



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING TUESDAY 23 JUNE 2020

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 2020 commencing at 8.30am.

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

- 12.1 Organisational Restructure (CONFIDENTIAL)82

13.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 23RD JUNE 2020**

The meeting was declared open by the Presiding Member at 1.00pm

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 K Pinner	Councillor, Town Ward
Cr A Fullarton	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr K Simpson	Councillor, Coral Bay 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
Observers	2
Leave of Absence	Nil
Apologies	Cr L Skender, Councillor, Plantation Ward

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 1.00pm

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC AND ELECTED MEMBER QUESTION TIME

The following questions were submitted by Cr Luke Vandeleur –

Question 1 – Can I please have an update on the Blowholes Tender specifically in relation to the spending of the interest funds as part of the tender. Have we received any advice?

Answer - President advised that the matter is with the Minister and no advice has been received as yet.

Question 2 – Is there an action plan prior to 30th June 2020 to ensure that we do not lose the funding for the project.

Answer – The President advised that he tender has been let however the matter in regard to the interest funds is still with the Minister. These funds will impact on the extent of the works that can be carried out.

Public Question Time was closed at 1.03pm

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 Nelson – (Impartiality Interest) – Item 8.1.4 – Blowholes Reserve Management Plan 2014-2036 – Consideration of Amendments

Cr Nelson – (Impartiality Interest) – Item 8.5.1 – Blowholes Committee Meeting 11 June 2020

Cr Simpson – (Proximity Interest) – Item 8.4.2 – Lot 308 Robinson Street, Coral Bay – Pavement Investigation

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 MAY 2020

FC 1/6/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Pinner

That the minutes of the Ordinary Meeting of Council held 26th May 2020 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

FC 2/6/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That Items 8.1.1 and 8.1.2 be adopted by Council en-bloc as follows -

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF MAY/JUNE 2020

Date of Meeting:	23 rd June 2020
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 May/June 2020.

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 May/June 2020 and are submitted to Council for information.

DELEGATED AUTHORITY**ENVIRONMENTAL HEALTH****Food****Food Act 2008**

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26/05/202	OCOR2021747	Carnarvon Hotel – 121-125 Olivia Terrace, South Carnarvon	Helen Newbey	
15/06/2020	HF020/002	Better Choice Minilya Bridge - Lot 48 North West Coastal Highway, Minilya	Rasvor Pty. Ltd	

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)
02/06/2020	HLH20/002	BIG4 Plantation Caravan Park - 589 Robinson Street, Kingsford	W.A. Coastal Properties Pty. Ltd	
15/06/2020	HLH20/014	Better Choice Minilya Bridge - Lot 48 North West Coastal Highway, Minilya	Rasvor Pty. Ltd	

Caravan parks and camp grounds

Caravan Parks and Camp Grounds Act 1995

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
02/06/2020	HCP20/007	BIG4 Plantation Caravan Park - 589 Robinson Street, Kingsford	W.A. Coastal Properties Pty. Ltd	
15/06/2020	HCP20/008	Better Choice Minilya Bridge - Lot 48 North West Coastal Highway, Minilya	Rasvor Pty Ltd	

LAND USE AND DEVELOPMENT

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
A3583	P01/20	Lot 46 (HN 125) Boundary Road, Kingsford (LPS 10)	Machinery parking structure	Joshua Sweetman	21/05/2020

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/089	AMELIA NATIVIDADE CORREIA	LOT 349 (22) CASTRINI BROCKMAN	SOLAR PANELS
B19/126	GRANNY GLASGOW EDUCATION AND CARE	LOT 1156 & 1157 (15) BUTCHER ST MORGANTOWN	SOLAR PANELS
B20/005	LUKE CYAL VANDELEUR & VANESSA ADELINA ALBERTI	LOT 826 (36) YARDI QU BROCKMAN	SOLAR PANELS
B20/029	STEVEN & DONNA-TRACEY CVITAN	LOT 281, 5 (175) MCGLADES RD NORTH PLANTATIONS	SOLAR PANELS
B20/044	WAYNE DESMOND WHITCROFT	LOTS 326 & 337 (18) LAWSON ST SOUTH PLANTATIONS	SOLAR PANELS
B20/087	DEPARTMENT FOR HOUSING / COMMUNITIES	LOT 42 (25) 25 MORGAN WAY MORGANTOWN	FENCE
B20/088	J & M GRONWALD	LOT 795 (26) MCNISH ST SOUTH CARNARVON	FENCE
B20/089	MICHAEL PAUL & PETA PATRICIA BROWN	LOT 16 (19) CRAGGS CRT BROWN RANGE	FENCE
B20/090	JULEE MAY NELSON	LOT 115 (55) CLEAVER STREET SOUTH CARNARVON	ALTERATIONS AND/OR ADDITIONS TO AN EXISTING BUILDING – SHADE SAILS
B20/092	DRAKE-CORBETT DELORES	LOT 965 (9) HUBBLE ST SOUTH CARNARVON	FENCE
B20/093	SHIRE OF CARNARVON	L547 JAMES ST CARNARVON	FENCE
B20/094	TELSTRA CORPORATION PTY LTD	R250/42261 LYNDON ROAD MINILYA	FULL DEMOLITION OF COMMUNICATION MAST

B20/095	JEREMY MARTIN & TAMARA ANNE CHINNERY	LOT 290 (1896) NORTH WEST COASTAL HWY SOUTH PLANTATIONS	ALTERATIONS AND/OR ADDITIONS TO AN EXISTING BUILDING – ROOF REPLACEMENT
B20/096	FORREST & FORREST	LOT 25 (799) MINILYA ROAD CARNARVON	COMMERCIAL SHED
B20/099	CRAIG WILLIAM CONDIE & KATHLEEN JOAN DONALD	LOT 82 (115) WILLIAM ST EAST CARNARVON	FENCE
B20/100	DEPARTMENT OF BIODIVERSITY & CONSERVATION & ATTRACTIONS	LOT 525 SANCTUARY DRIVE CORAL BAY	COMMERCIAL SHED

**SHIRE OF CARNARVON
STATUS REPORT
CURRENT AS AT JUNE 2020**

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. Program now with Real Futures. We have had our first meeting and it was discussed to get the arboretum up and running as a joint venture before looking at a formal MOU
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. While it was recognised in the original Development Approval that the access to the new units needed to transverse Shire land, the matter was never formalised due to consideration of other related matters at the time. Council has advised that it would like the matter to be formalised through the formation of an access easement in favour of GMF. These actions require a “subdivision	The Department of Communities has agreed to proceed with the preparation of a Deposited Plan to be lodged with

			application” to be prepared and lodged with the Department of Planning, Lands and Heritage.	the DPLH to formalise the access arrangement. Shire officers have consulted with the Carnarvon Community and Senior Citizens Club about the changes. The Department has been advised.
20/8/16	Public Open Space Strategy	Paul Lees	The <u>draft</u> Public Open Space Strategy was completed by the Shire’s consultant; however, the document requires further Carnarvon-specific actions to make the document meaningful to the local setting. A project plan for the completion of the strategy has been developed and further work has recommenced on the project. The completion of the draft strategy will include further consultation.	Project is progressing however the project brief has been expanded to include a “needs based analysis of the Shire’s open space infrastructure” to assist the EMIS to assess potential cost savings relating to the provision of open space and related infrastructure. Project completion date is Sept. 2020.
16/9/16	The Shire’s Local Laws are overdue for review and do not reflect the current WA State standard for local law format.	Paul Lees	Officers have commenced the engagement of a WA local law specialist to review the Shire’s local laws and commence drafting of new laws consistent with the State template, which included the requirement for RFQ pricing.	It is expected that the review of the local laws will be finalised by end of the year.

23/12/16	Notice of Removal of Houses – Lot 259, 1060 NRR	Paul Lees Dane Wallace	All three (3) buildings on site are of sub-standard construction and need to be removed. Shire officers have obtained quotes for the removal of the buildings and the full clean-up of the property. The owner has indicated a willingness to consent to the works being done and the costs charged to the land. Shire officers are seeking legal advice on the financial implications of undertaking the clean up on behalf of the owner and subsequent debt recovery.	The matter will be brought to Council when the advice has been obtained.
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Maurice Werder	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 support an application for a new lease. In 2017, the Carnarvon Heritage Group requested the possibility of reinstating the Lease for the Old Tramway located on Babbage Island. The lease expired on 30 June 2016 and Council resolved not to renew the lease until a Business plan was provided.	Timing is in the hands of the Heritage Committee. On 19/02/2020 a letter was written to follow up on this to the group chair.
16/9/17	Local Planning Scheme No.13	Paul Lees	Submissions received, modifications prepared and supported by Council, with all documentation sent to the Department of Planning, Lands and Heritage who is reviewing the documentation, and forwarded the document to the WAPC State Planning Committee, who have subsequently forwarded to the Minister for Planning for endorsement.	The timing for endorsement is with the Minister's office.
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 be put on hold while other strategic matters relating to Coral Bay are finalised being the completion of LPS No. 13.	As above, the final decision on LPS13 rests with the Minister.
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 view (may be prepared to accept the land and buildings as freehold) and further discussions are proceeding.	The matter rests with the Department of Planning, Lands and Heritage.
8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	<p>Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's 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. The Shire has been advised that Department staff are currently assessing the matter.</p> <p>An alternative acquisition approach has been presented to the Shire by DPLH officers that involves the PAW land area being vested to the Shire of Carnarvon –</p>	The Department has recently formally written to the adjacent landowner giving them 30 days to accept an offer for purchase.

			this would result in the Shire taking over the formal management of the closed PAW area. Due to the ongoing delays with the Department the CEO has requested that an item be prepared for the May 2020 Council meeting outlining this option for Council's consideration, however the Department has recently advised that they have made contact with the adjacent owner who has confirmed that they still wish to proceed with the purchase as proposed.	
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	On 26 June 2018 Council resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the 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 has been approved by WAPC and the Shire has lodged the Deposited Plan with the WAPC, who need to review, accept and issue titles.	The DPLH has requested that the current Deposited Plan be updated to match the details of the current application. Shire officers have engaged the original surveyor to revise and lodge the deposited plan – lodgement and acceptance is expected by end of June 2020.
9/8/18	MOU Amendment – Men's Shed	Carolien Claassens	The new MoU has been signed.	Completed
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	Shire officers have lodged the subdivision application for the Robinson Street parcel as per Council's resolution with the WAPC. The WAPC has now provided the Shire with the approval of the subdivision with conditions.	Shire officers have received confirmation on the revised conditions of subdivision and are in the process of engaging a surveyor for the preparation of the Deposited Plan and clearance of conditions.

