.*
- *A sealed driveway generally provides vehicles with greater control to enter / egress a sealed road.*
- *Unsealed driveway material has the potential to be carried on to sealed roads, especially from larger vehicles. This material has the potential to crack windscreens and effect traction of vehicles passing on the road, creating an unsafe environment.*

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- *An unsealed driveway is likely to require more frequent maintenance, which has associated costs and risks for completing this work within a road reserve. An unsealed crossover may be more expensive in the long run. In order to complete the maintenance of a driveway in the road reserve, an application to undertake work within the road reserve is required each time, complete with traffic management plans.*
- *The stormwater from the development must be contained within the future lot boundary. The Water Quality Protection note from the Department of Water provides further guidance for service stations in regards to the stormwater drainage*

(Please note: the definition of driveway starts from the edge of the road seal and extends into the lot. The definition of crossover is used when just referring to part of the driveway in the road reserve)

For all works within a state road reserve managed by Main Roads, an application is required. Please refer to the following link for procedure and application documents, under Third Party Works.'

- **Options Available to Council**

Option 1 – Refuse the applicants request for a modified Condition 4 and maintain the position that all traffic circulation areas and the crossover should be constructed out of bitumen or concrete

Lot 1 is on a prominent corner and the existing Scheme provisions are orientated towards achieving a good quality development outcome for the site, as reflected in the provisions of the approved Local Development Plan.

The Scheme promotes a '*high standard of development including buildings, landscaping and car parking*'. It is not unreasonable to require traffic circulation areas to be constructed and sealed as part of the development proposal.

The use of concrete or bitumen for sealed trafficable areas would achieve a better development outcome, maximise dust suppression, prevent material becoming loose and being carried onto adjacent sealed roads, and allow for water to be more readily captured to contain drainage on site. Main Roads Western Australia has previously advised that water should not drain into the road reserve.

Main Roads Western Australia provided a photograph (below) of the Coral Bay service station.



The Main Roads submission has clearly identified reasons why the modified condition should not be supported. Town Planning Innovations recommends Council pursue Option 1 and support the position of Main Roads (as the responsible authority for both Shark Bay Road and Monkey Mia Road).

It should be noted that Condition 11 requires the hardstand areas to be adequately drained. Enforcement of this condition may be difficult if the concrete areas are limited to the bowzers.

Option 2 – Approve the applicants request for a modified Condition 4

Option 2 is not supported for the reasons outlined in the body of this report.

LEGAL IMPLICATIONS

Planning and Development Act 2005 – The applicant has a right to apply to the State Administrative Tribunal for a review of the decision.

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

Clause 56(1) outlines that the local government is to have due regard to an approved Local Development Plan, but is not bound by the Local Development Plan when deciding on an application. This means that Council has to seriously consider the Local Development Plan as part of the decision making process.

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.

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Council cannot take into account potential loss that may result from economic competition between new and existing businesses.

Clause 77 outlines that an owner may apply to amend or delete any condition on an existing development approval.

Under Clause 77(4) the local government may determine the application by –

- (a) Approving the application without conditions;
- (b) Approving the application with conditions; or
- (c.) Refusing the application.

Under Clause 76(1) a local government decision to refuse to amend a development approval on an application made under Clause 77 is a 'reviewable decision' (which means that the applicant has a right to apply to the State Administrative Tribunal for a review of the decision).

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

The approved Local Development Plan strategically plans for co-ordinated development of Lot 1.

• ***Shire of Shark Bay Local Planning Strategy***

No zoning changes for Lot 1 were identified under the Local Planning Strategy.

The Strategy recognises that the Scheme allows for a wide range of land uses on Lot 1 and states that *'it is not anticipated that all of the permissible uses will locate on the site however it does provide opportunities for businesses which are not suited to the town centre, require commercial exposure, visibility and passing trade, have larger land requirements, and are not appropriately catered for in the more isolated industrial area'*.

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

10 November 2020

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ATTACHMENT # 1

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

The symbols used for land use permissibility in Schedule B shall have the same meaning as the symbols under Clause 18 (2).

No.	Description of Land	Special Use	Conditions
SU1.	Lot 310 Stella Rowley Drive, Denham and Unallocated Crown Land (Lot 309)	<p>As 'D' use:</p> <ul style="list-style-type: none"> • Caravan park • Camping ground • Holiday accommodation • Tourist development <p>As 'I' use:</p> <ul style="list-style-type: none"> • Shop 	As required by the local government.
SU2.	Lot 9502 Shark Bay Road, Denham	<p>As 'D' Use:</p> <ul style="list-style-type: none"> • Group dwelling • Holiday accommodation • Restaurant/cafe • Recreation - private • Single house • Tourist development <p>As 'I' use:</p> <ul style="list-style-type: none"> • Tavern 	<p>Any subdivision shall be generally in accordance with an approved Structure Plan. Any Structure Plan shall be developed in accordance with Part 4, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and will address the following:</p> <ul style="list-style-type: none"> • Development should be set back and buffered from adjoining residential uses to the satisfaction of the local government; and • Development should be setback from the dune ridge on the southern boundary of the site, and this ridge should be landscaped and protected to the satisfaction of the local government.
SU3	Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham	<p>As 'D' Uses:</p> <ul style="list-style-type: none"> • Bulky goods showroom • Carpark • Convenience store • Garden centre • Industry – light • Motor vehicle, boat or caravan sales • Motor vehicle repair • Motor Vehicle Wash • Office • Restaurant/ cafe • Service station • Warehouse/storage 	<p><u>Objectives</u></p> <ul style="list-style-type: none"> • To ensure that any development is compatible with the Commercial and surrounding zoning. • To provide for a wide range of compatible landuses and encourage opportunities for mixed use development. • To encourage development of an attractive place to work and conduct business.

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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham (continued)		<ul style="list-style-type: none"> To promote a high standard of development including buildings, landscaping and carparking. To ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite. <p><u>Conditions</u></p> <ol style="list-style-type: none"> Any development is to have quality building facades fronting Shark Bay Road and Monkey Mia Road. The layout of carparking areas shall be designed with high regard for traffic circulation between developments on the same lot, and shall be integrated to allow for good on site traffic management and flow. Development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government and Main Roads WA. The boundary of the site abutting the Cemetery Reserve No. 8886 shall be landscaped to the satisfaction of the local government. Council may require lodgement of a landscaping plan as a condition of any development. Council may require lodgement of a transport impact assessment for any new development, prepared in accordance with the WAPC's <i>Transport Impact Assessment Guidelines</i> (August 2016).

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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	<p>Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham</p> <p>(continued)</p>		<p>7) Council shall only consider 'motor vehicle repair' as a stand-alone development, where:</p> <p>(i) The building is of a high quality with adequate on site carparking and landscaping to the satisfaction of Council;</p> <p>(ii) The use is confined to those activities as defined in the 'motor vehicle repair' landuse definition in Clause 40 servicing as a predominant activity; and</p> <p>(iii) The use shall not include any motor vehicle wrecking (which is defined separately in the Scheme) dismantling of vehicles, or storage of any car bodies on site; and</p> <p>(iv) Any external storage shall be confined to the side or rear of a building and must be adequately screened from public view to the satisfaction of Council; and</p> <p>(v) The workshop floorspace within Special Use 3 shall be limited to a maximum area of 300m² (excluding office and amenities) to the satisfaction of Council.</p> <p>8) In determining any application, Council will have regard for the objectives listed for this site.</p> <p>9) The Local Government may require a local development plan as a means to guide future development as provided for under Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

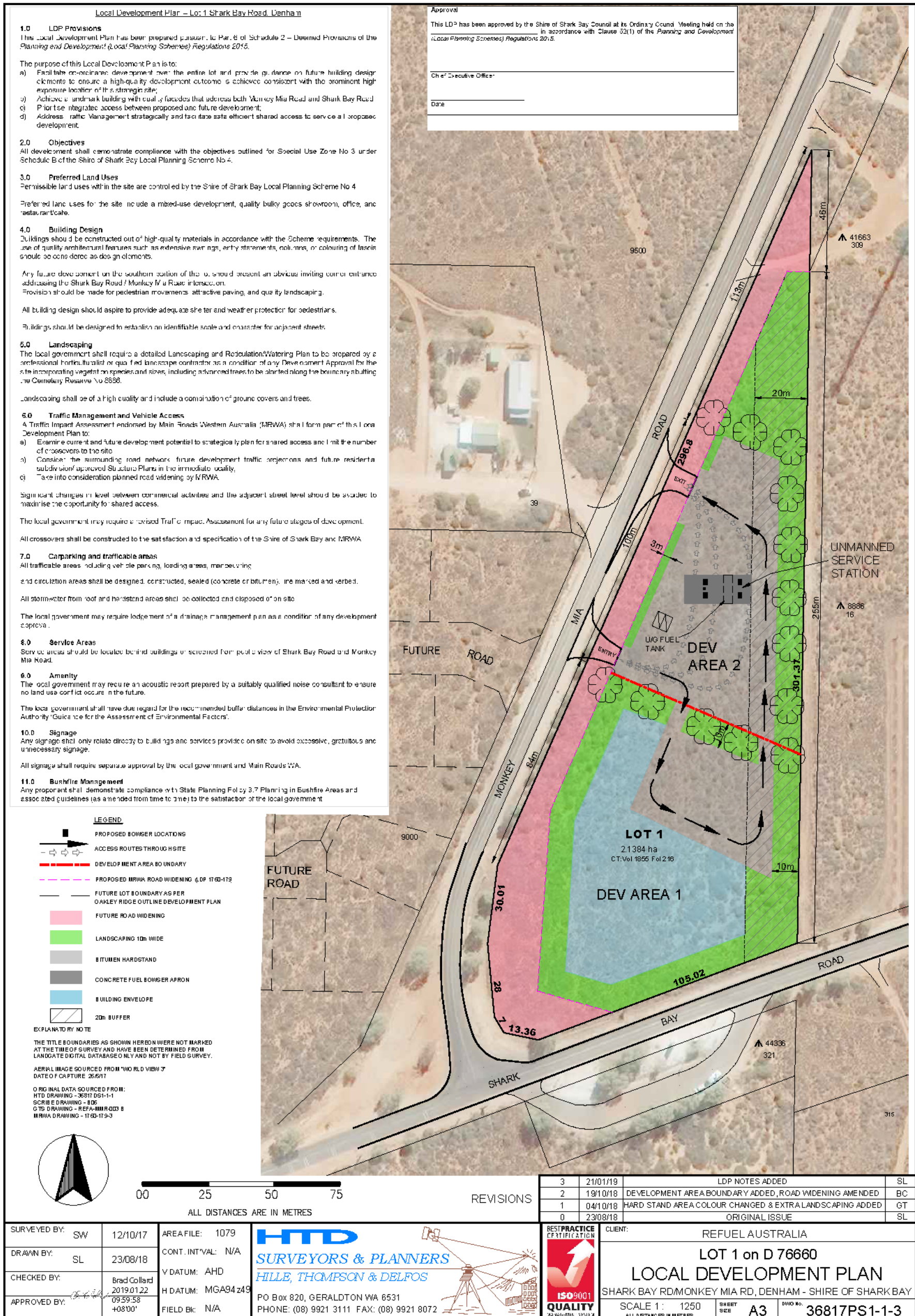
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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU3	Lot 1 Monkey Mia Road / corner Shark Bay Road, Denham (continued)		10) Notwithstanding condition (9), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU4	Lots 1, 2, 3 and 4 Nanga Road, Nanga (continued)	As 'D' use: <ul style="list-style-type: none"> - Agriculture - intensive - Ancillary dwelling - Camping ground - Caravan park - Carpark - Exhibition centre - Holiday accommodation - Motel - Office - Park home park - Reception centre - Restaurant/cafe - Service station - Shop - Short term accommodation - Single house - Tourist development - Tavern - Waste disposal facility - Waste storage facility - Workforce accommodation 	1) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government. The Local Development Plan is to address the following: (a) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area; (b) Provision of adequate services including potable water supply; (c) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas and rubbish management;

Attachment # 2



25 NOVEMBER 2020

Attachment # 3

O-CR-17885 / P1347

Liz Bushby

**NOTICE OF DETERMINATION ON APPLICATION FOR
PLANNING APPROVAL
(Clause 10.4.1)**

Planning and Development Act 2005

Shire of Shark Bay

Determination on Application for Planning Approval

Location: DENHAM	
Lot: 1 SHARK BAY ROAD	Plan/Diagram:
Volume No:	Folio No:
Application Date: 27 MARCH 2019	Received on: 27 MARCH 2019
Description of proposed development: UNMANNED FUEL SERVICE STATION	
The application for planning approval is:	
√	Granted subject to the following conditions:
<p>Conditions:</p> <ol style="list-style-type: none"> 1. All development shall be generally in accordance with; <ol style="list-style-type: none"> (a) the revised site plan dated 25/10/2018 (Drawing No 36817SP1-1-3, Revision 3); (b) the Acoustic Report prepared by Acoustic Engineering Solutions dated 11 September 2018 (AES-890035-R01-0-11092018); (c) the Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019; (d) the recommendations in the Bushfire Hazard Level Assessment prepared by Scribe Building Compliance dated the 18 July 2018 (Version 7); to the satisfaction of the Chief Executive Officer. 2. A detailed landscaping and reticulation/watering plan shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the Shire for separate written approval by the Chief Executive Officer. The plan shall show by numerical code, the vegetation species, quantity and pot sizes of all plant types to be planted and shall include: <ol style="list-style-type: none"> (a) Advanced trees along the boundary abutting the cemetery reserve (No 8886); (b) A combination of trees and ground covers; (c) Clearly identify existing vegetation to be retained and / or removed. <p>The plans shall be submitted within 6 months of this approval unless otherwise agreed to in writing by the Chief Executive Officer.</p> 3. Landscaping shall be installed and a watering plan shall be implemented in accordance with a landscaping and reticulation/watering plan approved by the Shire. All landscaping shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be 	

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- maintained at those mature dimensions unless approved otherwise in writing by the Chief Executive Officer.
4. All trafficable areas including vehicle parking, bowser parking areas, loading areas, vehicle manoeuvring and circulation areas on the approved site plan shall be designed in accordance with the Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019 and be constructed and sealed (concrete and/ or bitumen) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development.
 5. All vehicle parking, bowser parking areas, vehicle manoeuvring and circulation areas on the approved site plan shall be maintained to the satisfaction of the Shire Chief Executive Officer.
 6. A minimum of two service vehicle parking bays as shown on the approved plans are to be provided and maintained and are to be clearly marked as 'service bays' prior to commencement of operation of the development.
 7. All measures outlined in the approved Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019 are to be implemented at all times of operation including and not limited to:
 - (a) All crossovers to be restricted to one way entry only and exit only and to be clearly signposted;
 - (b) Heavy vehicle routes to be clearly signposted;
 - (c) Signage to be installed to advise that maximum permitted length of any heavy vehicle is 19 metres;
 to the satisfaction of the Chief Executive Officer.
 8. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. Trucks include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the Road Traffic Code 2000.
 9. Prior to use of the development all vehicle crossovers shown on the approved plans shall be constructed to the satisfaction of the Chief Executive Officer.
 10. The owner/applicant to submit a detailed drainage management plan to the Shire for separate written approval that demonstrates adequate drainage management with no adverse impact on existing drainage on and for Shark Bay Road or the surrounding road network.
 11. All stormwater from hardstand areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear operating 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.
 12. If lighting is installed in the car parking area, all illumination shall be confined within the property boundaries to the satisfaction of the Shire.
 13. This approval does not include any signage, installation of any on site generator or use of any beeper for any tyre air filling / pressure equipment. Any tyre inflation device installed on the site shall not have an audible warning.
 14. All ingress and egress access shall be from Monkey Mia Road. The owner / developer to undertake adequate precautions to prevent any informal vehicle access to Shark Bay Road to the satisfaction of the Chief Executive Officer.
 15. The development shall substantially commence within 2 years from the date of this decision. If the development does not substantially commence before expiration of the 2 year period, this approval becomes invalid and expires.

Footnotes/ Advice to the applicant:

25 NOVEMBER 2020

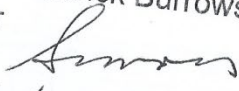
(i)	A planning consent is not an approval to commence any works. A separate building permit must be obtained for all works.
(ii)	For any works in the road reserve associated with the service station development, an application is required to be made to Main Roads. All details on Main Roads website at the following link. https://www.mainroads.wa.gov.au/OurRoads/Pages/WorksOnMainRoads.aspx Any crossover or drainage plans may be referred to Main Roads WA. Main Roads requirements for crossover/driveway construction can be found on the Main Roads website.
(iii)	Please advise Main Roads when a building application is lodged so they are aware of potential construction timing, and following application to Main Roads detailing further the construction of the crossover and associated works in the road reserve.
(iv)	This approval is not an approval for any advertising signs. A separate planning application is to be lodged for any signs. Any sign will also need approval by Main Roads WA.
Note 1:	If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
Signed:	_____ Paul Anderson Chief Executive Officer
Dated:	31 JULY 2019
For and on behalf of the Shire of Shark Bay	

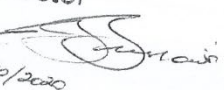
25 NOVEMBER 2020

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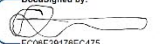


Planning Application Envelope Cover Owner Signatures

Name: Michael Frederick Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Barbara Aimee Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Ian Michael Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Craig Robert Burrows
Position: Director
Signature: 
Date: 

21 October 2020 | 3:37 PM AWST

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

DocuSign Envelope ID: F6B6E337-B1EB-46F4-BB3A-CA25C6F7A2CE

Application for Planning Approval

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

Owner details		
Name: Oregon Nominees Pty Ltd		
ABN (if applicable):		
Address: 1 Kaylan Close, Greenfields WA		
Postcode: 6210		
Phone:	Fax:	Email:
Work:		ianb@refuelaus.com.au
Home:		
Mobile: 0408 882 221		
Contact Person for correspondence: Ian Burrows - Director of Oregon Nominees Pty Ltd		
Owners Signature:	Date: 21/10/2020	
Owners Signature:	Date: 21/10/2020	
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).		

Applicant details (if different from owner)		
Name: Tomahawk Property		
Address: 8/355 Stirling Highway, Claremont		
Postcode: 6010		
Phone:	Fax:	Email:
Work:		tcarmody@tomahawkproperty.com.au
Mobile: 0413 010 830		
Contact Person for correspondence Tom Carmody		
Applicant Signature:	Date: 21 October 2020 4:26 PM AWST	
Print Name: Tom Carmody	Date:	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

DocuSign Envelope ID: F6B6E337-B1EB-46F4-BB3A-CA25C6F7A2CE

Application for Planning Approval

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

Owner details		
Name: Oregon Nominees Pty Ltd		
ABN (if applicable):		
Address: 1 Kaylan Close, Greenfields WA		Postcode: 6210
Phone:	Fax:	Email: ianb@refuelaus.com.au
Work:		
Home:		
Mobile: 0408 882 221		
Contact Person for correspondence: Ian Burrows - Director of Oregon Nominees Pty Ltd		
Owners Signature:	Date: 21/10/2020	
Owners Signature:	Date: 21 October 2020 3:37 PM AWST	
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).		

Applicant details (if different from owner)		
Name: Tomahawk Property		
Address: 8/355 Stirling Highway, Claremont		Postcode: 6010
Phone:	Fax:	Email: tcarmody@tomahawkproperty.com.au
Work:		
Mobile: 0413 010 830		
Contact Person for correspondence: Tom Carmody		
Applicant Signature:	Date: 21 October 2020 4:26 PM AWST	
Print Name: Tom Carmody	Date:	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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Property details		
Lot No: 1	House/ Street No:	
Diagram or Plan No: 76660	Certificate of title Volume No: 1855	Folio No: 216
Title encumbrances (eg easements, restrictive covenants):		
Street name: Shark Bay Road Suburb: Denham		
Nearest street intersection: Shark Bay Road & Monkey Mia Road		

Proposed development	
Nature of development:	<input checked="" 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 checked="" type="checkbox"/> No
If yes is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Landuse
Description of proposed works / landuse: The Shire of Shark Bay granted planning approval for a unmanned fuel station on the 31st of July 2019 (Ref-O-CR-17885/P1347) on the subject property. We are seeking to formally apply to the Shire to request that Condition 4 of the existing planning approval be modified in accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015. We are proposing compacted road base as hard stand using local materials rather than sealing the site as stated in Condition 4. We are also proposing the crossovers will be compacted hardstand with 1m concrete strips. The hardstand will be constructed to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development.	
<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: Vacant Block of Land	
Approximate cost of development: \$350,000	
Estimated time of completion: 20 weeks	

ORDINARY COUNCIL MEETING

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<u>OFFICE USE ONLY</u>	
Acceptance Officers initials:	Date Received:
Local Government Reference Number:	

25 NOVEMBER 2020

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Planning Application Checklist

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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SHIRE OF SHARK BAY PLANNING APPLICATION CHECKLIST

OFFICE USE ONLY

Application Number: _____ / _____

Date Received: _____

TO BE FILLED OUT BY THE OWNER / OR APPLICANT (WITH THE OWNERS CONSENT)

If you answer 'No' to any of these questions, your planning application is incomplete and may be placed on hold until the required information is lodged.

Address of Development/ Planning Application: Lot 1 Shark Bay Road, Dehnam

APPLICATION REQUIREMENT	OWNER / APPLICANT CHECKLIST. PLEASE TICK		OFFICE USE ONLY
1. SHIRE APPLICATION ENVELOPE	YES	NO	OFFICE USE ONLY
Shire Application Envelope completed and signed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
2. APPLICATION FORM	YES	NO	OFFICE USE ONLY
(i) The owner/ applicant is to complete an 'Application for Planning Approval'. <u>The Shire cannot process an application if the landowner's consent has not been obtained.</u> Please ensure that you include both the Lot number and street address of the development site, with the title information.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete <input type="checkbox"/> Request Additional Information from owner / applicant
(ii) Signatures on the Application Form The application form must be signed by the owner of the land or the application is not valid. All registered proprietors on the Certificate/s of title/s are required to sign the application form. The Shire cannot process an application without the owners consent. Company ownerships must be signed by: – 1 director of the company, accompanied by the company seal, or – 2 directors of the company, or – 1 director and 1 secretary of the company, or – 1 director if a sole proprietorship company. Print or type full names and positions of company signatories underneath the signatures, i.e. John F. Smith - Director Smith Pty. Ltd (A.C.N. xxxxxxxxxx)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete Or Incorrect

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

ORDINARY COUNCIL MEETING

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2. SITE PLAN	Yes	No	OFFICE USE ONLY
Two (2) accurate, professional, scaled site plans which clearly show:			
(i) The existing lot boundaries, dimensions of all lot boundaries, road location, a scale and north point;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(ii) All existing crossovers, driveways, landscaping and parking areas;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(iii) Contours and existing site levels;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(iv) Relevant context of neighbouring properties (surrounding buildings, levels, land uses) – Only If Applicable (i.e. adjacent property levels if cut and fill proposed with retaining)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(v) The position, type and use of all existing buildings and improvements on the land;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(vi) All new proposed development including buildings, access, retaining walls, earthworks/fill, parking areas, landscaping etc;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(vii) The Finished Floor Level of existing and proposed buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
3. ELEVATION PLAN	Yes	No	OFFICE USE ONLY
Two (2) accurate, professional, scaled site plans which clearly show:			
(i) An elevation view of the existing and proposed development as viewed from each property boundary;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(ii) Elevations to be clearly marked north, west, south and east;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(iii) All elevations should show the Natural Ground Level and the Finished Floor Level;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(iv) If earthworks, fill or retaining is proposed as part of development, then the elevation should clearly show the existing Natural Ground Level, the cut or filled levels, and all retaining wall details.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

ORDINARY COUNCIL MEETING

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4. FLOOR PLAN	Yes	No	OFFICE USE ONLY
A detailed floor plan showing the dimensions of the proposed development and use of each floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
For multi storey residential development, the lower and upper floor plan must be shown for each dwelling on the site plan with Finished Floor Levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
5. APPLICATION FEE	Yes	No	OFFICE USE ONLY
Planning application fees must be lodged with the planning application, or the application is not valid. The application cannot be processed until the payable fees are lodged.	<input checked="" type="checkbox"/> PAID	<input type="checkbox"/> NOT PAID	<input type="checkbox"/> Incomplete
The application fees are generally based on the cost of development, or the type of application.		Application incomplete without fee	
The application fee is to assist with administration and processing costs and is non-refundable.			
6. DETAILED COVERING LETTER	Yes	No	OFFICE USE ONLY
A detailed letter explaining what the development is for.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
This may range from a brief letter explaining what a proposed oversized shed is to be used for, or a more comprehensive letter for a change of land use or commercial use describing the proposed business, how it will be managed and operated, and general information on staff numbers, hours of operation, deliveries etc			

CHECKLIST COMPLETED BY:

Name: Tom Carmody

Email Address: tcarmody@tomahawkproperty.com.au

Phone Number: 0413 010 830

Date: 20/10/2020

DISCLAIMER

THIS DEVELOPMENT CHECKLIST HAS BEEN COMPILED TO ENSURE THAT APPLICATIONS LODGED ARE COMPLETE AND PROVIDE ALL INFORMATION REQUIRED. THIS WILL ASSIST THE SHIRE OF SHARK BAY TO EXPEDITE PROCESSING OF APPLICATIONS.

