



SHIRE OF CARNARVON
MINUTES
ANNUAL GENERAL MEETING OF ELECTORS
MEETING
FRIDAY 16 FEBRUARY 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

Shire Council Chambers
Stuart Street Carnarvon, West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
Website – www.carnarvon.wa.gov.au

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes **are not** a transcript of the proceedings of the meetings.

INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)

11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –

(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time **subject to the questions being asked only relating to the purpose of the Special Meeting** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

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	President Smith allowed for general discussion regarding the shacks at the Blowholes but reminded members of the public that this matter is currently before the State Administrative Tribunal (SAT) and therefore the Shire is limited to what can be discussed and answered.	
	Blowholes Protection Association comments and noted as follows –	
	<ul style="list-style-type: none"> ● Concerned about the cost being incurred for the SAT hearing for both the BPA and the Shire; ● Believe Council is basing their information on a 2016 report which is outdated; ● Shacks were built in the 1960’s and therefore no building permits would have been issued for these shacks therefore would not have been up to the current building standards. ● Consider the matter should be withdrawn from SAT and progressed with the BPA. 	
	Shire President Eddie Smith responded –	
	<ul style="list-style-type: none"> ● The Council is in breach of the Management Order and also the direction given by the State Government that all shacks are to be removed; ● The demolition orders were issued as a result of a complaint received in relation to unsafe shacks and debris flying around in strong winds at the Blowholes; Legal advice was obtained in relation to Council’s liability in relation to the unsafe shacks and hence the demolition orders were issued; ● It was the BPA who took the matter to SAT; ● In the Blowholes Reserves Management Plan states that chalet sites will be made available, including land tenure, to build approved holiday chalets in accordance with the building standards and therefore shack owners will have the opportunity to build compliant structures. 	
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The meeting was declared open by the Presiding Member at 12.00pm

The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

1 ATTENDANCE AND APOLOGIES

Mr Eddie Smith Presiding Member/Shire President
 Cr Burke Maslen Councillor, Gascoyne/Minilya Ward
 Cr Dudley Maslen Councillor, Town Ward
 Cr Luke Vandeleur Councillor, Town Ward

Mrs Andrea Selvey Chief Executive Officer
 Mr Michael Mallon Acting Executive Manager, Infrastructure Services
 Mr Alan Thornton Deputy CEO
 Mrs Danielle Hill Senior Executive Officer

Apologies

Nil

Press..... Nil

Electors X 9 – Ms T Chinery, Mr Chinery, Mr D Sadecky, Ms L Sadecky, Mr S Ayelmore, Mr L Barrett, Mr K Barrett Ms G Sullivan, Dr L Fullarton.

2 CONFIRMATION AND RECEIVING OF MINUTES

2.1 Minutes of the Annual General Meeting of Electors Meeting - 14 April 2023

RESOLUTION AGM 01/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That the minutes of Annual General Meeting of Electors Meeting held on 14 April 2023 be confirmed as a true record of proceedings.

FOR: Crs Eddie Smith, Burke Maslen, Dudley Maslen and Luke Vandeleur

AGAINST: Nil

ABSTAINED Ms T Chinery, Mr Chinery, Mr D Sadecky, Ms L Sadecky, Mr S Ayelmore, Mr L Barrett, Mr K Barrett Ms G Sullivan, Dr L Fullarton.

ABSENT: Crs A Cottrell, M Ferreirinha, PK Kelly and L Skender

CARRIED 4/0

3 QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

Public Question Time commenced at 12.02pm

Glenda Sullivan:

Question – In relation to the SAT Appeal commencing on the 11 March 2024 which hangs on the retrospectivity of the Building Act, will the Shire be implementing this view in relation to all buildings in the Carnarvon Shire who don't have a building permit on file at the Shire of Carnarvon?

Answer – *President Smith advised that this question will be taken on notice.*

Mr Kevin Barrett:

Question – In relation to the commercial tip fee amnesty, the contractor who proposed the amnesty has stockpiled thousands of tonnes of rubbish and concrete which will cause a problem for Council due to the amount that will be disposed of at the tip. Our business has done the right thing and paid as we go but with this situation, it is a disadvantage to all other businesses and ratepayers. Also, why was the information made available after the Council decision.

Answer - *President Smith responded and advised that there is no evidence that the contractor has stockpiled the rubbish and therefore no action can be taken. It is estimated that there is 143 tonnes of concrete, 5.6 tonnes material, 99.7 tonnes of general waste, 21 tonnes of tyres and 1.87 tonnes of metal has been deposited by commercial property owners under the amnesty to-date. The contractor has utilised the amnesty to dispose of the waste. It is also advised that the agenda was available on the Shire website 5 days before the Council Meeting giving the public ample time to read the agenda item relating to the amnesty.*

Dr Alexander Fullarton:

Question 1 – Given the inordinate amount of time and extensive resources as well as significant funding that has been, and will continue to be committed to the demolition of the shacks at the Blowholes, might I suggest the Shire of Carnarvon has satisfied any liabilities it might have incurred as to its vicarious liability to the shack owners and the public in general and that the matter be abandoned?

Question 2 – That a previous resolution of Council in 2019 be allowed to stand to resolve any future matters which may arise as to the management of the general precinct that the shacks occupy?

Answer – *President Smith responded and advised that the matter is with SAT who will determine the liability issue. It was the BPA who took the matter to SAT not the Shire and therefore due process is being followed. The previous resolution of 2021 continues to be followed by Council.*

Mr David Sadecky:

Question 1- In relation to the SAT Appeal for the Blowholes demolition order, how much is the total cost to date including workers, lawyers, travel and accommodation?

