

SHIRE OF CARNARVON

MINUTES OF ORDINARY MEETING OF COUNCIL

TUESDAY 23RD JULY
2019

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
Fax: ((08) 9941 1099
Website – www.carnarvon.wa.gov.au



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.

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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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

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.)

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11.0 DATE OF NEXT MEETING

11.1	Next meeting of Council will be held on Tuesday 27 TH August 2019 commencing at 8.30am.
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12.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

13.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 23 JULY 2019**

The meeting was declared open at 8.30am

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Garrett	Presiding Member/Deputy Shire President
Cr K Simpson	Councillor, Coral Bay Ward
Cr E Smith.....	Councillor, Town Ward
Cr K Pinner	Councillor, Town Ward
Cr P Youd.....	Councillor, Town Ward
Cr L Skender	Councillor, Plantation Ward
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Mr D Burton	Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Ms J MacKellin	Executive Manager, Community Services
Mr M Werder	Executive Manager, Corporate Services
Mr P Lees	Executive Manager, Development Services
Mrs D Hill	Senior Executive Officer
Press	Nil
Observers	5
Leave of Absence	Nil
Apologies	Cr Brandenburg

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 8.30am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC QUESTION TIME

Nil

Public Question Time was closed at 8.31am

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.)

Cr Skender (Impartiality Interest) – Item 10.1 – River Sand Mining – Mining Tenement P09/86

Cr Smith (Impartiality Interest) – Item 10.1 – River Sand Mining – Mining Tenement P09/86

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL- 25th JUNE 2019

FC 1/7/19

COUNCIL RESOLUTION

Cr Youd/Cr Skender

That the minutes of the Ordinary Meeting of Council held on Tuesday 25th June 2019 be confirmed as a true record of proceedings.

CARRIED
F7/A0

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JUNE/JULY 2019

Date of Meeting:	23 July 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 June/July 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 June/July 2019 and are submitted to Council for information.

COMMON SEAL

Date Affixed	Agreement Details
16 July 2019	Extension of Lease – 11 Rushton Street – 360 Health & Community Limited

DELEGATIONS

ENVIRONMENTAL HEALTH

On-site wastewater management

Health Act 1911, s.107

Health (Apparatus for treatment of sewage and disposal of effluent and liquid waste) Regulations 1974

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
21 June 2019	HOS19/005	Approval to install apparatus at Wings Coffee Club, Carnarvon Airport, 24 James Street, Carnarvon	Christian Reid	Shire of Carnarvon

Public Buildings

Health Act 1911, Part VI

Health (Public Buildings) Regulations 1992

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
24/06/2019	HPB19/006	Approval to Construct Public Building This Life Music Festival	Michelle Goff - Shire of Carnarvon	

Lodging houses

Health Act 1911, Part V, Division 2

Shire of Carnarvon Health Amendment Local Laws 2002, Part 8

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
9/07/2019	HLH19/002	Renewal of Registration of a Lodging House - Best Western Hospitality Inn	Beverley Gundlach	
4/07/2019	HLH19/016	Renewal of Registration of a Lodging House – Quobba Homestead	Tim Meecham	

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/043	JOSE & MARIA DE JESUS FERNANDES LECA	LOT 217 FOSS CR BROCKMAN	ATTACH SOLAR ARRAY TO EXISTING ROOF
B19/045	NORMA ANN & MURRAY S BIRCH	LOT 102 LUKIS PL MORGANTOWN	PATIO, CARPORT & FENCE
B19/046	REBO NOMINEES PTY LTD	LOT 23 WAHOO CT CORAL BAY	DEMOLITION
B19/049	BARRY NOEL WILKERSON	LOT 796 MCNISH ST SOUTH CARNARVON	SHED EXTENSION AND ALTERATION TO EXISTING PATIO
B19/050	DEPARTMENT FOR HOUSING	LOT 1130 KILLICOAT ST SOUTH CARNARVON	FENCE
B19/043	JOSE & MARIA DE JESUS FERNANDES LECA	LOT 217 FOSS CR BROCKMAN	ATTACH SOLAR ARRAY TO EXISTING ROOF

B19/045	NORMA ANN & MURRAY S BIRCH	LOT 102 LUKIS PL MORGANTOWN	PATIO, CARPORT & FENCE
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SHIRE OF CARNARVON STATUS REPORT CURRENT AS AT MARCH 2019				
MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
27/11/15	Proposed Engagement – Work for the Dole Program	David Burton	Officers are meeting with ABC Group on a regular basis to identify and progress specific projects. Draft MOU related to the Arboretum has been referred to ABC and the Carnarvon Tree Society for agreement prior to submitting to the Council.	Further discussions with the Tree Society indicate that they wish the original MOU for the Arboretum to remain unaltered. The relationship with the ABC Foundation in this regard is being discussed. We will be trying to progress this in July/August. We will also be trying to meet with Real Futures.
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	Paul Lees	Relates to existing access arrangements over Shire land at the southern end of the site. The matter is on hold pending the progression of the Brockman Park development proposal.	Ongoing
20/8/16	Public Open Space Strategy	Paul Lees	The <u>draft</u> Public Open Space Strategy document completed by the Shire's chosen consultants. The document requires further Carnarvon-specific actions to complete/implement. A project plan for the completion of the strategy has been developed and further work has recommenced on the project. Further public consultation will be undertaken shortly.	2019
16/9/16	The Shire's Local Laws are overdue for review and do not reflect the current State standard for local law format.	Paul Lees	Officers are currently preparing a contract document to engage a specialist to commence a comprehensive review in the new financial year.	June 2020

