

SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING
TUESDAY 17 DECEMBER 2019

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

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.

It should 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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1.0 ATTENDANCES , APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2.0 PUBLIC AND ELECTED MEMBER 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.)

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING –

2.2 PUBLIC QUESTION TIME

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(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 17 DECEMBER 2019**

The meeting was declared open by the Presiding Member at 8.34am
Ms Marion Crowe on behalf of the Yingarrda People conducted a Welcome to Country.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr J Nelson.....	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr K Simpson.....	Councillor, Coral Bay Ward (by instantaneous communication)
Cr L Skender.....	Councillor, Plantation Ward
Cr L Vandeleur.....	Councillor, Town Ward
Mr D Burton.....	Chief Executive Officer
Mrs D Hill.....	Senior Executive Officer
Observers.....	2
Leave of Absence.....	Cr Pinner
Apologies.....	Nil

1.1 CR VANDELEUR – INSTANTANEOUS COMMUNICATION – JANUARY 2020

Cr Vandeleur advised that he would not be able to attend the January 2020 Council Meeting in person however requested that he be permitted to attend by instantaneous communication whilst in Perth at the following residence – 14 Fairview Street, Coogee.

FC 1/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Nelson

That Cr Vandeleur be permitted to attend the January 2020 Council Meeting by instantaneous communication at the approved residence of 14 Fairview Street, Coogee.

CARRIED
F7/AO

2.0 PUBLIC AND ELECTED MEMBER 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 8.37am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETINGS – 24TH SEPTEMBER AND 26TH NOVEMBER 2019

The following question was submitted by Mr Shane Aylmore of the Blowholes Protection Association at the Ordinary Meeting of Council held on 24th September 2019.

Question 1 - In accordance with section 109(2) and 107(d) and (e) of the Building Act 2011 and Section 6(3) of the Criminal Investigations Act I again today reasonably request a copy of the unlawful signed warrants of entry for the blows shacks, like I did at the time of their unlawful execution (and was refused) to be produced.

Answer - *Currently awaiting advice from the WA Police Department.*

2.2 PUBLIC QUESTION TIME

The following questions were submitted by Mr Ed Garrett of Carnarvon –

Question 1 - How can the Council, legally or ethically establish a committee comprising Councillors and BPA members to “**to address the current condition of the shacks at the Blowholes**”, when a highly qualified Building Inspector has on at least three separate occasions issued reports (as recently as October this year), condemning more than half of the remaining shacks as dangerous and urging Council to seek immediate demolition.

Answer - *Under Section 5.9 (2)(d) of the Local Government Act 1995, Council can establish committees Council can establish a committee of Council members and other persons which means a person who is not a Council Member or an employee. The purpose of the Committee is to address the issue, not assess the Buildings which is the Building Inspectors work.*

Question 2 -What engineering or architectural qualification are held by the appointed members of this committee that can override the decisions of a qualified building inspector?

Answer – *The Committee will not override decisions of the Building Inspector.*

Question 3 -Does this unprecedented action put the Council and Shire Staff in breach of the building codes by allowing condemned building to not only remain standing but to allow them to be re-occupied?

Answer – *Please note, status quo as per the past 30 years plus.*

Question 4 -Given that the Officer’s recommendation was “It is recommended that the proposed members motion be ‘left on the table’ until further specialist legal advice is obtained on the matter due to the potential risk to Council and Shire staff. It is also recommended that recommended actions 1 & 2 above be considered by Council as a possible way forward, and should these actions be considered to have merit, that Council directs the CEO to obtain legal advice on these matters also.

Recommended actions: 1. That the owners of the shacks identified as being in a dangerous state on the site inspection of 16 October 2019 undertaken by the Shire’s contract building surveyor (shacks 6, 7, 8, 10, 12, 16, 21, 23, 24, 26, 28, 30, 41 & 43) shall within 28 days of this resolution make good (that is remediate to a safe condition) their shack(s) to the satisfaction of the Shire’s consultant building surveyor. After a further inspection of the shacks by the Shire’s consultant building surveyor (after the 28 day period), if the subject shack(s) are still considered to be in a dangerous condition the owner(s) shall cordon off the shack(s) to the satisfaction of the Shire’s Executive Manager Infrastructure Services, shall not allow the shack(s) to be occupied, and shall remove the shack within 90 days of the date of this resolution. 2. The Shire’s CEO shall require the Shire’s contract building surveyor to undertake a further inspection of the shacks at the end of April 2020 to ensure the structures have remained in a safe condition. If it is found that any of the shack(s) are in dangerous condition, the matter shall be brought back to Council for their consideration with Council resolving to direct the CEO to undertake the immediate removal of those shacks considered at the time of the

further inspection to be in a dangerous condition. Additional to the above the failure to undertake the development/improvements to the daytime visitor area as outlined in the Blowholes Reserves Management Plan 2014 – 2036 may have a potential reputational and financial risk to the Shire due to the negative visitor experience. The Shire has recently received significant social media and State media coverage acknowledging the district as the new “must see” visitor destination in WA, and therefore it is important that the longstanding issues associated with the area be resolved.”, what is the legal standing of Council’s precipitous decision to ignore the recommendation/warning that this motion may have legal ramifications for the community and Shire Staff should a challenge be made regarding the safety issues that have been allowed to continue to beset the Blowholes tourism area for so many years as well the fact that they are revoking the first concrete decision of Council in nearly thirty years to resolve this impasse.

Answer – *Council and previous Councillors are and have been aware of the risk.*

Question 5 -Does this decision mean that the existing Blowholes Management Plan, signed off by the Minister is now defunct? The current Plan revolved around the removal or relocation of the squatter’s shacks prior to any further development of the area in accordance with that plan.

Answer - *No*

Question 6 -The Shire and State Government have almost a million dollars sitting in trust to be spent on implementing the Blowholes Management Plan. Given that the squatters shacks are now to be allowed to remain with (legal?) Leases put back in place, what is the future of this funding which has been held over for almost five years? Will the State decide that we are such a basket case that the money would be better spent elsewhere and withdraw it, leaving this community with a huge expense over the last thirty years with nothing but a few privileged shack owners selfishly preserving their outmoded and outdated camping sites to the detriment of the wider travelling and visiting public to show for it?

Answer – *Council is fully aware of the funding issue as previous Councillor’s were.*

Question 7 -The Council decision means that permanent structures will now be allowed to be constructed/reconstructed within the declared inundation setback. This is contrary to both State Planning and the Blowholes Management Plan. What are the long term legal implications of this decision and is the Council now jeopardising the safety of visitors to the Blowholes who may assume that using the shacks (which are rented out by members of BPA to members of the public at a peppercorn rate, according to the BPA) is safe and there is no threat because the Shire would obviously not allow permanent buildings to be placed in such a dangerous situation?

Answer – *Your question contains too many unsubstantiated assumptions to be answered.*

Question 8 -Why, in the name of all that is logical, would the Council undo nearly thirty years of discussion, argument and planning for the betterment of the Blowholes precinct to the benefit of ALL visitors to our coastline, simply to mollify a few luddites who still believe that the only way they and ONLY they can enjoy the Blowholes is to continue to occupy these ramshackle eyesores that make the beautiful coastal area look like nothing more than a cross between a slum and a rubbish tip that this community must be deeply ashamed of.

Answer – *Your question is basically vexatious statements. Note – Ministerial direction still stands that allows for 40 chalet sites.*

Question 9 - Is it so that this latest decision could be construed as negligent and a breach of the Council’s Duty of Care to the broad community and ‘not in the good governance of the district’?

Answer – *No it is not.*

Question 10. -Has this decision meant that the ratepayers of Carnarvon as well as the CEO and elected members (as I understand from the LGIS advice) are highly expose to public liability litigation with a strong possibility of no insurance cover should there be a serious incident with the Shacks? This could potentially be in the millions of dollars if compensation is claimed against the organisation and/or the individuals responsible for the decision to revoke. Notwithstanding the financial implications, there is also reputational damage to the Shire’s image more broadly to consider. Has the Council considered these issues and are they simply gambling on nothing happening because nothing has happened so far?

Answer - *Council has considered this previously as have previous Councillors.*

Question 11 - Decision to Revoke – was this motion legally processed? The Council motion, on my understanding is contrary (technically) to regulation 10 of the Local Government (Administration) Regulations, 1996..... to revoke needs to be in three distinct motions:

- i. Agree to revoke
- ii. Revoke
- iii. Move new motion

see below..... this did not occur raising questions over the validity of the motion moved on 26 November. Would the Department of local Government approve of the apparent lack of due process?

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

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Answer - *As per your own information, the Local Government Act 1995 only states that to revoke a motion only requires support of 1/3 of the number of Members or for the Shire of Carnarvon, 3 Members. The motion was supported by Cr's Fullerton, Nelson and Maslen. There is no requirement for the motions to be done in 3 stages.*

Question 12 - New Leases – Is it not true that any agreement of a new lease will need Ministerial Approval under Section 18 of the Land Administration Act 1997..... also under Section 46, the Minister may vary the Management Order and direct the Council to remove the shacks due to their imminent risk to public safety.....see extract below.

18. *Crown land transactions that need Minister's approval*

(1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*

(2) *A person must not without authorisation under subsection (7) —*

- (a) *grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or*
- (b) *being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.*

(3a) *The Minister may by order —*

(a) *without the consent of the management body of a reserve, vary —*

(8) *Subsection (7) does not authorise a management body to perform a function or exercise a power if another enactment expressly prevents the person from performing that function or exercising that power, or expressly authorises another person to perform that function or exercise that power.*

Answer - *Yes, that is correct. Any lease agreement must be agreed to by state government as well.*

Question 13 - Building Compliance – Will any works to the existing structures or replacement structure need to comply with the following requirements/legislation:

- Building Code of Australia (BCA) as a Class 1 Residential Dwelling
- Building Act 2011
- Health Act 2016
- State Planning Policy 2.6 – Coastal Development and Setbacks
- State Planning Policy 3.7 – Development in Bushfire Prone Areas
- Cyclone D Region construction standards.

And if not, under what legal framework would they be exempted?