PLEASE NOTE THAT THE SHIRE RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION FOR SPECIFIC APPLICATIONS SUCH AS VEHICLE MOVEMENT PLANS, TRAFFIC REPORTS, COLOUR PERSPECTIVE ELEVATIONS, COASTAL SETBACK REPORTS, VISUAL IMPACT ASSESSMENT, AND ACOUSTIC REPORTS.

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

25 NOVEMBER 2020

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Planning Application Cover Letter

ORDINARY COUNCIL MEETING

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Office:
8/355 Stirling Highway
Claremont WA 6010

Tomahawk Property Pty Ltd
ABN 19 118 387 410
P: PO Box 36 Cottesloe WA 6911

M: 0413 010 830
E: tcarmody@tomahawkproperty.com.au
W: tomahawkproperty.com.au

20th October 2020

The Chief Executive Officer
Mr Paul Anderson
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537
By email: admin@sharkbay.wa.gov.au

Dear Mr. Anderson

REQUEST MODIFICATION OF CONDITON 4 OF THE DEVELOPMENT APPROVAL "REF0-CR-17885/P1347" FOR PROPOSED UNMANNED SERVICE STATION AT LOT 1 SHARK BAY ROAD, DENHAM

Tomahawk Property has been engaged by Oregon Nominees Pty Ltd as project manager for Lot 1 Shark Bay Road, Denham.

We refer to Condition 4 of the Planning Approval "REF0-CR-17885/P1347" which states:

- 4. All trafficable areas including vehicle parking, bowser parking areas, loading areas, vehicle manoeuvring and circulation areas on the approved site plan shall be designed in accordance with the Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019 and be constructed and sealed (concrete and/ or bitumen) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development.**

We are requesting to modify Condition 4 in accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015. We are proposing the use of compacted road base as hard stand for the construction of the unmanned fuel station. The road base will be using local materials with a dustex sealer as an alternative to sealing the site as requested in Condition 4. We are also proposing that the crossovers will made of compacted hardstand with a 1m concrete strip. The road base will be suitably compacted having a minimum of 100mm thickness which will be designed and constructed to the satisfaction of the Shire requirements.

The road base will be supplied by a trusted contractor which will provide an A-Grade road base which is made of a mixture of cracker dust and fine stones that will be wet and compacted to form smooth and durable surface. We see the use of compacted road base as a long-term solution to future maintenance costs and will reduce any potential delays in the future that may occur due to maintenance.

We have recently completed an unmanned fuel station for the same client resembling what is proposed at Denham which was approved by the Shire of Camarvon. The Shire initially requested that the site be sealed however this was ultimately approved with the requirement for compacted road base as an alternative to sealing the site. The Shire of Camarvon agreed to the use of road base at 45 Banksia Drive, Coral Bay, the unmanned fuel station is operating efficiently and supplying tourists and the local community with fuel please refer to **Annexure 1** for photos of the completed site. No dust complaints have been received. The need to seal the Denham site as per Condition 4 will cause the development to be commercially unviable and will reduce supply of fuel available to locals and tourists.



TOMAHAWK
PROPERTY

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25 NOVEMBER 2020

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The forecourt will be sealed surrounding the tank farm and the fuel bowzers. The area will be sealed by concrete and will be self-contained reducing the risk of fuel and oil spillage. The double skinned underground fuel tank comprises a steel inner tank and exterior wall of fiberglass reinforced plastic, preventing corrosion.

The concrete forecourt will be 18.5m x 9.6m with 200mm thick concrete which will incorporate the fuel fill points please refer to **Annexure 2** for the proposed site plan. The fuel fill points will have concrete covers and will be constructed with drainage pits to capture water and any dripping fuel spills. To prevent any impact on the environment, the facility will be fitted with an oil and water separation system (Spelceptor Stormwater Treatment System Model YH0510E-53099 – please refer to **Annexure 3**) that captures and contains any spills/drips that may be washed into the drainage system. The Spelceptor will be supplied by Allied Pumps which is an accredited supplier by AS/NZS ISO 9001:2015.

The installation will meet the requirements of the WA Dangerous Goods Act and Regulations and have a likely risk rating of as low as reasonably practicable. Given the fuel storage exceeds 100,000L of C1 Combustible Liquid, a liquid goods storage and handling license will be required, a process which will further scrutinize the proposed development during the compliance documentation preparation.

Currently there are 2 existing service stations within Denham which are located at 85 and 97 Knight Terrace, respectively. The Department of Water and Environmental (DWER) Regulation has identified the service station located on 97 Knight Terrace as being "Contaminated – remediation required". Remediation is required to reduce the risk to human health and the surrounding environment. According to the Basic Summary of Records hydrocarbons have been found in the groundwater under the forecourt and soil throughout the site (please refer to **Annexure 4**). DWER require a remediation action plan to be developed and submitted to the auditor no later than 31 October 2020. From a risk perspective the new unmanned fuel station will meet new regulations set by the Dangerous Goods Safety Act 2004 and have a new fuel system which will be engineered to meet modern industry standards.

From a traffic perspective the site can service at least three 19m long semi-trailers within the site at any one time. This is stated in the Traffic Impact Study that was carried out by Greenfield Technical Services on the unmanned fuel site (refer to **Annexure 5**). The fuel station will be accessible on a 24-hour basis and will be able to service all vehicle types due to the large trafficable area design (refer to **Annexure 6**). The existing service stations in Denham are shown to have much tighter trafficable areas increasing the risk of queuing occurring on Knight Terrace during peak times which is the main road servicing the Denham town centre.

We see that the proposed unmanned fuel station will be a great addition to the town of Denham giving the local population and tourists more options when it comes to fuel. The unmanned fuel station will be more easily accessible by larger vehicle types and will meet strict industry standards vastly reducing the likelihood of contamination occurring.

Please confirm acceptance of the proposed modification to Condition 4.

Yours faithfully

Tom Carmody
Tomahawk Property Pty Ltd
Director

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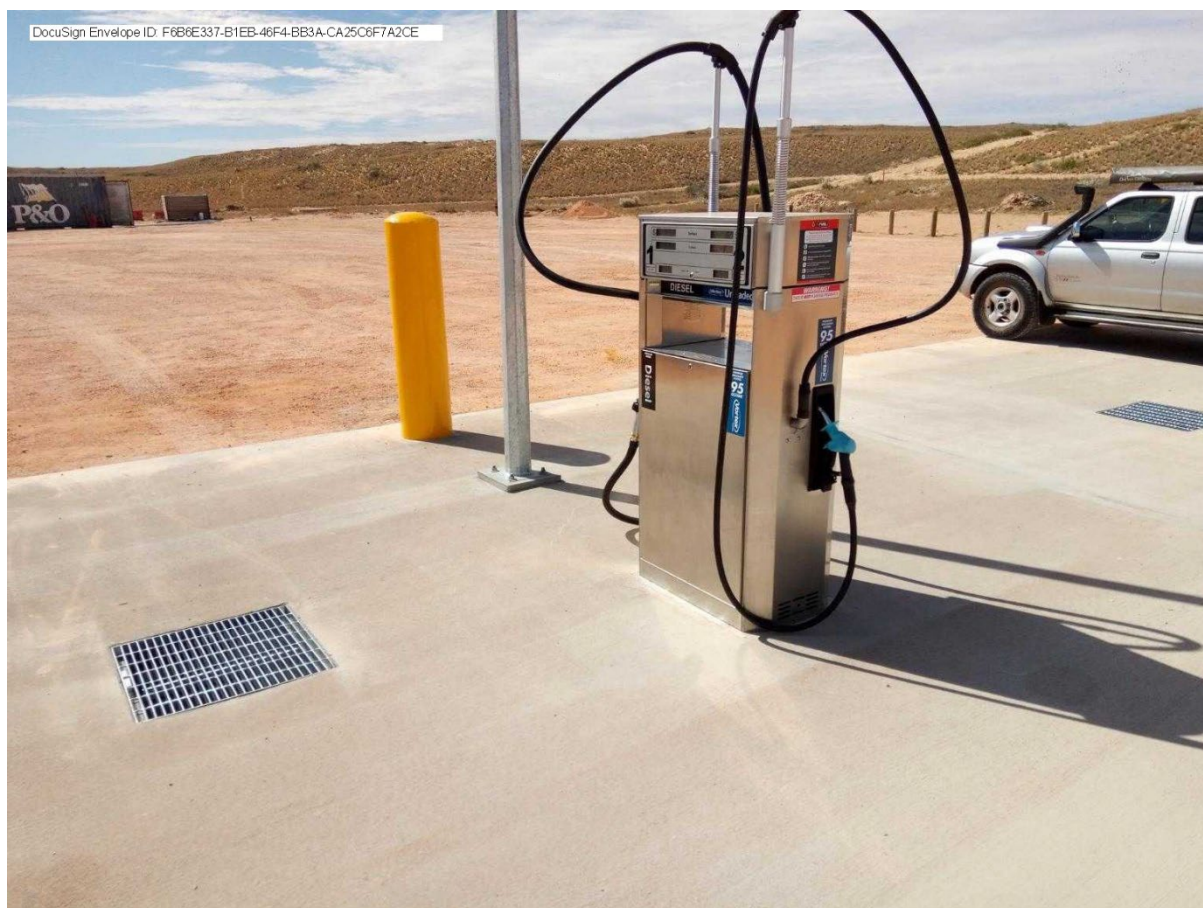


Annexure 1

Coral Bay Site Pictures

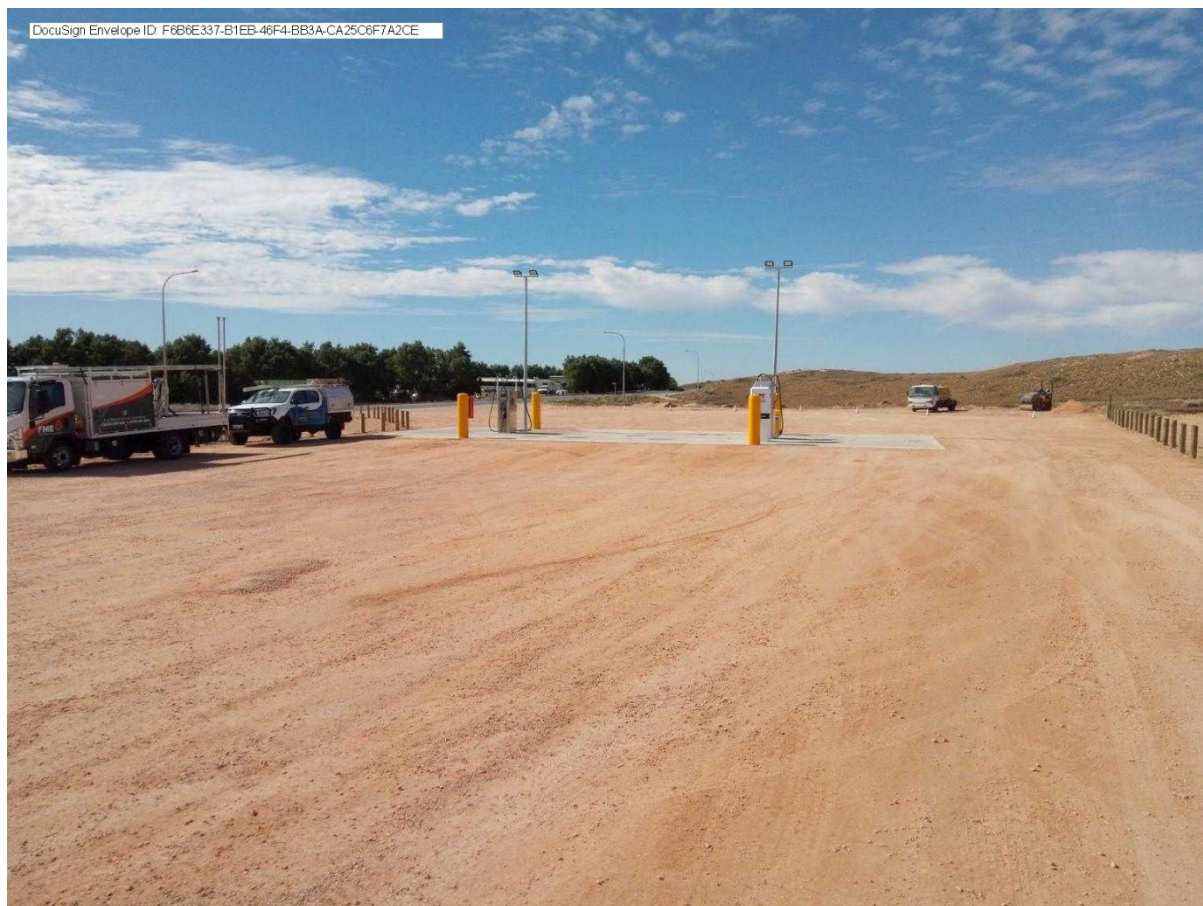
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Annexure 2

Proposed Site Plan

25 NOVEMBER 2020

PROJECT

ASHEBURGH FUEL FORECOURT
LOT 9
20' BUFFER DISTRICT ZONING, 10' BUFFER DISTRICT ZONING

SHEET

P-100
STS
PROPOSED GENERAL

REV.	DESCRIPTION	DATE
A	Preliminary for discussion only	18.06.20
B	Tanks revised to underground	24.06.20
C	Tank and service pit relocated; forecast moved south 1m	25.06.20

Annotations:

- MINIMUM 1M VEHICLE BOUND
- PROPOSED ENTRY ONLY CROSSING WITH 1M WIDE CONCRETE JUNCTION STRIP
- EXISTING TREE TO BE REMOVED
- LANDSCAPING STRIP RETENTION OF NATIVE COASTAL SCRUBS
- PROPOSED EXIT ONLY CROSSING WITH 1M WIDE CONCRETE JUNCTION STRIP
- PROPOSED 'NO ENTRY' SIGN
- PROPOSED POWER DOME AND WATER METER LOCATION
- PROPOSED FUEL ELECTRICS DISTRIBUTION CABINET
- THE COMBINED O AND PRICE SIGN
- PROPOSED CHARGE BASIN TO CIVIL DESIGN
- PROPOSED PIT AND TIE IN INTERCEPTOR TO CIVIL DESIGN
- PROPOSED FUEL FOR COURT WITH FUTURE DISPENSER LOCATIONS
- 20M WIDE BUFFER ZONE
- 11M WIDE LANDSCAPING ASSET PROTECTION ZONE
- KOPPER LOG BOLLARDS DELINEATING PERMISSIBLE PARKING AREA
- CRACKER BUT TREATED COMPACTED ROAD BASE
- REFUEL SITE SIGN
- PROPOSED NO EXIT SIGN
- SERVICE PARKING BAYS
- PROPOSED TIO BELOW GROUND FUEL TANK. BOWNS SPLIT
- OPT 1000
- OPT 1500
- OPT 2000
- OPT 2500
- OPT 3000
- OPT 3500
- OPT 4000
- OPT 4500
- OPT 5000
- OPT 5500
- OPT 6000
- OPT 6500
- OPT 7000
- OPT 7500
- OPT 8000
- OPT 8500
- OPT 9000
- OPT 9500
- OPT 10000

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Annexure 3

Spel Ceptor Drawing

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Annexure 4

Basic Summary of Records

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Government of Western Australia
Department of Water and Environmental Regulation

Page 1 of 4

Contaminated Sites Act 2003 Basic Summary of Records Search Response

Report generated at 03:22:37PM, 06/10/2020

Search Results

Receipt No:

ID No: 16940

This response relates to a search request received for:

97 Knight Tce
Denham, WA, 6537

This parcel belongs to a site that contains 1 parcel(s).

According to Department of Water and Environmental Regulation records, this land has been reported as a known or suspected contaminated site.

Address	97 Knight Tce Denham, WA, 6537
Lot on Plan Address	Lot 11 On Diagram 35198
Parcel Status	<p>Classification: 27/02/2020 - Contaminated - remediation required</p> <p>Nature and Extent of Contamination:</p> <p>Hydrocarbons (such as from petrol or diesel) are present in soil across the site.</p> <p>Hydrocarbons (such as from petrol or diesel) are present as a plume in groundwater both onsite and offsite beneath adjoining road reserve.</p> <p>Restrictions on Use:</p> <p>Due to the presence of hydrocarbons in soil, a site-specific health and safety plan is recommended to address the risks to the health of any workers undertaking intrusive works (deeper than 1.5 meters below surface level) until further notice.</p> <p>Due to the nature and extent of groundwater contamination identified to date, the abstraction of groundwater for any purpose is not recommended.</p> <p>Reason for Classification:</p> <p>This site was reported to the Department of Water and Environmental Regulation (the department) as per reporting obligations under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006. The site was first classified under section 13 of the Act based on information submitted to the department by January 2008. The site has been classified again under section 13 of the Act to reflect additional technical information submitted to the department by December 2019.</p> <p>The site was reported because it has been used as a service station and contamination assessments carried out between 2005 and 2006 identified hydrocarbons (such as from petrol or diesel) in soil and groundwater beneath the site. Service stations are a land use that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites'</p>

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.



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(Department of Environment Regulation [DER], 2014). The site continues to be used as a service station.

Remedial works were undertaken at the site in 2005 following the identification of three leaking underground fuel storage tanks (USTs). The remedial works included removal of the leaking USTs, excavation of hydrocarbon-impacted soil and abstraction of approximately 32,000 litres of hydrocarbon-impacted groundwater. Soil validation samples were taken following the completion of remedial works. Hydrocarbons (such as from petrol, diesel and oil) were identified in the validation samples at concentrations exceeding Health Screening Levels for vapour intrusion on commercial/industrial land and Management Limits for commercial and industrial land, as published in the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (the NEPM).

Further soil investigations were undertaken in February 2019. Soil samples were taken from surface down to a maximum of 1.5 metres below ground level. The soil samples were not taken within the footprint of the former UST area and did not extend to the potential depth of the former UST excavations in 2005. As such, the reliability of these samples is limited. Hydrocarbons (such as from diesel and oil) were identified in these samples at concentrations exceeding Management Limits for commercial and industrial land, as published in the NEPM. Further soil investigations are required to identify the vertical and horizontal extent of hydrocarbon impacted soil at the site.

Groundwater investigations were conducted at the site between 2005 and 2019. The 2005 groundwater investigations identified phase separated hydrocarbons (PSH), such as pure hydrocarbon product floating on the surface of the groundwater across the site with the greatest thickness of PSH identified beneath the forecourt. The most recent groundwater investigations conducted in 2019 identified hydrocarbons in both onsite and offsite groundwater wells. However, no assessment levels are currently available for the individual hydrocarbon compounds present in offsite groundwater wells relevant to the adjacent marine environment.

Groundwater investigations conducted in 2010 and 2019 did not include sampling soil from beneath the forecourt where phase separated hydrocarbons were identified during the 2005 groundwater investigation. Further groundwater investigations are required to identify the quality of groundwater beneath the forecourt or within close proximity to the front of the store.

Based on the identification of hydrocarbons in groundwater and soil samples taken in 2005, a direct vapour assessment is required to identify the presence or absence of hydrocarbon vapour within the vicinity of the store.

A risk assessment has not been carried out to determine the potential risk posed by the substances of concern at the site to human health, the environment or environmental values including both onsite and off-site receptors.

The site is contaminated and remediation is required to reduce risks to human health, the environment and environmental values to acceptable levels. Therefore, the site is classified as 'contaminated - remediation required'.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

Disclaimer

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Other Relevant Information:

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

Based on the available information, contamination present beneath this site has also been identified beyond the site boundary beneath the adjacent land, consistent with the definition of a "source site" specified in Part 1, Section 3 of the Act. In accordance with Regulation 31(1)(b) of the 'Contaminated Sites Regulations 2006', reports or information submitted to the department that are relevant to the investigation, assessment, monitoring or remediation of a source site are required to be accompanied by a mandatory auditor's report (MAR) prepared by an accredited contaminated sites auditor.

Where the land is part of a transaction - sale, mortgagee or lease agreement, the land owners MUST PROVIDE WRITTEN DISCLOSURE (on the prescribed Form 6) of the site's status to any potential owner, mortgagee (e.g financial institutions) or lessee at least 14 days before the completion of the transaction. A copy of the disclosure must also be forwarded to the department.

Due to the presence of hydrocarbons in soil, a site-specific health and safety plan is recommended to address the risks to the health of any workers undertaking intrusive works (deeper than 1.5 meters below surface level) until further notice.

Due to the nature and extent of groundwater contamination identified to date, the abstraction of groundwater for any purpose is not recommended.

Action Required:

As this site is a source site, in accordance with regulation 31(1)(b) of the Contaminated Sites Regulations 2006, an accredited contaminated sites auditor must be appointed to review all investigations, assessments, monitoring and/or remediation of the site and to prepare a mandatory auditor's report. All future reports on investigation, assessment, monitoring or remediation of the site which are submitted to the department will need to be accompanied by a mandatory auditor's report.

Further soil, groundwater, direct vapour and sediment investigations are required to determine the contamination status of the site and the potential of impacted groundwater and sediment offsite. A detailed site investigation report is required to document the results of these investigations and should include a risk assessment to determine the potential risk posed by the substances of concern at the site to human health, the environment or environmental values including both onsite and off-site receptors. The detailed site investigation report should be submitted to the auditor by 31 August 2020. Based on the findings of the detailed site investigation if remedial works are required to reduce potential risks to human health, the environment and/or any environmental value are required, the remediation action plan is to be developed for the site and submitted to the auditor by no later than 31 October 2020.

The department should be advised of the engagement of an environmental consultant and an accredited contaminated sites auditor by no later than 31 May 2020.

Certificate of Title Memorial

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.

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Government of Western Australia
Department of Water and Environmental Regulation

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Certificate of Title Memorial	Under the Contaminated Sites Act 2003, this site has been classified as "contaminated - remediation required". An instrument affecting land which comprises all, or part of, this site will not be registered or accepted for registration, unless the CEO of the Department of Water and Environmental Regulation consents to the registration in writing. For further information on the contamination status of this site, or this restriction, please contact Contaminated Sites at the Department of Water and Environmental Regulation.
Current Regulatory Notice Issued	Type of Regulatory Notice: <i>Nil</i> Date Issued: <i>Nil</i>
General	No other information relating to this parcel.