23/12/16	Notice of Removal of Houses – Lot 259, 1065 NRR	Dane Wallace	The owner has been convicted for failing to remove the houses, which remain on site. The Shire's solicitor has provided some options to progress this matter, one being that the works will be done in default and the costs charged back to the land. A plan of action is being finalised.	July 2019
17/6/17	Removal of Houses Unfit for Occupation – Lot 39,47 Shallcross Street	Dane Wallace	The Shire has declared two (2) buildings unfit for habitation and under orders one building has been removed. The occupant has refused to cease habitation of the shed; the Shire will need to review further actions in this regard. Most of the accumulated rubbish in the rear of the property has been cleaned up. Shire officers will conduct a further inspection of the general condition of the property to determine if further clean-up is required.	July 2019
4/3/17	Regional Growth Centre Development Planning – MOU Close as no further action has been forthcoming.	David Burton	MOU signed and submitted. A draft project plan has been submitted to DRD but the Growth Planning Project is on hold pending a decision by the Minister on how the Government wishes to move forward. The current major Strategic Review addresses issues of economic activity and growth.	On hold pending further advice from State Government. Realistically, the RGCD approach is unlikely to be resurrected and this matter should be closed out. No additional information has been received. If no information is received soon, this action will be closed.
14/3/17	Signage – Heritage Walking Trail	David Nielsen	Signage installation commenced. Nil quote submissions received for remainder of installations. New quote request forwarded. No quotes received. Alternate arrangement planned.	July 2019

9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Carolien Claassens	The Heritage Group has provided a Project Brief of the Revitalisation of the One Mile Jetty to the Carnarvon Town Tramway. The brief provided requires more work to in order for it to support an application for a new lease.	Timing is in the hands of the Heritage Committee
16/9/17	Local Planning Scheme No.13	Paul Lees	Draft LPS 13 was advertised in March 2019 with a 90-day period for public comment (submissions). Letters inviting submissions were sent to all land owners in the Kingsford and East Carnarvon areas. The Shire has notified the community that the period for submissions has been extended to mid July 2019.	Subject to responses received, Shire officers have extended the public notification period to allow time for further submissions.
16/11/17	Carnarvon Revitalisation Project – Allocation of Earned Interest	Carolien Claassens	During a meeting with DPIRD the expenditure of the interest has been discussed. The Shire has to provide a proposal how the spend the interest accrual.	Subject to the proposal from the Shire how to spend the interest. This will need Ministerial approval.
24/11/17	Bayview Coral Bay – Local Development Plan	Paul Lees	The applicant has requested that the draft Local Development Plan that has been publicly advertised put on hold while other strategic matters relating to Coral Bay are finalised; in particular the advertising, public submissions, and completion of LPS No. 13.	On hold at the request of the land owner.
10/1/18	Proposed Transfer of Management Order – CWA Lot 353	Paul Lees	The Department of Planning, Lands and Heritage have been advised of Council's decision and further discussions are proceeding.	Ongoing
8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's	Timeframes are subject to the WAPC

			guideline, and the proposed infrastructure associated with the closure is included in the 2018/19 budget. The report has been finalised and sent to the WAPC for their consideration.	
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	Council on 26 June 2018 resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the related subdivision application (re-alignment of the boundary to accommodate the extension to Lotteries House, and the amalgamation of Lots 111, 189 and 190). The subdivision application is currently being prepared and will shortly be submitted to the WAPC.	July 2019
9/8/18	MOU Amendment – Men’s Shed	Carolien Claassens	Awaiting response from Men’s Shed for the approval amended MoU. This matter is in the hands of the Men’s Shed.	Ongoing
11/8/18	Baxter Spray Park	Paul Lees	Council, at the meeting of 28 August 2018 resolved to authorize the decommissioning of the existing splash park, making safe and developing the site for a picnic area; and directed the CEO to report to Council the options and costs for (a) the construction of an interactive play facility associated with the toddler’s pool at the Carnarvon Aquatic Centre, and (b) Construction of a stand-alone zero depth water park within the grounds of the Carnarvon Aquatic Centre. Provided that funding can be sought, the development of a splash park will	Dec 2019

			require seed funding. The matter is currently on hold. Quotations will be obtained later in the year and Councillor's advised accordingly.	
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	<p>Council, at the meeting of 28 August 2018 resolved to rescind the previous motion of Council of 28 February 2012; and to (a) write to the Hon. Minister Rita Saffioti Minister for Transport; Planning; Lands on behalf of St. John Ambulance Ltd WA requesting the Minister's intervention in the matter to allow a land transfer to occur between St John Ambulance WA Ltd and the Shire of Carnarvon, for Lot 924 Rushton Street to be transferred for a portion of Lot 928 Robinson Street (approximately 4724m²) without the removal of the existing buildings on lot 924; (2) Instruct the Chief Executive Officer to arrange the survey of the above portion of Lot 928 Robinson Street and lodge an application with the WA Planning Commission for the subdivision and for the lodgement of the deposited plan with Landgate for the creation of a new Certificate of Title; and (3) Approves the funding of all costs relating to the actions outlined in the above item, being Item 2 of recommendation no. 3. Shire officers are preparing the subdivision application for the Robinson Street parcel as per Council's resolution and will lodge with the WAPC.</p>	July 2019

-	Review of Corporate & Executive Policies	Maurice Werder	Final Corporate policies to Council in May and June 2019. Executive policies will follow	Ongoing August 2019
9/12/18	Yingarrda Council Aboriginal Corporation – MOP	David Burton	Adopted by Council with CEO delegated to make minor amendments in consultation with Yingarrda. Has been referred to the Corporation for their final approval.	Agreement has been signed, we are now looking at matters to meet on and how to conduct discussions.
6/2/19	New Lease – Coral Coast Helicopters	Carolien Claassens	The applicant has provided detail regarding the business entity operating the café. A Council report will be provided with the request to make the recommendation: Not progress any further with a lease for Coral Coast Helicopters and instead progress a lease with Wings Coffee club on the same terms and conditions as approved by council in Feb 2019. Also, the applicant has requested if the Council would consider some changes to the leased area. This request will be included in the above mentioned council report.	Sept 2019
9/2/19	New Lease/Licence Edmund Rice	Carolien Claassens	The Shire and Edmund Rice are currently discussing the draft lease.	August 2019
22/2/19	Subdivision Clearance – Lot 33 Robinson Street	Paul Lees	The request for clearance of subdivision conditions (P48/18) for Lot 33 on HN 486 Robinson Street, Kingsford was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for the clearance of conditions as proposed. Council resolved to support the	The notice of clearance has been referred to the applicant's agent.