Question 2- What is the total budget allocated for the SAT trial hearing relating to the demolition orders commencing on March 11, including 2 x lawyers and 1 x building surveyor for 7 days; 5 days trial; 2 days travel, care hire, accommodation and meals?

Question 3 – We have requested this information previously but the Shire would not answer them directly. These are budget questions, not legal questions. Is the Shire of Carnarvon going to answer the questions truthfully or do we need to obtain them from a Freedom of Information application and report this matter to the Crime Corruption Unit as an attempt to mislead and hide the expenditures of Rate Payers money?

Answer- *President Smith responded and advised that these questions would be taken on notice.*

Ms Tam Chinnery:

Question 1 – I believe I am considered to be a ‘terrible person’ by some members of the Shire staff. I have received an email from the Shire to this effect. I would like to question the Shire as to why the old palms and cycads in the central townscape have been neglected to the point where many are dead and the rest are dying. I raised this issue back in 2021 and recently 3 times in the last month. I want to see a proactive and responsible approach to the maintenance and care of our townscape. This should be done with fidelity.

Question 2 – I also want an explanation as to the vilification of myself and another ratepayer because we raised issues with the staff. This email was in response to a conversation. It was addressed to the CEO and the inclusion of emoticons and the tone of the email evidences that the person who sent it did not expect any negative response. This is indicative of a culture that is unhealthy and unacceptable within the organisation and I would like a public apology as this was an inappropriate email and should not have been sent.

Answer 1 – *Mrs Andrea Selvey, CEO, responded and advised that Shire staff will carry out an investigation into why the plants are dying and we will try to have an answer to you by Monday of next week.*

Answer 2 - *Mrs Andrea Selvey, CEO, unreservedly apologised to Ms Chinnery for the inappropriate email that was sent by a staff member. This is not acceptable and the appropriate action will be taken. I have spoken to the President and Deputy President advising that all staff will be reminded of their role in customer service and the code of conduct adopted and accepted by staff.*

Mr Shane Aylemore:

Question- can we have time in general business to discuss more openly the situation in regard to the Blowholes shacks?

Answer: President Smith advised that further discussion can take place during General Business towards the end of the meeting.

4 RECEIVING OF THE ANNUAL REPORT

4.1 RECEIVING OF THE ANNUAL REPORT

File No:	AMD0171
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	N/A
Previous Report:	Annual Report 2021/2022
Schedules:	1. Annual Report 2022/2023

Summary of Report

The Electors of the Shire of Carnarvon are requested to receive:

- The Report of the Shire President for the year ended 30 June 2023;
- The Report of the CEO for the year ended 30 June 2023;
- The Annual Report and Annual Financial Report for the year ended 30 June 2023; and
- The Auditors Report for the Financial Statements for the year ended 30 June 2023.

These reports are contained within one document titled the 2022/2023 Annual Report made available on the Shire's website, at the Administration Office and at the Carnarvon Library.

Background

The audited Annual Financial Report for the year ending 30 June 2023 was adopted by Council as part of the Shire of Carnarvon Annual Report 2023 at the Ordinary Meeting of Council held on 23 January 2024.

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Subdivision 4 of the *Local Government Act 1995* requires a general meeting of electors to be held once every financial year. As prescribed by Regulation 15 of the *Local Government (Administration) Regulations 1996*, the purpose of the meeting is to discuss the Annual Report for the previous financial year and then any other general business.

OFFICER'S RECOMMENDATION

That the Shire of Carnarvon's Annual Report for the year ended 30 June 2023 incorporating the Shire President's Report, CEO's Report, 2022/2023 Annual Financial Report and Auditors Report, as per Schedule 1, be received by the Electors of the Shire of Carnarvon.

RESOLUTION AGM 02/02/24

Moved: Cr Paul Kelly

Seconded: Cr Dudley Maslen

That the Shire of Carnarvon's Annual Report for the year ended 30 June 2023 incorporating the Shire President's Report, CEO's Report, 2022/2023 Annual Financial Report and Auditors Report, as per Schedule 1, be received by the Electors of the Shire of Carnarvon.

FOR: Crs Eddie Smith, Burke Maslen, Dudley Maslen and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, M Ferreirinha, PK Kelly and L Skender

CARRIED 4/0

5 GENERAL BUSINESS AS PERMITTED BY THE SHIRE PRESIDENT

President Smith allowed for general discussion regarding the shacks at the Blowholes but reminded members of the public that this matter is currently before the State Administrative Tribunal (SAT) and therefore the Shire is limited to what can be discussed and answered.

Blowholes Protection Association comments and noted as follows –

- Concerned about the cost being incurred for the SAT hearing for both the BPA and the Shire;
- Believe Council is basing their information on a 2016 report which is outdated;
- Shacks were built in the 1960's and therefore no building permits would have been issued for these shacks therefore would not have been up to the current building standards.
- Consider the matter should be withdrawn from SAT and progressed with the BPA.

Shire President Eddie Smith responded –

- The Council is in breach of the Management Order and also the direction given by the State Government that all shacks are to be removed;
- The demolition orders were issued as a result of a complaint received in relation to unsafe shacks and debris flying around in strong winds at the Blowholes; Legal advice was obtained in relation to Council's liability in relation to the unsafe shacks and hence the demolition orders were issued;
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6 CLOSURE

The Presiding Member declared the meeting closed at 12.42pm.