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 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, who has appealed the matter to the State Administration Tribunal. The registered owner has withdrawn the appeal to SAT in the hope of a negotiated outcome. The alternative motion to Council was unsuccessful and the cancellation of the dog registrations stands.	The property owner has appealed Council's decision to the SAT with the first directions hearing having been completed. Further documents (Issue, Facts and Contentions) are to be provided and a further directions hearing is set for 3rd July 2020.
12/8/19	Café – Carnarvon Airport	Carolien Claassens	The applicant has been advised about the approval of the change of business entity running the café and the approval of a portion of the structural maintenance. The applicant has requested to wait with advertising of the lease until further notice.	Timing is in the hand of the applicant
15/8/19	Main Street Pathway and Parking Rearrangement	David Nielsen	On hold. Garden maintenance and tree planting works is continuing.	June 2020
17/8/19	Draft Authorised Inquiry Report – DLGSC	David Burton	Response sent – waiting on final report.	Training being organised to start shortly. Allowance for training to go to September due to COVID19
11/9/19 18/11/19	Notice of Motion – Removal of Blowholes Shacks Assessed as n Dangerous Condition	David Burton Paul Lees	Approved by Council in September 2019 however Council has passed a new motion in 2019 to: revoke Motion FC11/9/19 – Removal of Blowholes Shacks assessed as being in a dangerous condition; the establishment of a committee to address the current condition of shacks and to resolve a development plan acceptable to all parties and stakeholders; that Council request the CEO to investigate the outcomes of the Blowholes workshop which requested clarification on State Planning Policy 2.6 (Coastal Planning); and Council instruct	The committee is required to report back to Council within 8 months of the date of the resolution. Meetings as required by

			the CEO to re-issue leases to the registered shack owners commencing 1 July 2020 at the rate of \$1,000 per annum.	Council have commenced. Items for Blowholes development to go to Tender early March with return to Council for April/May 2020. Working with Committee to go ahead with program. Tender for works issued Thursday 21 May
8/12/19	Permanent Road Closure – Lot 12 NWCH	John Meggitt	The application was supported at the December 2019 Council meeting and the Shire has advised the Minister accordingly.	Timeframes for completion of the road closure rests with the Department.
15/12/19	Fascine Wall Structural Analysis	David Nielsen	Order placed for investigation works. Wall thickness testing commencing 15/06/20. Quotations called for fencing works. Modifications to design required.	June 2020 subject to COVID-19 travel restrictions
16/12/19	Community Growth Fund Applications	Jennifer MacKellin	18/05/2020 – Applications for Iconic Events have been received. They will be sent to the Committee, who will meet again on the 2 nd June 2020. 15/06/2020 – The Committee meeting of 2 June failed to obtain a quorum. An alternate meeting date has been set for 16 June. The EM Community will also discuss a review of the Community Growth Funds Policy with the Committee at this meeting.	Committee meeting on 16th June 2020.
18/12/19	Recording & Web Streaming of Council Meetings	Maurice Werder	Resolution FC 18/12/19 resolved to investigate the recording & web streaming of council meetings. Investigations into how other councils do it and decide on a model by Council resolution. Plan to incorporate into the 2020/2021 Budget. The decision to include in the 2020/2021 budget has not been made. A procedure for this operation will be needed before implementation.	To be researched in preparation of the Budget 2020/2021. A quote for a full system for around \$50,000 has been received

17/12/19	Quarterly Budget Reports	Maurice Werder	Resolution FC 17/12/19 resolved that a Budget Management Report be presented to Council on a Quarterly basis. Management plan is to present a COA / Job Variance Report as used by staff on an ongoing basis for expenditure monitoring, MYR, and Budget Planning.	YTD report to be presented for each Quarter going forward. The June agenda had a current quarterly report.
20/12/19	Building Better Regions Fund Grant Application	Jennifer MacKellin	Application submitted. Awaiting outcome. The State is now contributing \$291k, which reduces our reliance on this grant to \$222k. 18/05/2020 -No further information to update	June 2020
21/12/19	Review of D001 Mobile Traders Policy	Paul Lees John Meggitt	Resolution FC 21/12/19 resolved to review and update the current Mobile Traders Policy with reference to similar Shires.	Development Services staff have prepared amended policies specific to Coral Bay and Carnarvon District (excluding Coral Bay) to be presented to Council at the June 2020 Ordinary Meeting.
4/1/20	Renewal of Lease – Lions Club	Maurice Werder Gloria Quinn	Resolved to lease the building to the Lions Club for a 1 year lease only. Drawing up 1 year lease in house.	In communication with Lions Club about Deed of amendment
10/1/20	Lot 300 Olivia Tce – Progress Report	David Burton	Resolved that State Government to demolish buildings and remediate the site with possible purchase by Shire in the future.	Letter to be sent for resolution. Waiting for response. Advised by State that they are procuring a demolition.
8/2/20	Response to Differential Rate Query with	Maurice Werder SJ Nixon	Motion Lapsed. Received directions in a letter from the Minister of Local Government. Application DR 72 of 2020 lodged with State Administrative Tribunal 16 April 2020, Application fee paid. SAT to quash rates at next	Directions Hearing held on 15 th May.

	Department Local Government		directional hearing. Attendance at SAT on the 29 th May to request the rates be quashed which they were. Adjustments will be calculated and the previous budget to be re adopted.	Decisions Hearing to be on 22 nd May. Decision hearing was on 29 th May.
16/2/20	Australia Post – Mobile Trading Licence	John Meggitt	Council at the 25 February 2020 meeting resolved (i) “That Council resolve to work with the applicant Lisa Eveson, the local community and stakeholders, to find a suitable, safe vehicular friendly, compliant mobile trading site to operate the Australia Post service from. With special consideration given to operating at the Shire road reserve to the south of Baiyungu Aboriginal Corporation Village (BACV) workers accommodation Lot 308 and to the north of Lot 307 Coral Bay”; and (ii) “CEO be directed to establish the hard stand area south of the BACV for the use by mobile traders as a matter of priority to be completed on or before end of March 2020”.	The CEO has approved a mobile trader’s licence (under delegation) for the Australia Post contractor for a period of 6 months within the road reserve of Banksia Drive (north-eastern location) south of the BACV. The all-weather area has been established for trading.
17/2/20	Review of Shire Tourism Strategy & Action Plan	Paul Lees	Council at the 25 February 2020 meeting agreed to “the release of the RFQ Brief Shire of Carnarvon Tourism Strategy and Action Plan and to the engagement of a suitably qualified expert to undertake the review of the August 2012 Addendum & Action Plan, noting that the RV Friendly Plan will be developed after the completion of the tourism strategy.	Shire officers will bring the matter back to Council after considering the emerging matters and actions relating to the Covid-19 crisis/ border closures.
22/2/20	Road Asset Information – Budget Variation	David Nielsen	All physical inspection works and photographs are complete. Updating the RAMM data for approx. 110 roads out of a total of 241 roads is complete. Significant changes to the RAMM database have been identified to ensure it is reflective of the current constructed assets.	June 2020

27/2/20	Street Art – Request for Signage	Jennifer MacKellin	Meeting held with Sabrina Dowling Giudici Quotes for small plaques still to be obtained. Discussion held with Ingarrda 13/03/2020, who supported progress on this matter and gave feedback. 20/03/2020 – Email sent by Paquita Boston to Council. Due to the timing, COVID-19 activities and response on behalf of the Shire have taken a priority. 18/05/2020 – No further updates 15/06/2020 – Working with tourism on signage.	30 June 2020
17/3/20	Carnarvon Speedway Remediation Works - Lot 1297 Speedway Road	Paul Lees	A Development Application for remedial works was lodged by the Carnarvon Speedway Association. The application proposes to remediate the site by removing loose building material, scrap metal and car bodies, and consolidating/covering the exposed bank. The application was referred to the March 2020 Council meeting – Council resolved “That the matter lay on the table and be referred to the April 2020 Ordinary Meeting of Council.” Council requested that further consideration be given in regard to costs. Further clarification on resources associated with the proposed remedial works and associated costs was prepared for Councillors to consider at the April 2020 Council meeting, in which Council determined the application.	The Notice of Determination has been forwarded to the Speedway Association – the conditional approval requires the remedial works to be completed by November 2020.
35/3/20 36/3/20 SCM 11/4/20	Regional Express	Jennifer MacKellin	April 2020 - Regional Express (REX) are now providing 2 flights per week. They have failed to meet their contractual obligations to the Shire, and have not made monthly payments since January 2020. 18/05/2020 – Legal advice being sought. Separate report to be prepared. 15/06/2020 – Quotes for Legal advise have been received.	June 2020
8/4/20	RSL Building Purchase	David Burton		Documents signed and returned to DFES
FC 17/4/20 SFC	Intention to Impose Differential Rates for 2020/21	Maurice Werder	Advertisement in Midwest time and on websites. Comment period closing on 26 th May 2020. Upon review of comments the application will be sent to the department for Ministerial approval. Application sent for Ministerial Approval on Thursday 11 th June 2020	May 2020 June 2020
23/4/20 24/4/20	RFT 01-2020 – Construction of Minilya River Floodway Crossing (CONFIDENTIAL)	David Nielsen	Contract executed. Works to commence June.	COMPLETED