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.

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Annexure 5

Traffic Impact Statement

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GERALDTON FUEL CO Pty Ltd (T/A Refuel Australia)

TRAFFIC IMPACT STUDY

Unmanned Retail Fuel Site on Monkey Mia Rd, Denham

REVISION	A	B	0
PURPOSE	Issued for Review	Update Report	Issued for Use
PREPARED	Matt Barns	Matt Barns	Matt Barns
DATE	08/12/17	31/10/18	18/01/19

GERALDTON

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1.0 INTRODUCTION

Greenfield Technical Services (GTS) have been engaged by Geraldton Fuel Co to provide a traffic impact study for the proposed development on Monkey Mia Rd in Denham. The purpose of this document is to provide commentary and analysis on the potential traffic and transport impact that the development of this site may have on the surrounding roads and transportation networks.

This traffic impact study has been developed with general reference to the guidelines as shown in WAPC Transport Impact Assessment Guidelines – Part 4 (Developments). However, it should be noted that given the type and size of the development, as well as the expected low volume of generated traffic, the development is considered Low Impact. Therefore, the completed traffic study does not strictly fulfil all the requirements of a full Transport Impact Statement which is for developments with Moderate Impact.

For the purposes of this report, Monkey Mia Rd has an orientation from south to north and Shark Bay Rd has an orientation from east to west.

2.0 DEVELOPMENT BACKGROUND

Lot 1 is a corner block that is bounded by Shark Bay Rd and Monkey Mia Rd in Denham. Geraldton Fuel Co. propose to install an outside payment terminal (OPT) retail fuel facility in the northern half of this lot which has access frontage on Monkey Mia Rd (Figure 1). The Geraldton Fuel Co. proposal does not include any development in the southern half of the lot which has frontage on both Shark Bay Rd and Monkey Mia Rd. This southern section of Lot 1 will remain available for a separate future development which would be subject to its own development application.

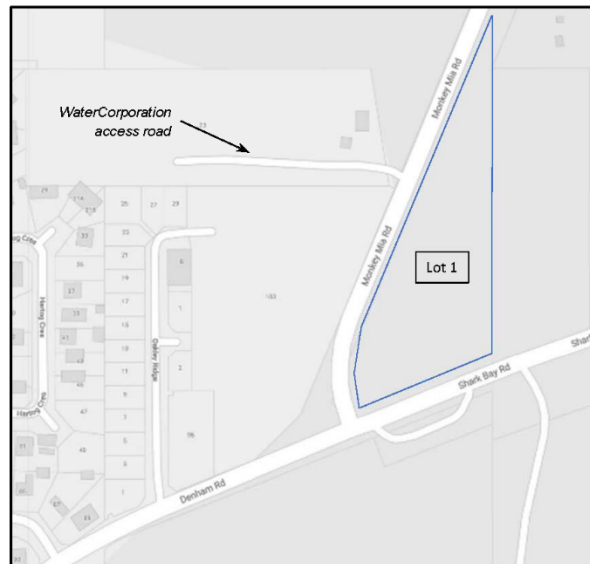


Figure 1: Local road layout relative to Lot 1



In relation to the future development in the southern section of Lot 1, Main Roads have advised that once the proposed access point locations for the northern section of the lot are accepted by Main Roads, any future submission of a subdivision application will require restriction of vehicular access onto Monkey Mia Road and Shark Bay Road to only the approved points.

2.1 MAIN ROADS WIDENING OF ROAD RESERVE

The existing cadastral road reserve on both Monkey Mia Rd and Shark Bay Rd is a standard 20m width. This results in Lot 1 being approx. 2.1384ha.

Main Roads have identified a future widening of the road reserve on Monkey Mia Rd by approx. 13m on the east side (approx 0.4435ha). This reduces the total available area of Lot 1 to approx 1.6949ha.

2.2 OUTLINE OF PROPOSED DEVELOPMENT

The proposed development is based on the Local Development Plan shown in Figure 2. The proposed OPT development is approx. 0.7240ha and only occupies the northern section of Lot 1, shown as Dev Area 2 in Figure 2. This section represents less than half (approx. 43%) of the total 1.6949ha available. The corresponding area of the southern section of Lot 1 is approx. 0.9709ha, shown as Dev Area 1.

The OPT facility includes 4 bowsers at two adjacent locations within the site, two supplying diesel and the other two supplying unleaded fuel. The intention of the unmanned site is that it is accessible to retail clients on a 24-hour basis. As this is effectively a 'fill and go' facility there is no particular demand for client parking.

Access to the site will be via two separate driveways access points off Monkey Mia Rd, being ENTRY only and EXIT only.

The proposal does not include any access off Shark Bay Rd.

Plans for the proposed development are provided in Appendix 1.

3.0 TRAFFIC IMPACT STUDY

3.1 VEHICULAR ACCESS AND PARKING

3.1.1 Vehicular Access

Monkey Mia Rd and Shark Bay Rd are both two-way single carriageways classified as Primary Distributor roads being under the authority of Main Roads WA. Shark Bay Rd is kerbed on both sides and sealed approx. 7.5m wide. Monkey Mia Rd is sealed approx. 6.5-7.0m wide and is kerbed for the first 90m from the intersection. The posted speed limit is 50km/h on both Shark Bay Rd and Monkey Mia Rd.

As previously noted, the site is bounded by Shark Bay Rd and Monkey Mia Rd. The proposed development will utilise driveway access points off Monkey Mia Rd.

There are no existing footpaths or on-street parking provisions within the road reserve on Monkey Mia Rd. However, there is an overhead power line that runs along the eastern verge on Monkey Mia Rd. Accordingly, the proposed access driveways have been located in between the power poles.



The table below shows the most recent available traffic data for the surrounding network. The existing traffic volume information has been sourced from Main Roads WA. For reference purposes, the following references apply:

- SLK 0 on Shark Bay Rd is at the intersection with North West Coastal Highway
- SLK 0 on Monkey Mia Rd is at the intersection with Shark Bay Rd
- The intersection at Monkey Mia Rd is SLK 128.2 on the Shark Bay Rd.
- The proposed development site is located at approx. SLK 0.2 on the Monkey Mia Rd

Road Name	Functional Classification / Road Hierarchy	Location of Traffic Count	Recorded			Estimated based on 1.5% growth
			Vehicles Per Day (VPD)	Heavy Vehicle %	Year	2027 Vehicles Per Day (VPD)
Monkey Mia Rd	Primary Distributor	SLK 23.00 (north of the site)	390	8.7	Apr-May 2017	453
Shark Bay Rd	Primary Distributor	SLK 7.11 (east of the site)	401	15.0	Dec 2017	465
		SLK 75.00 (east of the site)	356	12.1	Apr-May 2017	413

Table 1 - Traffic Volumes for Monkey Mia Rd and Shark Bay Rd near the subject site

3.1.2 Redevelopment of the Monkey Mia Resort

The Monkey Mia Dolphin Resort is located at the end of Monkey Rd, approx. 25km from the intersection with Shark Bay Rd. The recent redevelopment of the resort is estimated to increase the staff and guest accommodation units from 204 to 415.

Based on information detailed in a 2016 Traffic Impact Statement commissioned by Main Roads, the redevelopment of the Monkey Mia Dolphin Resort at full build out is forecast to contribute an additional 311 vehicle movements a day to traffic volumes along Monkey Mia Road, when all units are occupied, and all staff are on site. The report notes that while this represents an increase over existing traffic volumes, the forecast total two-way daily volume of a high of 1019 vehicles is relatively low for a highway of this nature. The forecast volume is within the traffic carrying capacity of Monkey Mia Road and no upgrades are required.

Therefore, based on the forecast high total two-way daily traffic of 1019 vehicles being in year 2019, the revised estimate of 2027 traffic based on 1.5% growth would be approx. 1150 vehicles per day.

3.1.3 Crash Data

When considering the intersection, as well as the sections of Monkey Mia Rd and Shark Bay Rd, 200m on either approach to the site, Main Roads have confirmed that no crashes have been recorded within the last 5 years.

Therefore, the immediate road network does not raise outstanding safety concerns.



3.1.4 Vehicle Parking

The development is an OPT retail fuel facility and one of the main aspects being that the facility is unmanned. As such, the development does not warrant any particular demand for parking as the only reason for vehicles to enter the site is to refuel at the bowser. Based on this, ACROD parking is also not warranted as any disabled person's vehicle would also proceed to the bowser to refuel.

Further, as the only vehicles accessing the site are cars and trucks up to 19m long, there is no bicycle parking required.

3.2 ADJACENT LAND USE

3.2.1 Monkey Mia Rd

The Shark Bay Rd intersection is located approx. 160m to the south of the proposed development.

Water Corporation: There is a Water Corporation water storage and treatment site on Lot 39 on Monkey Mia Rd which is located opposite the proposed development. The unsealed driveway access for the depot is located between the two access driveways of the proposed OPT development. This Water Corporation site is used by the operational staff and travellers to purchase potable water from a water point. At peak there are 30 vehicles per day accessing the site to purchase water.

Oakley Ridge Residential Estate: This development is located on Lot 59 on the north-west corner block of Denham Hamlin Rd and Monkey Mia Rd. The development includes 39 single residential lots, 1 grouped housing lot and 3 tourist development sites. There is an access road yet to be constructed on Monkey Mia Rd approx. 160m from the intersection with Denham Hamlin Rd. The centreline of this access road is approx. 20m south of the centreline of the proposed entry driveway to the unmanned fuel facility. The proposed separation distance between the estate access and the OPT access was discussed with Main Roads and generally considered to be satisfactory.

A second access road to this development has already been constructed on Denham Hamlin Rd approx. 170m from the intersection with Monkey Mia Rd.

3.2.2 Denham Hamlin Rd and Shark Bay Rd

On the eastern approach to the Monkey Mia Rd intersection, there is a cemetery adjacent to Lot 1 and a large information bay opposite Lot 1.

Oakley Ridge Residential Estate: The intersection for this development is located approximately 170m to the west of the Monkey Mia Rd. This development is only partially constructed.

Azure Waters South Residential Estate: This proposed future development is on Lot 9502 on the southern side of Denham Hamlin Rd, west of the intersection with Monkey Mia Rd. The development includes 53 single residential lots and 2 tourist development sites. The proposed access road off Denham Hamlin Rd is located approx. 80m west of the intersection with Monkey Mia Rd.

3.2.3 Future Development of the Southern Section of Lot 1 (Dev Area 1)

As detailed in Section 2.2, Dev Area 1 is the southern portion of Lot 1 (approx. 0.9585ha) is not part of the current development proposal. At this stage, there are no specific details known regarding any development proposals for this site. However, as shown on the Figure 2, the Local Development Plan details that the access to Dev Area 1 is through the OPT facility (Dev Area 2) via the entry and exit driveways on Monkey Mia Rd.



The Local Development Plan details a 10m wide strip of vegetation along the boundary between Dev Area 1 and Dev Area 2. For vehicles entering Dev Area 1, the access is defined by a 6m wide opening in the strip of vegetation. The access opening is approx. 45m from Monkey Mia Rd.

Vehicles exiting Dev Area 1 do so via an access aisle along the eastern side of Dev Area 2. The access aisle width is approx. 10m wide which is sufficient to allow for a strip of vegetation or bollards should these be necessary once the details of the Dev Area 1 development are determined.

3.3 PROVISION FOR DELIVERY AND SERVICE VEHICLES

3.3.1 OPT Facility in Dev Area 2

Two parking bays are provided for service vehicles for the OPT facility in Dev Area 2 between the fuel bowers and the Monkey Mia Rd verge. The only regular delivery vehicle frequenting the OPT site will be the fuel delivery truck (19m long semi-trailer). Based on expected usage of the OPT facility, deliveries are expected to occur 2-3 times per week. No parking is needed for these deliveries as the truck will need to locate itself next to the storage tanks to discharge the fuel.

3.3.2 Future Development in Dev Area 1

Refer Section 3.6.2 for details.

3.4 HOURS OF OPERATION

The development is operational 24 hours per day. However, it is expected that the facility will attract more customers during the daytime.

3.5 DAILY VEHICULAR VOLUMES AND VEHICULAR TYPES

A critical portion of a Traffic Impact Study is estimating the amount of traffic that a proposed development will produce. This estimate is obtained by carrying out a Trip Generation analysis. The Institute of Transportation Engineers (ITE) has been collecting data on Trip Generation for a number of years and publishes the Trip Generation Manual. The difficulty with the ITE manual is that most of the data was collected in suburban and medium sized urban areas, which are not representative of small urban and rural areas. Based on this, the Trip Generation Manual has not been used to determine the number of trips generated by the development.

3.5.1 OPT Facility in Dev Area 2

The estimated number of trips generated by this development is expected to be less than 20 per day. This is based on consideration of the following factors:

- a) the type of development being a small unmanned fuel station,
- b) the site is located in Denham townsite which has a population of approx. 600 people, and
- c) there are three other existing fuel stations in Denham.

During peak periods, it is estimated that there will be less than 10 vehicles per hour. Each trip will be relatively short as it is only long enough to put fuel in the vehicle.

The vehicular types that will use the development will be passenger vehicles and small trucks up to a maximum length of 19m (semi-trailer).

The nearest 24hr fuel stations are located:

- To the North – approx. 320km away in Carnarvon



- To the South – approx. 370km away in Kalbarri

3.5.2 Future Development in Dev Area 1

Refer Section 3.6.2 for details.

3.6 MANAGEMENT OF TRAFFIC GENERATED BY THE SITE

3.6.1 Driveways and Internal Traffic Flow – Traffic Generated by OPT Facility

The OPT site will operate using one-way flow through the site with access via two separate driveways off Monkey Mia Rd. Vehicles will enter via the southern driveway and exit via the northern driveway. The southern entry driveway is located approx. 180m from the intersection with Denham Hamlin Rd. The exit driveway is approx. 70m north of the entry driveway.

The location of the bowsters in the attached drawings is nominal. The location of the bowsters allows for refuelling vehicles to pull up on both sides of the bowsters.

The site has enough space to allow for at least three 19m long semi-trailers within the site at any one time. Given the relatively low peak hourly volumes and short refuel time, the risk of queuing vehicles impacting Monkey Mia Rd is not considered significant.

Signage will be installed to advise that maximum permitted length of vehicle is 19m. In the event that a longer vehicle does try to enter the facility, the bowser layout is able to accommodate a vehicle up to 36.5m long.

Basic internal lighting of the site will be provided to the approval of the Shire.

3.6.2 Internal Traffic Flow – Traffic Generated by Future Dev Area 1

The requirements related to the traffic produced by the future development in Dev Area 1 will be subject to the specific details of the actual development proposed. This includes the generated trips as well as the delivery and service vehicles. Nevertheless, any vehicles associated with the development in Dev Area 1 will need to access the site via the OPT facility in Dev Area 2.

The main risk with trip generation from this site is that vehicle travel paths are clear such that vehicles moving to and from Dev Area 1 can do so safely such that they do not conflict with vehicle movements associated with the OPT facility in Dev Area 2. This is achieved by providing clear access and egress through the Dev Area 2 site.

An additional risk would be that the onsite parking provisions in Dev Area 1 would be insufficient for the number of trips generated. This could potentially cause vehicles accessing Dev Area 1 to look for parking in the OPT facility site in Dev Area 2.

As there are no specific details available regarding the nature of the future development, it is not possible to make an informed assessment of the volume and/or movement of vehicles associated with Dev Area 1 through the OPT facility in Dev Area 2. However, apart from possible issues arising from a lack of parking in Dev Area 1, there is expected to be minimal impact on the OPT facility development in Dev Area 2.

3.6.3 Turning Treatments

Austrroads Guide To Road Design (GRD) Part 4 notes in section A8 that when detailed traffic data is not available, the peak hourly flow on the major road can be estimated for rural areas as between 11% - 16% of the total. Therefore, the current peak hourly flow on Monkey Mia Rd is estimated to be approx. 60veh/hr. The corresponding estimate of the peak hourly flow in 2027 is approx. 175veh/hr.



Even though there is only expected to be less than 10veh/hr turning right into the site, Fig A10b of Austroads GRD Part 4 indicates that a BAR (Basic Right-Turn) treatment, as well as a BAL (Basic Left-Turn) treatment, is required for the proposed driveway access.

Section A.8 of the Main Roads WA Supplement to Austroads Guide to Road Design – Part 4 notes that due to the high percentage of heavy vehicles on Western Australian roads, Main Roads uses the equation below for warrants for turn treatment in place of Austroads GRD Part 4, Figure A 10. Therefore, using the spreadsheet supplied in section A.8 of the Main Roads Supplement, the access to the development warrants both a BAR (Basic Right-Turn) treatment as well as a BAL (Basic Left-Turn) treatment.

However, it is notable that the warrants nominated in Austroads are based on cost benefit ratios developed using construction costs at greenfield sites, not existing sites. Further, we have sourced a research paper written by QLD Main Roads which advocates that the nominated Austroads BAR treatment at high speed low volume intersections is not actually warranted in brownfield situations.

The research paper noted that at brownfield sites, the incremental costs for the construction of either a new intersection on an existing road, or for the upgrade of an existing intersection are significantly increased due to the piecemeal nature of the works and the management of existing traffic.

However, in discussing the intersection treatment warrants with Main Roads, they have advised that the BAR and BAL treatments are required. However, as per discussions with Main Roads, the future realignment of Monkey Mia Rd associated with the Shark Bay Rd intersection reconstruction will mean that any BAR treatment constructed now will become redundant. Therefore, Main Roads have agreed to delay the construction of the BAR treatment until the southern part of Lot 1 (*Development Area 1*) is developed.

3.7 PUBLIC TRANSPORT ACCESS

There is no public transport in the proximity of the site.

3.8 PEDESTRIAN AND CYCLIST ACCESS

There is no existing footpath constructed along Monkey Mia Rd or Shark Bay Rd.

4.0 SUMMARY AND CONCLUSION

Geraldton Fuel Co. propose to install an outside payment terminal (OPT) retail fuel facility in the northern half of Lot 1 (Dev Area 2) which is a corner block that is bounded by Shark Bay Rd and Monkey Mia Rd in Denham. This southern section of Lot 1 (Dev Area 1) will remain available for a separate future development which would be subject to its own development application.

The intention of the unmanned OPT facility site is that it is accessible to retail clients on a 24-hour basis. As this is effectively a 'fill and go' facility there is no particular demand for client parking.

Access to the Dev Area 2 site will be via two separate driveways access points off Money Mia Rd, being ENTRY only and EXIT only. There will not be any access off Shark Bay Rd. Additionally, any vehicles associated with the development in Dev Area 1 will need to access the site via the OPT facility in Dev Area 2. Apart from possible issues arising from a lack of parking in Dev Area 1, there is expected to be minimal impact on the OPT facility development in Dev Area 2.

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No turning treatment on Monkey Mia Rd is proposed for this site.

The OPT facility site has enough space to allow for at least three 19m long semi-trailers within the site at any one time. Given the relatively low peak hourly volumes and short refuel time, the risk of queuing vehicles impacting Monkey Mia Rd is not considered significant.

The estimated traffic volumes generated by the development are well within the estimated capacity of the immediate road network.

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Annexure 6

Proposed Swept Paths

25 NOVEMBER 2020

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ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Attachment # 5

DocuSign Envelope ID: F6B6E337-B1EB-46F4-BB3A-CA25C6F7A2CE

DATE OF LODGEMENT	
ASSESSMENT NUMBER	



SHIRE OF SHARK BAY
65 KNIGHT TERRACE, DENHAM
PO BOX 126, DENHAM WA 6537
TOWN PLANNING SCHEME NO. _____ ZONING SCHEME
PLANNING APPLICATION

APPLICATION NUMBER	
RECORD NUMBER	

ADMINISTRATION CHECKLIST (OFFICE USE ONLY)	BRIEF DESCRIPTION OF PROPOSED USE (S) OR DEVELOPMENT	OWNER DETAILS	OWNER DETAILS (MORE THAN 1X OWNER)
ADMINISTRATION CHECKLIST 1. Does the applicant have a valid Australian passport or other acceptable identification? <input type="checkbox"/> 2. Has the applicant completed the application form correctly? <input type="checkbox"/> 3. Has the applicant provided a copy of the relevant planning scheme? <input type="checkbox"/> 4. Has the applicant provided a copy of the relevant zoning scheme? <input type="checkbox"/> 5. Has the applicant provided a copy of the relevant planning scheme? <input type="checkbox"/> 6. Has the applicant provided a copy of the relevant zoning scheme? <input type="checkbox"/> 7. Has the applicant provided a copy of the relevant planning scheme? <input type="checkbox"/> 8. Has the applicant provided a copy of the relevant zoning scheme? <input type="checkbox"/> 9. Has the applicant provided a copy of the relevant planning scheme? <input type="checkbox"/>	Unmanned Aerial Vehicle (UAV) for aerial photography Is any part of the building going to be pre-constructed or pre-assembled, transported and placed onto the lot in whole or in part? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: <u>Oregon Norries Pty Ltd</u> Post Address: <u>1 Kingston Ck</u> <u>Greenfield WA 6500</u> Tel: <u>9581 7017</u> Fax: _____ Mob: <u>0409 882 721</u> Email: <u>ton@oregonnorries.com.au</u> Signature of Owner: _____ Date: _____	Lot/No: <u>1</u> Street/Road: <u>Shark Bay Road</u> Locality: <u>Denham</u> Title Details: Description of Land: <u>Lot 1 on</u> <u>Diagram 75660</u> Volume: <u>1855</u> Folio: <u>216</u> Plan/Deposited Plan No: <u>D76660</u> Estimate Time for Completion: <u>20 weeks</u>
	FEES (OFFICE USE ONLY) APPROXIMATE COST OF PROPOSED DEVELOPMENT: Planning Fee: <u>\$250,000</u> Date Paid: _____ Receipt No: _____	APPLICANT DETAILS Name: <u>Oregon Norries Pty Ltd</u> Post Address: <u>8/355 Shire</u> <u>Highway, Cleveleys WA</u> Tel: _____ Fax: _____ Mob: <u>0413 010 830</u> Email: <u>carol@oregonnorries.com.au</u> Signature of Applicant: _____ Date: _____	

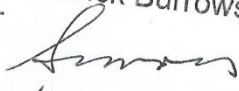
ORDINARY COUNCIL MEETING

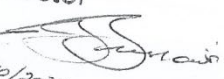
25 NOVEMBER 2020

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Planning Application Envelope Cover Owner Signatures

Name: Michael Frederick Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Barbara Aimee Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Ian Michael Burrows
Position: Director
Signature: 
Date: 21/10/2020

Name: Craig Robert Burrows
Position: Director
Signature: 
Date: 

21 October 2020 | 3:37 PM AWST

ORDINARY COUNCIL MEETING

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Application for Planning Approval

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

Owner details		
Name: Oregon Nominees Pty Ltd		
ABN (if applicable):		
Address: 1 Kaylan Close, Greenfields WA		
Postcode: 6210		
Phone:	Fax:	Email:
Work:		ianb@refuelaus.com.au
Home:		
Mobile: 0408 882 221		
Contact Person for correspondence: Ian Burrows - Director of Oregon Nominees Pty Ltd		
Owners Signature:	Date: 21/10/2020	
Owners Signature:	Date: 21/10/2020	
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).		