Answer – *These matters will be considered by Council.*

Question 14 – It seems to be a widely held belief that, although Councillor Nelson’s name does not currently appear on the register of owners of the squatter shacks at the Blowholes, she is to all intents and practical purposes in possession of one of the said shacks. Is Councillor Nelson prepared to state on the public record that she has no direct interest whatsoever in any one of the structures currently at the Blowholes and if not-

1. How can she be an unbiased member of the Committee to be formed to assess the shacks? Does this not in fact mean that the BPA will effectively have a majority on the Committee of three to one; and
2. Why was she not reported or will she be reported to the Public Sector Commission for a breach of the Local Government Act in that she did not declare an interest and recuse herself from the moving the deliberations and the voting in the motion that revoked the motion to demolish said shacks at the last ordinary council meeting?

Answer - *The Committee is an advisory committee to Council only and Cr Nelson’s impartiality interest is a use in common in using a friends shack.*

The following question has been submitted by Mr Bill Hopkinson of Hill Springs Station –

Question - In 2011, Council shelved the planning for the northern airport site with no valid reason given. Since then, we have seen questionable air services, expensive fares, stagnant tourism, business closures, population decline, a \$5m runway path up and no FIFO to the Pilbara. Does the new Council intent to revisit plans for a new airport with the view that it would act as an economic driver to left the fortunes of the town, or will the 1950’s prevail with people happy to use a decaying strip, built on a salt marsh next to a built up area?

Answer - *At this current time, the Shire is focusing on being fiscally responsible and maintaining current assets. It has been noted that the construction of an airport in the future may be likely but would need to be considered when the town and Shire has the need and capacity to maintain such a structure.*

The following questions were submitted by Mr Len Paggi –

Question 1 - Mr President, past members of this shire have allowed for the installation of the Fascine non conforming steel piles which have and are corroding to the point of near collapse. Since the initial cost of this project was just short of \$20 million, one can expect a similar amount or more, to redo the project when this happens. We have been told by two different governments that we, the Carnarvon Shire, will be responsible for this huge expenditure. In view of this, what action has or is intended, in order to make those responsible accountable?

Answer – *Council will be addressing the “Report of the Inquiry into the Shire of Carnarvon” at the January 2020 Council Meeting.*

Question 2 - Mr. President, Burglary, stealing and all kind of offensive behavior in Carnarvon is completely out of control, regardless of some people saying crime in Carnarvon has decreased

Burglaries are not limited to homes but take place on commercial properties as well, on a regular basis. We have situations where this behavior has rendered some business nonviable and non salable to the point of having to close them down and lose everything they have worked for over many years. Carnarvon people are angry to the point that some undesirable action may take place if there are no changes. Would you and your council give consideration to invite the Police Minister to visit Carnarvon so that she has the opportunity to listen to first hand reports and some suggestions from people of this town.

Answer –Yes, a letter has been written to the Minister requesting a meeting and Council have also been collaborating with local police.

Public Question Time was closed at 8.49am

3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

Nil

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL – 26TH NOVEMBR 2019

FC 2/12/19

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That the minutes of the Ordinary Meeting of Council held on Tuesday 26th November 2019 be confirmed as a true record of proceedings.

CARRIED
F7/AO

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Cr Fullarton attended the end of year Carnarvon Community College Presentation and advised that it was a well thought out and well attended end of year event for the College.

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Shire President wished to convey Council's condolences to the family of Mrs Delys Cole who passed away last week. Mrs Cole was an ex Shire President and a valued member of the community.

Shire President also wished to convey Council's condolences to the family of Mr Terry Cahill who passed away this week. Terry was a Freeman of the Town of Carnarvon and a valued member of the community.

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF AUGUST/SEPTEMBER 2019

Date of Meeting:	24 th September 2019
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report back to Council actions performed under delegated authority for the months of August/September 2019.

Description of Proposal:

Refer above.

Background:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals issued
- Building Permits issued;
- Health Approvals issued;
- Affixing of Common Seal

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A
Planning & Development Act 2005 – Part 10 Div. 2
TPS No. 10 – Section 2.4
Shire of Carnarvon Local Government Act Local Laws S.29
Health Act 1911 – S.107; Health Act 1911, Part VI

Health (Public Buildings) Regulations 1992

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

Reporting requirement only.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months August/September 2019 and are submitted to Council for information.

COMMON SEAL

Date Affixed	Agreement Details
13 December 2019	Lease – Axicome Pty Ltd – Carnarvon Airport Telecom Tower

DELEGATIONS

ENVIRONMENTAL HEALTH

Food

Date of decision	Decision Ref.	Decision details	Applicant
26/11/2019	ICOR1935628	Food business notification for Xmas Street Party	Norwest Boardriders Inc
4/12/2019	ICOR1935835	Food business notification for Xmas Street Party	Vietnamese community in Carnarvon
6/12/2019	ICOR1935778	Food business notification for Xmas Street Party	Police & Community Youth Centre

PLANNING

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted

A2297	P41/19	67 Robinson Street, Coral Bay	Retrospective approval of 1.2 metre fence and smoking area.	Alistar John Brogan	5/12/19
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BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/085	MARK RONALD & HELENA BASSETT	LOT 504 BOOR ST KINGSFORD	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/087	MARK DEAN BAIN & ANNE MARIE PORTER	LOT 251 WILLIAM ST EAST CARNARVON	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING SHED
B19/099	RICARDO PAULO CAMARA & VERONICA FERNANDES LUIS	LOT 10 MAYWOOD RD KINGSFORD	ATTACHING SOLAR PANELS TO ROOF OF RESIDENTIAL DWELLING
B19/102	CARNARVON GROWERS ASSOCIATION	LOT 9 NORTH WEST COASTAL HWY KINGSFORD	ATTACHING PHOTOVOLTAIC PANELS TO THE ROOF OF THE EXISTING BUILDING
B19/103	GOVERNMENT REGIONAL OFFICER HOUSING	LOT 317 MASLEN ST BROCKMAN	1.8M HIGH COLORBOND POST & RAIL DIVIDING FENCE
B19/104	DEPARTMENT FOR HOUSING	LOT 77 BRAND DR BROCKMAN	1.8M HIGH COLORBOND POST & RAIL DIVIDING FENCE
B19/105	DAMPIER SALT LIMITED	LOT 17 CRAGGS CT BROWN RANGE	STEEL FRAMED SKILLION ROOF SHED
B19/107	DEANE FRANCIS & SUZZANNE WIGGINS	LOT 141 NORTH WEST COASTAL HWY SOUTH PLANTATIONS	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/108	SHARON ELIZABETH WILLIAMS & DAVID JAMES STEWART	LOT 9 RICHARDS ST BROCKMAN	ALTERATIONS TO EXISTING DWELLING ROOF STRUCTURE AND ADDITION OF STEEL FRAME PATIO
B19/109	REBO NOMINEES PTY LTD	LOT 23 WAHOO CT CORAL BAY	EXTENDED ROOF COVER ALONG WESTERN ELEVATION - VARIATION OF B19/040
B19/110	GOVERNMENT REGIONAL OFFICER HOUSING	LOT 200 SHALLCROSS ST EAST CARNARVON	1.8M HIGH COLORBOND POST & RAIL DIVIDING FENCE
B19/112	DEPARTMENT FOR HOUSING	LOT 133 WHEELLOCK WAY MORGANTOWN	1.8M HIGH COLORBOND POST & RAIL DIVIDING FENCE
B19/115	CHRISTOPER JOHN SMITH	LOT 758 MCLEOD ST SOUTH CARNARVON	DEMOLITION - DWELLING
B19/116	PARKER CONRAD	LOT 83 TUCKEY CT MORGANTOWN	STEEL FRAMED AND CLAD SHED
B19/117	JOSE & MARIA DE JESUS FERNANDES LECA	LOT 25 NORTH RIVER RD NORTH PLANTATIONS	INSTALLATION OF SOLAR PANEL SYSTEM TO ROOF OF EXISTING BUILDING
B19/118	STEPHEN JOHN DONEGAN	LOT 12 WEST ST SOUTH CARNARVON	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/119	DECLAN JAMES & TEEKA BEVERLY ROSE	LOT 976 DEMPSTER RD BROCKMAN	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING GARAGE

B19/120	KEVIN FRANCIS & PETA DIXIE BURKETT	LOT 185 NORTH RIVER RD NORTH PLANTATIONS	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/121	GEOFFREY WAYNE & ROBERT ASHLEY & SILVANA SCOTT	LOT 2 SOUTH RIVER RD SOUTH PLANTATIONS	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING SHED
B19/122	JUDITH LORRAINE SCHMIDT & ROBERT CHARLES SCHMIDT (DECEASED) & JEAN HASLEBY	LOT 9 MARGARET ROW KINGSFORD	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/135	CLIFFORD PAUL WILLIAMS	LOT 204 GRANBERRY DR BROCKMAN	SEA CONTAINER

OFFICER'S RECOMMENDATION

That Council accept the reports outlining actions performed under delegated authority for the months August/September 2019.

FC 3/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Maslen

That Council accept the reports outlining actions performed under delegated authority for the months August/September 2019.

CARRIED
F7/AO

8.1.2 2020 ORDINARY MEETINGS OF COUNCIL– SCHEDULE OF DATES, TIMES AND VENUES

File No: ADM0308
Date of Meeting: 17 December 2019
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Dannielle Hill, Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Report: Nil

Summary of Item:

This report is to seek Council approval for the Shire of Carnarvon Ordinary Council Meeting dates for the 2020 calendar year.

Description of Proposal:

As above.

Background:

As a requirement under the Local Government Administration Regulations 1996, Council is required to set its Ordinary and Committee meeting dates for the upcoming calendar year and accordingly provide local public notice to this effect.

Furthermore, Council "Policy E017 - Monthly Ordinary Council Meetings, Briefing Sessions and Corporate Information Sessions", also states that Ordinary Meetings of Council are to be held on the fourth Tuesday of each month, with at least two Ordinary Meetings of Council to be held in Coral Bay, and the date and time to be determined by Council.

It should also be noted that with Christmas falling close to the scheduled fourth Tuesday in December, it has been normal practice to bring this meeting forward by one week.