			clearance of the conditions.	
32/2/19	Write off SAR – Coral Bay Investments	David Burton	Seeking information from Insurance services about what is covered.	LGIS currently seeking legal advice through their lawyers. Lawyers are having difficulty confirming sale price from owner. Will be discussing with LGIS to try and resolve with new Rates being issued.
12 & 13/3/19	Gascoyne Off Road Racing – New Lease Request	Caroline Claassens	The consent from the minister for the approval of the lease has been received. The finalised lease has been sent to the Lessee for execution	Completed
14 & 15/3/19	Axicom – Renewal of Lease – Telecom Towers	Carolien Claassens	Awaiting Lessees approval of the proposed lease terms. Council indicated, that the Council is not willing to reduce to annual lease fees.	July 2019
12/4/19	Samurai Karate Club – New Lease	Carolien Claassens	The draft lease has been sent to the lessee for comment. Once the lease has been accepted by both parties the lease will require a consent from the Minister of Lands, as a condition of the Vesting order.	Aug 2019
23/4/19	Purchase of Replacement Compactor – Pre Budget Approval	David Nielsen	Additional information prepared for May Council meeting. Workshop to be conducted in new financial year.	July 2019
6/5/19	Lease Renewal – Avis & Budget	Carolien Claassens	Advertising has been completed. No comments have been made. A draft lease is currently being drafted for both leases	August 2019
14/5/19	2019/2020 Early Rates Payment Incentive Prize	Maurice Werder	Report completed Drafting underway	Process for prize - July 2019
15/5/19	Lot 50 Wahoo Court Coral Bay – Amendment to Development Conditions	Paul Lees	Council approved, with conditions, an application for minor amendments to an approved Development Application for a new (replacement) holiday home in Coral Bay.	The Notice of Determination has been sent to the applicant.

16/5/19	Gnaraloo Station – 3 Mile Camp – Waste Disposal Facility	Paul Lees	Council resolved that the proposed waste facility is consistent with the rural zoning of the land, agreed that it should be advertised, and afforded delegation to the CEO to approve in the event that no submissions in opposition are received.	The proposal was advertised on the Shire's website on 11 th July 2019.
17/5/19	Lot 1309 Olivia Terrace – Eventide Community Arts Festival	Paul Lees	Council approved, with conditions, an application for a festival activity titled the "Eventide Community Arts Festival" to be held at the Town Beach (Lot 1309 Olivia Terrace) on Friday 28 June 2019.	The Notice of Determination has been sent to the application.
18/5/19	LPS 10 Scheme Amendment 75 – Telstra Communications Tower	Paul Lees	Council resolved that the proposed Local Planning Scheme Amendment No. 77 to include a portion of Lot 36 (161) North River Road for the purpose of 'Radio/Television Installation' should be determined to proceed as a "basic scheme amendment".	The proposed Scheme Amendment has been forwarded to the Western Australian Planning Commission for consideration.
19/5/19	This Life Music Festival – Civic Centre Carpark – 29 June 2019	Paul Lees	Council approved, with conditions, the proposal Shire event - "This Life Music Festival" to be held at the Civic Centre carpark on Saturday 29 June 2019.	The matters required to be addressed by the conditions of the approval are being finalised to ensure a fully successful event.
20/5/19	Lots 626,1044 & 1198 Binning Road – Aquaculture 21 Year Lease	Paul Lees	Council supported the further offer of a twenty-one-year lease extension at Binning Road, Babbage Island for the purposes of "Aquaculture, prawning, processing of seafood, fish and protein meal and miscellaneous uses.	The Department of Planning, Lands and Heritage has been advised of Council's support.
21/5/19	Local Emergency Management Arrangements/ Recovery Plan 2019	Paul Lees	Council endorsed the completed Local Emergency Management Arrangements/ Recovery Plan 2019.	The documents have been distributed as a final document as per the LEMA 2019 requirements.
28/5/19	Cancellation of Dog Registration under Section 16(3)(A) of the Dog Act 1976	Paul Lees	The matter of the welfare and management of dogs associated with 95 Boor Street have been ongoing, with a number of	The registered owner has appealed the decision to the State Administrative Tribunal (SAT). A

			infringements issued for non-compliance with the Dog Act 1976 over the last two years, and substantial Shire resources allocated to the matter. As an only option going forward the Council has directed the Shire's authorised officer to cancel the registration of all dogs registered to the said owner. The Notice of Cancellation has been served to the registered owner.	directions hearing has been set for 29 July 2019.
6 & 7/6/19	RFT 03/2019 – Camel Lane Theatre	Paul Lees Carolien Claassens	The contractor has been appointed. The contract & purchase order are in place and the contractor has commenced the works.	Completed
9/6/19	Carnarvon Airport Fees & Charges	Maurice Werder	Fees & Charges advertised – closes August.	August 2019
10/6/19	Lot 1312 Pelican Point Road – Lease Renewal	John Meggitt	Council resolved to support the proposed lease renewal of State lease I1134661 on Lot 1312 (DP191833) – Marina and Approach Channel, Babbage Island, Carnarvon, for the purposes of "Tourism Accommodation, Marina and Approach Channel".	The Department of Planning, Lands and Heritage has been advised of the support of Council in this matter.
11/6/19	Lot 1164 Egan Street – Carnival Promotions	Jessica Taukiri	Council approved, with conditions, the proposed entertainment event by Carnival Promotions being a family fun fair to be held at the Town Oval on 26 th - 27 th July 2019.	The Notice of Determination has been sent to the application.