Applicant details (if different from owner)		
Name: Tomahawk Property		
Address: 8/355 Stirling Highway, Claremont		
Postcode: 6010		
Phone:	Fax:	Email:
Work:		tcarmody@tomahawkproperty.com.au
Mobile: 0413 010 830		
Contact Person for correspondence Tom Carmody		
Applicant Signature:	Date: 21 October 2020 4:26 PM AWST	
Print Name: Tom Carmody	Date:	

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

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Application for Planning Approval

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

Owner details		
Name: Oregon Nominees Pty Ltd		
ABN (if applicable):		
Address: 1 Kaylan Close, Greenfields WA		Postcode: 6210
Phone:	Fax:	Email: ianb@refuelaus.com.au
Work:		
Home:		
Mobile: 0408 882 221		
Contact Person for correspondence: Ian Burrows - Director of Oregon Nominees Pty Ltd		
Owners Signature:	Date: 21/10/2020	
Owners Signature:	Date: 21 October 2020 3:37 PM AWST	
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).		

Applicant details (if different from owner)		
Name: Tomahawk Property		
Address: 8/355 Stirling Highway, Claremont		Postcode: 6010
Phone:	Fax:	Email: tcarmody@tomahawkproperty.com.au
Work:		
Mobile: 0413 010 830		
Contact Person for correspondence: Tom Carmody		
Applicant Signature:	Date: 21 October 2020 4:26 PM AWST	
Print Name: Tom Carmody	Date:	

ORDINARY COUNCIL MEETING

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Property details		
Lot No: 1	House/ Street No:	
Diagram or Plan No: 76660	Certificate of title Volume No: 1855	Folio No: 216
Title encumbrances (eg easements, restrictive covenants):		
Street name: <u>Shark Bay Road</u> Suburb: <u>Denham</u>		
Nearest street intersection: <u>Shark Bay Road & Monkey Mia Road</u>		

Proposed development	
Nature of development:	<input checked="" 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 checked="" type="checkbox"/> No If yes is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Landuse
Description of proposed works / landuse: The Shire of Shark Bay granted planning approval for a unmanned fuel station on the 31st of July 2019 (Ref-O-CR-17885/P1347) on the subject property. We are seeking to formally apply to the Shire to request that Condition 4 of the existing planning approval be modified in accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015. We are proposing compacted road base as hard stand using local materials rather than sealing the site as stated in Condition 4. We are also proposing the crossovers will be compacted hardstand with 1m concrete strips. The hardstand will be constructed to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development.	
<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: <u>Vacant Block of Land</u>	
Approximate cost of development: <u>\$350,000</u>	
Estimated time of completion: <u>20 weeks</u>	

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<u>OFFICE USE ONLY</u>	
Acceptance Officers initials:	Date Received:
Local Government Reference Number:	

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Planning Application Checklist

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SHIRE OF SHARK BAY PLANNING APPLICATION CHECKLIST

OFFICE USE ONLY

Application Number: _____/_____

Date Received: _____

TO BE FILLED OUT BY THE OWNER / OR APPLICANT (WITH THE OWNERS CONSENT)

If you answer 'No' to any of these questions, your planning application is incomplete and may be placed on hold until the required information is lodged.

Address of Development/ Planning Application: Lot 1 Shark Bay Road, Dehnam

APPLICATION REQUIREMENT	OWNER / APPLICANT CHECKLIST. PLEASE TICK		OFFICE USE ONLY
	YES	NO	
1. SHIRE APPLICATION ENVELOPE			OFFICE USE ONLY
Shire Application Envelope completed and signed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
2. APPLICATION FORM			OFFICE USE ONLY
(i) The owner/ applicant is to complete an 'Application for Planning Approval'.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
<u>The Shire cannot process an application if the landowner's consent has not been obtained.</u>			<input type="checkbox"/> Request Additional Information from owner / applicant
Please ensure that you include both the Lot number and street address of the development site, with the title information.			
(ii) Signatures on the Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete Or Incorrect
The application form must be signed by the owner of the land or the application is not valid. All registered proprietors on the Certificate/s of title/s are required to sign the application form. The Shire cannot process an application without the owners consent.			
Company ownerships must be signed by:			
– 1 director of the company, accompanied by the company seal, or			
– 2 directors of the company, or			
– 1 director and 1 secretary of the company, or			
– 1 director if a sole proprietorship company.			
Print or type full names and positions of company signatories underneath the signatures, i.e.			
John F. Smith -			
Director			
Smith Pty. Ltd			
(A.C.N. xxxxxxxxxx)			

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

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2. SITE PLAN	Yes	No	OFFICE USE ONLY
Two (2) accurate, professional, scaled site plans which clearly show:			
(i) The existing lot boundaries, dimensions of all lot boundaries, road location, a scale and north point;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(ii) All existing crossovers, driveways, landscaping and parking areas;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(iii) Contours and existing site levels;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(iv) Relevant context of neighbouring properties (surrounding buildings, levels, land uses) – Only If Applicable (i.e. adjacent property levels if cut and fill proposed with retaining)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(v) The position, type and use of all existing buildings and improvements on the land;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(vi) All new proposed development including buildings, access, retaining walls, earthworks/fill, parking areas, landscaping etc;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
(vii) The Finished Floor Level of existing and proposed buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
3. ELEVATION PLAN	Yes	No	OFFICE USE ONLY
Two (2) accurate, professional, scaled site plans which clearly show:			
(i) An elevation view of the existing and proposed development as viewed from each property boundary;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(ii) Elevations to be clearly marked north, west, south and east;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(iii) All elevations should show the Natural Ground Level and the Finished Floor Level;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete
(iv) If earthworks, fill or retaining is proposed as part of development, then the elevation should clearly show the existing Natural Ground Level, the cut or filled levels, and all retaining wall details.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Incomplete

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

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4. FLOOR PLAN	Yes	No	OFFICE USE ONLY
A detailed floor plan showing the dimensions of the proposed development and use of each floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
For multi storey residential development, the lower and upper floor plan must be shown for each dwelling on the site plan with Finished Floor Levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
5. APPLICATION FEE	Yes	No	OFFICE USE ONLY
Planning application fees must be lodged with the planning application, or the application is not valid. The application cannot be processed until the payable fees are lodged.	<input checked="" type="checkbox"/> PAID	<input type="checkbox"/> NOT PAID	<input type="checkbox"/> Incomplete
The application fees are generally based on the cost of development, or the type of application.		Application incomplete without fee	
The application fee is to assist with administration and processing costs and is non-refundable.			
6. DETAILED COVERING LETTER	Yes	No	OFFICE USE ONLY
A detailed letter explaining what the development is for.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Incomplete
This may range from a brief letter explaining what a proposed oversized shed is to be used for, or a more comprehensive letter for a change of land use or commercial use describing the proposed business, how it will be managed and operated, and general information on staff numbers, hours of operation, deliveries etc			

CHECKLIST COMPLETED BY:

Name: Tom Carmody

Email Address: tcarmody@tomahawkproperty.com.au

Phone Number: 0413 010 830

Date: 20/10/2020

DISCLAIMER

THIS DEVELOPMENT CHECKLIST HAS BEEN COMPILED TO ENSURE THAT APPLICATIONS LODGED ARE COMPLETE AND PROVIDE ALL INFORMATION REQUIRED. THIS WILL ASSIST THE SHIRE OF SHARK BAY TO EXPEDITE PROCESSING OF APPLICATIONS.

PLEASE NOTE THAT THE SHIRE RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION FOR SPECIFIC APPLICATIONS SUCH AS VEHICLE MOVEMENT PLANS, TRAFFIC REPORTS, COLOUR PERSPECTIVE ELEVATIONS, COASTAL SETBACK REPORTS, VISUAL IMPACT ASSESSMENT, AND ACOUSTIC REPORTS.

Shire of Shark Bay

65 Knight Terrace, Denham WA 6537

Ph: (08) 9948 1218 Fax: (08) 9948 1237

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Planning Application Cover Letter

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Office:
8/355 Stirling Highway
Claremont WA 6010

Tomahawk Property Pty Ltd
ABN 19 118 387 410
P: PO Box 36 Cottesloe WA 6911

M: 0413 010 830
E: tcarmody@tomahawkproperty.com.au
W: tomahawkproperty.com.au

20th October 2020

The Chief Executive Officer
Mr Paul Anderson
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537
By email: admin@sharkbay.wa.gov.au

Dear Mr. Anderson

REQUEST MODIFICATION OF CONDITON 4 OF THE DEVELOPMENT APPROVAL "REF0-CR-17885/P1347" FOR PROPOSED UNMANNED SERVICE STATION AT LOT 1 SHARK BAY ROAD, DENHAM

Tomahawk Property has been engaged by Oregon Nominees Pty Ltd as project manager for Lot 1 Shark Bay Road, Denham.

We refer to Condition 4 of the Planning Approval "REF0-CR-17885/P1347" which states:

- 4. All trafficable areas including vehicle parking, bowser parking areas, loading areas, vehicle manoeuvring and circulation areas on the approved site plan shall be designed in accordance with the Traffic Impact Statement by Greenfield Technical Services dated 18 January 2019 and be constructed and sealed (concrete and/ or bitumen) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development.**

We are requesting to modify Condition 4 in accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015. We are proposing the use of compacted road base as hard stand for the construction of the unmanned fuel station. The road base will be using local materials with a dustex sealer as an alternative to sealing the site as requested in Condition 4. We are also proposing that the crossovers will made of compacted hardstand with a 1m concrete strip. The road base will be suitably compacted having a minimum of 100mm thickness which will be designed and constructed to the satisfaction of the Shire requirements.

The road base will be supplied by a trusted contractor which will provide an A-Grade road base which is made of a mixture of cracker dust and fine stones that will be wet and compacted to form smooth and durable surface. We see the use of compacted road base as a long-term solution to future maintenance costs and will reduce any potential delays in the future that may occur due to maintenance.

We have recently completed an unmanned fuel station for the same client resembling what is proposed at Denham which was approved by the Shire of Camarvon. The Shire initially requested that the site be sealed however this was ultimately approved with the requirement for compacted road base as an alternative to sealing the site. The Shire of Camarvon agreed to the use of road base at 45 Banksia Drive, Coral Bay, the unmanned fuel station is operating efficiently and supplying tourists and the local community with fuel please refer to **Annexure 1** for photos of the completed site. No dust complaints have been received. The need to seal the Denham site as per Condition 4 will cause the development to be commercially unviable and will reduce supply of fuel available to locals and tourists.



TOMAHAWK
PROPERTY

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The forecourt will be sealed surrounding the tank farm and the fuel bowzers. The area will be sealed by concrete and will be self-contained reducing the risk of fuel and oil spillage. The double skinned underground fuel tank comprises a steel inner tank and exterior wall of fiberglass reinforced plastic, preventing corrosion.

The concrete forecourt will be 18.5m x 9.6m with 200mm thick concrete which will incorporate the fuel fill points please refer to **Annexure 2** for the proposed site plan. The fuel fill points will have concrete covers and will be constructed with drainage pits to capture water and any dripping fuel spills. To prevent any impact on the environment, the facility will be fitted with an oil and water separation system (Spelceptor Stormwater Treatment System Model YH0510E-53099 – please refer to **Annexure 3**) that captures and contains any spills/drips that may be washed into the drainage system. The Spelceptor will be supplied by Allied Pumps which is an accredited supplier by AS/NZS ISO 9001:2015.

The installation will meet the requirements of the WA Dangerous Goods Act and Regulations and have a likely risk rating of as low as reasonably practicable. Given the fuel storage exceeds 100,000L of C1 Combustible Liquid, a liquid goods storage and handling license will be required, a process which will further scrutinize the proposed development during the compliance documentation preparation.

Currently there are 2 existing service stations within Denham which are located at 85 and 97 Knight Terrace, respectively. The Department of Water and Environmental (DWER) Regulation has identified the service station located on 97 Knight Terrace as being "Contaminated – remediation required". Remediation is required to reduce the risk to human health and the surrounding environment. According to the Basic Summary of Records hydrocarbons have been found in the groundwater under the forecourt and soil throughout the site (please refer to **Annexure 4**). DWER require a remediation action plan to be developed and submitted to the auditor no later than 31 October 2020. From a risk perspective the new unmanned fuel station will meet new regulations set by the Dangerous Goods Safety Act 2004 and have a new fuel system which will be engineered to meet modern industry standards.

From a traffic perspective the site can service at least three 19m long semi-trailers within the site at any one time. This is stated in the Traffic Impact Study that was carried out by Greenfield Technical Services on the unmanned fuel site (refer to **Annexure 5**). The fuel station will be accessible on a 24-hour basis and will be able to service all vehicle types due to the large trafficable area design (refer to **Annexure 6**). The existing service stations in Denham are shown to have much tighter trafficable areas increasing the risk of queuing occurring on Knight Terrace during peak times which is the main road servicing the Denham town centre.

We see that the proposed unmanned fuel station will be a great addition to the town of Denham giving the local population and tourists more options when it comes to fuel. The unmanned fuel station will be more easily accessible by larger vehicle types and will meet strict industry standards vastly reducing the likelihood of contamination occurring.

Please confirm acceptance of the proposed modification to Condition 4.

Yours faithfully

Tom Carmody
Tomahawk Property Pty Ltd
Director

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Annexure 1

Coral Bay Site Pictures

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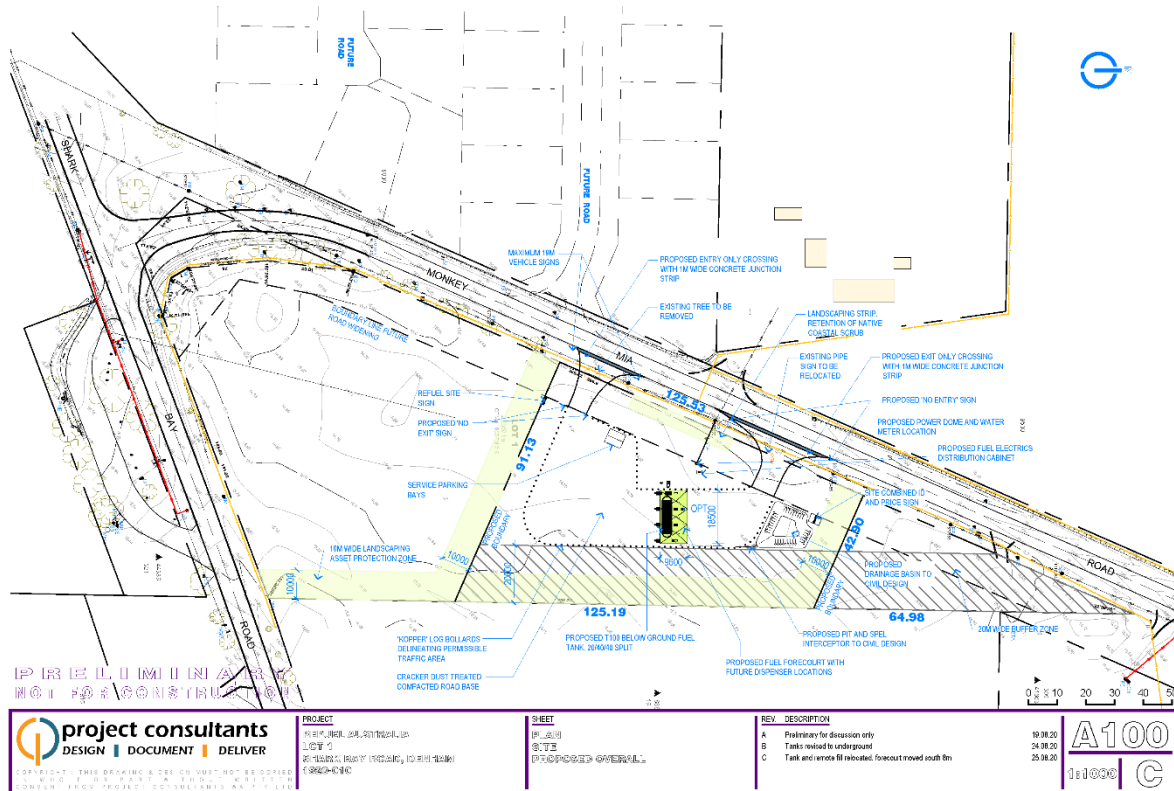
Annexure 2

Proposed Site Plan

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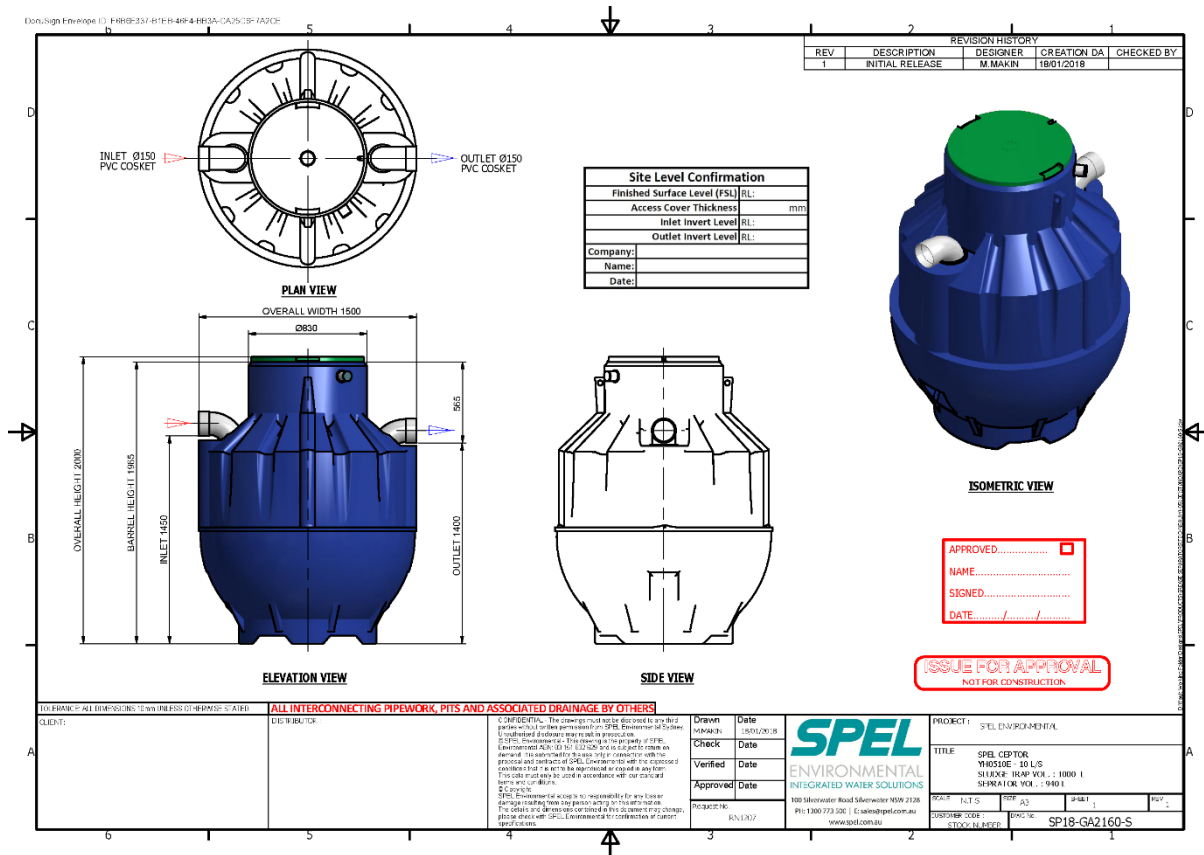


Annexure 3

Spel Ceptor Drawing

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Annexure 4

Basic Summary of Records

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Government of Western Australia
Department of Water and Environmental Regulation

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Contaminated Sites Act 2003 Basic Summary of Records Search Response

Report generated at 03:22:37PM, 06/10/2020

Search Results

Receipt No:

ID No: 16940

This response relates to a search request received for:

97 Knight Tce
Denham, WA, 6537

This parcel belongs to a site that contains 1 parcel(s).

According to Department of Water and Environmental Regulation records, this land has been reported as a known or suspected contaminated site.

Address	97 Knight Tce Denham, WA, 6537
Lot on Plan Address	Lot 11 On Diagram 35198
Parcel Status	<p>Classification: 27/02/2020 - Contaminated - remediation required</p> <p>Nature and Extent of Contamination:</p> <p>Hydrocarbons (such as from petrol or diesel) are present in soil across the site.</p> <p>Hydrocarbons (such as from petrol or diesel) are present as a plume in groundwater both onsite and offsite beneath adjoining road reserve.</p> <p>Restrictions on Use:</p> <p>Due to the presence of hydrocarbons in soil, a site-specific health and safety plan is recommended to address the risks to the health of any workers undertaking intrusive works (deeper than 1.5 meters below surface level) until further notice.</p> <p>Due to the nature and extent of groundwater contamination identified to date, the abstraction of groundwater for any purpose is not recommended.</p> <p>Reason for Classification:</p> <p>This site was reported to the Department of Water and Environmental Regulation (the department) as per reporting obligations under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006. The site was first classified under section 13 of the Act based on information submitted to the department by January 2008. The site has been classified again under section 13 of the Act to reflect additional technical information submitted to the department by December 2019.</p> <p>The site was reported because it has been used as a service station and contamination assessments carried out between 2005 and 2006 identified hydrocarbons (such as from petrol or diesel) in soil and groundwater beneath the site. Service stations are a land use that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites'</p>

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.



Contaminated Sites Act 2003

Basic Summary of Records Search Response

Report generated at 03:22:37PM, 06/10/2020

(Department of Environment Regulation [DER], 2014). The site continues to be used as a service station.

Remedial works were undertaken at the site in 2005 following the identification of three leaking underground fuel storage tanks (USTs). The remedial works included removal of the leaking USTs, excavation of hydrocarbon-impacted soil and abstraction of approximately 32,000 litres of hydrocarbon-impacted groundwater. Soil validation samples were taken following the completion of remedial works. Hydrocarbons (such as from petrol, diesel and oil) were identified in the validation samples at concentrations exceeding Health Screening Levels for vapour intrusion on commercial/industrial land and Management Limits for commercial and industrial land, as published in the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (the NEPM).

Further soil investigations were undertaken in February 2019. Soil samples were taken from surface down to a maximum of 1.5 metres below ground level. The soil samples were not taken within the footprint of the former UST area and did not extend to the potential depth of the former UST excavations in 2005. As such, the reliability of these samples is limited. Hydrocarbons (such as from diesel and oil) were identified in these samples at concentrations exceeding Management Limits for commercial and industrial land, as published in the NEPM. Further soil investigations are required to identify the vertical and horizontal extent of hydrocarbon impacted soil at the site.

Groundwater investigations were conducted at the site between 2005 and 2019. The 2005 groundwater investigations identified phase separated hydrocarbons (PSH), such as pure hydrocarbon product floating on the surface of the groundwater across the site with the greatest thickness of PSH identified beneath the forecourt. The most recent groundwater investigations conducted in 2019 identified hydrocarbons in both onsite and offsite groundwater wells. However, no assessment levels are currently available for the individual hydrocarbon compounds present in offsite groundwater wells relevant to the adjacent marine environment.

Groundwater investigations conducted in 2010 and 2019 did not include sampling soil from beneath the forecourt where phase separated hydrocarbons were identified during the 2005 groundwater investigation. Further groundwater investigations are required to identify the quality of groundwater beneath the forecourt or within close proximity to the front of the store.

Based on the identification of hydrocarbons in groundwater and soil samples taken in 2005, a direct vapour assessment is required to identify the presence or absence of hydrocarbon vapour within the vicinity of the store.

A risk assessment has not been carried out to determine the potential risk posed by the substances of concern at the site to human health, the environment or environmental values including both onsite and off-site receptors.

The site is contaminated and remediation is required to reduce risks to human health, the environment and environmental values to acceptable levels. Therefore, the site is classified as 'contaminated - remediation required'.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.