Accordingly, the following is a proposed schedule of dates and times for the 2020 Ordinary Meetings of Council, incorporating the suggested changes as previously mentioned, for Council's consideration –

Council Ordinary Meeting Dates, Times and Venues 2020		
Date	Time	Venue
Tuesday 28 January 2020	8.30am	Council Chambers
Tuesday 25 February 2020	8.30am	Council Chambers
Tuesday 24 March 2020	8.30am	Council Chambers
Tuesday 28 April 2020	8.30am	Council Chambers
Tuesday 26 May 2020	10.30am	Coral Bay Tavern
Tuesday 23 June 2020	8.30am	Council Chambers
Tuesday 28 July 2020	8.30am	Council Chambers
Tuesday 25 August 2020	8.30am	Council Chambers
Tuesday 22 September 2020	8.30am	Council Chambers
Tuesday 27 October 2020	10.30am	Coral Bay Tavern
Tuesday 24 November 2020	8.30am	Council Chambers
Tuesday 15 December 2020	8.30am	Council Chambers

Consultation:

Nil

Statutory Environment:

Pursuant to the Local Government Administration Regulations, 1996 an extract outlining the relevant regulation 12 is provided below:

(1) At least once each year a local government is to give local public notice of the dates on which, and the time and place at which –

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).

Relevant Plans and Policy:

This item relates to Council “Policy E017 - Monthly Ordinary Council Meetings, Briefing Sessions and Corporate Information Sessions” and aligns with this document.

Financial Implications:

The proposed meeting schedule that may include an optional overnight stay in Coral Bay which is accommodated in the current year budget.

Risk Assessment:

There is no perceived risk by endorsing the recommended scheduled Ordinary Meeting Council dates for the 2019 calendar year, other than the Council would be in breach of the legislation if was not to do so.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.1	A well engaged and informed community and a high standard of customer service
5.1.1	Community members have access to information on their community through a range of different media
5.1.2	The community is engaged in planning for the future and other matters that affect them
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.6	The Shire advocates on behalf of its community

Comment:

In consideration of the proposed meeting dates, the May and October 2020 Ordinary Meetings have been tagged for Coral Bay to reflect an increased presence by the Shire, and greater representation for this part of the community.

With Council in agreeance to the proposed scheduled dates for the Ordinary Meetings for the 2020 calendar year, local public notice will need to be given in the local newspaper, Shire of Carnarvon website and Shire public notice boards.

OFFICER’S RECOMMENDATION

That Council in accordance with Regulation 12 of the Local Government Administration Regulations, 1996:

1. *Endorse the following Ordinary Council Meeting dates, times and venues for the 2020 calendar year –*

Council Ordinary Meeting Dates, Times and Venues 2020		
Date	Time	Venue
Tuesday 28 January 2020	8.30am	Council Chambers
Tuesday 25 February 2020	8.30am	Council Chambers
Tuesday 24 March 2020	8.30am	Council Chambers
Tuesday 28 April 2020	8.30am	Council Chambers
Tuesday 26 May 2020	10.30am	Coral Bay Tavern

Tuesday 23 June 2020	8.30am	Council Chambers
Tuesday 28 July 2020	8.30am	Council Chambers
Tuesday 25 August 2020	8.30am	Council Chambers
Tuesday 22 September 2020	8.30am	Council Chambers
Tuesday 27 October 2020	10.30am	Coral Bay Tavern
Tuesday 24 November 2020	8.30am	Council Chambers
Tuesday 15 December 2020	8.30am	Council Chambers

2. Give local public notice advising of the meeting dates and times for the 2020 Ordinary Meetings of Council.

FC 4/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Maslen

That Council in accordance with Regulation 12 of the Local Government Administration Regulations, 1996:

1. *Endorse the following Ordinary Council Meeting dates, times and venues for the 2020 calendar year –*

<i>Council Ordinary Meeting Dates, Times and Venues 2020</i>		
<i>Date</i>	<i>Time</i>	<i>Venue</i>
<i>Tuesday 28 January 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 25 February 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 24 March 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 28 April 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 26 May 2020</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 23 June 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 28 July 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 25 August 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 22 September 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 27 October 2020</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 24 November 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>
<i>Tuesday 15 December 2020</i>	<i>8.30am</i>	<i>Council Chambers</i>

2. Give local public notice advising of the meeting dates and times for the 2020 Ordinary Meetings of Council.

CARRIED
F7/A0

8.1.3 FREEDOM OF INFORMATION STATEMENT – ANNUAL REVIEW

Date of Meeting: 17 December 2019
 Location/Address: N/A
 Name of Applicant: N/A
 Name of Owner: Shire of Carnarvon
 Author/s: Dannielle Hill – Freedom of Information Coordinator
 Declaration of Interest: Nil

Summary of Item

The purpose of this report is to seek Council endorsement of the review of the Shire of Carnarvon Freedom of Information Statement.

Description of Proposal:

N/A

Background:

In accordance with the Section 96 of the *Freedom of Information Act, 1992* it is a requirement of Council to undertake an annual review of its Freedom of Information Statement.

The last review was conducted in December 2018..

A copy of the existing FOI Statement is provided at **Schedule 8.1.6**.

Consultation:

Nil

Statutory Environment:

As reflected in the Background Section above this review is undertaken in accordance the *Freedom of Information Act, 1992* – Section 96.

Relevant Plans and Policy:

The Freedom of Information Statement is classed as a Council Policy and is referred to by staff when dealing with any Freedom of Information application/items relevant to this legislation.

Financial Implications:

Nil

Risk Assessment:

Should the Council not undertake and complete this review it would technically be in breach of the legislation.

Community and Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.1	A well engaged and informed community and a high standard of customer service
5.1.1	Community members have access to information on their community through a range of different media
5.1.2	The community is engaged in planning for the future and other matters that affect them
5.2	The Shire has a high standard of governance and accountability
5.2	The Shire has a high standard of governance and accountability

Comment

As mentioned, a copy of the previous Freedom of Information Statement is attached to this report for the Council's information and consideration. In reviewing the document at an officer level there are no apparent

changes required to the existing statement.

OFFICER'S RECOMMENDATION

That Council pursuant to Section 96 of the Freedom of Information Act, 1992 endorse the Shire of Carnarvon Freedom of Information Statement of as presented in Schedule 8.1.2.

FC 5/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Vandeleur

That Council pursuant to Section 96 of the Freedom of Information Act, 1992 endorse the Shire of Carnarvon Freedom of Information Statement as presented in Schedule 8.1.2.

CARRIED
F7/AO

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1 ACCOUNTS FOR PAYMENT 30 NOVEMBER 2019

File No:	ADM0186
Date of Meeting:	17 December 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Stacy Martyn – Relieving Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

Description of Proposal:

N/A

Background:

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

Relevant Plans and Policy:

All accounts are paid as per the Shire of Carnarvon's 2019/2020 Budget.

Financial Implications:

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

Accounts paid to 30 November 2019 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

OFFICER'S RECOMMENDATION

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totaling \$851,840.02 as presented for the month of October 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD37223</i>	<i>DD37316</i>	<i>Bank Direct</i>	<i>\$95,922.04</i>
<i>47052</i>	<i>47077</i>	<i>Muni Cheques</i>	<i>\$90,422.58</i>
<i>7475</i>	<i>7481</i>	<i>Trust Cheques</i>	<i>\$1,552.05</i>
<i>EFT29362</i>	<i>EFT29510</i>	<i>Muni EFT</i>	<i>\$661,049.00</i>
<i>EFT29416</i>	<i>EFT29511</i>	<i>Trust EFT</i>	<i>\$2,894.35</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$1,200.89 as presented.*
 c) *Note Sundry Creditors as at 30 November 2019 \$612,014.08.*

FC 6/12/19**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

Cr Fullarton/Cr Vandeleur

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totaling \$851,840.02 as presented for the month of October 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD37223</i>	<i>DD37316</i>	<i>Bank Direct</i>	<i>\$95,922.04</i>
<i>47052</i>	<i>47077</i>	<i>Muni Cheques</i>	<i>\$90,422.58</i>
<i>7475</i>	<i>7481</i>	<i>Trust Cheques</i>	<i>\$1,552.05</i>
<i>EFT29362</i>	<i>EFT29510</i>	<i>Muni EFT</i>	<i>\$661,049.00</i>

EFT29416	EFT29511	Trust EFT	\$2,894.35
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- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$1,200.89 as presented.
c) Note Sundry Creditors as at 30 November 2019 \$612,014.08.

CARRIED
F7/AO

8.2.2 INVESTMENTS AS AT 30 NOVEMBER 2019

File No:	ADM0186
Date of Meeting:	17 December 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Sa Toomalatai, Manager, Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report the Council details of surplus funds invested to 30 November 2019.

Description of Proposal:

N/A

Background:

Nil.

Consultation:

Takes place with Financial institutions prior to renewal of investments.

Statutory Environment:

Section 6.14 of the *Local Government Act 1995* grants Council the power to invest surplus funds.

Relevant Plans and Policy:

The investment report is produced in accordance with Council's investment policy.

Financial Implications:

Nil.

Risk Assessment:

No risk identified.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

The attached monthly report on investments (*Schedule 8.2.3*) has been compiled in accordance with the reporting framework included as part of Council's investment policy.

OFFICER'S RECOMMENDATION

That Council receive the investments report, as at 30 November 2019 as per Schedule 8.2.3.

FC 7/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Nelson

That Council receive the investments report, as at 30 November 2019 as per Schedule 8.2.2.

CARRIED
F7/A0

8.3 DEVELOPMENT SERVICES

8.3.1 PERMANENT ROAD CLOSURE - LOT 12 NORTH WEST COASTAL HIGHWAY, WOORAMEL

File No: ADM0200
Date of Meeting: 17 December 2019
Location/Address: Lot 12 on DP43095 North West Coastal Highway Wooramel WA 6701
Name of Applicant: Hille, Thompson and Delfos Surveyors and Planners
Name of Owner: Shire of Carnarvon (Local Road Reserve)
Author/s: John Meggitt; Principal Planner
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Report: 23 July 2019

Summary of Item:

This item relates to a request for the permanent road closure of the un-named/un-constructed road bisecting Lot 12 on DP43095 North West Coastal Highway, Wooramel, WA 6701. The land owner engaged Hille, Thompson and Delfos Surveyors and Planners (HTD) to survey the site and make the request for closure to the Shire of Carnarvon. The legal process for the permanent closure of a road is specified by section 58 of the *Land Administration Act 1997*. The Site Plans are attached at **Schedule 8.3.1(a)**.