25/4/20 26/4/20	RFT 02-2020 – Blowholes Road Shoulder Repair & Widening (CONFIDENTIAL)	David Nielsen	Contract executed. Site visit completed by contractors. Shoulder preparation work by Shire completed. Contractor has had unexpected delay. Works to commence August.	COMPLETED
21/4/20	Report from Paul Omodei (CONFIDENTIAL)	David Burton		Training being instigated to coincide with Inquiry Completed.
SCM 4/4/20	Fascine Opening Options	David Nielsen	DOT Dredge coming to site early June. Teggs channel to be dredged first. Fascine entrance option 1a likely to be dredged August. Spoil site on beach north of Pelican Point nominated. Advice being sought on spoil site.	September 2020
SCM 7/4/20	Waiver of Tip Fees	David Burton		In place until 30 th June.
SCM2 – 2/5/20	Tender 03/2020 – Design & Construct Tourism Development Blowholes	David Nielsen Carolien Claassens	Extension of time of the funding agreement approved by DPIRD. Awaiting approval of expenditure of the interest from the Minister. Once approved the contract documents will be completed and the work will commence.	December 2020
8/5/20	Transfer of RSL Building	David Burton		Seeking Market Value for advertising transfer to RSL.
11/5/20	Tender – RFT 07/2/20 – Carnarvon Airport	David Nielsen Carolien Claassens	Department of Transport – RADS has been requested for a variation & extension of the funding agreement for the amended works plan.	September 2020
14/5/20	Coral Bay Airstrip	David Nielsen	The funding agreement with Department of Industry, Innovation and Science (Federal) RAUP has been executed. Order to project managers Greenfields issued. Survey and design works will commence in July 2020.	January 2020
15/5/20	Delegated Authority 1005 – Amendment	David Burton	Amendment denoting that delegated authority does not encompass Coral Bay mobile trader applications. Delegation Register updated.	Completed
18/5/20	C002 – Purchasing Policy- Amendment Tender Threshold	Maurice Werder SJ Nixon	No action required	Completed
20/5/20	Growers Market Relocation	John Meggitt	The proposal to relocate the Growers Markets to the Robinson Street road reserve was considered by Council at the May 2020 Ordinary meeting.	Council endorsed the potential

				relocation and provided the CEO with authority to issue licences should they wish to relocate.
21/5/20	Home Business – 12 McNish Street	John Meggitt	The Development Application for the operation of a home business in a sea container was referred to the May 2020 Council meeting.	Council approved the application with a requirement for the structure to be modified to the satisfaction of the CEO. The Notice of Determination has been forwarded to the applicant.
22/5/20	Horse Stables – 36 Holden Street	John Meggitt	The Development Application for retrospective approval of stables and the keeping of five (5) horses was referred to the May 2020 Council meeting. Council upheld the officers report and refused the application.	The Notice of Determination has been forwarded to the applicant who has 28 days to lodge an appeal with SAT.
23/5/20	Community Stewardship Grant Application	John Meggitt	Council support was requested for officers to pursue grant funding through a Community Stewardship Grant application for an environmental clean up including weed and pest management. Council endorsed the proposal. Further investigation revealed that the grant was specifically for weed pest management only, which did not meet the objective for overall environmental clean-up.	Shire officers have been advised that a grant will shortly be available from the Waste Management Authority for environmental clean up (removal of waste material from reserves including the Gascoyne River reserve) and Shire officers will submit

				an application for this funding.
24/5/20	Extension Temporary Road Closure – gnaraloo track	David Nielsen	Parks and Wildlife advised of Councils decision. Stations advised. Road closure advertised.	Completed.
25/5/20	National Redress Scheme	Jennifer MacKellin	15/06/2020 Confirmation of Council motion sent to Department of Local Government, Sport and Cultural Industries	Completed
28/5/20	GDC - \$15,000 Grant	Jennifer MacKellin		Completed
29/5/20	Carnarvon Race Club – Request for Signage	Jennifer MacKellin	15/06/2020 Sign purchased and provided to Carnarvon Race Club	Completed
31-33/5/20	Tender 06/2/20 – Cleaning Services	David Nielsen SJ Nixon	Tender awarded to Kleenit Contract compiled for commencement in next financial year (20/21)	Completed
34-36/5/20	Tender 04/2020 – Water Pipeline	David Nielsen SJ Nixon	Tender awarded to Cobey Industries Contract being compiled for immediate commencement	Completed
37/5/20	34 Francis Street - Removal Notice	Dane Wallace	Notice for removal has been sent to the owner	July 2020

OFFICER'S RECOMMENDATION

That Council accept the Status Report and the reports outlining the actions performed under delegated authority for the months May/June 2020.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council accept the Status Report and the reports outlining the actions performed under delegated authority for the months May/June 2020.

8.1.2 NOMINATION OF COUNCIL REPRESENTATION – GASCOYNE DEVELOPMENT COMMISSION BOARD

File No:	2C0101
Date of Meeting:	23 June 2020
Location/Address:	N/A
Name of Applicant:	Gascoyne Development Commission
Name of Owner:	N/A
Author/s:	David Burton, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	August 2016

Summary of Item:

For Council to consider nomination of Local Government representation to the Gascoyne Development Commission (GDC) Board for a term of up to 3 years.

Description of Proposal:

Correspondence for the GDC requests Council's nomination of two Councillors for consideration by the Minister for Regional Development, on the Gascoyne Development Commission (GDC) Board for a term of up to 3 years.

Background:

In August 2016, Council were invited to nominate two Councillors to sit on the GDC Board, albeit that at the time, Cr Eddie Smith was already sitting on the Board. With this in mind, Council declined the offer stating that *"with Cr Smith already occupying one of the three Local Government appointed seats, it is reasonable for Council to decline the GDC's request for nomination of an additional Board Member, and rather, leave the nominations on this occasion to the other three local governments in the region to ensure there is balance representation at the board level."*

Following the expiry of term for a number of the GDC Board members, the Minister is now seeking nomination of new members. To ensure the Board benefits from a cross section of experience and knowledge relevant to the region, it is desirable (not mandatory) that Councillors with a good understanding of the unique challenges and opportunities facing the more remote parts of the region be encouraged to apply. Appointment to the board is for a term of up to 3 years.

Consultation:

Nil.

Statutory Environment:

The nominations have been called pursuant to section 12(1)(a) of the *Development Commissions Act (1993)*.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

There is no risk to Council as this item relates to the appointment of a representative to the GDC Board only.

Comment:

The primary function of the GDC is to develop and broaden the economic base of the Region through facilitation and co-ordination of opportunities, including business investment and growth, improved provision of services and infrastructure, and increase area promotion to enhance the profile of the Gascoyne.

Accordingly, the GDC's purpose and function aligns with the local government's charter to also foster economic growth for the district, and is reliant on the co-operation with key stakeholders, such as the Council, to achieve quality outcomes for the betterment of the local and regional community. In light of this, and given the Carnarvon is designated as a Regional Centre, it is appropriate and of benefit to both parties for the Shire to occupy one seat on the GDC Board.

OFFICER'S RECOMMENDATION

That Council nominate Cr Fullarton and Cr Maslen for appointment on the Gascoyne Development Commission (GDC) Board.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council nominate Cr Fullarton and Cr Maslen for appointment on the Gascoyne Development Commission (GDC) Board.

CARRIED
F7/0

8.1.3 ANNUAL REVIEW – SHIRE OF CARNARVON DELEGATION REGISTER

File No:	ADM0043
Date of Meeting:	23 June 2020
Location/Address:	Shire of 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:	Absolute Majority
Previous Report:	18 December 2018

Summary of Item

This item serves as the annual review of Council's delegations of authority. Several changes have been made to bring the delegations up to date.

Description of Proposal

The Council is required to review its delegations of authority at least once every financial year. This report proposes the adoption of the delegations of authority without any changes.

Background

Western Australian Local Governments are empowered under various State Government Acts and Regulations to perform certain duties and exercise certain powers. The *Local Government Act, 1995* in particular prescribes the performance of specific functions and tasks by the Local Government.

The *Local Government Act, 1995* affords the Council the ability to delegate some of its powers and duties to the CEO or to Committees in order to facilitate the effective operations and implementation of the Shire's functions. A 'Register of Delegations' must be maintained and reviewed annually.

A copy of the Delegations Register last reviewed in December 2018 is provided at **Schedule 8.1.3(a)**.

It is also noted that a 'Schedule of Authorised Persons' has been prepared by the CEO that empowers various staff to perform specific/designated roles and duties under sub-delegation. This Schedule does not require Council endorsement (refer to Statutory Environment below) but is provided at **Schedule 8.1.3(b)** for Council to note.

Consultation

Nil

Statutory Environment

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities. The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing. The Chief Executive Officer may under the *Local Government Act 1995* place conditions on any sub-delegation passed on to another Shire employee.