OFFICER'S RECOMMENDATION

That Council accept the Status Meeting Report and reports outlining the actions performed under delegated authority for the months June/July 2019.

FC 2/7/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Simpson/Cr Smith

That Council accept the Status Meeting Report and reports outlining the actions performed under delegated authority for the months June/July 2019.

CARRIED
F7/A0

8.2.1 ACCOUNTS FOR PAYMENT 30 JUNE 2019

File No:	ADM0186
Date of Meeting:	23 July 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Bianca Ferreira – 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 2018/19 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 June 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) totalling \$1,132,250.63 as presented for the month of June 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD36527</i>	<i>DD36636</i>	<i>Bank Direct</i>	<i>\$96,549.28</i>
<i>46965</i>	<i>46984</i>	<i>Muni Cheques</i>	<i>\$67,452.92</i>
<i>7434</i>	<i>7443</i>	<i>Trust Cheques</i>	<i>\$5,137.06</i>
<i>EFT28051</i>	<i>EFT28306</i>	<i>Muni EFT</i>	<i>\$947,047.68</i>
<i>EFT28130</i>	<i>EFT28317</i>	<i>Trust EFT</i>	<i>\$16,063.69</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$1,658.22 as presented.*

- c) *Note Sundry Creditors as at 30 June 2019 \$652,096.87.*

FC 3/7/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Simpson/Cr Maslen

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$1,132,250.63 as presented for the month of June 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD36527</i>	<i>DD36636</i>	<i>Bank Direct</i>	<i>\$96,549.28</i>
<i>46965</i>	<i>46984</i>	<i>Muni Cheques</i>	<i>\$67,452.92</i>
<i>7434</i>	<i>7443</i>	<i>Trust Cheques</i>	<i>\$5,137.06</i>
<i>EFT28051</i>	<i>EFT28306</i>	<i>Muni EFT</i>	<i>\$947,047.68</i>
<i>EFT28130</i>	<i>EFT28317</i>	<i>Trust EFT</i>	<i>\$16,063.69</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$1,658.22 as presented.*

- c) *Note Sundry Creditors as at 30 June 2019 \$652,096.87.*

CARRIED
F7/A0

File No: ADM0186
 Date of Meeting: 23 July 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:

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire Administration is required to prepare a monthly Statement of Financial Activity for approval by Council.

Description of Proposal:

N/A

Background:

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

34. *Financial activity statement required each month (Act s. 6.4)*

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

Council would be contravening the Local Government Act should these statements not be received.

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:

Attached as ***Schedule 8.2.2*** for consideration is the completed Statement of Financial Activity for the period ended 30 June 2019.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of 10%, or \$10,000, whichever is the higher.

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 30 June 2019 as per Schedule 8.2.2.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION*Cr Simpson/Cr Skender*

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 30 June 2019 as per Schedule 8.2.2.

CARRIED**F7/AO****8.2.3 INVESTMENTS AS AT 30 JUNE 2019**

File No: ADM0186
 Date of Meeting: 23 July 2019
 Location/Address: Shire of Carnarvon
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Jodie Anderson, Senior Finance Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority

Summary of Item:

To report the Council details of surplus funds invested to 30 June 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

ITEM	OUTCOMES AND STRATEGIES
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 June as per Schedule 8.2.3.

FC 5/7/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Smith/Cr Skender

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

CARRIED
F7/AO

8.3 DEVELOPMENT SERVICES

8.3.1 PERMANENT ROAD CLOSURE THROUGH LOT 11 NORTH WEST COASTAL HIGHWAY

File No: ADM0200
Date of Meeting: 23 July 2019
Location/Address: Lot 11 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: N/A

Summary of Item:

This item relates to a request for the permanent road closure of the un-named and un-constructed road intersecting Lot 11 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 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 as Schedule 8.3.1(a).

Description of Proposal:

The landowner of Lot 11 is seeking to regularize the land titles in recognition that the road reserve is redundant. The road reserve is largely occupied by pasture used for horticulture and associated rural structures as illustrated in Figure 1 below.

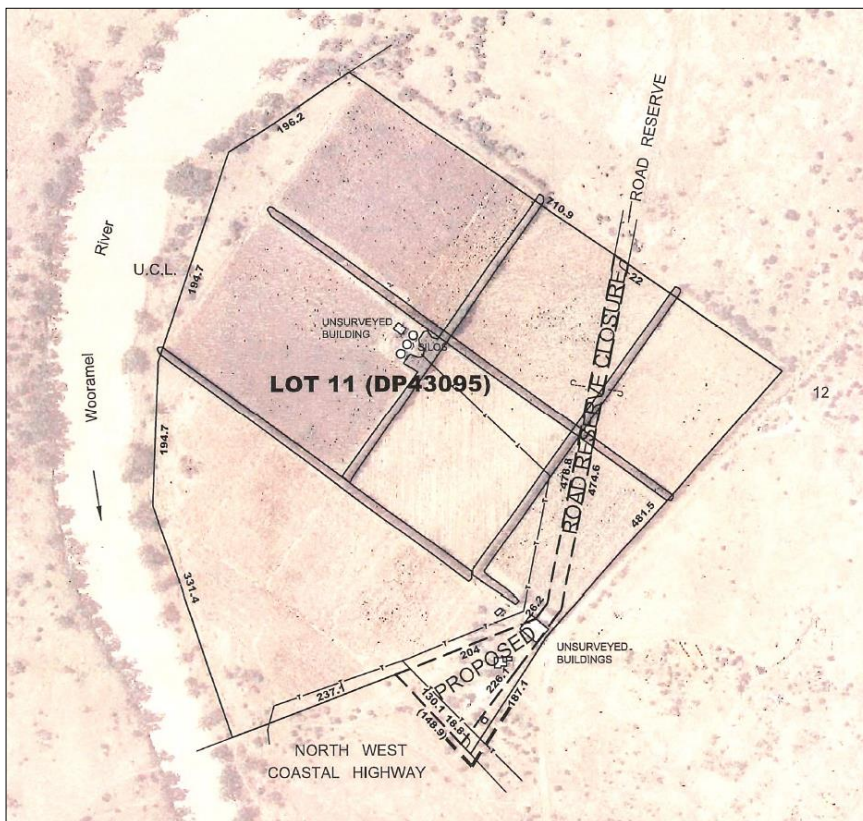


Figure 1. Lot 11
North West
Coastal Highway

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 and to directly advise potentially affected service providers.