Description of Proposal:

The leaseholder of Lot 12 is seeking to regularize the land titles in recognition that the road reserve is redundant. The road reserve is used for pastoral activity; there are no building structures within the reserve. This proposal is associated with an application approved by Council in July this year to close a section of road reserve (within the adjoining Lot 11) that connects the subject portion of the road reserve with the NW Coastal Highway. This previous application has been put on hold by the Department of Planning, Lands and Heritage on the basis that the unconstructed road in its entirety should be considered for closure. This application covers the remaining portion of the unconstructed road. The location of the reserve is illustrated in **Figure 1.** below.

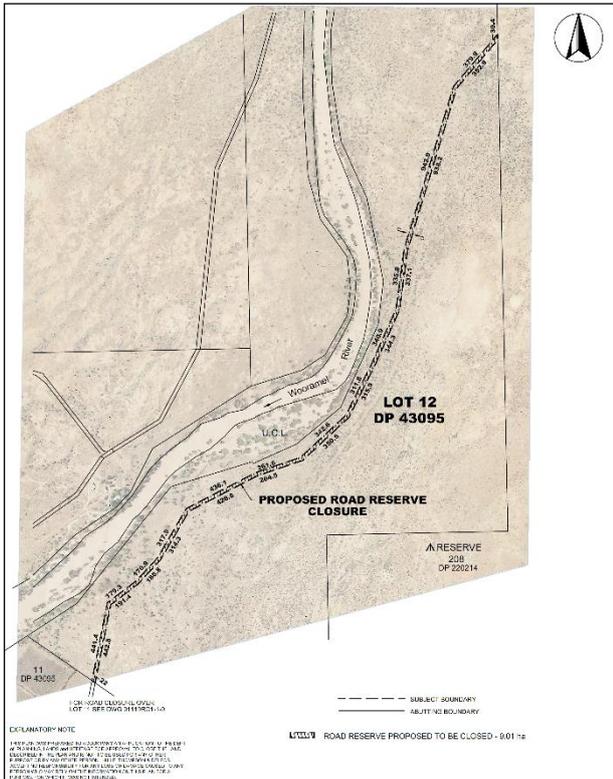


Figure 1. Lot 12 North West Coastal Highway

Consultation:

Section 58 of the *Land Administration Act 1997* requires Local Government to advertise the proposed permanent road closure for a period not less than 35 days in the local newspaper.

The following advertising of the proposal was undertaken:

- A public notice in the *Midwest Times* on Wednesday 30 October 2019.
- A public notice in the Shire of Carnarvon website from Monday 28 October to Friday 6 December.
- A mailout to the leaseholder of Lot 12.

No submissions were received as a result of the public consultation.

Statutory Environment:

Land Administration Act 1997

The permanent closure of roads is governed by section 58 of the *Land Administration Act 1997*:

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that

resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -
- (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
- (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
- (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Relevant Plans and Policy:

State Planning Policy 2.5 Rural Planning

The stated purpose of the policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. The policy objectives include the following:

“provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;”

The Policy recognizes regional variations in WA in regard to climate, economic activity, cultural values, demographic characteristics and environmental conditions. The Policy is intended to:

“continue promote rural zones in schemes as flexible zones that cater for a wide range of land uses that may support primary production, regional facilities, environmental protection and cultural pursuits;”

Financial Implications:

There are no identified financial implications associated with the officer’s recommendation.

Risk Assessment:

There is no identified risk 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
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile

Objective 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	Outcomes and Strategies
------	-------------------------

2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

Comment:

The proposed closure of the road reserve recognises that the road is not constructed or operational, and based on communications with Main Roads WA, it is apparent that Main Roads has no intention of constructing the road in the future, or any desire to retain the road reserve. The removal of the road reserve will enable the cadastral plan for the rural property to be regularised (removal of the redundant road reserve) thereby providing certainty for future pastoral operations and security for the land owner regarding future investment in rural activities.

OFFICER'S RECOMMENDATION

1. *That Council resolves to support the permanent closure of the Part Road Reserve through Lot 12 Wooramel, North West Coastal Highway WA 6701.*
2. *That Council directs the Shire's CEO to advise the Minister under Section 58(2) of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 that the part road reserve through Lot 12 Wooramel, North Coastal Highway as illustrated in the officer's report be permanently closed.*

FC 8/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

1. ***That Council resolves to support the permanent closure of the Part Road Reserve through Lot 12 Wooramel, North West Coastal Highway WA 6701.***
2. ***That Council directs the Shire's CEO to advise the Minister under Section 58(2) of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 that the part road reserve through Lot 12 Wooramel, North Coastal Highway as illustrated in the officer's report be permanently closed.***

CARRIED
F7/A0

8.3.2 LOT 2 (35) MAHONY AVE – SEA CONTAINERS TO HOUSE TELESCOPES AT CARNARVON SPACE AND TECHNOLOGY MUSEUM

File No: A3924 P39/19
Date of Meeting: 17 December 2019
Location/Address: Lot 2 (35) Mahony Avenue, Brown Range WA 6701
Name of Applicant: Phil Youd, Chairman Carnarvon Space and Technology Museum
Name of Owner: Shire of Carnarvon
Author/s: Andrew Karagoglou, Planning Officer
John Meggitt, Principal Planner
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Report: N/A

Summary of Item:

This item relates to an application for development approval for the placement of two (2) sea containers to house and operate telescopes for astronomical research. The proposed location of the sea containers is adjacent to the museum entrance.

Description of Proposal:

The proposed works consist of the placement two (2) sea containers with the following dimensions; 2.6m high, 2.4m wide and 6m in length. Each container will hold 6-8 telescopes for the purposes of astronomical research. The sea containers will be located adjacent to the museum entrance (See Figures 1. & 2.).

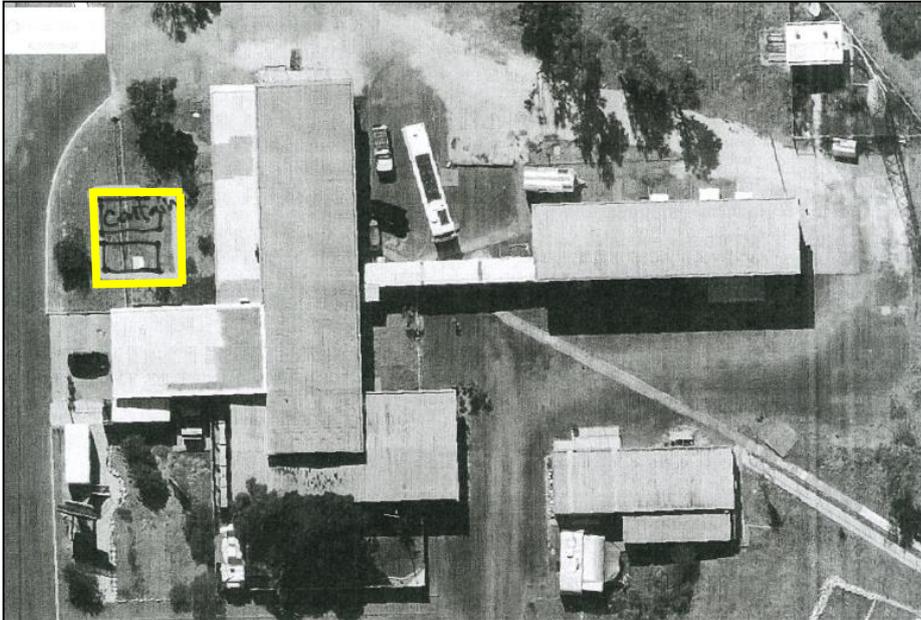


Figure 1: Location of sea containers

Background:

The Carnarvon Space and Technology Museum complex currently consists of three structures;

- The OTC Administration Building;
- Powerhouse building (now interactive display connected to administration building through tunnel); and
- A storage and ablutions building.

The facility was used to transfer tracking communication back to NASA Control Facilities for operations during the late 1960s and 1970s.



Figure 2: Proposed sea container location

Consultation:

The proposal was referred to the Western Australian State Heritage Council for comments, who advised that the proposed development is supported. The Council’s comments can be found at **Schedule 8.3.2(a)**. No further consultation is required under Local Planning Scheme No. 10.

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 land in this instance being works to install two sea containers at the front of the Museum. The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

Planning and Development (Local Planning Schemes) Regulations 2015

Part 9 – Procedure for dealing with applications for development approval.

Clause 67. Matters to be considered by local government.

Local Planning Scheme No. 10

The Scheme references part of Lot 2 Mahony Avenue as a Special Use site for the Primary Use of OTC Earth Station Tourist Precinct.

		Special Use; Telecommunications, NBN Satellite Earth Station Tourist/Education Precinct
		Residential
		Place of Historical Significance

Figure 3: LPS 10 Zoning

Heritage of Western Australia Act (1990)

The OTC Satellite Earth Station is recognised on the State Heritage Register for exceptional significance. The main heritage structures of the Satellite Earth Station are the Parabolic Dish, Casshorn Dish, and the Administration Building.

The Heritage Council supports the application and commented that “the proposed structures will contribute to the current use of the site and are reversible. As such they do not have a negative impact on the cultural significance of the place.”

Shire of Carnarvon Draft Local Planning Scheme No. 13

The Shire of Carnarvon Draft Local Planning Scheme 13 identifies Lot 2 Mahony Avenue as “Tourism” with the following objectives:

- To promote and provide for tourism opportunities
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

Relevant Plans and Policy:

Shire of Carnarvon Municipal Heritage Inventory 2015

The OTC Satellite Earth Station is recognised on the Shire of Carnarvon’s Municipal Heritage Inventory for exceptional significance as well as being included on the State’s heritage list as noted above. This document specifically references the Parabolic and Casshorn dishes as well as the administration building (now the museum) and powerhouse. The works subject to this application do not adversely affect the heritage values of the site.