The Council must, under Section 5.46(2) *Local Government Act, 1995* review its Delegation Register at least once every financial year. If no amendments are made to the existing register a vote by **simple majority** can apply. Conversely, Section 5.42 (1) of the *Local Government Act, 1995* states that any decision to amend or revoke a delegation by a Local Government is to be by an **absolute majority**.

Relevant Plans and Policies

There are no evident policy implications in relation to this review.

Financial Implications

Nil

Risk Assessment

If the Council does not undertake a review during the financial year it will be in breach of the Local Government Act 1995.

The Shire organisation cannot operate efficiently and effectively without appropriate delegation and sub-delegation. The impact would be an adverse effect on the delivery of services and the good governance to the community.

Community and Strategic Objectives

Goal 5: Civic

Strong and listening Council.

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 Delegation Register formalises the Council's "day to day" functions/operations through authorisation of staff to operate efficiently, effectively and productively in the interest of good governance.

Accountability for the exercise of delegated authority is achieved through the requirement to report decisions made under a delegation back to the Council.

OFFICER'S RECOMMENDATION

That Council:

1. *Adopt in accordance with Section 5.46(2) of the Local Government Act 1995 the current Delegation Register, as amended, as presented in Schedule 8.1.3(a) to this report.*
2. *Note the 'Schedule of Authorised Persons' that includes the sub-delegation of roles and responsibilities from the CEO to other employees, as presented in Schedule 8.1.3(b).*

FC 3/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Vandeleur

That Council:

1. *Adopt in accordance with Section 5.46(2) of the Local Government Act 1995 the current Delegation Register, as amended, as presented in Schedule 8.1.3(a) to this report.*
2. *Note the 'Schedule of Authorised Persons' that includes the sub-delegation of roles and responsibilities from the CEO to other employees, as presented in Schedule 8.1.3(b).*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.1.4

CONSIDERATION OF AMENDMENTS TO THE BLOWHOLES RESERVES MANAGEMENT PLAN 2014 - 2036

1.09pm – Cr Nelson declared an Impartiality Interest in this item due to her owning a shack. Cr Nelson was not required to leave the meeting and could participate and vote on the matter.

Date of Meeting:	23 June 2020
Location/Address:	R37457 MacLeod WA 6701
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of WA vested to the Shire of Carnarvon
Author/s:	David Burton, Chief Executive Officer Paul Lees, Executive Manager Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	3 February 2016, 24 September 2019, 26 November 2019

Summary of Item:

This report discusses the current actions associated with the *Blowholes Reserves Management Plan 2014 – 2036* (Management Plan) as approved by the Minister for Lands, proposes options for moving forward consistent with the objectives of Council, and asks Council to give authority to the CEO to commence discussions with the Department for the consideration of an amendment to the existing approved Management Plan.

Background:

Council Resolution

On 18 November 2019 Council resolved the following:

1. That Council revoke Motion FC11/9/19 – Removal of Blowholes Shacks assessed as being in a dangerous condition.
2. That Council establishes a Committee to address the current condition of shacks at the Blowholes and to resolve a development plan acceptable to all parties and stakeholders with the Committee to report back to the Council within 8 months of the date of this resolution being accepted by Council.
3. The Committee to consist of Elected Members Cr Fullarton and Cr Nelson; two members of the Blowholes Protection Association (BPA), and one member from the community not being a member of Council nor a member of the BPA.
4. That Council request the CEO to investigate the outcomes of the Blowholes Workshop held at the Carnarvon Motel on 1 February 2019 which requested clarification on the State Planning Policy 2.26(6) from the Department of Lands and Heritage with the report to be presented to Council on or before 17th December 2019.
5. That the Council instruct the CEO to re-issue leases to the registered shack owners commencing 1 July 2020 at the rate of \$1,000 per annum.

The above resolution effectively directs the CEO to alter the course of the discussions to date between Shire staff and officers of the Department of Planning, Lands and Heritage which sought to investigate the proposed outcomes contained in the *Blowholes Reserves Management Plan 2014-2036*.

Blowholes Reserves Management Plan 2014 -2036

The *Blowholes Reserves Management Plan 2014 -2036* (Management Plan) resulted from a project managed by a previous Shire CEO that attempted to reorganise the overnight camping and shack areas associated with the Blowholes precinct at Quobba. Refer to Schedule 8.1.4(a).

The motivation for the development of the Management Plan is not entirely evident from Shire records, however the Management Plan presented a significant change to the previous Hames Sharley prepared document being the *Blowholes Masterplan* which is dated 7 November 2008.

The most significant change reflected in the Management Plan is the relocation of the shacks onto the rear dune system, and an additional access road to the more southern shack sites. It proposes that much of the area currently containing shacks be rehabilitated and includes a significant area of overnight camping in the southern area; the Management Plan also includes some day visitor parking.

The Management Plan contains a suite of management strategies for each of the proposed development areas (environmental and cultural), which includes specific requirements for each shack site, principles of new leasing of sites and shack allocation controls.

In seeking to understand the overall rationale for the significant change from the previous Masterplan layout, it would appear that principally the Management Plan sought to relocate the shacks to “higher ground” in response to the requirements of ‘State Planning Policy 2.6 – Coastal Planning’ to address possible coastal inundation issues within the existing shack area. Unfortunately, the response to relocate the shacks onto the dune system creates a range of new environmental impacts that are not addressed in the Management Plan.

Shire staff have been liaising with officers of the Department of Planning, Lands and Heritage about the best way forward with the Management Plan in light of the above issues and it has been agreed by the Department that undertaking a range of feasibility studies is the best way to test the assumptions made in the Management Plan including an assessment of development costs (to ensure sustainable development outcomes and level of environmental and cultural impacts associated with the proposed development outcomes. It should be noted that Shire officers have prepared project briefs for the following studies:

- Preliminary Engineering Impact Assessment – costs associated with proposed development concepts and associated environmental mitigation requirements.
- Impact Assessment of the Coastal Dune System – investigation of the environmental (flora & fauna) and amenity impacts (visual impact assessment) of the proposed new shack (chalet) development on the sensitive dune environment.
- Cultural Impact Assessment – investigation into the cultural heritage (archaeological) impacts of the proposed development within the dune environment.
- Assessment and preparation of a Bushfire Management Plan.

In summary it was agreed that before going forward with any of the proposed Management Plan development outcomes, the overall feasibility of the development proposal needed to be investigated; this is mostly due to the fact that evidence of previous studies demonstrating the science behind proposed development outcomes cannot be identified in Shire records. Note that the proposed funding arrangements for this work is discussed under the “Financial Implications” section below.

Blowholes Masterplan – 17 November 2008

The *Blowholes Masterplan 2008* represents a pragmatic and environmentally responsible approach to the rationalisation and reorganisation of the existing Blowholes shack environment. The Masterplan reorganises the overall scattered shack area into a homogenous whole and introduces caravan sites and camping areas south of the chalet area, with an additional caravan overnight area north of the designated chalet area. Refer to Schedule 8.1.4(b).

The Masterplan also includes new BBQs and beach shelters along the shore environment. The Masterplan introduces a new sealed access road along the foot of the rear dune system, thereby maximising the developable area and creating a buffer between the development areas and the natural protected areas. The Masterplan also shows evidence of detailed analysis relating to coastal inundation, with the chalet redevelopment area located beyond the “65m setback line”.

It is interesting to note that Shire records contain the document “Blowholes Masterplan Implementation” dated August 2013 prepared by the late Dr Linley Lutton and commissioned by the Blowholes Protection Association (BPA). The introduction to the report states

“It addresses recent attempts to alter some of the fundamental structural planning characteristics of the Blowholes Masterplan. Of particular concern to the BPA is the proposal by the Shire of Carnarvon and their consultant to relocate the sites of the existing shacks. It is understood that the Shire of Carnarvon is proposing to alter the masterplan to develop the hind dune flat as a caravan area.

New chalets are apparently to be constructed on the windward face of the hind dune. Before making any comments about the proposed planning changes it is important to remember that the Blowholes node is permitted only up to 500 overnight beds. If there is any desire to increase caravan facilities, then this will have to be offset against other forms of overnight accommodation. The proposed changes represent a substantial deviation from the current Masterplan for no supportable reason. The change is being driven, apparently, by revisions to the coastal process set back provisions associated with the State Planning Policy No. 2.6 (SPP2.6) ‘State Coastal Planning Policy’ as well as a failure to understand that accommodation facilities associated with nodal developments are permitted in coastal inundation areas”.

The document goes into some depth to demonstrate that the likely coastal inundation of the proposed chalet area would occur only in extreme events and that shack owners would have time to implement the necessary flood management plans.

Consultation:

As noted above Shire officers have had a number of meeting and correspondence with staff of the Department of Planning, Lands and Heritage and senior officers of the Shire have had several meetings with representatives

of the BPA over the last couple of years, including community meetings on the future of the Blowholes area; including overall discussions about the pathway required to progress the development of the Blowholes in a way consistent with the Blowholes Reserves Management Plan 2014-2036 which involves undertaking project feasibility on the development assumptions contained in the Management Plan.

Statutory Environment:

Building Act 2011 (WA)

Building Regulations 2012 (WA)

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Relevant Plans and Policy:

Blowholes Reserves Management Plan 2014 – 2036

Ningaloo Coast Regional Strategy Carnarvon to Exmouth, August 2004

Shire of Carnarvon Local Planning Strategy 2017

Shire of Carnarvon Corporate Business Plan 2018 – 2022

Shire of Carnarvon Strategic Community Plan 2018 – 2028

State Planning Policy 2.6 – Coastal Planning

Financial Implications:

The Department has advised Shire officers that the interest earned on the Royalty for Regions funding for the proposed Blowholes development can be used to fund the studies outlined above, however with Council support the CEO has written to the Department requesting that the interest funds be made available to ensure that the proposed development of the day use areas at the Blowholes can be completed in full.