**Contaminated Sites Act 2003**
Basic Summary of Records Search Response

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Other Relevant Information:

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

Based on the available information, contamination present beneath this site has also been identified beyond the site boundary beneath the adjacent land, consistent with the definition of a "source site" specified in Part 1, Section 3 of the Act. In accordance with Regulation 31(1)(b) of the 'Contaminated Sites Regulations 2006', reports or information submitted to the department that are relevant to the investigation, assessment, monitoring or remediation of a source site are required to be accompanied by a mandatory auditor's report (MAR) prepared by an accredited contaminated sites auditor.

Where the land is part of a transaction - sale, mortgagee or lease agreement, the land owners MUST PROVIDE WRITTEN DISCLOSURE (on the prescribed Form 6) of the site's status to any potential owner, mortgagee (e.g. financial institutions) or lessee at least 14 days before the completion of the transaction. A copy of the disclosure must also be forwarded to the department.

Due to the presence of hydrocarbons in soil, a site-specific health and safety plan is recommended to address the risks to the health of any workers undertaking intrusive works (deeper than 1.5 meters below surface level) until further notice.

Due to the nature and extent of groundwater contamination identified to date, the abstraction of groundwater for any purpose is not recommended.

Action Required:

As this site is a source site, in accordance with regulation 31(1)(b) of the Contaminated Sites Regulations 2006, an accredited contaminated sites auditor must be appointed to review all investigations, assessments, monitoring and/or remediation of the site and to prepare a mandatory auditor's report. All future reports on investigation, assessment, monitoring or remediation of the site which are submitted to the department will need to be accompanied by a mandatory auditor's report.

Further soil, groundwater, direct vapour and sediment investigations are required to determine the contamination status of the site and the potential of impacted groundwater and sediment offsite. A detailed site investigation report is required to document the results of these investigations and should include a risk assessment to determine the potential risk posed by the substances of concern at the site to human health, the environment or environmental values including both onsite and off-site receptors. The detailed site investigation report should be submitted to the auditor by 31 August 2020. Based on the findings of the detailed site investigation if remedial works are required to reduce potential risks to human health, the environment and/or any environmental value are required, the remediation action plan is to be developed for the site and submitted to the auditor by no later than 31 October 2020.

The department should be advised of the engagement of an environmental consultant and an accredited contaminated sites auditor by no later than 31 May 2020.

**Certificate of Title
Memorial****Disclaimer**

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.

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Government of Western Australia
Department of Water and Environmental Regulation

Page 4 of 4

Contaminated Sites Act 2003
Basic Summary of Records Search Response

Report generated at 03:22:37PM, 06/10/2020

Certificate of Title Memorial	Under the Contaminated Sites Act 2003, this site has been classified as "contaminated - remediation required". An instrument affecting land which comprises all, or part of, this site will not be registered or accepted for registration, unless the CEO of the Department of Water and Environmental Regulation consents to the registration in writing. For further information on the contamination status of this site, or this restriction, please contact Contaminated Sites at the Department of Water and Environmental Regulation.
Current Regulatory Notice Issued	Type of Regulatory Notice: <i>Nil</i> Date Issued: <i>Nil</i>
General	No other information relating to this parcel.

Disclaimer

This Summary of Records has been prepared by Department of Water and Environmental Regulation (DWER) as a requirement of the Contaminated Sites Act 2003. DWER makes every effort to ensure the accuracy, currency and reliability of this information at the time it was prepared, however advises that due to the ability of contamination to potentially change in nature and extent over time, circumstances may have changed since the information was originally provided. Users must exercise their own skill and care when interpreting the information contained within this Summary of Records and, where applicable, obtain independent professional advice appropriate to their circumstances. In no event will DWER, its agents or employees be held responsible for any loss or damage arising from any use of or reliance on this information. Additionally, the Summary of Records must not be reproduced or supplied to third parties except in full and unabridged form.

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Annexure 5

Traffic Impact Statement

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GERALDTON FUEL CO Pty Ltd (T/A Refuel Australia)

TRAFFIC IMPACT STUDY

Unmanned Retail Fuel Site on Monkey Mia Rd, Denham

REVISION	A	B	0
PURPOSE	Issued for Review	Update Report	Issued for Use
PREPARED	Matt Barns	Matt Barns	Matt Barns
DATE	08/12/17	31/10/18	18/01/19

GERALDTON

8/81 Forrest Street, PO Box 2840, Geraldton, WA 6531
P 08 9921 5547

PERTH

3 Shakespeare Avenue, Yokine, WA 6060
M 0498 999 484

greenfieldtechnicalservices.com.au



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1.0 INTRODUCTION

Greenfield Technical Services (GTS) have been engaged by Geraldton Fuel Co to provide a traffic impact study for the proposed development on Monkey Mia Rd in Denham. The purpose of this document is to provide commentary and analysis on the potential traffic and transport impact that the development of this site may have on the surrounding roads and transportation networks.

This traffic impact study has been developed with general reference to the guidelines as shown in WAPC Transport Impact Assessment Guidelines – Part 4 (Developments). However, it should be noted that given the type and size of the development, as well as the expected low volume of generated traffic, the development is considered Low Impact. Therefore, the completed traffic study does not strictly fulfil all the requirements of a full Transport Impact Statement which is for developments with Moderate Impact.

For the purposes of this report, Monkey Mia Rd has an orientation from south to north and Shark Bay Rd has an orientation from east to west.

2.0 DEVELOPMENT BACKGROUND

Lot 1 is a corner block that is bounded by Shark Bay Rd and Monkey Mia Rd in Denham. Geraldton Fuel Co. propose to install an outside payment terminal (OPT) retail fuel facility in the northern half of this lot which has access frontage on Monkey Mia Rd (Figure 1). The Geraldton Fuel Co. proposal does not include any development in the southern half of the lot which has frontage on both Shark Bay Rd and Monkey Mia Rd. This southern section of Lot 1 will remain available for a separate future development which would be subject to its own development application.

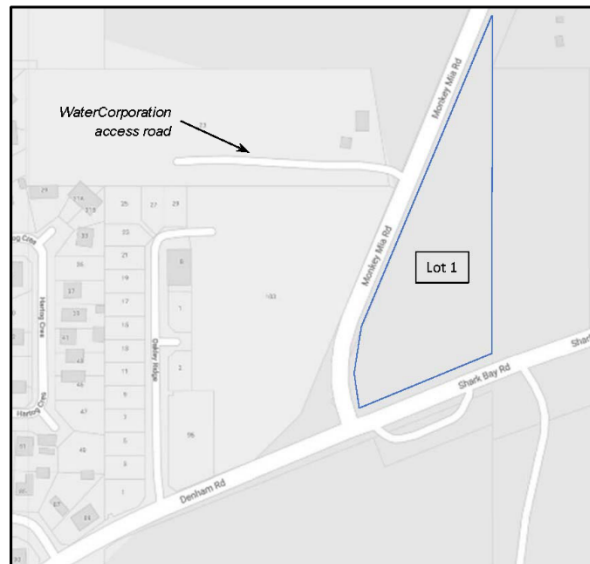


Figure 1: Local road layout relative to Lot 1



In relation to the future development in the southern section of Lot 1, Main Roads have advised that once the proposed access point locations for the northern section of the lot are accepted by Main Roads, any future submission of a subdivision application will require restriction of vehicular access onto Monkey Mia Road and Shark Bay Road to only the approved points.

2.1 MAIN ROADS WIDENING OF ROAD RESERVE

The existing cadastral road reserve on both Monkey Mia Rd and Shark Bay Rd is a standard 20m width. This results in Lot 1 being approx. 2.1384ha.

Main Roads have identified a future widening of the road reserve on Monkey Mia Rd by approx. 13m on the east side (approx 0.4435ha). This reduces the total available area of Lot 1 to approx 1.6949ha.

2.2 OUTLINE OF PROPOSED DEVELOPMENT

The proposed development is based on the Local Development Plan shown in Figure 2. The proposed OPT development is approx. 0.7240ha and only occupies the northern section of Lot 1, shown as Dev Area 2 in Figure 2. This section represents less than half (approx. 43%) of the total 1.6949ha available. The corresponding area of the southern section of Lot 1 is approx. 0.9709ha, shown as Dev Area 1.

The OPT facility includes 4 bowsers at two adjacent locations within the site, two supplying diesel and the other two supplying unleaded fuel. The intention of the unmanned site is that it is accessible to retail clients on a 24-hour basis. As this is effectively a 'fill and go' facility there is no particular demand for client parking.

Access to the site will be via two separate driveways access points off Monkey Mia Rd, being ENTRY only and EXIT only.

The proposal does not include any access off Shark Bay Rd.

Plans for the proposed development are provided in Appendix 1.

3.0 TRAFFIC IMPACT STUDY

3.1 VEHICULAR ACCESS AND PARKING

3.1.1 Vehicular Access

Monkey Mia Rd and Shark Bay Rd are both two-way single carriageways classified as Primary Distributor roads being under the authority of Main Roads WA. Shark Bay Rd is kerbed on both sides and sealed approx. 7.5m wide. Monkey Mia Rd is sealed approx. 6.5-7.0m wide and is kerbed for the first 90m from the intersection. The posted speed limit is 50km/h on both Shark Bay Rd and Monkey Mia Rd.

As previously noted, the site is bounded by Shark Bay Rd and Monkey Mia Rd. The proposed development will utilise driveway access points off Monkey Mia Rd.

There are no existing footpaths or on-street parking provisions within the road reserve on Monkey Mia Rd. However, there is an overhead power line that runs along the eastern verge on Monkey Mia Rd. Accordingly, the proposed access driveways have been located in between the power poles.

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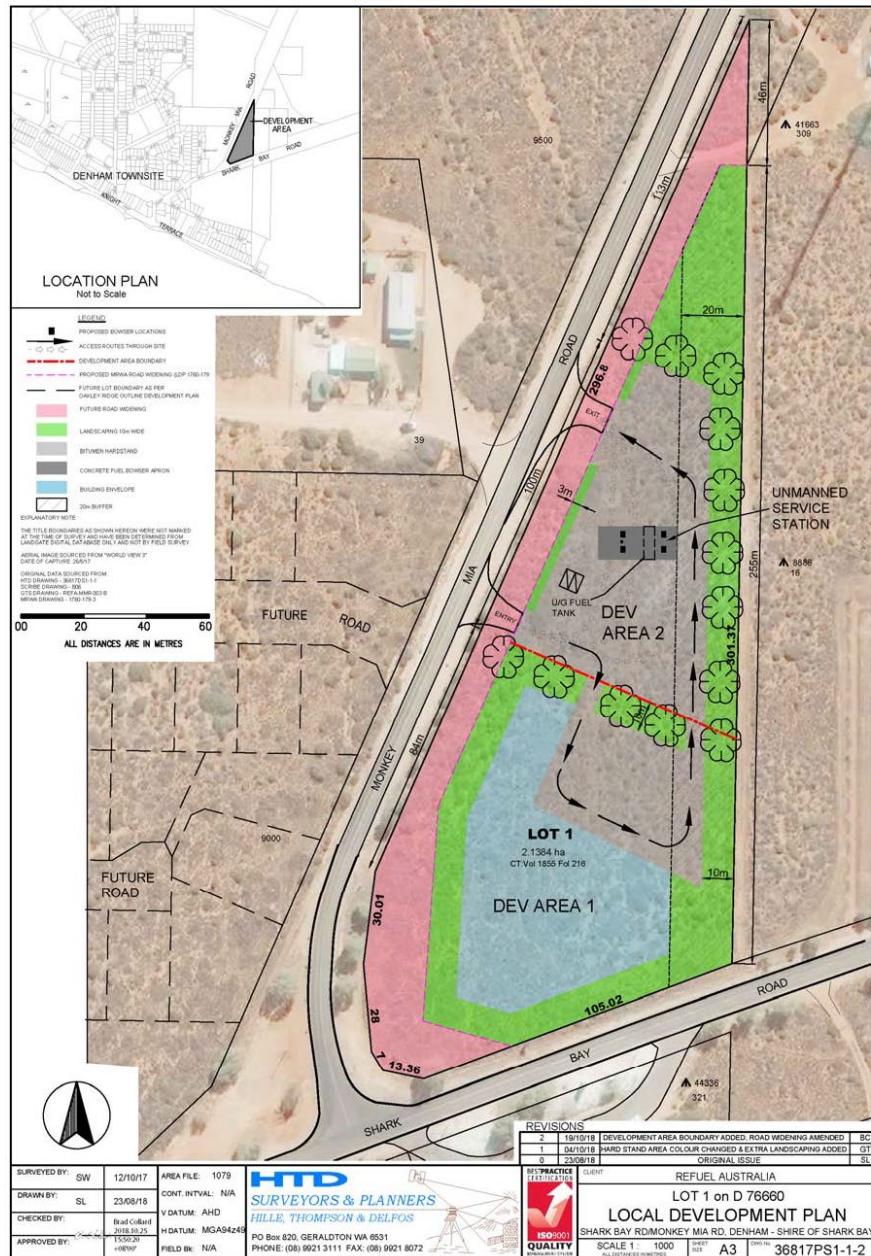


Figure 2 Local Development Plan for Lot 1



The table below shows the most recent available traffic data for the surrounding network. The existing traffic volume information has been sourced from Main Roads WA. For reference purposes, the following references apply:

- SLK 0 on Shark Bay Rd is at the intersection with North West Coastal Highway
- SLK 0 on Monkey Mia Rd is at the intersection with Shark Bay Rd
- The intersection at Monkey Mia Rd is SLK 128.2 on the Shark Bay Rd.
- The proposed development site is located at approx. SLK 0.2 on the Monkey Mia Rd

Road Name	Functional Classification / Road Hierarchy	Location of Traffic Count	Recorded			Estimated based on 1.5% growth
			Vehicles Per Day (VPD)	Heavy Vehicle %	Year	2027 Vehicles Per Day (VPD)
Monkey Mia Rd	Primary Distributor	SLK 23.00 (north of the site)	390	8.7	Apr-May 2017	453
Shark Bay Rd	Primary Distributor	SLK 7.11 (east of the site)	401	15.0	Dec 2017	465
		SLK 75.00 (east of the site)	356	12.1	Apr-May 2017	413

Table 1 - Traffic Volumes for Monkey Mia Rd and Shark Bay Rd near the subject site

3.1.2 Redevelopment of the Monkey Mia Resort

The Monkey Mia Dolphin Resort is located at the end of Monkey Rd, approx. 25km from the intersection with Shark Bay Rd. The recent redevelopment of the resort is estimated to increase the staff and guest accommodation units from 204 to 415.

Based on information detailed in a 2016 Traffic Impact Statement commissioned by Main Roads, the redevelopment of the Monkey Mia Dolphin Resort at full build out is forecast to contribute an additional 311 vehicle movements a day to traffic volumes along Monkey Mia Road, when all units are occupied, and all staff are on site. The report notes that while this represents an increase over existing traffic volumes, the forecast total two-way daily volume of a high of 1019 vehicles is relatively low for a highway of this nature. The forecast volume is within the traffic carrying capacity of Monkey Mia Road and no upgrades are required.

Therefore, based on the forecast high total two-way daily traffic of 1019 vehicles being in year 2019, the revised estimate of 2027 traffic based on 1.5% growth would be approx. 1150 vehicles per day.

3.1.3 Crash Data

When considering the intersection, as well as the sections of Monkey Mia Rd and Shark Bay Rd, 200m on either approach to the site, Main Roads have confirmed that no crashes have been recorded within the last 5 years.

Therefore, the immediate road network does not raise outstanding safety concerns.



3.1.4 Vehicle Parking

The development is an OPT retail fuel facility and one of the main aspects being that the facility is unmanned. As such, the development does not warrant any particular demand for parking as the only reason for vehicles to enter the site is to refuel at the bowser. Based on this, ACROD parking is also not warranted as any disabled person's vehicle would also proceed to the bowser to refuel.

Further, as the only vehicles accessing the site are cars and trucks up to 19m long, there is no bicycle parking required.

3.2 ADJACENT LAND USE

3.2.1 Monkey Mia Rd

The Shark Bay Rd intersection is located approx. 160m to the south of the proposed development.

Water Corporation: There is a Water Corporation water storage and treatment site on Lot 39 on Monkey Mia Rd which is located opposite the proposed development. The unsealed driveway access for the depot is located between the two access driveways of the proposed OPT development. This Water Corporation site is used by the operational staff and travellers to purchase potable water from a water point. At peak there are 30 vehicles per day accessing the site to purchase water.

Oakley Ridge Residential Estate: This development is located on Lot 59 on the north-west corner block of Denham Hamlin Rd and Monkey Mia Rd. The development includes 39 single residential lots, 1 grouped housing lot and 3 tourist development sites. There is an access road yet to be constructed on Monkey Mia Rd approx. 160m from the intersection with Denham Hamlin Rd. The centreline of this access road is approx. 20m south of the centreline of the proposed entry driveway to the unmanned fuel facility. The proposed separation distance between the estate access and the OPT access was discussed with Main Roads and generally considered to be satisfactory.

A second access road to this development has already been constructed on Denham Hamlin Rd approx. 170m from the intersection with Monkey Mia Rd.

3.2.2 Denham Hamlin Rd and Shark Bay Rd

On the eastern approach to the Monkey Mia Rd intersection, there is a cemetery adjacent to Lot 1 and a large information bay opposite Lot 1.

Oakley Ridge Residential Estate: The intersection for this development is located approximately 170m to the west of the Monkey Mia Rd. This development is only partially constructed.

Azure Waters South Residential Estate: This proposed future development is on Lot 9502 on the southern side of Denham Hamlin Rd, west of the intersection with Monkey Mia Rd. The development includes 53 single residential lots and 2 tourist development sites. The proposed access road off Denham Hamlin Rd is located approx. 80m west of the intersection with Monkey Mia Rd.

3.2.3 Future Development of the Southern Section of Lot 1 (Dev Area 1)

As detailed in Section 2.2, Dev Area 1 is the southern portion of Lot 1 (approx. 0.9585ha) is not part of the current development proposal. At this stage, there are no specific details known regarding any development proposals for this site. However, as shown on the Figure 2, the Local Development Plan details that the access to Dev Area 1 is through the OPT facility (Dev Area 2) via the entry and exit driveways on Monkey Mia Rd.



The Local Development Plan details a 10m wide strip of vegetation along the boundary between Dev Area 1 and Dev Area 2. For vehicles entering Dev Area 1, the access is defined by a 6m wide opening in the strip of vegetation. The access opening is approx. 45m from Monkey Mia Rd.

Vehicles exiting Dev Area 1 do so via an access aisle along the eastern side of Dev Area 2. The access aisle width is approx. 10m wide which is sufficient to allow for a strip of vegetation or bollards should these be necessary once the details of the Dev Area 1 development are determined.

3.3 PROVISION FOR DELIVERY AND SERVICE VEHICLES

3.3.1 OPT Facility in Dev Area 2

Two parking bays are provided for service vehicles for the OPT facility in Dev Area 2 between the fuel bowers and the Monkey Mia Rd verge. The only regular delivery vehicle frequenting the OPT site will be the fuel delivery truck (19m long semi-trailer). Based on expected usage of the OPT facility, deliveries are expected to occur 2-3 times per week. No parking is needed for these deliveries as the truck will need to locate itself next to the storage tanks to discharge the fuel.

3.3.2 Future Development in Dev Area 1

Refer Section 3.6.2 for details.

3.4 HOURS OF OPERATION

The development is operational 24 hours per day. However, it is expected that the facility will attract more customers during the daytime.

3.5 DAILY VEHICULAR VOLUMES AND VEHICULAR TYPES

A critical portion of a Traffic Impact Study is estimating the amount of traffic that a proposed development will produce. This estimate is obtained by carrying out a Trip Generation analysis. The Institute of Transportation Engineers (ITE) has been collecting data on Trip Generation for a number of years and publishes the Trip Generation Manual. The difficulty with the ITE manual is that most of the data was collected in suburban and medium sized urban areas, which are not representative of small urban and rural areas. Based on this, the Trip Generation Manual has not been used to determine the number of trips generated by the development.

3.5.1 OPT Facility in Dev Area 2

The estimated number of trips generated by this development is expected to be less than 20 per day. This is based on consideration of the following factors:

- a) the type of development being a small unmanned fuel station,
- b) the site is located in Denham townsite which has a population of approx. 600 people, and
- c) there are three other existing fuel stations in Denham.

During peak periods, it is estimated that there will be less than 10 vehicles per hour. Each trip will be relatively short as it is only long enough to put fuel in the vehicle.

The vehicular types that will use the development will be passenger vehicles and small trucks up to a maximum length of 19m (semi-trailer).

The nearest 24hr fuel stations are located:

- To the North – approx. 320km away in Carnarvon



- To the South – approx. 370km away in Kalbarri

3.5.2 Future Development in Dev Area 1

Refer Section 3.6.2 for details.

3.6 MANAGEMENT OF TRAFFIC GENERATED BY THE SITE

3.6.1 Driveways and Internal Traffic Flow – Traffic Generated by OPT Facility

The OPT site will operate using one-way flow through the site with access via two separate driveways off Monkey Mia Rd. Vehicles will enter via the southern driveway and exit via the northern driveway. The southern entry driveway is located approx. 180m from the intersection with Denham Hamlin Rd. The exit driveway is approx. 70m north of the entry driveway.

The location of the bowsters in the attached drawings is nominal. The location of the bowsters allows for refuelling vehicles to pull up on both sides of the bowsters.

The site has enough space to allow for at least three 19m long semi-trailers within the site at any one time. Given the relatively low peak hourly volumes and short refuel time, the risk of queuing vehicles impacting Monkey Mia Rd is not considered significant.

Signage will be installed to advise that maximum permitted length of vehicle is 19m. In the event that a longer vehicle does try to enter the facility, the bowser layout is able to accommodate a vehicle up to 36.5m long.

Basic internal lighting of the site will be provided to the approval of the Shire.

3.6.2 Internal Traffic Flow – Traffic Generated by Future Dev Area 1

The requirements related to the traffic produced by the future development in Dev Area 1 will be subject to the specific details of the actual development proposed. This includes the generated trips as well as the delivery and service vehicles. Nevertheless, any vehicles associated with the development in Dev Area 1 will need to access the site via the OPT facility in Dev Area 2.

The main risk with trip generation from this site is that vehicle travel paths are clear such that vehicles moving to and from Dev Area 1 can do so safely such that they do not conflict with vehicle movements associated with the OPT facility in Dev Area 2. This is achieved by providing clear access and egress through the Dev Area 2 site.

An additional risk would be that the onsite parking provisions in Dev Area 1 would be insufficient for the number of trips generated. This could potentially cause vehicles accessing Dev Area 1 to look for parking in the OPT facility site in Dev Area 2.

As there are no specific details available regarding the nature of the future development, it is not possible to make an informed assessment of the volume and/or movement of vehicles associated with Dev Area 1 through the OPT facility in Dev Area 2. However, apart from possible issues arising from a lack of parking in Dev Area 1, there is expected to be minimal impact on the OPT facility development in Dev Area 2.

3.6.3 Turning Treatments

Austrroads Guide To Road Design (GRD) Part 4 notes in section A8 that when detailed traffic data is not available, the peak hourly flow on the major road can be estimated for rural areas as between 11% - 16% of the total. Therefore, the current peak hourly flow on Monkey Mia Rd is estimated to be approx. 60veh/hr. The corresponding estimate of the peak hourly flow in 2027 is approx. 175veh/hr.



Even though there is only expected to be less than 10veh/hr turning right into the site, Fig A10b of Austroads GRD Part 4 indicates that a BAR (Basic Right-Turn) treatment, as well as a BAL (Basic Left-Turn) treatment, is required for the proposed driveway access.

Section A.8 of the Main Roads WA Supplement to Austroads Guide to Road Design – Part 4 notes that due to the high percentage of heavy vehicles on Western Australian roads, Main Roads uses the equation below for warrants for turn treatment in place of Austroads GRD Part 4, Figure A 10. Therefore, using the spreadsheet supplied in section A.8 of the Main Roads Supplement, the access to the development warrants both a BAR (Basic Right-Turn) treatment as well as a BAL (Basic Left-Turn) treatment.