Shire of Carnarvon Policy Statement No. 16 Shipping (Sea) Containers

The proposal was assessed against Policy Statement No. 16 Shipping (Sea) Containers. The proposal complies with the requirements of the policy.

Financial Implications:

There are no identified financial implications for the Shire of Carnarvon to consider related 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
1.2	Thriving tourism industry within the district/region
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

Objective 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	Outcomes and Strategies
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices
2.8	Preservation of local heritage buildings and places of interest

Comment:

The sea containers provide secure storage and an operation base for the telescopes that contribute to the current use of the OTC Earth Station Precinct. The proposal does not impact the heritage values of the place, rather the proposed use supports the overall value of the site. The proposed use is supported by the Heritage Council of WA. It is recommended that the application be approved subject to the following conditions.

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. 10 grant development approval for application P39/19 for the 'PLACEMENT OF TWO SEA CONTAINERS TO HOLD TELESCOPES FOR INFORMATION GATHERING' subject to the following conditions:

1. *The development is to be generally in accordance with the approved plans dated May 2018 (Plans and Elevations), including any amendments place thereon by the Shire of Carnarvon and except as may be modified by the following conditions or with prior written approval of the Shire of Carnarvon.*
2. *The approved shipping (sea) containers shall be maintained and kept in a neat and tidy condition at all times and shall not fall into disrepair, and shall not be located over septic tanks, leach drains or utilities.*

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 further effect.*
- ii. *If an applicant 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 determination.*
- iii. *The development is to comply with the National Construction Code Series.*
- iv. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. 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.*

FC 9/12/19**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

Cr Nelson/Cr Skender

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P39/19 for the 'PLACEMENT OF TWO SEA CONTAINERS TO HOLD TELESCOPES FOR INFORMATION GATHERING' subject to the following conditions:

1. *The development is to be generally in accordance with the approved plans dated May 2018 (Plans and Elevations), including any amendments place thereon by the Shire of Carnarvon and except as may be modified by the following conditions or with prior written approval of the Shire of Carnarvon.*
2. *The approved shipping (sea) containers shall be maintained and kept in a neat and tidy condition at all times and shall not fall into disrepair, and shall not be located over septic tanks, leach drains or utilities.*

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 further effect.*
- ii. *If an applicant 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 determination.

iii. *The development is to comply with the National Construction Code Series.*

iv. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. 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.*

CARRIED
F7/AO

8.3.3

CARNARVON QUAD BIKE ECO ADVENTURE TOURS

File No: A3201, ADM2038, ADM2039 P45/19
Date of Meeting: 17 December 2019
Location/Address: R39483 Lot 501 (10) Annear Place, Babbage Island
R32169 Lot 1205 Babbage Island Road, Morgantown
R19145 Lot 5524 P041863 Bibbawarra Road, South Plantations
Name of Applicant: Darren and Janice Baird
Name of Owner: Crown Reserves vested with the Shire of Carnarvon
Author/s: John Meggitt, Principal Planner
Declaration of Interest: Nil
Voting Requirements: Simple majority
Previous Report: N/A

Summary of Item:

The applicant is proposing a quad bike tourism venture along the Gascoyne River. The proposal will entail accompanied tours using five (5) quad bikes accommodating nine (9) people along the river commencing at Annear Place, Babbage Island and travelling as far as the North West Coast Highway.

The application only applies to the tour initiation point, and the Gascoyne River access and egress locations of the tour. This application will form part of a forthcoming quad bike tour proposal to be lodged with the Department of Planning, Lands and Heritage which covers those areas of the river which are not under the management and control of the Shire of Carnarvon.

Description of Proposal:

The starting point of the tours will be Annear Place, Babbage Island. The proponent is intending to unload and load the quad bike vehicles at a site on the north side of Annear Place east of a large shed containing heritage vehicles and boats. Patrons will park their cars in this locality or at the One Mile Jetty carpark; it is expected that patrons would have a maximum of three to four vehicles.

The quad bikes will then proceed along the verge of Babbage Island Road to Silver City Road and along the southern bank of the river to a point east of the sewerage ponds to access the river. After this point, and depending on the nature of the tour, the bikes will proceed along the river stopping at various points of interest with some travelling as far as the Nine Mile Bridge. This application includes provision to access Crown land on the south eastern side of Bibbawarra Road river crossing to allow patrons to visit local agricultural produce suppliers.

Unloading / Loading
of Quad Bikes



Background:

The applicants have stated that they wish to operate family friendly heritage and cultural tours on and around the Gascoyne River.

The cultural tour will include Aboriginal culture & history, and include reference to One Mile Jetty, Chinaman's Pool, the Camel tracks, horticultural activities and local flora & fauna. Some expeditions may focus on sunset tours and others on birdwatching activities.

It is intended that once the business is established there will be two tours per day and that the tours will be operated 6 days per week inclusive of weekends, with one day for bike maintenance and repairs.

The applicants have advised that:

There will be no tolerance for "Hooning, Racing, Fishtailing or disrespect of the river and private property. All bikes will be fitted with Bluetooth Kill switches and will be used if the rules are broken.

The tours will be conducted on existing tracks; no new tracks will be made.

Only persons with a current DL will be able to ride the bikes and passengers will be allowed from the age of 5 years.

Riders will be taken through a step by step safety risk management procedure. The lead bike will carry 1st Aid kit (applied first aid cert), shovel and plastic H/D bags in the unlikely advent of a hydrocarbon spill. No refuelling will be done on site.

There will be 4 bikes plus the lead bike, all bikes must follow in direct line and no overtaking will be permitted.

As part of the owner's business plan they are intending to obtain public liability insurance with a maximum liability cover of \$10 million. To ensure that the Shire is not exposed to any liability the applicant will be required to provide a Certificate of Currency before the business is commenced.

The applicant is required to obtain approval from the Department of Planning, Lands and Heritage as the majority of the land along the Gascoyne River over which the tours will take place is Crown Land for which the Shire has no responsibility.

Consultation:

No consultation is required as part of the consideration of the use.

Statutory Environment:

Under Local Planning Scheme No. 10, the land subject to this application is zoned:

- R39483 Lot 501 (10) Annear Place, Babbage Island - 'Special Use: Residential Tourist and Reserve Uses'.
- R32169 Lot 1205 Babbage Island Road, Morgantown - 'Reserve: Foreshore and Levee Protection'.
- R19145 Lot 5524 P041863 Bibbawarra Road, South Plantations - 'Public Purposes: National Park'.

The quad bike route along the Gascoyne River which will be subject to the application to the Department of Planning, Land and Heritage is zoned 'Waterway'.

The Scheme does not include any specific controls or guidance for the use of these reserves and special purpose areas. However, the proposed use is low intensity in nature and is not in conflict with the designated zonings of the land proposed for the tours.

Under draft Local Planning Scheme No. 13, the land subject to this application is zoned:

- R39483 Lot 501 (10) Annear Place, Babbage Island - 'Local Scheme Reserve: Heritage'.
- R32169 Lot 1205 Babbage Island Road, Morgantown - 'Local Scheme Reserve: Public Open Space'.
- R19145 Lot 5524 P041863 Bibbawarra Road, South Plantations - 'Local Scheme Reserve: Foreshore'.

The quad bike route along the Gascoyne River which will be subject to the application to the Department of Planning, Land and Heritage is zoned 'Drainage/Waterway'.

Relevant Plans and Policy:

Babbage and Whitlock Island Structure Plan

Under the Structure Plan indicates that the assembly area for the commencement of the tours falls within the Heritage Precinct. The route of the tour falls within the River Foreshore Reserve Precinct.

The intent of the Conservation Precinct is to recognise the Aboriginal and European heritage of the islands and their connection to the Carnarvon town site. The Foreshore Precinct provides for the area to largely remain undeveloped and managed for limited public access for recreation purposes. In particular the Foreshore Reserve was established to facilitate public access and appropriate management.

Financial Implications:

There are no financial implications relating to the approval of this application.

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
1.2	Thriving tourism industry within the district/region
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

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	Outcomes and Strategies
3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.2	Strong community identity and spirit through arts, culture and events
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

Objective 4: Cross-cultural connection

Acknowledged and celebrated traditional owners and diverse cultures that make up the community.

ITEM	Outcomes and Strategies
4.1	The community's distinctive cultural mix and history is acknowledged and celebrated
4.1.1	Yingarrda, the first people of this area, are acknowledged and celebrated
4.1.2	The diverse cultures of the Shire's residents are acknowledged and celebrated, including Aboriginal and other cultures

Comment:

It is considered that the proposed quad bike tour venture will be a low intensity activity that has the potential to enhance the tourism experience for visitors and provide an opportunity to inform and educate people about the cultural and environmental significance of the river and foreshore areas. The proposal is consistent with the objectives of the Babbage and Whitlock Island Structure Plan, and will encourage increased visitation to the area. The proposed activity does not conflict with the proposed objectives of the zones within LPS 10 or draft LPS 13.

It will be necessary for the applicant to provide evidence of public liability insurance to ensure that the Shire will not be exposed to legal action if there was an accident involving a tour member or member of the public. A condition requiring the provision of written evidence of this cover is included should Council be inclined to approve the application.

The proposed operation of the tours is intended to take place twice a day, six (6) days per week once it becomes established. The tours will be conducted with a guide following a program according to the type of groups and their interests.

Due to the cost and time involved with the preparation of an environmental impact statement, this form of assessment has not been provided by the applicant. As such, it is recommended that the approval include a condition giving Council the power to review the conditions of the approval should any significant environmental impacts or adjacent land owner concerns arise from the ongoing operation of the tours.