The following consultation was undertaken:

- A public notice in the *Midwest Times* on Wednesday 5 June 2019.
- A direct mailout to the Department of Planning, Lands and Heritage and the following service providers: Horizon Power, Telstra, Water Corporation and Main Roads Western Australia.

Two submissions were received, one from Horizon Power stating:

Horizon Power doesn't have any asset in submitted location i.e. Lot 11 (DP43095) and we will not be affected with this permanent road closure.

The second submission was from Main Roads Western Australia:

Following a review of the information provided including Drawing No. 01119RC1-1-0, Main Roads has no objection to the proposal.

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 that Main Roads WA has no intention to construct 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 cropping/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 11 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 11 Wooramel, North Coastal Highway as illustrated in the officer's report be permanently closed.

FC 6/7/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Smith

1. That Council resolves to support the permanent closure of the Part Road Reserve through Lot 11 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 11 Wooramel, North Coastal Highway as illustrated in the officer's report be permanently closed.

CARRIED
F7/AO

8.3.2 DEVELOPMENT APPLICATION - CAFÉ AND RURAL INDUSTRY ON LOT 250 (50) BIBBAWARRA RD

File No:	A1417; P20/19
Date of Meeting:	23 July 2019
Location/Address:	Lot 250 (50) Bibbawarra Road, North Plantations
Name of Applicant:	Jo and Andrew Buzzard
Name of Owner:	Jo and Andrew Buzzard
Author/s:	John Meggitt; Principal Planner Jessica Taukiri; Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

The item relates to a Development Application for a café and packing/ processing shed at Lot 250 (50) Bibbawarra Road, North Plantations.

Description of Proposal:

The applicant proposes the development of the subject land to facilitate the business growth of Terra Temptations otherwise known as Bumbak's Preserves and Ice Creams. The Development Application lodged with the Shire is for a café and rural industry incorporating the following structures:

- Demountable building - Café use
- Demountable building - Toilets
- Processing shed - Rural Industry.

The Café includes the sale of coffee, smoothies, prepared sandwiches, ice creams, preserves, dried fruits, and gourmet cakes/rocky road.

The lot is zoned "Intensive Horticulture" and is predominantly used for growing banana, mango and asparagus crops. Also located on the lot is a dwelling and associated outbuilding(s) used by the landowner.

The development plans can be found at Schedule 8.3.2(a). The Assessment Consideration can be found at Schedule 8.3.2(b).



Figure 1. The subject Site

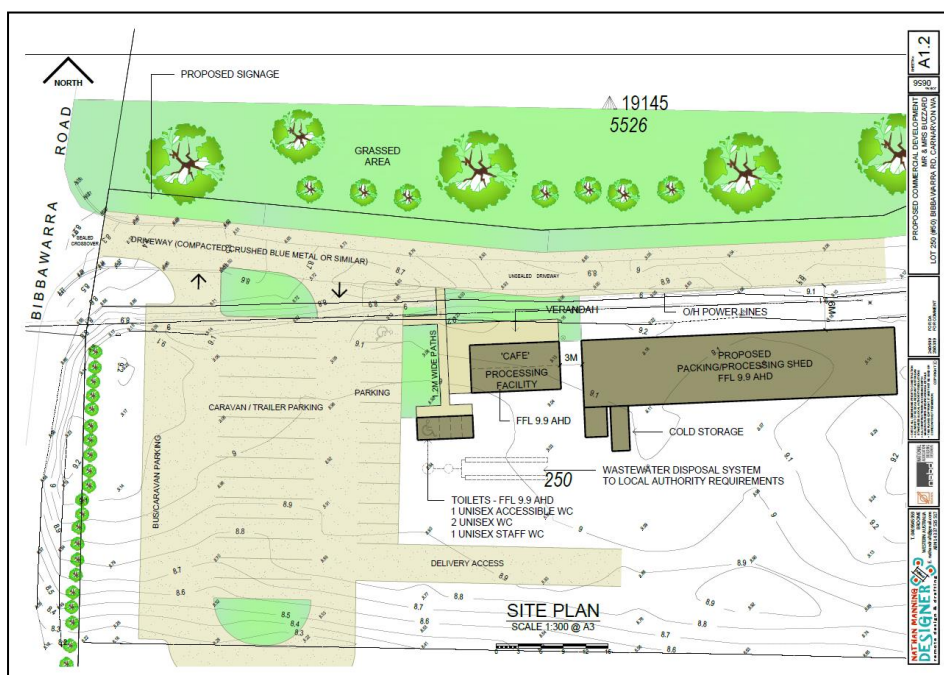


Figure 2. Site Plan

Background:

Bumbak's business model focuses on processing and value adding of local produce to deliver high quality goods. The applicant has been operating Bumbak's Preserves and Ice Creams for close to 20 years at No. 449 North River Rd. However, due to development restrictions at the current North River Road site the business owners are now seeking to expand their operations at the proposed subject land.

The proposed development will facilitate horticultural industry diversity and sustainable practices, whilst also supporting Carnarvon's tourism experiences.

Consultation:

Internal consultation

The proposal has been referred to the Shire's Environmental Health Officer who advises that a reticulated sewerage system is not available at the subject site, therefore on-site waste disposal will be required for the proposed development.