The Department has advised that in regard to the above discussed studies, the Shire should commission a SPP2.6 Schedule One assessment to determine the appropriate allowances for erosion and inundation on the coast; and that a Coastal Hazard Risk Management Plan (CHRMAP) is not required.

It is fair to say that the Department may still require a Schedule One Hazard Assessment to be undertaken for any changes to the current Management Plan layout that will result in chalet development being impacted by coastal inundation, however this will depend on the evidence of previous studies and the Department's acceptance of this evidence in light of current policy, noting that the concept of "retreat" has been accepted in some instances as an acceptable mitigation measure.

An example of the requirements of a Schedule One assessment can be found at Schedule 8.1.4(c). The requirement for such an assessment going forward is unknown; it is possible that grant funding may be acquired for the undertaking of this study if necessary.

Risk Assessment:

As noted in earlier reports there is a reputational and public liability risk to Council and the Shire in continuing to allow the shacks identified as being in a dangerous condition to remain in their current condition and a reputational risk to the Shire in not delivering the full project as approved by the Minister.

Community & Strategic Objectives:

The following matters contained in the Strategic Community Plan 2018 – 2028 are relevant to this item:

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

1.2.1	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
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay
1.3.2	Develop industry and logistics precincts around the airports

Objective 2: Natural and built environment

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

ITEM	Outcomes and Strategies
2.1	Valued natural environment, for use and enjoyment by current and future generations
2.1.1	Work with other government and non-government organisations to control weeds and pests, and undertake other conservation measures
2.2	Open, accessible, healthy foreshore and waterways
2.2.3	Monitoring water quality
2.4	Waste management practices that are efficient and sustainable
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

Objective 5: Civic

Strong and listening Council.

5.1	A well engaged and informed community and a high standard of customer service
5.1.2	The community is engaged in planning for the future and other matters that affect them
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

Conclusion:

The resolution of Council of 18 November 2019 fundamentally changes the development outcomes for the Blowholes precinct in regard to chalet sites and overnight camping areas. Whilst the resolution sets a path to a different development outcome, the Department of Planning, Land and Heritage have made it clear to Shire staff that the *Blowholes Reserves Management Plan 2014-2036* is the State approved strategic document for development at the Blowholes, and have supported this position through Royalty for Regions funding.

As noted from this report the *Blowholes Masterplan 2008* prepared by Hames Sharley is considered to be a pragmatic and responsible development outcome for the area, however the matter of coastal inundation and possible future retreat for the shack (chalet) area needs to be addressed; and the Department/minister will need to approve any amendments to the current Management Plan.

It is therefore recommended that Council gives authority to the CEO to commence new discussions with officers of the Department of Planning, Lands and Heritage regarding the reconsideration of the merits of the *Blowholes Masterplan 2008* with a view to agreement on a revised strategic plan for the area generally in line with the Hames Sharley Masterplan prepared for the area.

OFFICER'S RECOMMENDATION:

That Council gives authority to the CEO to commence new discussions with officers of the Department of Planning, Lands and Heritage regarding the reconsideration of the merits of the Blowholes Masterplan 2008 with a view to agreement on a revised strategic plan for the area generally in line with the Hames Sharley Masterplan prepared for the area.

FC 4/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

That Council gives authority to the CEO and the Chair of the Blowholes Committee to commence new discussions with officers of the Department of Planning, Lands and Heritage regarding the reconsideration of the merits of the Blowholes Masterplan 2008 with a view to agreement on a revised strategic plan for the area generally in line with the Hames Sharley Masterplan prepared for the area.

CARRIED

F7/A0

8.1.5

PROPERTY CONSIDERED FOR DISPOSAL

Date of Meeting:	23 rd June 2020
Location/Address:	Shire of 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:

For Council to consider initial reductions in Shire of Carnarvon of Assets to reduce ongoing costs.

Description of Proposal:

An Initial assessment of aging Shire infrastructure has identified assets that are a financial burden through ongoing maintenance costs and depreciation. These assets also attract little in income. Such items create a burden on the Shire and it may be more practical to dispose of these items where possible rather than continue the loss of funds. Depreciation costs also require the Shire to spend additional funding in asset renewal to ensure that our financial ratios are kept within acceptable limits.

The Shire also has several large items of expenditure that it cannot afford in its current position. If future growth of the Carnarvon Townsite and Coral Bay Settlement can be achieved, then the capital items can be taken back by the Shire, but at the moment, the best option would be to explore opportunities to pass items back to State Government where possible.

Background:

As part of the financial planning for the Shire, several discussions have centered around longer term strategic financial planning. This included actions allowing the Shire to stabilise its financial position and have a more sustainable financial plan with funding held in Reserve to allow for capital renewal and a planned spending for the Shire rather than being reactive.

By reducing maintenance and depreciation costs of assets that are returning minimal value, the Shire will be able to focus funds on other goals to improve growth in the town and grow the rate base.

While the Key Performance Indicators (KPI's) for the Chief Executive Officer require a report to be prepared for June 2021, it may be a preference to consider items as they arise so that if acceptable to Council, the savings may be able to be realised earlier, reducing the financial burden on the ratepayers.

Consultation:

Staff
Executive Leadership Team
Council Members

Statutory Environment:

Local Government Act 1995 – Section 3.58 Disposal of Property.

Relevant Plans and Policy:

Nil.

Financial Implications:

The building assets identified are owned by the Shire of Carnarvon however in each case, the land is not Shire owned. Disposal of these assets may not be a simple matter however those details will be drawn out through the initiation of the process.

The building assets are being used on a minimal basis (some not at all) and usually on minimal rent. Some leased properties have agreements where maintenance is the tenants responsibility, however over the years, maintenance on some facilities has been minimal.

As Shire assets, these buildings and facilities are creating a cost for the Shire in depreciation and the requirement to maintain expenditure for ratios in order to ensure asset renewal at an acceptable level.

Financially, it may be more responsible for the Shire to dispose of these assets, especially as the return on the investment is less than the cost of maintenance and depreciation.

Risk Assessment:

This report has been based on the ability of the Shire to dispose of the assets listed. Due to the ongoing cost of the buildings, it may be difficult to dispose of the assets to the groups that are using the facilities. The State may require the return of their land unencumbered by buildings as in the case of the old St Johns Ambulance site.

It is also recommended that the Shire consider transferring several major assets to the State Government. Due to State Government finances, the change may be difficult to get approved.

As the Shire will be trying to dispose of aged infrastructure and some major items, there may be a public perception that the Shire has serious financial concerns where we are actually just trying to better manage our financial situation for future growth. The misconception is a potential reputational risk for the Shire, however a simple message to the wider public about stabilising the Shires financial situation should negate that risk.

Community & Strategic Objectives:

Goal 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
2.6.5	Buildings and facilities are appropriately managed according to their need and use

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.2.4	The Shire will apply sustainability principles in its own operations
5.4	Sound financial and asset management
5.4.1	The Shire has an Asset Management Plan in place for each asset class
5.4.2	The Shire's Long Term Financial Plan shows financial sustainability, with realistic renewals expenditure and a realistic rates profile

Comment:

Assets that have minimal use and return for the Shire are listed below with the possible reduction in costs.

	Replacement Cost	Fair Value	Maintenance approx	Depreciation	Income	Net Annual Impact to Shire
Butcher Street Playgroup	1,280,000	460,000	10,115	25,556	628	-35,043
Infant Health Centre (Now 360 Health)	240,000	86,000	1,656	4,778	8,152	1,718
Toilet Block Cultural Centre	225,000	145,000	2,638	4,394	-	-7,032

Major items for consideration of transfer to the State Government include:

	Replacement Cost	Fair Value	Maintenance approx (not Capital Upgrades)	Depreciation	Income	Net Annual Impact to Shire
Fascine Wall (mtce avg over 20 years)		8,350,000	118,500	167,000		-285,500
Fascine Waterway (dredging mtce)		2,598,790	70,000	51,976		-121,976
Coral Bay Airport		708,535	12,500	28,341		-40,841
Coral Bay Airport Building		31,744	1,500	635		-2,135
						-450,452

Maintenance of the Fascine Waterway

Maintenance of the Fascine was transferred to the Shire of Carnarvon through an agreement in 1995. The agreement was based on the premise of State Government dredging a significant amount of the Fascine waterway. Dredging was never completed to its full extent. This questions the legitimacy of the agreement as the original conditions of the transfer to the Shire were never completed. Legal opinion may be required to consider if the Fascine is the responsibility of the Shire or State Government.

Current information shows that the fascine area is in need of dredging around the tramway bridge and Northwater area. This is likely to be an ongoing process that can be completed by the Yacht Club Dredge, but will require a constant budget to allow for maintenance dredging.

From the Shire's perspective, the cost of maintaining the Fascine may be able to be covered by residential development of the Northwater and Babbage Island area. As can be seen from the current number of houses in the area today, this development is nowhere near what was anticipated.

With the two failings of the Fascine area being State Government failing to complete the task, and the failure in the growth on Northwater and Babbage Island, the Shire is left with an asset that the current town and ratepayers do not have capacity to maintain. As such, this asset should be returned to State government.

Fascine Wall

The Fascine Wall was a project that was developed under the Royalties for Regions program to get funding into regional areas for growth and provision of assets required in those areas.

While the project has given Carnarvon and excellent water front feature, it has left the Shire with a legacy in maintenance costs and an asset renewal requirement that will be a significant financial burden for the Shire given the current growth of the town.