It is recommended that Council approve the application subject to the conditions below:

OFFICER'S RECOMMENDATION

1. *Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10, grant development approval for application P45/19 for the purpose of enabling Gascoyne River quad bike tours by providing access to R39483 Lot 501 Annear Place, Babbage Island, R32169 Lot 1205 Babbage Island Road, Morgantown and R19145 Lot 5524 P041863 Bibbawarra Road, South Plantations to allow tour initiation; and access and egress to the Gascoyne River subject to the following conditions:*
 - a) *The tours are to be limited to a maximum of five (5) quad bikes and nine (9) people.*
 - b) *The applicant shall provide a copy of the Certificate of Currency for public liability insurance with a maximum liability cover of \$10 million prior to the business being initiated.*
 - c) *Council reserves the right to review the conditions associated with this approval from time to time in response to any complaints that may be received. The review may include changes to the*

proposed route as it relates to reserve land vested with the Shire of Carnarvon.

Advice Notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- 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.*

FC 10/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

1. ***Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10, grant development approval for application P45/19 for the purpose of enabling Gascoyne River quad bike tours by providing access to R39483 Lot 501 Annear Place, Babbage Island, R32169 Lot 1205 Babbage Island Road, Morgantown and R19145 Lot 5524 P041863 Bibbawarra Road, South Plantations to allow tour initiation; and access and egress to the Gascoyne River subject to the following conditions:***
 - a) ***The tours are to be limited to a maximum of five (5) quad bikes and nine (9) people.***
 - b) ***The applicant shall provide a copy of the Certificate of Currency for public liability insurance with a maximum liability cover of \$10 million prior to the business being initiated.***
 - c) ***Council reserves the right to review the conditions associated with this approval from time to time in response to any complaints that may be received. The review may include changes to the proposed route as it relates to reserve land vested with the Shire of Carnarvon.***

Advice Notes: If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

- I. ***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.***
- II. ***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.***

CARRIED
F7/AO

FC 11/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting adjourn for the purpose of seeking advice from the Executive Manager Infrastructure Services relative to Item 8.4.1, at 9.04am.

CARRIED
F7/AO

9.05am – Mr David Nielsen, Executive Manager Infrastructure Services joined the meeting.

FC 12/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting be reconvened at 9.06am

CARRIED
F7/AO

8.4 INFRASTRUCTURE SERVICES

8.4.1 FASCINE WALL STRUCTURAL ANALYSIS

Date of Meeting:	17 December 2019
Location/Address:	Fascine Waterway Wall, Olivia Terrace
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

That Council seek approval from the Department of Primary Industries and Regional Development to utilise project funding interest monies to act upon recommendations from a Fascine wall structural analysis report including additional Fascine amenity improvement.

Description of Proposal:

Structural analysis of the Fascine Wall has been completed by the Department of Primary Industries and Regional Development (DPIRD). The structural analysis report recommends additional investigative works to inform the structural condition of the wall. It also provides an updated Fascine wall maintenance plan.

In addition, it recommends installation of a barrier fence/railing type structure along the northern section of the wall and other modification works to improve safety and amenity.

The Shire has an existing budget allocation for Fascine wall capital works to implement recommendations associated with the Fascine wall condition assessment work previously completed by the Department.

Interest monies from the Fascine redevelopment project funding is also available for additional associated project works. DPIRD have requested the Shire to identify works to enable that money to be approved and released to the Shire.

Ministerial approval to utilise interest funds above \$100,000 is required. Interest monies will revert to the Department at the end of the financial year if approved projects are not identified and completed.

It is proposed to utilise interest funds for:

- the recommended additional investigative work;
- other asset preservation work recommended in the previous DPIRD condition assessment report on the wall; and
- installation of the barrier fence/railing along the northern section of the wall and other modification works to improve safety and amenity of this area.

Background:

In 2017, the Department of Primary Industries and Regional Development (DPIRD) engaged M P Rogers & Associates Pty Ltd (MRA) to complete an independent condition assessment of the Carnarvon Fascine wall.

This work provided detail on wall corrosion and condition levels. The report recommended further structural and geotechnical analysis to assess wall capacity and determine timing of repair or strengthening works.

DPIRD engaged MRA to complete the structural analysis. Geotechnical investigation and soil testing were completed to inform soil properties and parameters required for the structural assessment.

For completeness and for the benefit of new Councillors, the following are provided as schedules to this report:

- Schedule 8.4.1(a) – MRA Structural Analysis Report
- Schedule 8.4.1(b) – MRA Updated Fascine Wall Maintenance Plan
- Schedule 8.4.1(c) – MRA Condition Assessment Report
- Schedule 8.4.1(d) – Shire Response to MRA Condition Assessment Report

Statutory Environment:

Nil applicable to proposal.

Relevant Plans and Policy:

Nil applicable to proposal.

Financial Implications:

The existing 2019/20 Shire budget includes an allocation of \$250,000 for Fascine wall capital works. This is intended to be utilised for the design and installation of a sacrificial anode system to protect submerged portions of the seaward wall side as identified in the updated recommended maintenance plan in Schedule 8.4.1(b).

As at 30 September 2019, interest available from DPIRD funding program for Carnarvon Fascine Revitalisation (Project No 0000-0572-1) totals \$133,296. The Department have advised that only expenditure on the Fascine wall remediation would be likely to be supported. Expenditure of project interest up to \$100,000 can be approved by the Department. Expenditure of interest over \$100,000 requires ministerial approval.

Total potential available funding therefore for Fascine wall works is approximately \$383,300.

The following table builds upon the recommended maintenance plan in Schedule 8.4.1(b). It includes the estimated costs of the works proposed to be completed noting additional items and reflecting the current status of works completed to date.

Item	Estimated Cost	Additional Funding Required	Funding Source	Comment
General Visual Inspections	\$ 5,000	\$0	Existing staff budget allocations.	Simple visual inspection completed annually to identify paint coating damage/defects. Preliminary inspections completed.
Expose and check condition of tie rods and waling.	\$ 20,000	\$ 20,000	DPIRD Interest	Complete pre tourist season - minimise public area disturbance. Contractor required. Specialist Engineering interpretation required.
PIT Testing to Confirm Toe Level of Sheet Piles	\$ 10,000	\$ 10,000	DPIRD Interest	Complete pre tourist season - minimise public area disturbance. Contractor required. Specialist Engineering interpretation required.
Ongoing Patch Repairs to Paint Coating	\$10,000	\$ 10,000	DPIRD Interest	Majority of this work will be able to be completed by Shire staff. Planned for May 2020.
Sealing around Stormwater Outlets	\$5,000	\$0	Not Applicable	Work was completed in late 2018.
Steel Patch Repairs to cover holes and repair thin sections and to repair footpath dropped section.	\$60,000	\$60,000	DPIRD Interest	Patching work is partially completed under maintenance budget. Contractor required.
Design and installation of Sacrificial Anodes to Protect Submerged Portion of Seaward side of wall.	\$250,000	\$250,000	SOC Budget	Project management and specialist contractor recommended.
Barrier Fencing/Railing and amenity improvement	\$33,300	\$33,300	DPIRD Interest	Contractor required.
Total	\$393,300	\$383,300		

Risk Assessment:

Investigative work conducted by the Department provides the Shire with valuable information regarding the current condition and an asset preservation plan to address issues associated with the Fascine wall over the longer term.

Failure to act upon the recommendations would represent both a reputational risk and an asset maintenance risk to the Shire.

Given the installed tie back rod diameters are close to the required minimums, inspection of these and their associated waler beams will inform the future requirements for upgrade of these structural elements

The PIT Testing to confirm toe level of sheet piles may be of less value. It is understood that all sheet piles were driven to refusal i.e. the equipment used was unable to drive them any further. Having the knowledge of the actual driven lengths however removes doubt and assumption from the structural analysis model and therefore lowers risk from decisions based on incomplete information.

There is a risk associated with requesting the full amount of interest monies (\$133,296) as this makes the request subject to ministerial discretion. Requesting \$100,000 requires departmental approval only. There is less risk associated with this option as officers have worked closely with the Department regarding the issues and the investigations and are reasonably confident the request would be approved without delay.

Community & Strategic Objectives:

Objective 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

2.6	Shire assets and facilities that support services and meet community need
2.6.6	Maintain town centre, Fascine and town beach for enjoyment of locals and visitors, that the community can take pride in

Comment:

The following summarises and comments on the recommendations resultant from the structural analysis completed.

For the purposes of the structural analysis, the wall was divided into three separate sections as follows:

- Section 1 – Cantilevered sheet piles wall representing most of the wall constructed during Stage 2 works.
- Section 2 – Anchored sheet pile wall through cantilevered jetties or landing constructed during the Stage 2 works.
- Section 3 – Cantilevered sheet pile wall constructed during the Stage 1 works.

Section 1

Sheet piling minimum required thickness above the seabed level is recommended to be 4 mm. For sheet pile below the seabed, a minimum of 5 mm is recommended.

Note that the average measured wall thickness above the seabed is approximately 6.8mm or higher. Of the 310 wall thickness measurements taken in the 2017 MRA investigation, two measurement points were less than the recommended 4mm minimum. If maintained, painted sections of wall should be protected from further front face corrosion.

Though not possible to measure below the seabed, the soil has been classed as non-aggressive based on the geotechnical assessment. AS2159- 2009 suggests a typical corrosion rate of <0.01mm per year may be expected in these soils. It is considered unlikely therefore that wall thickness below the seabed will be less than the 5mm minimum.

It should also be noted from the structural analysis that the most sensitive section (with respect to bending moment capacity) in a cantilever sheet pile in Section 1 occurs at about 3 to 4 m *below* the seabed level, where the maximum bending moment occurs. Maximum shear force and axial force all occur at different levels along the sheet pile however so the minimum required thickness has been assessed over the entire length of the sheet pile.

Section 2

Stability and remaining capacity of the wall here is governed by the tie rod structural capacity. Sheet piling thickness in these sections required to withstand critical actions is in the order of less than 0.5 mm. To limit the risk of local buckling or transverse bending failure a minimum sheet pile steel thickness of 4 mm is recommended.

The minimum tie rod diameters required is:

- 35 mm through the cantilevered jetty section; and
- 31 mm through the landing section.

Tie rods were installed with a diameter of 36mm. Maintenance or strengthening may be required in the order of about 10 years depending on the protection applied to the tie rods. It has been recommended that a selection of tie rods is excavated to check current condition and corrosion protection level.