However, it is notable that the warrants nominated in Austroads are based on cost benefit ratios developed using construction costs at greenfield sites, not existing sites. Further, we have sourced a research paper written by QLD Main Roads which advocates that the nominated Austroads BAR treatment at high speed low volume intersections is not actually warranted in brownfield situations.

The research paper noted that at brownfield sites, the incremental costs for the construction of either a new intersection on an existing road, or for the upgrade of an existing intersection are significantly increased due to the piecemeal nature of the works and the management of existing traffic.

However, in discussing the intersection treatment warrants with Main Roads, they have advised that the BAR and BAL treatments are required. However, as per discussions with Main Roads, the future realignment of Monkey Mia Rd associated with the Shark Bay Rd intersection reconstruction will mean that any BAR treatment constructed now will become redundant. Therefore, Main Roads have agreed to delay the construction of the BAR treatment until the southern part of Lot 1 (*Development Area 1*) is developed.

3.7 PUBLIC TRANSPORT ACCESS

There is no public transport in the proximity of the site.

3.8 PEDESTRIAN AND CYCLIST ACCESS

There is no existing footpath constructed along Monkey Mia Rd or Shark Bay Rd.

4.0 SUMMARY AND CONCLUSION

Geraldton Fuel Co. propose to install an outside payment terminal (OPT) retail fuel facility in the northern half of Lot 1 (Dev Area 2) which is a corner block that is bounded by Shark Bay Rd and Monkey Mia Rd in Denham. This southern section of Lot 1 (Dev Area 1) will remain available for a separate future development which would be subject to its own development application.

The intention of the unmanned OPT facility site is that it is accessible to retail clients on a 24-hour basis. As this is effectively a 'fill and go' facility there is no particular demand for client parking.

Access to the Dev Area 2 site will be via two separate driveways access points off Money Mia Rd, being ENTRY only and EXIT only. There will not be any access off Shark Bay Rd. Additionally, any vehicles associated with the development in Dev Area 1 will need to access the site via the OPT facility in Dev Area 2. Apart from possible issues arising from a lack of parking in Dev Area 1, there is expected to be minimal impact on the OPT facility development in Dev Area 2.

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No turning treatment on Monkey Mia Rd is proposed for this site.

The OPT facility site has enough space to allow for at least three 19m long semi-trailers within the site at any one time. Given the relatively low peak hourly volumes and short refuel time, the risk of queuing vehicles impacting Monkey Mia Rd is not considered significant.

The estimated traffic volumes generated by the development are well within the estimated capacity of the immediate road network.

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Annexure 6

Proposed Swept Paths

25 NOVEMBER 2020

[illegible]

Attachment # 6

- ii. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.*
- iii. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services and Environmental Health Departments on (08) 9941 0000.*
- iv. *The café adjoins a sensitive noise receptor (dwelling at Lot 72 Angelo Street). Noise emitted from the café must not exceed the prescribed standards set out in the Environmental Protection (Noise) Regulations 1997.*

CARRIED
F6/AO

8.3.5 UNMANNED FUEL STATION – LOT 62 (NO. 45) BANKSIA DR., CORAL BAY

File No: A4047, P06/20
 Date of Meeting: 24 March 2020
 Location/Address: Lot 62 (No. 45) Banksia Drive, Coral Bay
 Name of Applicant: Tomahawk Property
 Name of Owner: Crown Reserve
 Author/s: John Meggitt, Principal Planner
 Declaration of Interest: Nil
 Voting Requirements: Simple majority
 Previous Report: Nil

Summary of Item:

This Development Application is for a proposed vehicle refueling station and associated signage, lighting and landscaping at Lot 62 Banksia Drive, on the corner of Monck Head Drive, Coral Bay. It is intended that the development will replace the existing Refuel fuel station at the adjacent site at Lot 64 Banksia Drive which is also operated by the proponent; however the operator wishes to have this facility fully operational before decommissioning the existing temporary fuel facility.

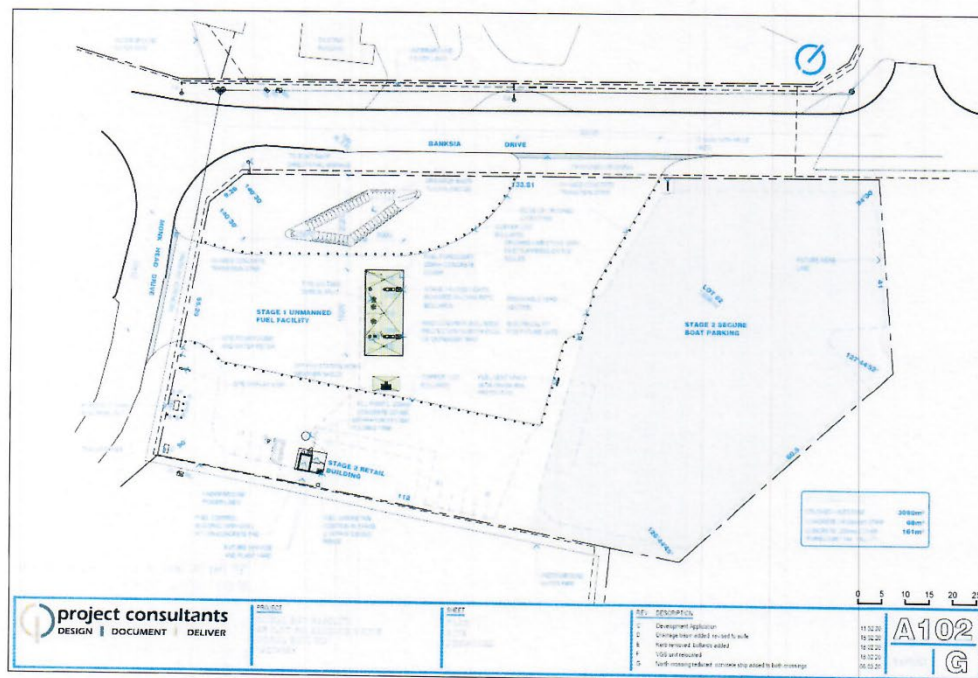
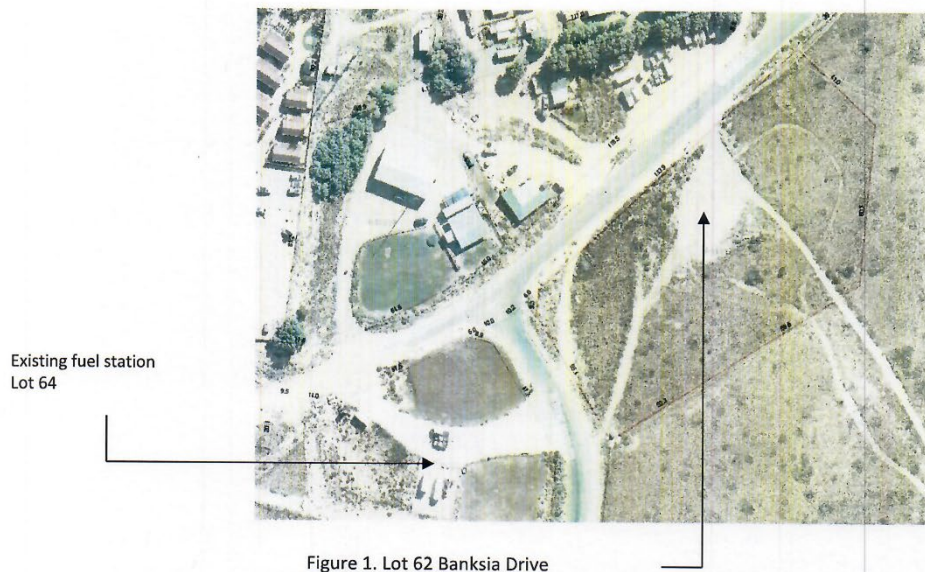
Description of Proposal:

The applicant has identified the following works: an unmanned fuel bowser fill point, underground fuel tank, two crossovers, signs and resurfacing. It is proposed that the facility would operate 24 hours per day, 7 days a week. See Schedule - 8.3.5(a) – Unmanned Fuel Station Site Plan.

Background:

Lot 62 has an area of approximately 1ha. The facility will be the sole fuel supply point for vehicle and boats in Coral Bay. The proponent intends that the site would remain unsealed with the lot being covered with crushed road base. The applicant has indicated that a future Stage 2 application will provide for secure boat park and incidental retail facilities at the site. Stage 2 does not form part of this application.

25 NOVEMBER 2020



The applicant has provided the following reports as part of the application:

- Traffic Management;
- Geotechnical;

- Landscaping;
- Tank Information; and
- Bushfire Management.

The Traffic Management Report concludes that the site is well located for the expected user profile that tourist activity in Coral Bay will demand of such a facility. It is stated that there are no design issues identified with the proposed facility that would impose limits or hazard to other traffic within the precinct and that there are no issues that would preclude its approval in its current form.

Currently Banksia Drive has the capacity for only 19 metre single fuel trailers which are to be used to service the fuel station. It is anticipated that if and when the road is upgraded that the B-Double trucks will be used to provide fuel to the site. The truck 'swept paths' have been modelled for B-double trucks to ensure that the site can support the larger trucks once future improvements are made to Banksia Drive.

The Bushfire Management Report identifies that the determined Bushfire Attack Level as an Installed Asset Protection Zone (APZ) is BAL – 12.5 which is at the bottom end of the APZ scale. This designation does not preclude the development of the site for a service station.

The proponent is intending to clear the entire site as part of this development to ensure BAL compliance notwithstanding that a large part of the site will be utilised for secure boat parking which does not form part of this development application. This cleared area will require dust suppression in the interim period, and a condition is recommended to address this matter.

The Geotechnical report states that the soil grading curves were uniform across all three test locations and that with good compaction techniques and monitoring, safe bearing capacity of 150 kPa should be readily available. The report concludes that the soils on the site are considered suitable for the proposed construction.

A single underground 'Permatank' fuel storage tank is proposed for the site, the tank will have a capacity of 110kL with a split of 55kL of diesel, 35kL of ULP and 20kL of premium ULP. The 'Permatank' is a double-wall fiberglass jacketed tank with a steel inner shell.

Landscaping is proposed in the vicinity of the drainage basin, the perimeter of this area is to be plated with native vegetation with watering during the establishment phase via the use of water truck irrigation or hand watering.

The development includes the construction of two signs being located adjacent to each of the property's crossovers. A sign to be located adjacent to the Banksia Drive crossover is described as the 'ID sign' which is a 6.80m tall illuminated pylon sign that will include digital, changing values for price and the Caltex logos. A sign to be located adjacent to the Monck Head Drive is described as the 'sign display sign' which is a 4.8m non illuminated painted sign. See Schedule - 8.3.5(b) – Unmanned Fuel Station Signage.

Consultation:

LPS 11 does not require public notification (advertising) of the proposal. A copy of the application was forwarded to Main Roads WA for comment as Monck Head Drive is owned by the Department of Transport. The advice was forwarded to the applicant and relevant matters were incorporated in the revised Traffic Study Report. The Department of Transport has reviewed the report and provided suggestions with regards to vehicular access and improvements to traffic management in Coral Bay.

Statutory Environment:

Planning and Development Act 2005

As defined under the Act, 'development' means the development or use of any land. The development and use of the land in this instance being works relating to the storage, distribution and sale of aviation fuel.

Therefore, the proposal is not exempt from requiring development approval under the *Planning and Development Act 2005*.

Coral Bay Settlement Structure Plan (2014)

The site is identified in the Coral Bay Settlement Structure Plan as a site for future Industrial - Service Trades use as follows:

*To provide land for 'Service Trades' and secure a site for fuel retail.
The Department of Lands indicated that it is prepared to transfer the lot to freehold and privately sell the land provided development of the site as a service station and fuel outlet has been demonstrated as feasible and will commence immediately after settlement.*

Shire of Carnarvon Local Planning Scheme No. 11

The site is zoned 'Service Trades Precinct' under the Scheme and 'service station' and 'trailer park' uses are identified as an "AA" uses meaning that the Council may, at its discretion, permit the uses.

Draft Local Planning Scheme No. 13

The subject site has the proposed zoning 'Service Commercial'.

The objective of the reserve is 'To accommodate commercial activities which because of the nature of the business, require good vehicular access and/or large sites.'

Relevant Plans and Policy:

Policy Statement No. 18 – Advertising and Signage

The general requirements under the policy are:

- Displays on signs shall be directly related to the business name, products, and/or services within the tenancy.
- Sites with two street frontages are permitted to have signage facing each of the related streets maximum of three (3) signs facing each frontage).

The proposed signage is consistent with the policy and with the general community expectations for signage for a fuel station.

Financial Implications:

There are no identified financial implications relating to the officer's recommendations.

Risk Assessment:

There are no identified risks associated with the officer's recommendation.

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*.

Objective 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	Outcomes and Strategies
1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region

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1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

Comment:

The proposed unmanned fuel station will provide an essential service to the Coral Bay community and visitors and tourists. The facility will replace the existing station on the adjacent Lot 64 and be operational 24 hours per day 7 days a week.

A large part of the site has been allocated for a future boat parking area which does not form part of this application. The proponent is intending to clear the entire site as part of the development to ensure BAL compliance. This area will require dust suppression in the interim period.

The proponent proposes gravel surfacing with ongoing dust suppression for vehicle access and manoeuvring areas. Considering the high level of vehicle movements and dry windy nature of the location it is considered appropriate that manoeuvring and parking areas be sealed.

The previous unmanned fuel site was unsealed however that was a temporary site as opposed to this permanent site. The locality is exposed to the prevailing southerly winds and is near caravan and camping grounds. A requirement for a sealed surface is therefore recommended by the Executive Manager Infrastructure Services as a development approval condition to provide a standard quality of development for the site.

The proposal is consistent with the development provisions for the site set out in the Coral Bay Settlement Structure Plan, Local Planning Scheme No. 11 and with the draft Local Planning Scheme No. 13. It is recommended that the proposal be supported subject to the conditions set out below:

OFFICER'S RECOMMENDATION

Pursuant to clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 11 grant development approval for application P06/20 for the 'DEVELOPMENT OF AN UNMANNED FUEL BOWSER INCLUDING A FILL POINT, UNDERGROUND TANK, TWO CROSSEOVERS, SIGNS AND RESURFACING' subject to the following conditions:

- 1. The development is to be generally in accordance with the plans submitted by Tomahawk Property except as otherwise varied and approved by this determination.*
- 2. Vehicle crossovers to Monck Head Drive and Banksia Drive shall be constructed to meet the standards set out in the Shire of Carnarvon Vehicle Crossover Construction Specification P-IS001C.*
- 3. That the applicant provides a sealed hardstand surface, or other alternative stable surface to the satisfaction of the Executive Manager Development Services, to all internal vehicle access and manoeuvring areas of the Stage 1. Development site to the satisfaction of the Executive Manager Infrastructure Services.*
- 4. The applicant is required to provide dust suppression material to the area to be cleared for the Stage 2. secure boat parking area and shall obtain the approval of the Executive Manager Infrastructure Services prior to the commencement of this work.*
- 5. Landscaping is to be undertaken in accordance with the Landscaping Concept included as part of the application.*

Advice notes:

- If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no effect.*
- If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An*

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- application must be made within 28 days of the determination.
- iii. This approval does not confer approval under other relevant legislation. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.
 - iv. Sealed surfacing includes sprayed bitumen seals, asphalt seals or concrete.

FC 21/3/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Nelson

Pursuant to clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 11 grant development approval for application P06/20 for the 'DEVELOPMENT OF AN UNMANNED FUEL BOWSER INCLUDING A FILL POINT, UNDERGROUND TANK, TWO CROSSEOVERS, SIGNS AND RESURFACING' subject to the following conditions:

1. The development is to be generally in accordance with the plans submitted by Tomahawk Property except as otherwise varied and approved by this determination.
2. Vehicle crossovers to Monck Head Drive and Banksia Drive shall be constructed to meet the standards set out in the Shire of Carnarvon Vehicle Crossover Construction Specification P-IS001C.
3. That the applicant provides a sealed hardstand surface to all internal vehicle access and manoeuvring areas of the Stage 1 development site to the satisfaction of the Executive Manager Infrastructure Services within a 3 year timeframe.
4. The applicant is required to provide dust suppression material to the area to be cleared for the Stage 2. secure boat parking area and shall obtain the approval of the Executive Manager Infrastructure Services prior to the commencement of this work.
5. Landscaping is to be undertaken in accordance with the Landscaping Concept included as part of the application.

Advice notes:

- i. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no effect.
- ii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.
- iii. This approval does not confer approval under other relevant legislation. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.
- iv. Sealed surfacing includes sprayed bitumen seals, asphalt seals or concrete.

FC 22/3/20

COUNCIL RESOLUTION

Cr Nelson/Cr Fullarton

That Standing Orders Section 13 be suspended at 11.28am to discuss the development conditions further.

CARRIED
F6/AQ

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13.0 TOURISM, RECREATION AND CULTURE REPORT

13.1 COMMUNITY ASSISTANCE GRANTS – SIGNIFICANT EVENT SPONSORSHIP FUNDING GS00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest as Chair of the Committee

Cr Burton left the Council Chamber at 4.38 pm

Officer Recommendation

Council approve Shark Bay Fishing Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$6,000.00 to contribute to the 26th Shark Bay Fishing Fiesta in May 2021.

OR

Council approve Shark Bay Fishing Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$_____ to contribute to the 26th Shark Bay Fishing Fiesta in May 2021.

AMENDMENT TO OFFICER'S RECOMMENDATION

Reason: Council felt that approving the donation without some form of education being put in place in regards to sustainable fishing would go against their previous decisions.

Moved Cr Smith
Seconded Cr Ridgley

Council Resolution

Council approve Shark Bay Fishing Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$6,000.00 to contribute to the 26th Shark Bay Fishing Fiesta in May 2021.

Cr Burton returned to the Council Chamber at 4.49 pm.

Cr Burton left the Council Chamber at 5.03 pm.

That the funding be contingent on a sustainable and educational message being conveyed to the patrons of the Shark Bay Fishing Fiesta, by the Shark Bay Fishing Club .

5/0 CARRIED

BACKGROUND

The Shire of Shark Bay commenced advertising the 2020/2021 Community Assistance Grants following Council's endorsement of the Shire's Annual Budget on 6 August 2020. The funding pool for the Significant Event Sponsorship Funding (total of \$20,000) is available for the duration of the financial year and funding is to be allocated at the

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Council's discretion. The Significant Event Sponsorship Funding supports current major events and future innovative events that attract additional funds into town and recognises the positive economic value that these events bring to the Shark Bay Community.

A report to the March 2019 Ordinary Council Meeting noted that two current major events could benefit from additional significant event funding; the Speedway Motor Sports, and the Fishing Fiesta – Amateur Fishing Competition. At the December 2019 Ordinary Council Meeting, the Shark Bay Fishing Club received significant event sponsorship funding for the value of \$8,000.00 for the 26th Shark Bay Fishing Fiesta in May 2020, but due to COVID-19 the event was cancelled and the funding was returned to the Shire of Shark Bay.

A new application from Shark Bay Fishing Club was received on 28 October 2020, seeking event sponsorship funding to contribute towards the annual week-long Shark Bay Fishing Fiesta event scheduled to be held in May 2021.

COMMENT

The Shark Bay Fishing Club currently hosts the annual Shark Bay Fishing Fiesta which is considered one of the major events in both Denham and in the surrounding region for the fishing calendar. The event has operated successfully for many years and receives community support with in-kind contributions from community groups and individuals.

In response to the recent media coverage regarding fishing limits, the Shark Bay Fishing Club conducted a community survey with their members and the wider community for feedback on the fishing competition. 82 survey responses were received with 64 replying yes (18 replied no) showing their support for fishing competitions in our region. Within the funding application, the Shark Bay Fishing Club has outlined how their fishing competition incorporates catch and release categories. The Club's competition has nineteen categories and three are catch and release (photo required for competition purposes). The Shark Bay Fishing Club is keen to investigate expanding the catch and release categories where viable and share educational material during the week-long event.

Council contributed a total of \$10,000 towards the 25th Shark Bay Fishing Fiesta, held in May 2019; \$5,000 cash and a further \$5,000 as in-kind support for event equipment hire. Previous equipment hired has included the use of the Shire of Shark Bay's marquee, temporary fencing, tables, chairs, stage and portable audio system.

Council has approved an in-kind budget allocation of \$6,000 for event equipment hire in the 2020/2021 Shire's annual budget and the Shark Bay Fishing Club are requesting a further \$6,000 through the significant event sponsorship funding.

APPLICATION

Group: **Shark Bay Fishing Club**

Amount requested: **\$6,000**

Project: **26th Shark Bay Fishing Fiesta**

Funding category: **Funding for a specific event and prize money**

Strategic Community Plan (category): **Economic, Social and Environment**

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The Shark Bay Fishing Club has been in operation since 1994 and currently has 133 members. The Shark Bay Fishing Fiesta, the major fishing competition event of the year will be held from 14 May 2021 until 21 May 2021 at the Denham foreshore. The event attracts an estimated 200-300 additional visitors into Denham, providing an economic boost for our local businesses. The Shark Bay Fishing Club is seeking funding to provide prize money for the competitors, encouraging the participants to spend the money locally (i.e. purchasing food and fuel etc.).

While the prize money encourages new and returning participants into Denham, the event has grown beyond just the fishing competition by offering activities for all ages. The Shark Bay Fishing Fiesta now attracts participants, and their families, from across Western Australia and together with other tourists and local community members everyone participates in and enjoys a week of festivities and activities on the Denham foreshore.

The Significant Event Sponsorship Funding will contribute to the following items:

- Cash prize money

The grant application includes:

- Letter of Support from Claire Harrower, Denham Volunteer Fire and Rescue
- Letter of Support from Natt Dul, Shark Bay Community Resource Centre
- Letter of Support from Rosemary Lewis, Shark Bay Entertainers
- Event program costings
- Balance Sheet – refer to 'Confidential' items folder

Officer Recommendation:

It is important to note that other fishing competitions in Western Australian that provide cash prize money attract high number of competitors and visitors. The provision of cash prizes for the upcoming Shark Bay Fishing Fiesta will increase the exposure of Shark Bay and further boost our economy.

The Shark Bay Fishing Fiesta is a community orientated event with local organisations and community groups involved in the event. The event provides an opportunity for community groups to fundraise and provide entertainment for the participants, visitors and local community members.

It is recommended that Council approve \$6,000.00 to the Shark Bay Fishing Club to contribute to the 26th Shark Bay Fishing Fiesta.

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

At the August 2020 Ordinary Council Meeting, the Shark Bay Speedway Club was successful in receiving \$8,000 funding under the significant event sponsorship, therefore surplus of \$12,000 remains in the 2020/2021 Council budget.

If the Shark Bay Fishing Club is successful in receiving the requested amount of \$6,000.00 there will be \$6,000.00 left in the 2020/2021 budget.

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STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

RISK MANAGEMENT

The Shark Bay Fishing Club will be required to prepare appropriate event risk management plans aligning with the Western Australia State Government COVID-19 health regulations at the time of the event.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager Community Development

Chief Executive Officer

Date of Report

D Wilkes

P Anderson

13 November 2020

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**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 Fishing Club
Postal Address	PO Box 79, Denham WA 6537
Contact Person	Bryan Riddick
Position/Title	Vice President
Telephone	(Mobile) 0477 416 234
E-mail	sharkbayfishingclub@hotmail.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

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ORGANISATION DETAILS**What is the purpose of the organisation?**

The objects of the association are; 1. promote the pleasures & benefits of recreational fishing in local waters 2. teach the arts of angling and to encourage good sportsmanship and friendly competition 3. to promote the conservation of fish, game and the natural resources of the Shark Bay Marine Park.