Maintenance for the Fascine Wall averages to \$118,000 per year, with some years being minimal (\$15,000) and some being extreme (approx. \$400,000) when repainting the wall is required. This also does not cover the replacement expenses that will be required as the sheets deteriorate and need to be replaced.

Coral Bay Airport

Coral Bay Airport was transferred to the Shire of Carnarvon in 2014. While the Shire is in the better position to manage the facility, it was a liability that was transferred from the State Government to the Shire of Carnarvon.

This airstrip is unlikely in the foreseeable future to raise sufficient revenue to offset maintenance costs, even with assistance of Regional Airport Development Scheme (RADS) funding to provide for the airport, this funding generally requires a contribution from Council.

While the Shire of Carnarvon may be best place to administer the facility, it is certainly not in a position to fund the facility.

OFFICER'S RECOMMENDATION

That the Chief Executive Officer proceed with process and negotiations for the disposal of the following building assets:

- 1. Butcher Street Playgroup*
- 2. 360 Health Centre*
- 3. Toilet Block at Cultural Centre*

and the transfer of the following assets to the State Government if possible.

- 1. Fascine Waterway*
- 2. Fascine Wall*
- 3. Coral Bay Airport.*

With all items coming back to Council for approval prior to a transfer/disposal finalization.

FC 5/6/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That Standing Orders Section 13 be suspended at 1.16pm to enable further discussion in relation to current Council assets.

CARRIED

F7/A0

FC 6/6/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That Standing Orders Section 13 be resumed at 1.30pm.

CARRIED

F7/A0

FC 7/6/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the Chief Executive Officer –

- 1. Proceed with investigation of the disposal of the following building assets:*
 - a. Butcher Street Playgroup*
 - b. 360 Health Centre*
 - c. Toilet Block at Cultural Centre*
- 2. Transfer the following assets to the State Government if possible.*
 - a. Fascine Waterway*
 - b. Fascine Wall*
 - c. Coral Bay Airport.*

With all items coming back to Council for approval prior to a transfer/disposal finalization.

FC 8/6/20

AMENDMENT TO MOTION FC 7/6/20

Cr Fullarton/Cr Pinner

That the Chief Executive Officer –

- 1. Proceed with investigation of the disposal of the following building assets:*
 - a. Butcher Street Playgroup*
 - b. 360 Health Centre*
- 2. Transfer the following assets to the State Government if possible.*
 - a. Fascine Waterway*
 - b. Fascine Wall*
 - c. Coral Bay Airport.*

With all items coming back to Council for approval prior to a transfer/disposal finalization.

CARRIED

F7/A0

FC 9/6/20

AMENDMENT TO MOTION FC 8/6/20

Cr Smith/Cr Maslen

That the Chief Executive Officer –

1. *Proceed with investigation of the disposal of the following building assets:*
 - a. *Butcher Street Playgroup*
 - b. *360 Health Centre*
2. *Transfer the following assets to the State Government if possible.*
 - a. *Fascine Waterway*
 - c. *Coral Bay Airport.*

With all items coming back to Council for approval prior to a transfer/disposal finalization.

CARRIED
F7/A0

Motion FC 7/6/20 with amendments which now reads as follows, was put –

FC 7/6/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the Chief Executive Officer –

1. *Proceed with investigation of the disposal of the following building assets:*
 - a. *Butcher Street Playgroup*
 - b. *360 Health Centre*
2. *Transfer the following assets to the State Government if possible.*
 - a. *Fascine Waterway*
 - c. *Coral Bay Airport.*

With all items coming back to Council for approval prior to a transfer/disposal finalization.

CARRIED
F7/A0

(Note to Minute – The Fascine Wall is a Council asset and therefore consider that it remain the responsibility of the Shire of Carnarvon. The toilet block at the cultural centre is also to remain as an asset for the time being.)

8.2 CORPORATE SERVICES

FC 10/6/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

That Items 8.2.1 to 8.2.3 inclusive be adopted en-bloc as follows –

File No:	ADM0186
Date of Meeting:	23 June 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Dallas Wood Harris – 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 31 May 2020 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 \$1,012,780.83 as presented for the month of March 2020 incorporating.

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
DD37872	DD37892	Bank Direct	\$98,143.84
47159	47174	Muni Cheques	\$63,707.24
7506	7512	Trust Cheques	\$3,814.50
EFT30597	EFT30779	Muni EFT	\$687,601.57
EFT30596	EFT30733	Trust EFT	\$3,738.79

- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,098.50 as presented.
- c) Note Sundry Creditors as at 31 May 2020 \$266,697.28

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totaling \$1,012,780.83 as presented for the month of March 2020 incorporating.

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
DD37872	DD37892	Bank Direct	\$98,143.84
47159	47174	Muni Cheques	\$63,707.24
7506	7512	Trust Cheques	\$3,814.50
EFT30597	EFT30779	Muni EFT	\$687,601.57
EFT30596	EFT30733	Trust EFT	\$3,738.79

- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,098.50 as presented.
- c) Note Sundry Creditors as at 31 May 2020 \$266,697.28

8.2.2 FINANCIAL ACTIVITY STATEMENT 31 MAY 2020

File No: ADM0186
Date of Meeting: 26 May 2020
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Kim Chua 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 31 May 2020.

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 April 2020 as per Schedule 8.2.2.

COUNCIL RESOLUTION & 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 May 2020 as per Schedule 8.2.2.

File No:	ADM0186
Date of Meeting:	23 June 2020
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 31 May 2020.

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 31 May 2020 as per Schedule 8.2.3.

FC

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council receive the investments report, as at 31 May 2020 as per Schedule 8.2.3.

CARRIED
F7/AO

8.2.4 REPORT ON INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2020/2021

File No:	ADM0186
Date of Meeting:	23 June 2020
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 Items	24 April 2020; 30 April 2020.

Summary of Item:

This item reports on the activities relating to the differential rates as proposed for the 2020/2021 budget, including the initial council approval to endorse the differential rates, the calculations and publishing the rates to reflect the intention to freeze the rate revenue, the submissions from the public notices and the adjustments required following the Landgate revaluation of the UV properties.

As part of the 2020/2021 budget process, the Council is required to endorse the proposed differential rates on properties valued on an unimproved basis. Council endorsed the item at the SCM on 30th April as FC . The differential rates were advertised as a local public notice seeking public comment or submissions which were to be considered by Council prior to the final adoption of rates. Due to the current set of circumstances the rates model is based on a nil increase rather than the planned general rate revenue increase of 6% shown in accordance with the Corporate Business Plan.

The differential Rates were applied to all UV properties and to the GRV Commercial/Industrial properties. Further evaluation and calculations were required from the Landgate revaluation on UV properties to maintain the recommended nil Rate Revenue increases.

Background:

The Shire of Carnarvon has historically applied differential rates only to land parcels valued on an Unimproved Value (UV) basis while properties on a Gross Rental Value (GRV) are all rated on the same rate in the dollar. Initially it was proposed to continue the same approach for the 2020/2021 financial year. However, there will be a differential rate on the GRV Commercial/Industrial properties in the new budget as there was a significant increase in average values from the Landgate GRV valuation process as applied on the 1st July 2019. During the analysis to adjust for the Landgate revaluation, the new GRV Commercial/Industrial rates reduction, and other potential issues, the GRV Residential and the GRV Special Uses/Rural categories are being reported separately and the minimum rates have been analyzed and reviewed.

The objective of imposing differential rates is to ensure equity across different land uses, especially where values can vary greatly from properties close to townsites and those in more remote areas of the Shire. The ability of Council to apply a different rate in the dollar ensures that all properties make a fair contribution to the required revenue of the Shire.

Applying differential rates can also be used should Council wish to stimulate growth in a particular area of the Shire or offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations. With the objective of stimulating growth and to partially offset the dramatic changes in valuation as at 1st July 2019, this agenda item provides two options for Council consideration.

The Landgate revaluation as applied on 1st July 2019 (date of valuation 1st August 2018) had a significant impact on some Gross Rental Value (GRV) properties as the valuations were updated to the current Landgate criteria. For the 2020/2021 financial year the only expected rates changes from 2019/2020 would be if there was an updated revaluation on individual properties.

Description of Proposal:

The Public Notice as advertised on the Shire Websites and Notice Boards from the 1st May and in the Midwest Times of the 6th May is as follows:

LAND USE CATEGORY	PROPOSED RATE IN \$	PROPOSED MINIMUM
UV Mining	14.1000 cents	\$229.00
UV Pastoral	7.5966 cents	\$461.00
UV Intensive Horticulture	1.3028 cents	\$902.00
GRV Commercial/Industrial	9.4266 cents	\$1,093.00
The figures stated above are indicative and are subject to change due to valuation variations as part of Council's 2020/21 Budget deliberation. The proposed UV rates in the \$ are unchanged from 2019/20		

The current Landgate annual UV properties revaluation resulted in an increase in unimproved values of:

UV Mining	1.61%
UV Pastoral	93.8%
UV Intensive Horticulture	-11.8%

An analysis to adjust for the Landgate revaluation, feedback from community, Councillors and administration and other potential issues was undertaken. The GRV Residential and the GRV Special Uses/Rural categories will be reported separately to provide more information and to permit more considered future decision on rates. An analysis and review of the minimum rates variances and compliance with the 50% minimum rule, has revealed that some long term corrective action can be taken to also permit more considered future decision on rates.