Section 3

The most critical design actions are a result of vehicle access immediately behind the edge of the sheet pile wall. The most critical sheet pile area is about 3.5 m below the seabed where the required sheet thickness is around 3 mm. A minimum thickness of 5 mm has been recommended for the sheet pile below the seabed level.

For sections above the seabed a minimum thickness of 4 mm has been recommended. Analysis indicated that deflections of the wall may be leading to footpath and pavement settlement behind the wall. Strengthening of the wall or installing a more flexible treatment behind the wall has been recommended.

For example, the concrete slab could be removed and replaced with garden beds or other amenity features. This would have an added benefit of excluding vehicles from the area directly behind the wall reducing maximum loads likely to be imposed upon the wall.

This section of wall does contain the greatest number of holes caused by the corrosion of the front face prior to painting. Only two holes have been identified in the remaining sections of the wall. Most hole patching has been completed. This work is difficult to schedule given the need to have a welder available when both tides and wind conditions make the work possible.

Another safety consideration for this section of wall is the large drop off onto scour protection rocks below. The Australian Standard AS4997-2005 recommends installation of a guardrail where a person could fall more than 1.5m onto a hard surface or the seabed. At this location there is a drop of about 2.5 to 3.0m and therefore a protective barrier is recommended.

Other Comment

This report will not make comment on events leading up to or associated with the construction of the wall or the procurement of the sheet piling. The reality is that the Shire has a substantial investment in a community asset that is well used, an attractive focal feature to visitors and locals and has made improvement to the amenity of the Fascine and Carnarvon generally. It is considered important not to lose sight of this fact and maintain a pragmatic and forward focused approach.

There are Fascine wall maintenance issues that need to be addressed. These are not however insurmountable. Council has already taken substantial steps to address these issues. The protective paint coating applied to the front face of the wall above sea level has been a significant cost. It has however effectively arrested the corrosion of the wall in these areas. Regular inspection and maintenance of the paint coating will be required to retain its effectiveness.

Geotechnical investigation work completed has indicated non-aggressive landside soils. As a result, an impressed current cathodic protection system has now been removed from the recommended maintenance plan. The addition of a sacrificial anode system for submerged sections of the wall will add to the corrosion protection of the wall.

The other maintenance item of concern is corrosion of the capping beam reinforcing. The author does not agree with the need to replace this capping beam in 2020 as per the recommended maintenance plan. Inspections completed recently do not indicate that this is warranted at this stage and this work should be able to be deferred for several years at least.

Council have made an allocation to the Fascine wall reserve fund of \$250,000 in this year's budget bringing its balance to approximately \$355,000. Additional, more modest additions to this reserve will ensure that replacement/repair of the capping beam at some time in the future along with the other required maintenance items identified in the maintenance plan should be able to be completed in a timely manner.

It is not necessary or appropriate that the Shire walk away from this asset. The measures outlined to conduct further investigation and remedial works combined with works already completed allow a reasonable long-term asset preservation plan to be implemented. The recommended asset maintenance plan requires funding of \$2.595M over a 20-year period. This equates to approximately \$130,000 per annum. To provide context to the scale of this maintenance expenditure requirement in relation to other Shire maintenance activities, the following is provided:

Item/Asset	2018/19 Actual Expenditure
Festival grounds + associated buildings maintenance and operation	\$407,792
CBD Parks Maintenance and operation	\$163,199
Town Oval Maintenance and operation	\$119,200
Fascine Park maintenance	\$162,616
Verge Maintenance (Non CBD)	\$97,764
Northwater Park maintenance and operation	\$62,207
Town Beach Maintenance and operation	\$89,406
Carnarvon Litter Collection	\$141,656
Footpath Maintenance	\$191,894
Town Drainage Maintenance	\$140,761
Street Sweeping	\$188,015

OFFICER'S RECOMMENDATION

That Council seeks approval from the Department of Primary Industries and Regional Development to utilise all available interest monies from the Carnarvon Fascine Revitalisation Project No 0000-0572-1 project funding for completion of the following works and to action completion of these works upon approval.

Item	Estimated Cost
<i>Expose and check condition of tie rods and waling.</i>	<i>\$ 20,000</i>
<i>PIT Testing to Confirm Toe Level of Sheet Piles</i>	<i>\$ 10,000</i>
<i>Ongoing Patch Repairs to Paint Coating</i>	<i>\$ 10,000</i>
<i>Steel Patch Repairs to cover holes and repair thin sections and to repair footpath and pavement dropped section.</i>	<i>\$60,000</i>
<i>Design and installation of Sacrificial Anodes to Protect Submerged Portion of Seaward side of wall.</i>	<i>\$250,000</i>
<i>Barrier Fencing/Railing and amenity improvement</i>	<i>\$33,300</i>
<i>Total</i>	<i>\$383,300</i>

FC 13/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Nelson

That Standing Orders Section 13 be suspended at 9.07am in order that Council can further discuss the proposed works in detail.

CARRIED
F7/AO

FC 14/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Skender

That Standing Orders Section 13 be resumed at 9.55am.

CARRIED
F7/AO

FC 15/12/19

COUNCIL RESOLUTION

Cr Nelson/Cr Skender

That Council seeks approval from the Department of Primary Industries and Regional Development to utilise all available interest monies from the Carnarvon Fascine Revitalisation Project No 0000-0572-1 project funding for completion of the following works and to action completion of these works upon approval.

<i>Item</i>	<i>Estimated Cost</i>
<i>Expose and check condition of tie rods and waling.</i>	<i>\$ 19,950</i>
<i>PIT Testing to Confirm Toe Level of Sheet Piles</i>	<i>\$ 10,000</i>
<i>Thickness Testing & Steel Patch Repairs to cover holes and repair thin sections and to repair footpath and pavement dropped section.</i>	<i>\$40,000</i>
<i>Design and installation of Sacrificial Anodes to Protect Submerged Portion of Seaward side of wall (subject to results of investigative works)</i>	<i>\$250,000</i>
<i>Barrier Fencing/Railing and amenity improvement</i>	<i>\$30,000</i>
<i>Total</i>	<i>\$349,950</i>

CARRIED

F6/A1

Cr Fullarton voted against the motion

(Note to Minute – Council changed the recommendation as a result of due consideration of the possible funding limitations and what was seen as the best options for actions to be taken.

9.57am – Mr David Nielsen, Executive Manager Infrastructure Services left the meeting and did not return.

8.5 COMMUNITY SERVICES

8.5.1 COMMUNITY GROWTH FUND APPLICATIONS

Date of Meeting: 17th December 2019
Location/Address: N/A
Name of Applicant: Gascoyne River Bush Fire Brigade
Name of Owner: Shire of Carnarvon
Author/s: Jennifer MacKellin, Executive Manager Community Services
Declaration of Interest: Nil
Voting Requirements: Simple Majority

Summary of Item:

To consider the Community Growth Fund applications submitted by the Gascoyne River Bush Fire Brigade

This application has been reviewed in line with the Community Growth Funds Policy C025, endorsed by Council 26 February 2019.

Description of Proposal:

Refer to summary

Background:

The Community Growth Fund Committee met on Wednesday 11th December 2019 to consider the following application submitted under the Community Growth Fund -

1. Gascoyne River Bush Fire Brigade – Small Assistance Donations – \$690.00

The Gascoyne River Bush Fire Brigade is a small community group of volunteers delivering an essential service to the Carnarvon Community requesting financial support towards the purchase a new TV and bracket for the purpose of training volunteers through webinars and training videos.

The application meets the Strategic Community Plan 2018-2028 Goals:

3.1 Active Community

3.3 Caring, Self-reliant community

The applicant has provided quotes from local businesses to support the requested amount. The Shires support of the purchase will be recognised with a media announcement thanking us for supporting the development of volunteers within the community.

Consultation:

The Community Growth Fund Committee – Delegation 3023 as adopted by Council 22 October 2019 *Council delegates its authority and power to the Community Growth Fund Committee to allocate the annual donations budget, subject to-*

- (1) *The donations granted not exceeding the allocation approved in the Adopted Budget; and*
- (2) *Compliance with any relevant Council policy.*

Shire staff have reviewed the applications against the eligibility criteria, to inform this report.

Statutory Environment:

The Council has approved the allocation of up to 4% of the gross rates income for the Community Growth Fund on an annual basis. The process of approval for this funding occurs under the requirements of the Local Government Act 1995.

Relevant Plans and Policy:

Shire of Carnarvon Community Growth Fund Policy C025.

Financial Implications:

In the 2019/20 budget adopted by Council in August 2019, a total of \$65,000 was allocated for Community Growth Funds. Of this, there is a total of \$20,000 committed to existing Iconic Events. There are quarterly funding rounds, with the remaining \$45,000 of funding to be spread across those rounds. This is the first funding round for the financial year.

Risk Assessment

There are no identified risks for the Shire in the application by Gascoyne River Bush Fire Brigade

Community & Strategic Objectives:

Community Growth Funds grants are in line with the Strategic Community Plan 2018 – 2028, and the Corporate Business Plan 2018 – 2022.

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs.

3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants

Comment:

At the Community Growth Fund Committee Meeting, the following resolution was passed –

COMMITTEE RESOLUTION & OFFICER'S RECOMMENDATION 1

That Council endorse the grant application for \$690 submitted by Gascoyne River Bush Fire Brigade.

A copy of the minutes of the Community Growth Fund Committee are attached at Schedule 8.5.1(a).

OFFICER'S RECOMMENDATION

That the minutes of the Community Growth Fund Committee held on Wednesday 11th December 2019 and the recommendations contained therein be accepted by Council.

FC 16/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Skender

That the minutes of the Community Growth Fund Committee held on Wednesday 11th December 2019 and the recommendations contained therein be accepted by Council.

CARRIED
F7/AO

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 QUARTERLY BUDGET REPORT

Date of Meeting	17 December 2019
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	

Summary of Item

This report presents a year to date financial report to Council at a COA and Job level, at an approximate quarterly basis. The report is to inform Council of the financial movement and presented at Program, Subprogram, and account type in a clear manner.

Description of Proposal

To adopt a process to provide Council with a Quarterly Financial Report at a detailed level.

Background

Council has requested financial information with more detailed than the Statutory Monthly Financial Reports.