External consultation

The lot is indicated as a flood prone area (1 in 100-year AEP flood level) on State mapping. Therefore, comments were sought from the Department of Water and Environmental Regulation on the required habitable floor levels. It was noted that the 1 in 100-year (1%) flood level is 9.4m AHD on site; a floor level of 500mm above the 1 in 100-year AEP flood level is therefore required. The proposed finished floor level is 9.9m AHD which meets the requirements of the Department; this is reflected on the site plan, and if approved will become part of a standard condition that development must conform to the plans as lodged with the application.

Public consultation

As the proposed land uses are defined as 'SA' uses, the proposal was advertised in accordance with section 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Whilst the lot has no adjoining freehold landowners, Lot 241 Bibbawarra Road was recognized to have a potential interest in the proposal as an affected owner/occupier. A notice was issued to the landowner; a notice was also placed on the Shire's website. No submissions on the proposal have been received.

Statutory Environment:

Planning and Development Act 2005

As defined under the Act, 'development' means the development or use of any land. The development and use of the land in this instance being the development of buildings for a Café and processing shed (Rural Industry). Therefore, the proposal is not exempt from requiring 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.

cl. 67 Matters to be considered by local government.

Shire of Carnarvon Local Planning Scheme 10

Lot 250 (50) Bibbawarra Road is zoned 'Intensive Horticulture'. Under LPS 10 the proposed uses of a Café and Processing Shed are best defined as a "Restaurant/Café/Eating House" (land use definition – "Eating House") and a "Rural Industry" respectively.

Eating House means any house, building or structure or any part thereof in which meals are served to the public for gain or reward.

The term does not include:

- (a) any premises in respect of which an hotel licence, a tavern licence, a restaurant licence or wine house licence has been granted under the Liquor Control Act, 1988, or,
- (b) any boarding house, lodging house or hostel, or
- (c) any building or other structure used temporarily for serving meals to the public at any fair, show, military encampment, races, or other public sports games or amusements.

Rural Industry means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop, servicing plant or equipment used for rural purposes in the locality.

Shire of Carnarvon Draft Local Planning Scheme 13

Draft LPS 13 allocates the zone 'Priority Agriculture' to Lot 250 (50) Bibbawarra Road. The following objectives relate to the zone:

- To identify land of State, regional or local significance for food production purposes.
- To retain priority agricultural land for agricultural purposes.
- To limit the introduction of sensitive land uses that may compromise existing, future or potential agriculture production.
- To protect and enhance wetlands and other ecologically sensitive areas.

The land use relates to the intensification of the horticultural industry creating a higher percentage of marketable products.

Relevant Plans and Policy:

State Planning Policy 2.5 – Rural Planning

The proposal is consistent with the relevant sections of State Planning Policy 2.5. The proposal is seen as being complementary to the intensive agricultural activity undertaken at the site. Under the policy "Intensive Agriculture" is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed. The policy recognizes that intensive agricultural products are important contributors to the State's economy and are sold to domestic and export markets.

State Planning Policy 3.7 – Planning in Bushfire prone areas

The proposal site is within a bushfire prone area as indicated on the Department of Fire and Emergency Services online mapping. Therefore, a Bushfire Attack Level (BAL) assessment was requested and concurrently provided. The BAL assessment indicated a BAL 12.5 rating which does not require a Bushfire Management Plan to be developed for the proposal.

Financial Implications:

There are no identified adverse financial implications for the Shire in the approval of this proposal.

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
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
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
2.4	Waste management practices that are efficient and sustainable
2.4.3	Provide education on waste reduction and reuse, and opportunities for reuse
2.7	Regulated land use to meet the current and future needs of the community
2.7.2	Adopt appropriate land use planning and building regulation practices

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

Bumbak's has an existing well-established plantation and retail business on North River Road that focuses on the production of fresh produce, and the sale of fresh and preserved fruit products. The proposed new operation will provide for a further expansion of the business and will support the existing intensive agriculture undertaken at the site. The café activity is considered to be incidental to the primary intensive agricultural use undertaken at the site and is directly related to and supported by the primary industry of specialist food production.

The proposal is therefore considered to be consistent with local statutory planning controls and State Planning Policy 2.5 - Rural Planning. It is recommended that the application be approved subject to the conditions contained in the recommendations below.

OFFICER'S RECOMMENDATION

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P20/19 for development of land at Lot 250 (50) Bibbawarra Road for a Restaurant/Café/Eating House and Rural Industry subject to the following conditions:

- 1. The development is generally to be in accordance with the site plans and development plans including elevations and sections; as submitted and updated with this application and approved by this decision.*
- 2. The approval holder shall provide details on the final treatment of the car parking and manoeuvring areas to the Executive Manager of Infrastructure Services for approval prior to undertaking the access/ car parking works.*

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.*
- 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.*
- 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.*
- Reticulated sewerage is not available to the subject site. Prior to commencing development, an application to install an apparatus for the treatment and disposal of sewage must be submitted for the approval of the Shire of Carnarvon's Environmental Health Services in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

- v. Prior to commencing development, application shall be made to the Shire of Carnarvon's Environmental Health Services for assessment of any proposed food premises for compliance with, and registration under, the Food Act 2008 and associated regulations.
- vi. All private drinking water supplies are required to be to the satisfaction of the local government as per the Shire of Carnarvon Health Local Laws 1997.
- vii. An owner or occupier of premises used for commercial or industrial purposes shall provide suitable rubbish receptacle(s), and a suitable enclosure for the storage and cleaning of receptacles, to the satisfaction of the local government as per the Shire of Carnarvon Health Local Laws 1997.
- viii. Owners, builders and developers undertaking development of any kind are advised of their responsibility to comply with the requirements of the Disability (Access to Premises - Buildings) Standards 2010 and the Disability Discrimination Act 1992. At application the plans and specifications must indicate all provisions of access for people with disabilities, into and within the building, in accordance with the BCA – Volume 1, Part D3 and AS 1428.1 - 2009.