LAND USE CATEGORY	PROPOSED RATE IN \$	RATE REVENUE	PROPOSED MINIMUM
Uniform General Rate			
GRV Residential	10.4740 Cents	\$2,323,318.00	\$1,093.00
GRV Special Use/Rural	10.4740 Cents	\$185,692.00	\$1,093.00
Differential General Rate			
GRV Commercial/Industrial	9.4266 cents	\$1,466,828.00	\$1,093.00
UV Mining	11.9933 cents	\$70,330.00	\$400.00
UV Pastoral	3.9737 cents	\$207,064.00	\$1,093.00

UV Intensive Horticulture	1.4728 cents	\$493,300.00	\$1,093.00
Total		\$4,746,528.00	
The figures stated above reflect the influence of the Landgate revaluations of UV properties and the relationship to the principle of keeping the general rate revenue the same as 2019/2020, separate reporting of each category and compliance to the principle of standard minimum rates wherever possible.			

The proposed differential rates contained in this report are set to maintain the relative contributions to general rate revenue for each differential category as applied in 2020/2021 except for the GRV Commercial/Industrial category subject to the Council decision on the Officer's Recommendations 5 or 6.

Background:

The purpose of levying rates is to meet Council's budget requirements in each financial year to deliver facilities, services and community infrastructure. The rates levied on properties are determined by applying the rate in the dollar to the applicable valuation amount of the properties within the district, and if applicable, applying a minimum rate where considered appropriate. The Shire applies a minimum rate to each rating category in accordance with the Local Government Act 1995 Section 6.35, to ensure that properties with a low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire services.

The method of land valuation (GRV or UV) is determined by the Minister for Local Government, Sports and Cultural Industries (the Minister) with individual valuations being provided to the Shire by the Valuer Generals Office (VGO) as part of Landgate.

The power to set differential rates is contained in the Local Government Act 1995 section 6.33 (1) which provides the ability to differentially rate properties based on their purpose, zone or other characteristics.

The Department of Local Government, Sports and Cultural Industries (the Department) requires that Council endorse not only the imposition of differential rates, but also the objects and reasons for the imposition of differential rating. The application of differential rates and minimum payments to properties within the Shire maintains equity in the rating of properties and enables Council to raise the revenue necessary to provide facilities, infrastructure and services to the entire community and visitors of the Shire of Carnarvon.

This report has been prepared to:

1. Note the 2020/2021 budget process and preparation to date,
2. Present the proposed 2020/2021 Differential Rates Model that will reflect the rate in the dollar and minimum rate for each GRV and UV rating category.
3. Present the Objectives and Reasons to support the imposition of the proposed 2020/2021 Differential Rates
4. Present the required public notice for approval

Consultation:

Council and Administration.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 6.33 - 6.34 - 6.35

6.33. *Differential general rates*

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
 - (a) to land rated on gross rental value; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed

[Section 6.35 amended: No. 49 of 2004 s. 61.]

LOCAL GOVERNMENT ACT 1995 - SECT 1.7

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district; and

- (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

[Section 1.7 amended: No. 64 of 1998 s. 18(3).]

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

The effect of the Landgate valuations increases in two of the UV Categories and one reduction, the 10% reduction of GRV Commercial/Industrial rate revenue with a rate freeze of all other rating categories will provide approximately \$4,746,528.00 for the 2020/2021 budget. This level of rates funding will require a corresponding reflection in the expenditure budgets. There is a minor change to the number of minimum rate payers that had a revenue impact influenced by a rationalisation of the minimum rates wherever possible.

The actual rate applied will be the differential rates applied for and approved by the Ministerial delegation, unless a variation is approved by the Minister, (the interpretation of this latter part was missed in prior years).

This is to comply with the Local Government Act 1995 Section 6.33(3):

- (3) In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

Risk Assessment:

Three potential risks are identified: —

1. The risk of possible misinterpretation of the rate in the dollar applied to the individual UV rate categories for the Unimproved Valued properties and the GRV rate category Commercial/Industrial properties. The rate in the dollar proposed will raise revenue from each category based on the same rate as in 2019/2020 except for the GRV Commercial/Industrial properties which may have a lower rate than in 2019/2020.
2. The second risk identified is if Council do not adopt the propose differential and general minimum rates it could result in the Shire being in breach of the Act.
3. The objections to the unresolved valuations currently before Landgate could erode part of the rate revenue. At least one objection to the GRV valuation on a Commercial / Industrial property has had the objection rejected by a Landgate review.

The legislation states that Council must give sufficient notice to the public advising of the intention to impose differential rates and invite submissions from any ratepayers or electors in respect to the proposal.

As noted earlier in this report, the time allowed for the submissions to be made is 21 days and after this period expires, Council are then required to write to the Department requesting Ministerial approval to impose the proposed rates. This process needs to be carried out prior to the adoption of the 2020/2021 Annual Budget.

Information from Department of Local Government

We have received information from an officer at the Department of Local Government questioning how we have addressed the GRV categories in spite of stating that 'the GRV RIDs do not require approval' and that 'the Shire is in breach of the LG Act in regards to the GRV rates'. We have advertised on the websites and in the paper again to reduce the risk to the Shire.

"we strongly recommend the Shire readvertises to correct the following matters:

- The attached public Notice does not include the GRV Residential and the GRV Special Use/Rural RID (both .104740) and only the GRV Commercial Industrial RID (.094266). I can see that these RIDs are being applied via the attached tables.
- The attached statement of objects and reasons also do not include objects of and reasons for these two rating categories and the actual RID being applied.

I think there is some confusion from the Shire in regards to what is required when the Shire is imposing a differential rate in the dollar that requires Ministerial approval and when it is imposing a differential rate in the dollar that does not require Ministerial approval.

While there is no requirement to seek approval from the Minister when the differential rate is less than 2 times the lowest in a category and therefore the GRV RIDs do not require approval, the Minister (dept. on delegation) cannot approve the proposed UV RIDs with the knowledge that the Shire is in breach of the LG Act in regards to the GRV rates.

It is our suggestion that the Shire does the following before resubmitting the application:

- Council adopts objects and reasons for ALL GRV categories;
- The public notice includes ALL GRV and UV RIDs and minimum payments; and
- The public notice is advertised in a newspaper circulating generally throughout the district (for 21 days)."

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 difficulty with the legislative requirements surrounding the imposition of Differential Rates is the time factor involved to:

- Obtain the valuations for the forthcoming financial year from Landgate;
- Advertise the proposed differential rates based upon estimates; and
- Seek Ministerial approval.

As noted above, all this needs to be completed at a time before the adoption of Council's budget for the next financial year; hence the reason the differential rates are based upon estimations using:

- the previous year valuations (on properties where valuation rolls have not yet been received);
- estimated UV increase or not as the case may be, for the next year; and
- estimated rate revenue increases for the next year based on the adopted Corporate Business Plan or other Council approved factors.

An overall increase of 8 percent was applied to the 2018/19 rates yield and a further increase of 6 percent was applied in 2019/20. These rate increases were identified through Council's major strategic review undertaken in 2018 and was driven by Council's commitment to deliver on services and projects that have been recognised as key community priorities in both the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

Due to the impact of COVID-19 on the community, Council has made an 'in principle' resolution that there will be no increase in the rate in the dollar for 2020/2021. Any variances will result from individual changes in

valuation of properties. In addition, the GRV Commercial/Industrial properties will have a reduction in the rate in the \$ and rate revenue by 10%.

1. 2020/2021 Budget Process to date
The Executive team are currently undertaking the annual process for review of the next financial years annual budget. As noted above, the 2020/2021 budget will align with the delivery of key projects identified in the SCP and the CBP as well as influencing factors resulting from the COVID-19 situation. Depending on the impact from COVID-19 on the available budget there may be increased pressure on certain projects and service level delivery. Staff are working towards the 2020/2021 Annual Budget being adopted by the 30th June 2019.
2. 2020/2021 Differential Rates Objectives and Reasons
Refer to the attached Schedule **8.2.4 A** for the 2020/2021 Differential Rates Objects and Reasons
3. 2020/2021 Differential Rates Model
Refer to the attached Schedule **8.2.4 B** for the 2020/2021 Rate Information Tables.
4. 2020/2021 Differential Rates Public Notice
The Local Government Act 1995 Section 6.36 requires the Council to give public notice of its intention to impose differential general rates or a minimum payment applying to a differential rate category. This allows the ratepayers to see how properties are rated across the district.

If any submissions are received, Council must consider the submissions prior to seeking Ministerial approval (should this be required) and prior to formally adopting the differential rates and minimum payments as part of the annual budget process.

OFFICER'S RECOMMENDATIONS

1. *That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have unimproved valuations assigned to them as follows;*

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>UV Mining</i>	<i>11.9933</i>	<i>400.00</i>
<i>UV Pastoral</i>	<i>3.9737</i>	<i>1,093.00</i>
<i>UV Intensive Horticulture</i>	<i>1.4728</i>	<i>1,093.00</i>

2. *That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have gross rental valuations assigned to them as follows;*

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>GRV Residential</i>	<i>10.4740</i>	<i>1,093.00</i>
<i>GRV Special Uses/Rural</i>	<i>10.4740</i>	<i>1,093.00</i>
<i>GRV Commercial/Industrial</i>	<i>9.4266</i>	<i>1,093.00</i>

3. *That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days.*
4. *That Council adopt the Objectives and Reasons of the Differential Rates relating to GRV Residential, GRV Special Uses/Rural, GRV Commercial /Industrial, UV Mining, UV Pastoral and UV Intensive Horticulture as outlined in the attached Schedule 8.2.4 A.*
5. *That Council consider any submissions in respect of imposition of differential rates as part of the 2020/2021 Budget deliberations.*

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

1. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have unimproved valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
UV Mining	11.9933	400.00
UV Pastoral	3.9737	1,093.00
UV Intensive Horticulture	1.4728	1,093.00

2. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have gross rental valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
GRV Residential	10.4740	1,093.00
GRV Special Uses/Rural	10.4740	1,093.00
GRV Commercial/Industrial	9.4266	1,093.00

3. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days.
4. That Council adopt the Objectives and Reasons of the Differential Rates relating to GRV Residential, GRV Special Uses/Rural, GRV Commercial /Industrial, UV Mining, UV Pastoral and UV Intensive Horticulture as outlined in the attached Schedule 8.2.4 A.
5. That Council consider any submissions in respect of imposition of differential rates as part of the 2020/2021 Budget deliberations.