Consultation

Discussion with Councillors, Management and Financial Services to provide a suitable report.

Statutory Environment

Local Government (Financial Management) Regulations 33A & 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications

There are no significant direct financial implications for the presentation of a quarterly report.

Risk Assessment

Nil

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment

The report presented in the Schedule is formed from an operational report used to monitor financial movements, variances, preparation for mid-year review, CBP review, and Budget preparation. The report displays prior year data to identify areas to address. The report can be presented as at a date prior to the end of the quarter. The report in the schedule is as at the 9th December 2019.

COUNCILOR'S RECOMMENDATION

That Council be presented with a Budget Report on a Quarterly basis.

Moved Cr Nelson

FC 17/12/19

COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

Cr Nelson/Fullarton

That Council be presented with a Budget Report on a Quarterly basis.

CARRIED
F7/AO

9.2

RECORDING AND WEB STREAMING OF COUNCIL MEETINGS

Date of Meeting	17 December 2019
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	-

Summary of Item

This report investigates the options for recording and web streaming of Ordinary and Special Council Meetings through the Shire website, either live or as a post meeting webcast.

Description of Proposal

To adopt a process to record Council meeting for general public access.

Background

A Councillor has requested a motion be put to the next Council Meeting consider the recording and web streaming of Council Meetings. Brief investigations have been undertaken into other Councils use of recording and broadcasting of meetings. One such Council is the City of Vincent and may be viewed at: <http://webcast.vincent.wa.gov.au/>

Consultation

N/A

Statutory Environment

N/A

Financial Implications

The cost of recording, archiving and broadcast equipment will be investigated for the 2020/2021 Budget.

Risk Assessment

Protections will need to be investigated to ensure that Councillors, Staff and the Shire are not at risk from recordings being in the public domain and that discussion and debate are not constrained.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment

The report presents the opportunity for council to consider whether the Shire will investigate and implement the recording and web streaming of Ordinary and Special Council Meetings. A relevant policy would need to be developed.

COUNCILLOR'S RECOMMENDATION

That Council investigate the recording and web streaming of Council Meetings.

Moved Cr Nelson

FC 18/12/19

COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

Cr Nelson/Fullarton

That Council investigate the recording and web streaming of Council Meetings.

CARRIED
F7/AO

Date of Meeting	17 December 2019
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	

Summary of Item

This report reflects a Councillor request to review the provision of the Shire of Carnarvon Legal Services and to source a quotation from a nominated provider.

Description of Proposal

To review the Shire's Legal representation contract with alternative providers approached.

Statutory Environment

Local Government (Functions and General) Regulations 1996.

Financial Implications

There may be no significant change to the current Legal Services contract depending on the quotes received.

Risk Assessment

Nil

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment

The report presented a request to review the Shire of Carnarvon legal representation contract and invite quotes from other legal providers. Currently the Shire is going through the process of getting quotes from a variety of providers due to the impending end of the existing legal services contract.

COUNCILLOR'S RECOMMENDATION

That Council review the legal representation contract and request quotations from other providers.

Moved Cr Nelson

FC 19/12/19

COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

Cr Nelson/Fullarton

That Council review the legal representation contract and request quotations from other providers.

CARRIED
F7/A0

Date of Meeting:	17 December 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Jennifer Mackellin – Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

This report informs Council of the proposal for a grant application to be submitted to the Department of Infrastructure, Transport, Cities and Regional Development through the Building Better Regions Fund (BBRF). The report addresses a Members motion 'to apply for The Drought Communities Program'.

Description of Proposal:

This project is to install an upgraded pipeline with increased capacity, to transport recycled water from the treatment ponds located on Babbage Island Road, Brockman, into the Carnarvon CBD and surrounding areas. The current infrastructure is between 30 and 40 years of age, with limited capacity to feed the quantity of recycled water through to areas for use. This water is utilised for irrigation on landscaped areas, reserves, parks, medians and public open spaces.

The irrigation of recycled water is a necessity to maintain and improve the landscape around the town but is failing in some instances due to failure in infrastructure. Carnarvon receives minimal annual rainfall, which is on average 100ml per annum.

The existing pipeline has reached its end of economic life. Considerable resources are being allocated to failure repairs to enable irrigation functionality to be maintained. A renewed pipeline will increase productivity by diverting resources from repairs to other priority works. Additional pipeline capacity increases pumping and irrigation productivity through reducing losses associated with the existing small diameter pipeline.

If successful, this project will go to public tender in accordance with the Shire of Carnarvon Purchasing Policy C002.

Background:

The Australian Government announced \$200 million in the 2019-20 Budget for Round Four of the BBRF. Round Four will support drought-affected regions by targeting projects that will benefit communities affected by drought. The Shire of Carnarvon can be considered a drought affected community.

Grants of \$20,000 to \$10 million to cover 50% - 75% of project costs are available. The contribution by applicants is determined by the location of the community. These grants are to support projects that provide economic and social benefits to regional and remote areas.

Consultation:

Letters of support for this application will be provided by local agencies and community groups.

Statutory Environment:

N/A

Relevant Plans and Policy:

Purchasing Policy C002

External Grants – Procurement and Management C030

Regional Price Preference Policy C035

Financial Implications:

The project cost is \$580,000 with the Shire of Carnarvon contributing a total of \$144,000 through the 2019/20 and 2020/21 budget allocations.

Risk Assessment:

N/A

Community & Strategic Objectives:

2.3.2 Make most effective use of recycled water for irrigation for open space

Comment:

The closing date for grant applications is 19 December 2019. Shire employees are currently working on the application to meet this deadline.

MEMBER'S MOTION

Cr Nelson

To apply for The Drought Communities Program

RECOMMENDATION

The Shire of Carnarvon submit an application to the Department of Infrastructure, Transport, Cities and Regional Development through the Building Better Regions Fund (BBRF), for a project to install an upgraded pipeline to transport recycled water.

FC 20/12/19

COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

Cr Nelson/Maslen

The Shire of Carnarvon submit an application to the Department of Infrastructure, Transport, Cities and Regional Development through the Building Better Regions Fund (BBRF), for a project to install an upgraded pipeline to transport recycled water.

CARRIED

F7/A0

9.5 REVIEW OF MOBILE TRADERS POLICY D001

FC 21/12/19

COUNCILLOR'S RECOMMENDATION & COUNCIL RESOLUTION

Cr Simpson/Nelson

- 1. That the current D001 Mobile Traders Policy be reviewed immediately/as soon as possible.*
- 2. That an investigation is undertaken by the Shire as to how the current D001 Mobile Traders Policy can be updated, revised and best practice implemented. Investigation to include looking at other Australian Shires that are considered similar to the Carnarvon Shire and how their Mobile Traders Policies work/have been implemented.*

CARRIED

F7/A0

10.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF COUNCIL

The President advised that a late item has been submitted relating to the Regional Every Club Funding Program. Council were in agreement to considering this matter.

8.4.1 BUDGET APPROVAL DECEMBER 2019

Date of Meeting	17 December 2019
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest	Nil
Voting Requirements	Absolute Majority
Previous Report	

Summary of Item:

Funding has been received for the 'Regional Every Club Funding Program', provided by the Dept of Local Government, Sport and Cultural Industries. This program is a continuation of the 2017/2018 and 2018/2019 funding and was not anticipated at this year's budget adoption. As there is no approved expenditure budget for this program it needs Council approval.

Description of Proposal:

To accept the identified grant funding and to approve the related expenditure.

Background:

The Department negotiated a revised Agreement that reduced the initial impact on the Shire us and provides for better outputs that will be of more value to the sporting community.

Consultation:

Consultation between the Dept of Local Government, Sport and Cultural Industries and the Shire to provide a beneficial outcome.

Statutory Environment:

Local Government Act 1995 – Section 6.8

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Internal Practice Note – Management of Variations to Budgets

Council Resolution Required

8. New budget items that have no budget allocation in Council's adopted annual budget must be reported to Council for formal approval of a variation (statutory requirement as per section 6.8 of the LGA).

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil, as there are matching income and expenditure budgets

Risk Assessment:

Should the Council not adopt the proposed variation the funds already received will not be able to be expended to complete specific program.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

Prior to the finalisation of the Grant Agreement the Dept paid the monies into the Shire's bank account and it was allocated to COA 160630 Grant Income. The Local Government Act 1995 – Section 6.8 (1) (b) states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution. The income and expenditure effects on the budget is shown on this table.

COA	Description	Job	Description	Original Budget	Revised Budget
171920	Club Development	7193	Club Development Project - Other	-	10,000
160630	Grant Income			-	(10,000)
			Effect on Council Funds		-

Refer to the Quarterly Report attached to the current agenda on page 43 for the reported accounts.

OFFICER'S RECOMMENDATION

That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the budget variations to Job 7193 Club Development Project - Other for \$10,000 expenditure and COA 160630 Grant Income for \$10,000 Income for the financial year 2019/2020.

Absolute majority required.

FC 22/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Vandeleur

That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the budget variations to Job 7193 Club Development Project - Other for \$10,000 expenditure and COA 160630 Grant Income for \$10,000 Income for the financial year 2019/2020.

CARRIED BY ABSOLUTE MAJORITY
F7/A0

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 28th January 2020 commencing at 8.30am.

12.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

FC 23/12/19

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the meeting be closed to the public in accordance with Section 5.23 (2) (b) as this item relates to a matter which may reveal the personal affairs of any person.

CARRIED
F7/AO

12.1 NOMINATION OF RECIPIENTS FOR THE 2019 WA CITIZEN OF THE YEAR AWARDS

File No: ADM0198
Date of Meeting: 18/11/2019
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author/s: Jennifer MacKellin Executive Manager Community Service
Declaration of Interest: Nil
Voting Requirements: Simple Majority

FC 24/12/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Vandeleur

That Council accept the minutes of the Awards Committee Meeting held on 4th December 2019 and the recommendations contained therein.

CARRIED
F7/AO

FC 25/12/19

COUNCIL RESOLUTION

Cr Maslen/Cr Nelson

That the meeting be reopened to the public.

CARRIED
F7/AO

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 10.24am