FC 7/7/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Smith/Cr Skender

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P20/19 for development of land at Lot 250 (50) Bibbawarra Road for a Restaurant/Café/Eating House and Rural Industry subject to the following conditions:

1. *The development is generally to be in accordance with the site plans and development plans including elevations and sections; as submitted and updated with this application and approved by this decision.*
2. *The approval holder shall provide details on the final treatment of the car parking and manoeuvring areas to the Executive Manager of Infrastructure Services for approval prior to undertaking the access/ car parking works.*

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, 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.*
- iv. *Reticulated sewerage is not available to the subject site. Prior to commencing development, an application to install an apparatus for the treatment and disposal of sewage must be submitted for the approval of the Shire of Carnarvon's Environmental Health Services in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- v. *Prior to commencing development, application shall be made to the Shire of Carnarvon's Environmental Health Services for assessment of any proposed food premises for compliance with, and registration under, the Food Act 2008 and associated regulations.*
- vi. *All private drinking water supplies are required to be to the satisfaction of the local government as per the Shire of Carnarvon Health Local Laws 1997.*
- vii. *An owner or occupier of premises used for commercial or industrial purposes shall provide suitable rubbish receptacle(s), and a suitable enclosure for the storage and cleaning of receptacles, to the satisfaction of the local government as per the Shire of Carnarvon Health Local Laws 1997.*
- viii. *Owners, builders and developers undertaking development of any kind are advised of their responsibility to comply with the requirements of the Disability (Access to Premises - Buildings) Standards 2010 and the Disability Discrimination Act 1992. At application the plans and specifications*

must indicate all provisions of access for people with disabilities, into and within the building, in accordance with the BCA – Volume 1, Part D3 and AS 1428.1 - 2009.

CARRIED
F7/A0

8.3.3 DEVELOPMENT APPLICATION - LOT 153 (111) OLIVIA TCE – RETROSPECTIVE APPROVAL FOR SITE FILLING

File No:	A586
Date of Meeting:	23 July 2019
Location/Address:	Lot 153 (111) Olivia Terrace, Carnarvon WA 6701
Name of Applicant:	Peter Jecks
Name of Owner:	Peter Jecks
Author/s:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple majority
Previous Report:	N/A

Summary of Item:

This item relates to a Development Application for retrospective approval of site filling at Lot 153 (111) Olivia Terrace, with a proposed final onsite raised ground level of 1.2m above natural ground level. The proposal is inconsistent with the deemed-to-comply criteria of the Residential Design Codes as the works seek 700mm more than the deemed-to-comply fill height of 500mm.

This report recommends that Council approve the application subject to conditions.



Figure 1. The Subject Site

Background:

The applicant is seeking approval for fill placed on the subject land approximately 3 years ago. It is understood that the fill was obtained from the dredging of the boat harbor at the Carnarvon Yacht Club. The existing unauthorised level is approximately 1.5 metres in places above natural ground level. The applicant

is intending that the fill be relocated across the site to achieve a finished level of 1.2m above natural ground level, inclusive of a river sand overlay.

The Department of Water has advised that due to the potential for flooding the minimum height for fill on this site to accommodate future development should be 500mm above natural ground level. As such the proposed works will result in the fill being 700mm above the level required by the Department.

As noted above the applicant has indicated that the fill will have an overlay of river sand to prevent dust nuisance and to assist with stabilisation. A copy of the site plan is attached in Schedule 8.3.3(a).

The site adjoins (on both sides) single storey dwellings at No. 107 and No. 113 Olivia Terrace that date from circa 1900. The dwellings are listed in the Shire of Carnarvon Municipal Heritage Inventory as Management Category 2 buildings.

The applicant has indicated an intention to build a dwelling on the site at some time in the future. It should be noted that under the Residential Design Codes a two-storey development could be built which would be a significantly larger scale than the existing adjacent heritage listed properties even if built at the established natural ground level. A copy of the assessment is included in Schedule 8.3.3(b).

Consultation:

Letters were sent out to five adjoining neighbours. One letter of objection and a submission have been received from the adjoining neighbours. The letter of objection has raised the following issues:

- Dust from the fill coming into the property, entering the house and having an adverse impact on the health of the owners' dog
- A lack of retaining walls to prevent the fill from entering the property
- Children overlooking the house and yard from the raised lot, impacting on privacy and giving cause for concern about belongings
- Concerned that the raised pad has an adverse impact on the appearance of the fascine, and
- The pad would provide for a future house to be built higher than a house that is not double storey.

The submission asked the question: *Is retaining wall and fence put in at no cost to neighbours?*

Note: These matters are discussed under the 'Comment' section of this report.

Statutory Environment:

Planning and Development (Local Planning Scheme) Regulations 2015

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

cl. 67 Matters to be considered by local government.

Shire of Carnarvon Local Planning Scheme No. 10

Part IV – General Provisions. The site is zoned Residential R50.

State Planning Policy 3.1 - Residential Design Codes (SPP 3.1 R-Codes)

SPP 3.1 Residential Design Codes (R-codes) provide a basis for the control of residential development throughout Western Australia. The R-Codes provide for a deemed to comply limit of 0.5m above natural ground level. The applicant is proposing that fill level would be 1.2m above NGL which would exceed the 'deemed to comply' limit by 0.7m.

Shire of Carnarvon Municipal Heritage Inventory

The site adjoins two Category 2 listed properties under the Inventory. The current proposal will not have a direct impact on these dwellings.

Relevant Plans and Policy:

Policy No. 6 Development Fronting the Fascine. The policy objective is to enhance and maintain the existing integrity, character and visual amenity of this precinct in keeping with its importance to the overall townscape.

Financial Implications:

There are no financial implications associated with 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 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
2.8.2	Heritage buildings and places of interest are preserved and maintained through effective planning controls

Objective 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
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors

Comment:

It is considered that the proposed works to regularise the deposition of fill at the subject land provides the opportunity for the fill to be stabilised, reduced in height and levelled to a height below the existing fence lines, thereby removing the visual impact of the fill from adjacent properties. The river sand capping will reduce the potential for the fill material to be windblown or washed into adjacent properties.