How many years has your organisation been in operation? Since 1994

How many members does your organisation have? 133

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): 55 565 366 400

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: 26th Shark Bay Fishing Fiesta

Project description:

The Shark Bay Fishing Fiesta is an annual event held in the town of Denham, Shark Bay and in 2020 the event would have been approaching its 26th consecutive year before unfortunately having to be postponed due to the COVID pandemic. Our Club is approaching the Shire for assistance to run the 2021 event, pending government and health regulations allowing us to which will provide valuable economic benefits for the community of Denham.

Date(s) the project will take place: 14th – 21st May 2021

Location(s) where the project will take place: Denham foreshore – events marquee

Total project funds requested (including GST if applicable) \$6,000.00

Has your organisation previously received funding from the Shire of Shark Bay?

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☒ YES ☐ NO

If Yes,

Previous funding amount received: \$10,000.00

Round / Year funding was received: 2018/2019

Funded project: Shark Bay Fishing Fiesta

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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Economic | A progressive, resilient and diverse economy |
| <input checked="" type="checkbox"/> Environment | Help protect our unique natural and built environment |
| <input checked="" type="checkbox"/> Social | A safe, welcoming and inclusive community |

Outline the project goals and how they will benefit Shark Bay.

Social/Economic/Tourism

The Shark Bay Fishing Fiesta is one of the biggest events on the Shark Bay calendar as well as being included in the region's Gascoyne in May festivals. The Fiesta encourages keen fishers, their families, the local community, tourists, backpackers and entertainers to descend on the bay to enjoy and participate in weeklong festivities on the Denham foreshore. Its more than as the name suggests a fishing competition, it's the Shark Bay Fishing Club's goal to offer an event

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that will bring the community together to celebrate, promote and enjoy the best of what Shark Bay has to offer. Our Club is enthusiastic to provide an opportunity for our isolated Shark Bay community to be entertained by aspiring artists and encourages growth both socially and economically in our community.

Our community is drawn together to host this event, with many items being borrowed from other groups or individuals (marquees, bain-maries, eskies, tables, chairs etc), as well as cash sponsorship provided for prizes, entertainment and other social development opportunities as well as goods for the community auction. This great support from our community, local and regional businesses as well as grant funding providers will ensure this Fiesta continues into the future, providing Shark Bay with economical benefits for our community as well as fish research statistics for the Department of Fisheries and Recfishwest organisations.

The week-long event plays hosts to daily activities including the fishing competition for adults and children, the Department of Fisheries, Recfishwest, ACRM and Volunteer Marine Rescue briefings, daily commentary and information at fish are weigh-ins, market days, kids games days, auctions, movie nights, craft workshops, High Tea, seniors luncheons, fireworks and nightly entertainment including musicians, comedians, local artists, children talent and dance performances as well as community group activities and events including quiz and bingo nights.

The Fishing Club committee who hosts and organises the event, encourages and invites all community organisations including emergency services such as St Johns Ambulance, the State Emergency Service, Volunteer Marine Rescue, the Fire Brigade and community organisations such as the P&C, Shark Bay Youth Group, Playgroup, Seniors, Denham Crafters and many others in the Shark Bay community, the opportunity to fundraise for their groups. Over the week meals, show bags, quiz nights, bingo nights, photo booths, raffles and luncheons are organised by community groups and are vital fundraisers for their organisation which the Shark Bay Fishing Club is extremely keen to support.

During 2019 we can advise the following was achieved;

- Profits from fundraising; Borneo Exhibition Group \$2,745 (590 meals), the Shark Bay P&C Association \$250, Coral Coast Dance Academy \$1,070, Cancer Council's Biggest Morning tea cancer fundraiser \$343.50, Million Paws walk \$137, Shark Bay Youth Group \$285. The Shark Bay Bowling, Sport & Recreation Club and Business & Tourism Association also participated and made profits.
- The fishing competition by itself welcomed 119 fishers (up 30 fishers from 2018) and included only 24 boats. 6 Junior anglers entered which was fantastic to see as well as 23 kids in the kids "Catch & Release" fishing competition.
- 90% of fishers entering the competition are return visitors that participate in the competition. They are big spenders in our community, purchasing their fuel, bait, ice, groceries etc as well as keeping their glasses full with drinks and food from local pubs and cafes. Our Fishing Club received a report from one entrant that he spent alone \$3,000 on fuel during his one week stay here in Denham during the Fiesta.

The Shark Bay Fishing Club as the recreational fishing body of Denham, generated a survey during September 2020 asking for recreational fishers opinions on a variety of community concerns including fish possession limits, shark bite offs as well as their opinions regards the viability of future fishing competitions (including the Fiesta). At the time of writing this application, 82 responses were received, most of which were from those accessing the public survey advertised on local Facebook pages as well as by email.

One of the questions asked was; Would you in the future support fishing competitions in our region?

82 responses - 64 replied yes, 18 replied no.

9 that replied no commented;

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9 that replied no commented;

COMMENTS	FISHING CLUB COMMENT
Do not support at present, tag and release I would support.	Currently 3 of 19 categories are a catch and release category. A photo only is required.
Not sure, larger boats should be in a different category or at least small dinghies in a separate category.	
Only if at Shelter Bay.	
Too many boats and fishers all at once.	119 fishers and 24 boats in 2019.
The amount of fish wasted is disgusting.	All Fiesta events display a unwanted fish esky. Since the implementation of numerous catch and release categories back in 2016, not a single fish has been placed in this esky.
The Shark Bay Fishing Fiesta is still a catch and kill competition.	
Not into competition.	
The current format is outdated and not representing the current slogans 'fish for the future' and 'fish for a feed'.	
Tag and realise competition.	The Shark Bay Fishing Club is keen to look into expanding our catch and release categories were viable.

Please list other organisations involved in this project

Name of Organisation	Project Involvement
Shire of Shark Bay	In-kind hire of events marquee, fencing, tables, chairs, stage and PA Equipment
Shark Bay CRC	Event administration & contact point, hosts weekly kindy gym session from event, hosts Biggest Morning Tea & Million Paws walk fundraisers
Shark Bay SES	Utilising event to fundraise – catering, selling EPIRBS as well as donates the use of smaller marquees, tables, chairs, bbq's, safety steps, witches hats and much more
Borneo Exhibition Group	Utilising event to fundraise - catering
Shark Bay Youth Group	Assists with High tea serving, utilising event to fundraise through catering, quiz nights and photo booths
Shark Bay Speedway Club	Donates use of equipment (bain marie & cooking supplies) as well as provides storage of Shark Bay Fishing Club caravan & container on their site whilst not in use
Denham Seniors	Hosts weekly seniors sessions/morning tea from events area
Coral Coast Dance Academy	Provides a dance exhibition, utilising event to fundraise through catering & quiz nights
Shark Bay Bowling Club	Utilising event to fundraise – catering
Department of Transport	Boat inspections, provides a prize for Best Presented Boat/highest safety standards
Department of Fisheries/ Recfishwest	Educational talks & presentations, fish caught statistics
Denham Crafters	Hosts weekly craft sessions from events area
Shark Bay Tourism Association	Utilising event to fundraise – catering as well as showcase Shark Bay branding and local movies
Shark Bay P&C	Utilising event to fundraise – catering, games days, raffles

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St Johns Ambulance – Shark Bay	Provides free blood pressure checks & information sessions
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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
Shark Bay Fishing Club	\$22,854	\$22,854	
Horizon Power	\$1,500 TBC via grant application		
Local & Regional business sponsorship		\$10,800 TBC at 2021 event	
High tea – ticket sales x 60 @ \$25 each		\$1,500 TBC at 2021 event	
Fishing Registrations - \$60 @ 100 people		\$6,000 TBC at 2021 event	
Bar Takings @ 2019 event calculations		\$19,000 TBC at 2021 event	

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
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?
 If Yes, how much?

☐ YES ☒ NO

PROJECT BUDGET

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

INCOME

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ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

GRANT AGENCY	GRANT AMOUNT	ORGANISATION CONTRIBUTION	IN-KIND VALUE (see below)
Shire of Shark Bay	\$6,000.00	\$18,174.00	\$800 - Accommodation
TOTAL CASH INCOME	\$6,000.00	\$18,174.00	

In-Kind Value: Number of volunteers x hours worked directly on Project x \$25 per hour

EXPENDITURE

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
Cash Prizes	\$6,000.00	\$6,000.00 Cash – Accommodation, fuel, bait, meals, drinks	
Prizes	\$4,000.00		\$4,000.00
Event Programing – Kite Kinetics	\$1,500.00	\$200.00 - Accommodation	\$1,500.00
Event Programing - Fireworks	\$6,424.00	\$200.00 - Accommodation	\$6,424.00
Event Programming – Bogan Bingo	\$2,750.00	\$200.00 - Accommodation	\$2,750.00
Event Programming – Flights/entertainers x 2	\$640.00		\$640.00
Event Programming – Band	\$2,860.00	\$200.00 - Accommodation	\$2,860.00
TOTAL	\$24,174.00	\$6,800.00	\$18,174.00

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

Bryan Riddick

SIGNATURE



POSITION IN ORGANISATION

Vice President

DATE

27th October 2020

Shire of Shark Bay Community Assistance Grants – Application Form

Page 7 of 8

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



Shark Bay Community Resource Centre, 10 Denham Road
PO Box 58, DENHAM WA 6537
P: 08 9948 1787 F: 08 9948 1823
E: sharkbay@crc.net.au

26th October 2020

RE: LETTER OF SUPPORT – SHARK BAY FISHING CLUB

To whom it may concern,

The Shark Bay Community Resource Centre is keen to support and assist the Shark Bay Fishing Club with their application for significant event grant funding which will be used towards cash prizes at the 2021 annual Shark Bay Fishing Fiesta.

This is the biggest community event held in Shark Bay, which we can clearly see encourages tourists and the community to participate in a week of community engagement activities, marine education, competitions as well as fundraising opportunities. The Fishing Club committee encourages all community groups to use this week for fundraising, by possibly cooking daily meals, hosting quiz and bingo nights, participating in market stalls, showcasing their dance displays, entertainment performances as well as local community groups running their weekly crafts sessions and morning teas from the venue. It's a great chance to meet some new people and welcome everyone to our groups and sessions.

The Shark Bay Community Resource Centre runs our Kindy Gym session from the marquee during the weeks programming. Parents, grandparents, friends and their small children come down to the marquee and participate in some marine related activities we organize which includes colouring in, making craft marine animals as well as games, dress ups and morning teas. This session allows an excursion from the usual Recreation Centre programming for our local Kindy Gym families, which is a low cost to coordinate.

In the past, the parents of Kindy Gym participants have also assisted the SBCRC to participate in a fundraiser. The Shark Bay Fishing Club encouraged and allowed us to cater one of the meal nights at the annual event, which provided us with enough profits to purchase high chairs for use at the Recreation Centre

The SBCRC also assists the Shark Bay Fishing Club by being the local contact organization regards the event, assisting to respond to enquiries, administration requirements, promoting the event and assisting with all the flyer and poster designs etc.

Should you wish to discuss our support of the Fishing Fiesta or the Fishing Club's application please do not hesitate to contact myself on 08 9948 1787.

Kind regards

Natalie Dul
Project's officer – Kindy Gym
Shark Bay Community Resource Centre

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Denham Fire & Rescue Service

Lot 297 Dampier Road

Denham WA 6537

08 9948 1329

27th October 2020

RE: LETTER OF SUPPORT Shark Bay Fishing Club – Cash Prize Incentives

To whom it may concern,

The volunteers at our Denham Fire & Rescue Service are in support of our local Shark Bay Fishing Club continuing to host the annual Shark Bay Fishing Fiesta as well as seek financial assistance from the Shire of Shark Bay to assist with cash prize incentives for competitors. Our organisation can see the benefits of this event sponsorship to not just the Club but also to the wider community and its economy.

Our organisation works with the Shark Bay Fishing Club to assist with the setting up and packing away at the annual event. We are voluntarily engaged to assist by utilising our ladders and equipment to access high areas to install fluoro lighting and emergency exit lighting. We have also in the past participated in fundraising by hosting a Taco night with all proceeds being forwarded onto the Burns Unit.

The Shark Bay Fishing Club continues to prove its social and economic benefits to our community as we witness annual the impressive attendance by its regular fishers, the community, participation of community groups in activities and fundraisers as well as local and regional business support and sponsorship. The Shark Bay Fishing Club's committee, volunteer and membership base has the capabilities and experience to welcome and encourage greater numbers, a welcoming opportunity for growth in our community.

Should you wish to discuss our support of the Shark Bay Fishing Club's application, please do not hesitate to contact myself on 0411 107 226 or speak with our Brigade captain Dave Harrower on 0429 998 944. Dave himself continues to assist also personally by assisting with all electrical requirements over the course of the week and in the setting up stages also.

Kind regards



Claire Harrower

Secretary

Denham Fire & Rescue Service

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020

Kite Kinetics

Candice Uszko <CDO@sharkbay.wa.gov.au>

Thu 17/10/2019 12:41 PM

To: CRC <sharkbay@crc.net.au>; Shark Bay Fishing Club <sharkbayfishingclub@hotmail.com>

1 attachments (2 MB)

Kite and spinning flower photos;

Hi Jamie,

I received an email from Michael at Kite Kinetics, it may be of interest for an activity event for Fishing Fiesta.

We could conduct various two hour kite workshops at your libraries and community centres at a cost of \$300 and each kite made costs \$7. We can be involved in a whole day ground display of banners and decorating the sky with various kites and conducting two lolly drops from the sky at a cost of \$770. Ian could conduct a kite workshop at the same time at a cost of \$330. NB: All these costs include GST. Our travel costs to Shark Bay is \$300 and we will need accommodation provided during our stay in Shark Bay.

Website: www.kitekinetics.com.au

Photos: attached

Email: kite.kinetics@gmail.com

Name: Michael Alvares

Telephone: 9381 8808

Thankyou

Candice Uszko

Community Development Officer

Shire Office: 08 9948 1218

Mobile: 0437 790 274

Address: 65 Knight Tce, Denham, WA 6537

Shire Depot: 08 9948 1013


Shark Bay World Heritage Discovery & Visitor Centre: 08 9948 1690

Visitors Centre Website: <http://www.sharkbayvisit.com.au/>

Shire Website: <http://www.sharkbay.wa.gov.au/>

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 Please consider the environment before printing this e-mail
This message (including attachments) is confidential and may be privileged.

100% Accident Free Safety Record

WEST COAST

SHARK BAY FISHING FIESTA
EVENT DATE: TBC

Outdoor Pyrotechnics
Information & Quote

OFFICE: 0448 744 238 | KEN BOYLAND: 0427 281 104 | MICHELLE BOYLAND: 0437 281 112
ADMIN@WESTCOASTFIREWORKS.COM.AU | WWW.WESTCOASTFIREWORKS.COM.AU



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THANKYOU

We are delighted to present you with this proposal for the Shark Bay Fishing Fiesta 2020.

At West Coast Fireworks we pride ourselves on having the highest safety rating in the industry, with a 100 % Accident free record in our 35+ years of operation. Our team are trained and licensed to the highest standard and continue to receive on going training in order to give our customers peace of mind when selecting us as their Fireworks provider.

We are a family owned and operated business with over 35 years experience in the design and presentation of Fireworks Displays. We continue to strive to create new and exciting effects through our manufacturers to ensure our clients receive the best we have to offer.

Should we be successful, the team at West Coast Fireworks look forward to working with the Shark Bay Fishing Club to create a spectacular display for The Fishing Fiesta 2020.

Ken Boyland



ABOUT US



Company Profile

Midwest Fireworks is a family owned fireworks company that has been operating since 1985. With the welcoming of a new generation, it was decided it was time for a new name, and West Coast Fireworks was born. From its humble beginnings of small ground effects for the Wanneroo Junior Motocross Stunt Team, West Coast Fireworks has developed into a diversified pyrotechnic display and import company.

West Coast Fireworks are now performing shows throughout the year, extending from Port Hedland in the North to Esperance in the South and everywhere in between. With no two displays the same, West Coast Fireworks offers a diverse range of pyrotechnic solutions, including indoor, outdoor, and over-water displays, displays choreographed to music, flame-machines, a cannon and more.

Ken and Michelle Boyland regularly travel to Liuyang, China, for exhibitions and competitions, returning with the latest product innovations and skill techniques. Being one of Western Australia's largest fireworks importers, as well as owning the only privately owned fireworks and explosives magazine in Western Australia, West Coast Fireworks has access to the latest and largest collection of pyrotechnic products with a year-round guarantee of supply. With a large supply of fireworks, we are able to sell directly to our clients; there is no delivery wait-time or extra freighting costs.

West Coast Fireworks also host a large team of pyrotechnicians that are based throughout Western Australia; including the Port Hedland (three pyrotechnicians), Midwest (eight pyrotechnicians) Perth and South West (twelve pyrotechnicians). Each pyrotechnician has been trained to a level exceeding the Department of Mines and Petroleum requirements, *ensuring that West Coast Fireworks maintains its' 100% accident-free safety record since inception in 1985.*

Industry Expertise

West Coast Fireworks offers a level of industry expertise second to none. West Coast Fireworks considers and approaches a wide range of logistical issues that may affect the outcome of a display, such as;

- Providing adequate communication ensuring nearby activities or persons are not disturbed, such as stage performances, prior to and during the event.
- Ensuring spectator safety and security by enforcing exclusion zones.
- Supplying pontoons, boats and any other equipment that may be required to complete a display, if not prearranged with client.
- Compliance with all pyrotechnic safety regulations.
- Ensuring all financial commitments will not interfere with costs associated with a display.
- As one of the largest importer of fireworks in Western Australia, West Coast Fireworks guarantees the quality and supply of pyrotechnics for a display.



Quality Assurance

- All of West Coast Fireworks products meet or exceed Australian and International Standards.
- Our Chief Pyrotechnician is a licensed Fireworks Contractor (EFC000012).
- All West Coast Fireworks products are tested, photographed and documented before being sent to public displays. All our fireworks are constructed to meet or exceed ISO and Australian Standards for safety and reliability.
- All West Coast Fireworks Pyrotechnicians are professional operators and hold the highest qualifications. Our pyrotechnicians and crews have regular training sessions to ensure best practice at our displays. Our trainees are not licensed until we are happy that they have shown the dedication to safety we require.
- West Coast Fireworks have a comprehensive Risk Management Plan in place. Copy available on request.
- West Coast Fireworks has remained 100% accident-free since 1985.

Skills & Experience of Key Personnel

Ken Boyland

Ken started in 1985 with ground effects for the Wanneroo Junior Motocross Stunt Team and has grown to be one of the largest importers of fireworks in Western Australia. Ken, along with his wife Michelle Boyland, competes in China whenever invited, thus honing and updating his pyrotechnic skills.

- Chief Pyrotechnician, first licensed in 1985
 - License: EFO000011
- Fireworks Contractor
 - License: EFC000012
- Shotfirer
 - License: ETS002138
- Fire Chief, Mingenew Volunteer Fire Brigade until 2013
Also qualified in First Aid, Abseiling, and Explosive Disposal of I.E.D.

Michelle Boyland

Michelle has learnt her skills over the past 25 years and travels to China regularly with Ken Boyland for competitions, exhibitions and for the purchase of pyrotechnics.

- Display Design
- Display Conductor/ coordinator

Tania Mauger

Tania is our newest team member, new to the industry of fireworks and also our newest Professional Firework Pyrotechnician. She is utilising and adapting her knowledge to suit the many aspects that come with the fireworks industry.

- Display Design
- Client liaison
- Professional Pyrotechnician
 - License: EFO000162



Skills & Experience of Key Personnel cont.

Keith Squibb

Keith started in 1990 and was trained by Midwest Fireworks (now West Coast Fireworks) and has since been a valuable member of our company. Keith is currently based in Port Hedland.

- Professional Pyrotechnician
 - License: EFO000052
- Qualified in/as:
 - Electrician
 - Qualified in First Aid
 - Abseiling
 - SES Local Manager

Kelly Monro

Kelly is also based in Port Hedland. Kelly has learnt her fireworks skill from a young age, she handles some of the client liaison and site inspection along with invoicing and quotations.

- Display Design
- Client Liason
- Display Conductor/ coordinator
- Trainee pyrotechnician

Scott Monro

Scott is Kelly's Husband, he is a former Phys ed teacher. qualified in many safety and training aspects

- Safety Officer
- Trainee pyrotechnician

David Boyland

David started from an early age, gaining his license as soon as he turned 19. David was originally trained by Midwest Fireworks (now West Coast Fireworks) and further developed his knowledge with another pyrotechnician. He has since returned to West Coast Fireworks.

- Professional Pyrotechnician
 - License: EFO000060
- Experience: Ascot Paceway, Perth Royal Show
- Qualified in First Aid

Ben Boyland

Although Ben has been with us all his life, Ben helps out where ever needed. he is a great all rounder and never shy's away at a challenge.

- Professional Pyrotechnician
 - License: EFO000154

Ray Pedri

Ray has recently joined our team of pyrotechnicians, having been in the industry for thirty years.

- Pyrotechnician
 - License: EFO000092



DISPLAY INFORMATION

ORDINARY COUNCIL MEETING

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Product List

QUANTITY	SHOTS/ TYPE	TOTAL SHOTS	DESCRIPTION
AERIAL SHELLS			
360	65mm	360	Aerial Display Shells 310feet
288	75mm	288	Aerial Display Shells 360feet
GROUND CAKES			
1	19shot	19	red dahlia with white glitter, light blue with gold glitter, orange dahlia with green glitter.
2	19shot	38	red willow with silver chrys, green willow with silver chrys, silver willow with silver chrys and flower crown
1	20shot	20	silver coco red green blue, pink & lemon w/crackling pistil, gold glittering willow with blue star, red and green wave with silver glitter
1	20shot	20	orange dahlia with green glitter, purple dahlia with gold chrys, blue dahlia with gold glitter, purple dahlia with gold chrys, silver silk with red glitter
2	20shot	40	Red tail to brocade crown with red star, green tail to brocade crown with green star, blue tail to brocade crown with blue star, silver whistle.
2	24shot	48	hexagon shape red to gold stars
2	24shot	48	red and green wave with silver glitter
1	30shot	30	gold wave to green, green wave to gold, gold glittering crown to green w/salute
1	30shot	30	silver tiger tails, red/green/blue crossets
2	30shot	60	red greenyellow falling leaves w/purple star
2	30shot	60	Multi-colour change crosset w/coloured tail
2	39shot	78	red dahlia w/silver glitter, purple dahlia w/crackling pistil, green dahlia w/gold glitter, yellow dahlia w/crackling pistil, blue dahlia w/crackling pistil
1	45shot	45	silver coco red green blue, pink & lemon w/crackling pistil, gold glittering willow with blue star, red and green wave with silver glitter
2	60shot	120	silver flying chrys w/ silver spinner w/red tail, yellow, blue spinner flower w/ blue tail, crackle
2	88shot	176	Blue tail to brocade crown, blue tail to silver crown.
2	88shot	176	Brocade crown with red pistil, red dahlia with white glitter, green dahlia with white glitter, brocade crown with blue pistil, crackling tail to titanium silver chrysanthemum.