It is important to recognize that the proposed fill on this site will not alter the established "natural ground level" of the subject site which is 1.5 metres at the Olivia Terrace frontage, and does not create a precedent for the height of future development of the site, as the application is considered to be a retrospective approval for fill previously deposited on the site, not a building platform. For clarity, the approval (if provided) is not an approval for the creation of a building pad (note that no engineering plans or certification is provided for building works, nor is any retaining structures proposed at this time).

Also, any future development on the site will be measured from the established natural ground level of the subject site not the top of the finished ground level as proposed, as the proposed works do not establish an engineered building platform on the subject land and do not create a new "natural ground level" for the site.

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 retrospective development approval for application P22/19 for development and use of land at Lot 153 (111) Olivia Terrace, Carnarvon for site fill subject to the following conditions:

- a) The development shall confirm with the proposal as outlined in the Development Application and associated drawings as lodged on 27 May 2019. Note that the finished floor level associated with this approval shall not be considered to represent the natural ground level of the site in regard to future development.
- b) Finished level of the pad is to be no more than 1200mm above NGL at any one point.
- c) A 100mm layer of river sand be deposited over the fill, including batters, to reduce the impact of dust while maintaining the maximum finished level of the pad at 1200mm above NGL.

Advice Notes:

- i. Fencing at the rear of the property is to be repaired to prevent unauthorised access to the lot as per the requirements of the Dividing Fences Act 1961.
- ii. 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.
- iii. 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.
- iv. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.

FC 8/7/19

COUNCIL RESOLUTION

Cr Smith/Cr Youd

- 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 retrospective development approval for application P22/19 for development and use of land at Lot 153 (111) Olivia Terrace, Carnarvon for site fill subject to the following conditions:

- a) The development shall confirm with the proposal as outlined in the Development Application and associated drawings as lodged on 27 May 2019. Note that the finished floor level associated with this approval shall not be considered to represent the natural ground level of the site in regard to future development.
- b) Finished level of the pad is to be no more than 1200mm above NGL at any one point.
- c) A 100mm layer of river sand be deposited over the fill, including batters, to reduce the impact of dust while maintaining the maximum finished level of the pad at 1200mm above NGL.;
- d) The approval holder shall note that this is not an approval for the creation of a building pad.
- e) That the works requested in this application and outlined in this approval shall be commenced and fully completed within 6 months of the date of this approval.

Advice Notes:

- i. Fencing at the rear of the property is to be repaired to prevent unauthorised access to the lot as per the requirements of the Dividing Fences Act 1961.
- ii. If the development, the subject of this approval is not substantially commenced within a period of 6 months 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.
- iii. 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.

- iv. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.*

CARRIED

F7/A0

(Note to Minute – Conditions (d) and (e) were included to avoid any ambiguity as to the conditions of approval and to also ensure that the works are completed within a suitable period of time.)

8.4 INFRASTRUCTURE SERVICES

No Reports

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Crs' Skender and Cr Smith requested that the following urgent business be considered by Council. The Presiding Member was in agreeance to the Councillors request.

10.1 RIVER SAND MINING – MINING TENEMENT P09/486

9.14am – Cr Skender declared an Impartiality Interest in this item as he is a business partner in a plantation that has a river prolongation and easement and therefore legal access and responsibility in the river bed. Cr Skender was not required to leave the meeting.

9.14am – Cr Smith declared an Impartiality Interest in this item as he is the owner of a plantation that has a river prolongation and easement and therefore legal access and responsibility in the river bed. Cr Smith was not required to leave the meeting.

The Department of Mines, Industry Regulation and Safety has issued a licence for the purposes of exploration (sampling) of river sand within Tenement P09/486 located within the Gascoyne River in the vicinity of bores 015-1, 015-J and 015-K.

Whilst the licence conditions (condition 2) states “all surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe immediately after completion”, the Department of Mines, Industry Regulation and Safety has also advised that approval has been provided separately for “Excess Tonnage” to the order of 10,000 tonnes. It is understood that this extracted sand material is being sold locally.

Conditions of the licence also require that “No prospecting being carried out that may disrupt the natural flow of any waterway unless in accordance with a current licence to take surface water or permit to obstruct or interfere with beds or banks issued by the DoW”. It should be noted that the licensee has excavated to a depth of over 2m into the river bed over a large area.

FC 9/7/19

COUNCIL RESOLUTION

Cr Skender/Cr Smith

That Standing Orders Section 13 be suspended at 9.14am in order that a full explanation and reasoning could be provided in respect to the urgent matter to be discussed.

CARRIED

F7/AO

FC 10/7/19

COUNCIL RESOLUTION

Cr Smith/Cr Skender

That Standing Orders Section 13 be resumed sat 9.40am.

CARRIED

F7/AO

FC 11/7/19

COUNCIL RESOLUTION

Cr Skender/Cr Smith

That Council direct the Chief Executive Officer to write to the Minister for Mines, Industry Regulation and Safety; Mr David Smith, Director General of the Department of Mines, Industry Regulation and Safety; and relevant staff requesting the following

- 1. That the matter be investigated, including damage to the river bed and associated levee bank, and the deposition of fill material to provide heavy vehicle access to the licence area, and report to Council on matters of non-compliance and actions taken to rectify/remedy the unapproved activities.*
- 2. Request Shire staff to obtain a copy of the application and after consideration of the detail prepare a submission in opposition.*
- 3. That the Department provide a commitment to the Shire that prior to any further approvals for exploration or mining within the Gascoyne River that the Department first consult with the Shire, and give all comments from Council or Shire officer's due consideration in future decision making associated with exploration or extraction activities within the Gascoyne River.*
- 4. That the CEO to investigate the possibility of a sand mining lease near the low level crossing.*

CARRIED

F7/AO

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 27th August 2019 commencing at 8.30am

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

Nil

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 9.41am.