ORDINARY COUNCIL MEETING

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1	88shot	88	silver flower flying chrys w/ silver flower spinner w/red tail, yellow, blue spinner flower w/ blue tail, crackle
1	90shot	90	Crackle and red green tail to red green willow with crackle, crackle and red green tail to silver titanium salute.
1	99shot	99	blue glitter to crackling mine to red strobe
2	99shot	198	red glittering willow, green glittering willow, gold glittering willow, silver glittering willow
2	100shot	200	silver flying chrys w/silver spinner w/red tail,yellow, blue spinner flower w/blue tail, crackle
2	100shot	200	blue tail to blue coco w/blue stars, green tail to green coco w/green stars yellow tail to yellow coco to yellow star, purple tail to purple coco w/purple star, lemon tail to lemon coco w/lemon star, red tail to red coco w/ red star



ORDINARY COUNCIL MEETING

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Display Costs

The below cost is inclusive of;

- Two pyrotechnicians and other assistants for the duration of the display(s); including set-up, firing and clean-up of live ordinance. Display duration approximately 8 minutes
- Fireworks transport by West Coast Fireworks licenced CAT3 operator.

Operating Costs			
Fireworks			\$4500.00
Permits	Department of mines	X	\$340
	Casa		
	DOT Marine & Harbors	X	\$500
Other	Pontoon		\$500.00
Total			\$5840.00
GST			\$584.00
Total			\$6424.00

Please note accommodation has not been charged as normally this is provided by the organizer's, please advise if accommodation will be provided as per previous years.



Approvals and/or Permits

All outdoor firework displays require a permit issued from the Department of Mines and Petroleum. Before submission, the application for the permit must be approved by the district Police Officer in Charge, FESA Chief Bush Fire Control Officer and the Shire CEO. In the case of a display being within five kilometres of an airport boundary CASA must also approve the display.

West Coast Fireworks takes responsibility of the permit application process, approaching the applicable authorities and submitting the permit application to the Department of Mines and Petroleum at the minimum of fourteen days prior to the event.

Approvals/Permits:

- Department of Mines and Petroleum (Resources Safety): Fireworks Event Permit Application with endorsement from relevant authorities, to be submitted a minimum of fourteen days prior to the event.
- CASA Approval: An approval is required if the display is held within five kilometres of an airport boundary, or within the Perth Flight Zone.
- Department of Transport (Marine Safety): A permit is required if a display is held over a body of water. The cost of the permit is to cover the gazetting and advertising of an exclusion zone around the display firing site (pontoons).

Display Responsibilities

West Coast Fireworks will supply and/or arrange the following within budget;

- Fireworks
- Professional and trained staff
- Applicable permits and approvals
- Thorough clean-up of live ordinance in firing site
- West Coast Fireworks agrees to inspect the site prior to departure to ensure no unfired fireworks, hazardous debris and bulk rubbish is removed as per the code of practice. Should the client require a thorough clean of the site the following day, a \$500 fee will be incurred.



Client is to supply and/or arrange the following:

- Provide bunting, barricades, patrolled or enforced security zones and such security as is necessary to ensure the safety of the exclusion zone
- Access to firing site (if needed keys to fences or locks)
- Emergency service on standby
- Skip bin for rubbish disposal.

Risk Management

Site Access

- Site Security is important to ensure a safe display. Access to the fireworks set up area is restricted and takes effect from the moment the fireworks are delivered to the firing site. This ensures the safety of the public and provides the fireworks production crew with a safe working environment;
- An exclusion zone will be established around all fireworks installations and firing sites. The exclusion zone will be:
- Equal to, or greater than the recommended safe distance for the largest calibre item included in the display (This will take into account weather conditions at the site on the day); and
- A restricted access area from the moment the fireworks are on site.
- The fire-site area will contain live pyrotechnics and access to the site area is totally restricted to pyrotechnicians;
- The client shall provide bunting, barricades, patrolled or enforced security zones and such security as is necessary to ensure the safety of the exclusion zone;
- No unauthorised person shall be permitted access to the site in any circumstances;
- Security staff will be restricted to the perimeter of the site. Emergency Services personnel are only permitted entry if requested or accompanied by the senior pyrotechnician;
- No person under the age of 18 shall have access to the site except under full and attentive adult supervision;
- No person under the influence of drugs or alcohol shall be permitted access to the site;
- The exclusion zone is to be maintained around the site until at least twenty minutes after the display to ensure no unexploded product remains. After twenty minutes, lesser access restrictions shall apply until the area has been cleared of mortars, firing equipment and spent items.

Firing Sites



- The firing site shall be clear of debris and possible fuels, including chemicals, paper and dry grass, prior to the setting up of the site;
- Fire extinguishers will be provided at all sites (extinguishers will be maintained and located according to Australian Standards);
- There will be adequate signage placed around the site to advise the public not to enter;
- Appropriate clearances are to be maintained between fireworks and telecommunication equipment of all types. Mobile phones are not to be used on site within five metres of the fireworks;
- No cigarettes or naked flames shall be used within 30 metres of any fireworks: and
- Specific risk assessments will be carried out at each display site to address any non-generic hazards. Such hazards might involve proximity to livestock, nearby bush in the summertime, buildings, wetlands, and ecologically sensitive or indigenous sites.



OTHER INFORMATION

Inclement Weather

In the event of inclement weather, as long as the display has not been removed from the truck, a decision can be made to cancel, where only permit and travel expenses will be invoiced 40% of display cost.

If in the event of inclement weather, the display is set up or in the process of being setup, the full cost of display will be invoiced,

In the case of inclement weather and display is set up the display can be carried over to the next night. If the display is to be carried over, a security guard would need to be supplied to secure the site overnight.

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



References

<u>Avon River Festival, Northam.</u> Shire of Northam 2 Grey St Northam WA 6401 Phone: 08 9622 2100	<u>Karratha FeNaCLNG Festival.</u> Wayne Donahue Rotary club member Phone: 0407729093
<u>Hampton Harbor Boat and Sailing Club.</u> 17 The Esplanade Dampier WA 6713 Ph. 08 9183 1116	<u>Port Headland Australia Day</u> PO Box 41 Port Headland WA 6721 08 91589385
<u>Shire of Carnarvon</u> Nadine Brown Ph. 08 9941 0040	<u>Rotary Club of Esperance Bay</u> David Ford Ph. 0407 036 173
<u>Shark Bay Recourses</u> Useless loop Genevieve Jurkovsky Ph:99480203	<u>Mindarie Marina</u> Michelle Barlow Ph: 94001114
<u>Festival of Lights Geraldton</u> Yvonne Lovedee 0428312338	<u>Meekatharra Outback Festival</u> Emily Bailey 99800600
<u>Pemberton</u> Best Western Hotel 97761017	<u>Karratha Nickol Bay Speedway</u> Stephen O'Dowd Club Preisdant 0408795069



ORDINARY COUNCIL MEETING

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Appendix 1 – Certificate of Currency

23 September 2019



CONFIRMATION OF COVER

In connection with this insurance, Nexus Risk Services acts as Insurance Brokers on behalf of Stone Echo Mining & Civil Pty Ltd & West Coast Fireworks Pty Ltd and subsidiaries. We confirm the named insurers below have issued a policy of insurance subject to their usual terms and conditions for this class of business unless otherwise indicated below.

INSURED: Stone Echo Mining & Civil Pty Ltd
West Coast Fireworks Pty Ltd
and subsidiaries and related companies and others as more particularly defined in the policy wording

POLICY TYPE: Public and Products Liability

PERIOD: 30 September 2019 at 4.00 pm WST to 30 September 2020 at 4.00 pm WST

INTEREST: All sums which the Insured shall become legally liable to pay by way of compensation (excluding punitive, exemplary or aggravated damages) by reason of third party personal injury or property damage arising out of the Insured's business activities or products.

LIMIT OF LIABILITY: \$20,000,000

TERRITORIAL LIMITS: Australia Wide

INSURER: Pen Underwriting Pty Ltd

POLICY NUMBER: GLS170000189

FOR AND ON BEHALF OF
Nexus Risk Services

V. Fennell

VIKI FENNELL
INSURANCE BROKER

Please note: This certificate does not vary or amend the scope of the contract of insurance between insurers and the insured and any rights interested parties may have. No responsibility to inform the holder of this document is accepted by Nexus Risk Services in the event that the contract of insurance is subsequently cancelled, avoided, assigned or changed.

www.nexusrisk.com.au
PERTH | BUNBURY | ALBANY | GERALDTON | KATANNING
STONEBROOKS Pty Ltd trading as Nexus Risk Services | AON 66 00917214 | AFSA Licence Number 243514

An Austbrokers Partner

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



Display Confirmation

Client/Association/Company
Name: _____

Mailing address: _____

Point of Contact Phone Number(s): _____

On the Night Best Contact(s): _____

Email: _____

Official Event Name: _____

Address of Display: _____

Date of Display: _____

Display Start Time: _____

Special requirements for display,
included as part of the budget: _____

Budget, *as quoted (including or
excluding permits, including or
excluding GST):* _____

Invoice/Biller Details: _____

Terms & Conditions: Client is to, Provide bunting, barricades, patrolled or enforced security zones and such security as is necessary to ensure the safety of the exclusion zone. No unauthorized person shall be permitted access to the site in any circumstances.

West Coast Fireworks is to supply,
Fireworks, Professional and trained staff. Applicable permits and approvals, Thorough clean-up of live ordinance in firing site and West Coast Fireworks agrees to inspect the site prior to departure to ensure no unfired fireworks, hazardous debris and bulk rubbish is removed as per the code of practice. Should the client require a thorough clean of the site the following day, a \$500 fee will be incurred.

Inclement Weather Policy,
In the event of inclement weather:

- In the event of needing to cancel, if 48 hours notice is given only permits and other expenses incurred will be charged.

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



- As long as the display has not been removed from the truck, a decision can be made to cancel, where only permit and travel expenses and other incurred expenses will be invoiced up to 40% of display cost.
- The display is set up or in the process of being setup, the full cost of display will be invoiced,
- If the display is set up, and the display can be carried over to the next night. If the display is to be carried over, a security guard would need to be supplied to secure the site overnight.

I have read and accept them terms and conditions of service



Print Name _____

Signature _____

Part payments can be made prior to
the display via bank transfer: BSB. 306089. ACC 3634894.

By signing this agreement you declare that you have authority to act on behalf of "the client/company/organization" and have agreed to use WestCoast Fireworks for your event as stated above.

Signature: _____

Print Name: _____

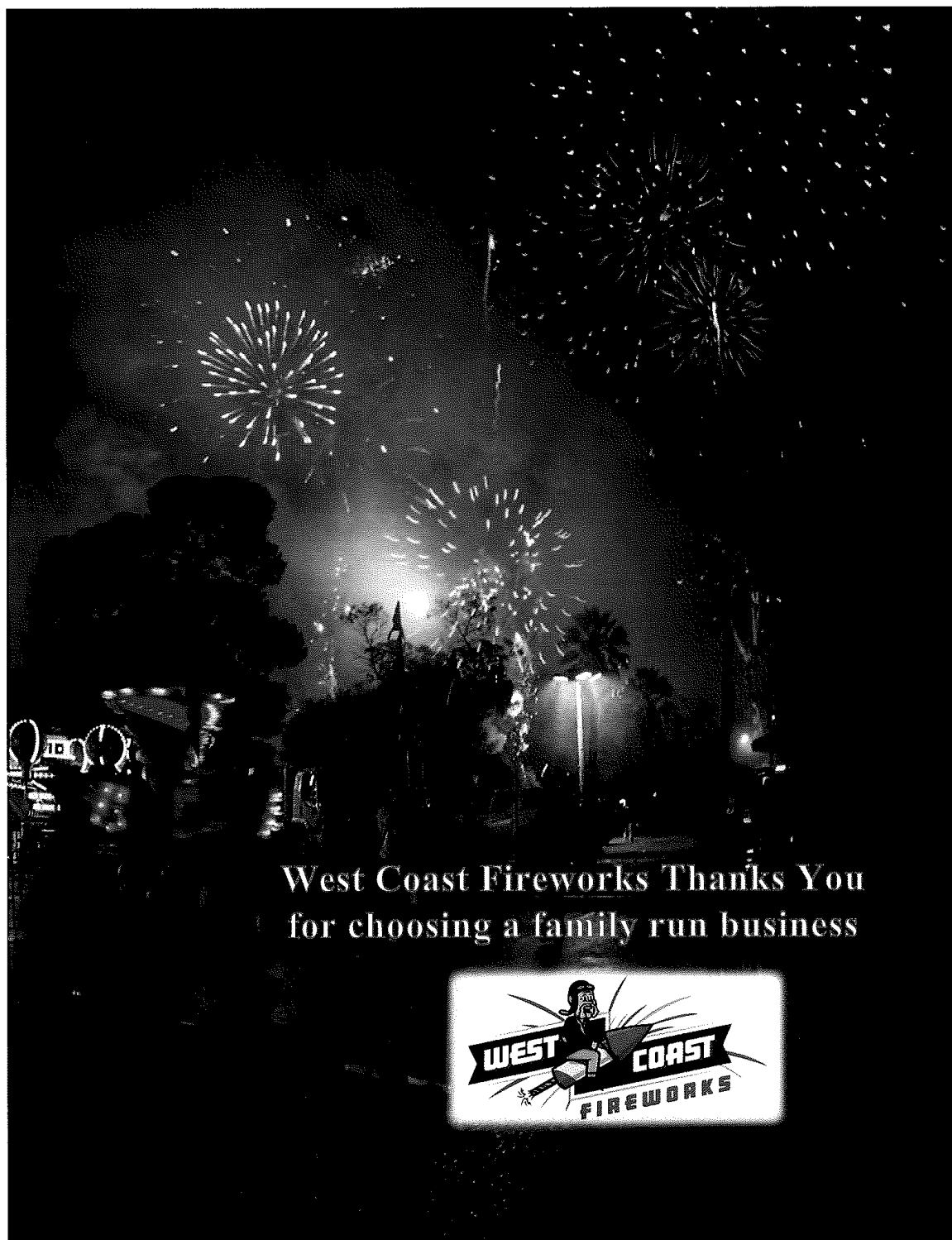
Date: _____

Please email this form to West Coast Fireworks to confirm your booking

Phone: 0448 744 238

Email: admin@westcoastfireworks.com.au

25 NOVEMBER 2020



25 NOVEMBER 2020



Bogan Bingo

EST. 2005

Booking contract for Western Australia shows

Date booked: 6/02/20

Event date: Fri 15th May 2020 **Ref:** 427272560

Show: Fundraiser **Mob:** 0427 272 560

Contact: Jamie Burton **Wk:**

Invoice: Shark Bay Fishing Club

Location: Shark Bay

Email: sharkbayfishingclub@hotmail.com

Quoted: \$2,500.00 plus GST **Total =** \$2,750.00 inc GST

Deposit: \$1,000.00 plus GST **Balance:** \$1,500.00 plus GST

Est. # players Quoted up to 80 **Content:** Discuss with co-ordinator

Time: **Set up:** TBC **Show starts:** 8.30 **Finish:** 11pm

Post show DJ: To be confirmed **Source:** Word Of Mouth

Co-ordinator: Vince Cargeeg **Ph.** 0422 258 276

Email: vince@gelo.com.au

Payments: Your invoice will be arriving soon from money@boganbingo.com

Prizes: A total of 6 prizes are to be organised by you the client.

Ts and Cs: Listed below, and available on our website.

Remember, to get the most out of your show:

1. Head to our Blogs and Tips page.
2. Pay your invoice, secure your date, get the password.
3. Download the manual and print off our posters.
4. Head to our FAQs page.

Note: To secure your event your deposit needs to be paid asap



Terms and Conditions

1. GENERAL

- All payments once made are non-refundable.
- If you need to change the date of your show due to circumstances that are outside of your control, The Gelo Company will attempt to accommodate your date change subject to availability of our performers (See 3: Change of Date).

2. CANCELLATION

- In the event that you need to cancel your event, any and all fees paid up until the time of cancellation are non-refundable.

3. CHANGE OF DATE

- Notice of your intent to change the date of your event MUST be given in writing by emailing vince@gelo.com.au to be valid.
- If The Gelo Company are notified that a date change is required within four (4) weeks of your scheduled show date, we reserve the right to charge a rescheduling fee to secure your new preferred date.
- The rescheduling fee is equal to 50% of your deposit amount, plus GST.
- The new date must be within twelve (12) months of the original event date.
- If you are unable to advise a new preferred date at the time of postponing your original date, we will reach out to you periodically to ascertain your new preferred date.
- If we are not advised of a new date within six months of the abovementioned written notice of the earlier date being postponed, your file will automatically be closed and your event deemed cancelled, and any fees paid will be forfeited.

4. GAMING REGULATION COMPLIANCE

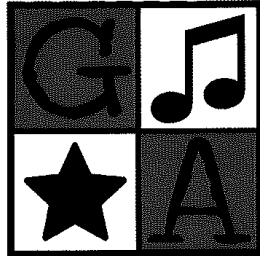
- 1. The legislation that governs gaming (including Bingo) in Western Australia is the Gaming and Wagering Commission Act 1987. Section 107 and 109 allow for 'permitted gaming/amusements' (no permit required), IF the activity is not conducted for the purposes of private gain or of a commercial undertaking AND the permitted gaming is not the only substantial inducement to attend the event AND the total aggregate value of the prizes awarded is less than \$200.
- 2. In simple terms, in order to ensure you don't require a permit, you need to follow the below rules, and by agreeing to host Bogan Bingo you are agreeing to these rules:
 - You cannot sell Bingo cards, only entry tickets to the event.
 - You must use cheap novelty prizes only (think Red Dot, Reject Shop etc.) Your total spend on prizes MUST be less than \$200.
 - No single prize is to have a greater value than the ticket price for your show.
 - Bingo cannot be the only 'substantial inducement' to attend your event. We fulfil this clause by putting on a full show including; running Air Guitar Comps, Biggest Bogan Competition and other activities, and if you are running things like a raffle and/or a silent auction, it also helps to fulfil this clause by offering other 'Substantial Inducements' for punters to attend.

NOTE: If you are applying for a temporary liquor license through the Department of Local Government, Sport and Cultural Industries the assessing officer may ask you whether you have also applied for a Bingo/Gaming permit, or advise you that a permit is needed. However, if you make it clear to them that you are complying with the above definition of 'Permitted Gaming', they should proceed with the grant of your liquor license without requiring you to obtain a Bingo permit.

Bogan Bingo is a registered Trademark and use of its name or variations of are prohibited.

ORDINARY COUNCIL MEETING

25 NOVEMBER 2020



**Grandstand
Agency.**

ABN: 28 496 437 401
Ph: 0410 696 900
W: grandstandagency.com.au
E: accounts@grandstandagency.com.au

TAX INVOICE - 11 Feb 2020

To:
Shark Bay Fishing Club

Invoice Number
INV-1175

Description	GST	Amount
Live performance by Dynamite at the Shark Bay Fishing Club for Shark Bay Fishing Fiesta 2020 on the 22nd of May 2020.	10%	520.00
Subtotal		520.00
Total GST 10%		52.00
AMOUNT DUE AUD		572.00

20% deposit

TOTAL COST
\$2860

Payments are due within 14 days of Invoice Date

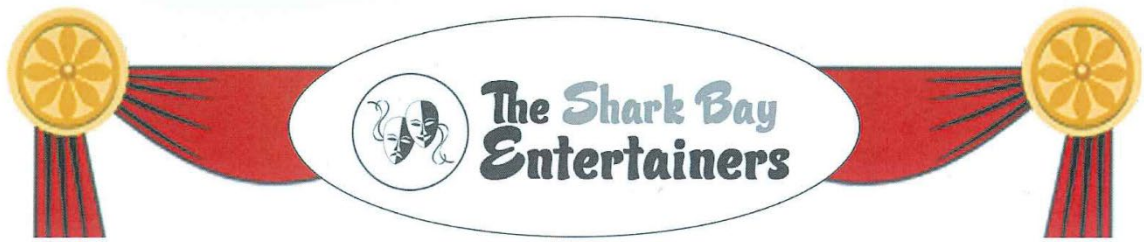
Direct debits can be made to the following account:

Account Name: Grandstand Agency
BSB: 016307
Account: 405584008
Bank: ANZ bank

Send remittance to accounts@grandstandagency.com.au

*** If paying by cheque, please make payable to Grandstand Agency.

25 NOVEMBER 2020



27 October 2020

Ref: Letter of Support to the SHARK BAY FISHING CLUB – FISHING FIESTA 2021

To whom it may concern,

The Shark Bay Entertainers are keen to support and assist the Shark Bay Fishing Club with their application for grant funding for the Annual Fishing Fiesta – 14th to 21st May 2021.

This is the one of the biggest community events held in Shark Bay, which encourages tourists and the community to participate in a week of competitions, fundraising opportunities and live entertainment.

The Fishing Club committee encourages all community groups to use this week for fundraising efforts, in the way of cooking meals, hosting quiz and bingo nights, market stalls etc. The daily competitions and the nightly entertainment in the way of bands, comedians, acts, etc. draws the crowd and promotes Shark Bay to both locals and visitors to the region.

We support the Fishing Club in their efforts to secure funding to assist with the running cost of the event, including marquee hire, the purchase of new tables, chairs and other equipment (such as extension leads, power boxes, safety steps, witches hats).

The Fishing Club always strives to promote environment awareness and socialising, as well as the Shark Bay Community and tourism in the area.

In conclusion, we fully support the Shark Bay Fishing Club in their efforts to promote the area and support Community by seeking funding to assist with the running of the 2021 Annual Fishing Fiesta.

Sincerely yours

Rosemary Lewis,
PO Box 129, Denham WA 6537
The Shark Bay Entertainers
Denham, Shark Bay WA 6537
m: 0447 536 155

The Shark Bay Entertainers
Po Box 129 – c/o Rosemary LEWIS
Denham, Shark Bay WA 6537

Chairperson: John Senteneller
Vice chairperson: vacant until further notice
Treasurer: vacant until further notice
Secretary: Rosemary Lewis

25 NOVEMBER 2020

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

There was no urgent business tabled at the November 2020 Ordinary Council meeting.

16.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Fenny
Seconded Cr Ridgley

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 CONTRACT TO MANAGE THE SHARK BAY RECREATION PRECINCT
CM00038**

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Financial Interest as the Shark Bay Community Resource Centre is her place of employment.

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That Council consider the officer's recommendation as contained within the body of the confidential report.

5/0 CARRIED

Moved Cr Fenny
Seconded Cr Ridgely

Council Resolution

Council endorse an 18-month contract extension (to align with the financial year) for the Shark Bay Community Resource Centre to contract manage the Shark Bay Recreation Precinct from 1 January 2021 until 30 June 2022.

Contract to be for a minimum of 1,200 hours for 18 months at \$75 per hour (ex GST) with an allowance of \$4,500 (ex GST) over the 18 months to cover the costs of supplementary services provided by the Shark Bay Community Resource Centre recreation staff.

25 NOVEMBER 2020

Total contract extension cost is \$94,500, of which \$63,000 will need to be approved in the 2021/2022 budget

Council instruct the Chief Executive Officer to prepare a variation to the contract for the additional 6 months.

5/0 CARRIED

Cr Burton returned to the Council Chamber at 5.09 pm.

16.2 NEW 14 TO 16 TONNE LOADER
CM00068

AUTHOR
WORKS MANAGER

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That the recommendation submitted by the Works Manager in the confidential evaluation report Supply and Delivery of One New 14 – 16 Tonne Integrated Tool Carrier as per the conditions of quote be considered.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

That Council appoint Westrac, based on the assessment of the Capability, Warranty and Pricing considerations offered under PS 2020/2021-02 Supply and Delivery of One New 14 – 16 Tonne Intergrader Tool Carrier.

And

Instruct administration to conduct a public auction closer to the delivery date to ascertain if a more advantageous outcome can be achieved for Council and authorise the Chief Executive Officer to approve any beneficial outcomes arising from the public auction.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Ridgely

Council Resolution

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

6/0 CARRIED

25 NOVEMBER 2020

At 5.14 pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).

17.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on Tuesday 15 December 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 5.15 pm.