CARRIED BY ABSOLUTE MAJORITYF6/A1

Cr Fullarton voted against the motion

8.2.5**QUARTERLY FINANCIAL REPORT**

Date of Meeting	23 June 2020
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	17 December 2019; 28 April 2020.

Summary of Item

This report provides the third financial report to Council at a General Ledger (COA) and Job level, as at the 17th June 2020. The report is to inform Council of the financial movement and presented at Program, Sub-Program,

and account type in a clear manner. This report provide a point in time towards the end of the quarter and enables the administration to manage any outstanding issues.

Description of Proposal

To continue a process to provide Council with a Quarterly Financial Management Report at a detailed level as shown at ***Schedule 8.2.5 - Quarterly Report June 2020***. The schedule reports the current budget and expenditures and current purchase orders. There will be a number of end of year transactions and journals before the financial reports are ready for the Auditors.

Background

Council has requested financial information in order to ensure that they are meeting public desire for financial oversight.

Consultation

Discussion with Councillors, Management and Financial Services to provide a suitable report to provide Financial Management information in a meaningful manner.

Statutory Environment

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

Relevant Plans and Policy:

Corporate Business Plan 2018 – 2022 (CBP)

Financial Implications

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

Risk Assessment

Nil

Community & Strategic Objectives:

The proposed recommendation aligns with the Strategic Community Plan 2018 - 2028 in the following ways:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.2	Highly capable executive leadership and management
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 8.2.5 - Quarterly Report June 2020*** is formed from an operational report used to monitor financial movements, variances, preparation for budget preparation and for improved financial management. The report displays prior year data to provide context. The Schedule report is presented before the end of the current quarter as at 17th June 2020 which matches the 8.2.2 - Financial Management Report. The adjustments to the Current Budgets as required and approved have been applied to the report.

OFFICER'S RECOMMENDATION

That Council accept the Quarterly Financial Management Report at the COA and Job level as presented as Schedule 8.2.5 - Quarterly Report June 2020.

FC 12/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Nelson

That Council accept the Quarterly Financial Management Report at the COA and Job level as presented as Schedule 8.2.5 - Quarterly Report June 2020.

CARRIED

F7/A0

8.2.6

ADOPTION OF THE 2020/2021 FEES AND CHARGES SCHEDULE

Date of Meeting	23 June 2020
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 Jodie Anderson, Senior Finance Officer
Declaration of Interest	Nil
Voting Requirements	Absolute Majority

Summary of Item:

The purpose of this report is to present the 2020/2021 draft Schedule of Fees and Charges to Council, forwarded under separate cover as ***Schedule 8.2.6 - Schedule of Fees and Charges*** for adoption by Council.

Description of Proposal:

This proposal constitutes the presentation of the Schedule of Fees and Charges for adoption.

Background

As reflected in the Statutory Section of this report *S6.16 of the Local Government Act 1995* a Council may impose a fee or charge for any goods or service it provides. It is the intention to impose the fees and charges as included in ***Schedule 8.2.6 - Schedule of Fees and Charges*** prior to the 1st July 2020 so that they can be operational for the full financial year.

Consultation:

Input and consultation with Council, Administration and various facility managers has been influenced by statements from the Minister of Local Government, the State Government and Local Government organisations encouraging a nil increase in fees and charges whenever possible subject to legislative constraints. Council indicated support for this proposition. Except for a few instances the schedule has followed this approach.

Statutory Environment:

The Schedule of Fees and Charges may be imposed when adopting the annual budget or during a financial year in accordance with Section 6.16 (3) of the *Local Government Act 1995*.

LOCAL GOVERNMENT ACT 1995 - SECT 6.16

6.16 . Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

5.63 . Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government;

In adopting the draft Schedule of Fees and Charges reference is made to Section 5.63(1)(b) of the *Local Government Act 1995* that specifically excludes the need for elected members to ‘Declare a Financial Interest’ in imposing any rate, charge or fee by the local government.

Relevant Plans and Policy:

The Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan have been referenced when considering the fees and charges.

Financial Implications:

The proposed no increase in fees and charges will constrain the revenue growth however in the current health and financial environment the Council considers support for the community to be paramount.

Risk Assessment:

Adopting the Schedule of Fees and Charges before the 1st July will mean that the annual invoicing will be done in a timely manner. Early adoption will assist with operational matters including cash flow, timeliness and efficiency.

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
5.6	The Shire advocates on behalf of its community

Comment

The adoption of the Schedule of Fees and Charges with a nil increase whenever possible subject to legislative constraints will assist in the community’s recovery from the current COVID-19 situation. The timeliness of the adoption will assist with the financial management of the Shire and the efficiency of the administration and processes.

OFFICER'S RECOMMENDATION

That Council adopt the 2020/2021 Schedule of Fees and Charges for the Shire of Carnarvon for the financial year ending 30th June 2021 [as presented under separate cover as Schedule 8.2.6 - Schedule of Fees and Charges] in accordance with Section 6.16 of the Local Government Act 1995.

FC 13/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Vandeleur

That Council adopt the 2020/2021 Schedule of Fees and Charges for the Shire of Carnarvon for the financial year ending 30th June 2021 [as presented under separate cover as Schedule 8.2.6 - Schedule of Fees and Charges] in accordance with Section 6.16 of the Local Government Act 1995 subject to -

- 1. The annual application for market/event stall licence = \$576.00 (equates to \$32.00/session) or \$50 per session.*
- 2. The annual application for a GGA members stall holder \$288.00 (equates to \$16.00/session) or \$25 per session*

FC 14/6/20

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That Standing Orders Section 13 be suspended at 2.11pm to discuss the changes to some of the fees and charges.

CARRIED
F7/A0

FC 15/6/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Standing Orders Section 13 be resumed at 2.18pm.

CARRIED
F7/A0

Council Motion FC 12/6/20 was amended at the agreeance of the Mover and the Seconder.

Motion FC 12/6/20 was put
CARRIED BY ABSOLUTE MAJORITY
F7/A0

(Note to Minute – The fees for the different stall holders was included to ensure that the fees were fair and equitable.)

8.3.1 RETROSPECTIVE APPROVAL FOR RADIO ANTENNA – LOT 397 (HN 11) CORNISH STREET, EAST CARNARVON

File No: P13/20, A3233
 Date of Meeting: 23 June 2020
 Location/Address: Lot 397 (HN 11) Cornish Street, East Carnarvon
 Name of Applicant: Phil Youd
 Name of Owner: Karl Brandenburg
 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 report relates to an application for retrospective approval for an antenna pole for a radio transmitter at Lot 397 (HN 11) Cornish Street, East Carnarvon; see Schedule 8.3.1(a) for the location. The subject lot is located within the 'General Industry' zone in which Radio/TV installation may be permitted. The officer's recommendation is to approve the development subject to conditions.

Description of Proposal:

The site is in the East Carnarvon industrial area. The subject lot has an area of 11,096m² and is zoned 'General Industry'. The proposed use is an 'AA' use meaning that the local government may, at its discretion, permit the use. The structure is 18m in height with a navigation light at the top. It is located adjacent to a workshop shed (see Fig. 1 & 2.) and setback two (2) metres from the southern boundary. The antenna is secured with a steel and concrete footing to a depth of two (2) metres. The lot is used by an earthmoving contractor and contains stockpiles of sand/gravel and a large workshop.



Figure 1. Location of antennae



Figure 2. The antennae structure

Background:

The antenna was installed without planning and building approval. The applicant has advised that the antenna will be used for the transmission of a local radio station to the Carnarvon community. The applicant has been advised that he will need to obtain a building license for the structure.

The antenna is located within the approach of Runway 22 of Carnarvon Airport. Therefore, it was recommended by the Civil Aviation Safety Authority (CASA) that a Full Obstacle Limitation Surface (OLS), and Procedures for Air Navigation Services Aircraft Operations (PAN OPS) assessment be undertaken.

The (PAN OPS) assessment was undertaken by 'Airservices Australia' as they are the authority that is responsible for flight path design.

The full OLS assessment was undertaken by 'Airport Management Services' in lieu of a CASA assessment (CASA were not available to undertake the assessment) noting that these consultants were considered by the Airport Manager to have the appropriate skills and experience to undertake this work.

Consultation:

Local Planning Scheme 10 (LPS 10) does not require public notification (advertising) of the proposal.

The application was referred to the Shire's Airport Manager for comment as the proposed structure is located within the approach of Runway 22 of the Carnarvon Airport. The Airport Manager was advised by CASA that a full OLS and PAN OPS assessment will need to be undertaken.

'Aerodrome Management Services' has undertaken a full OLS assessment and has advised that the antenna is compliant with the OLS as *'the antenna is under the 2 % takeoff by around 3-4m, with an obstacle gradient of approximately 1.46 % '*.

Regarding the PAN OPS assessment, 'Airservices Australia' has advised that *'at a height of 22.25m AHD the tower will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Carnarvon aerodrome'*.

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 in this instance being the installation of an antenna pole for radio station transmission. As the antenna pole has already been installed the application is for a retrospective approval.

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. A full assessment of the proposal against the regulations is required and has been completed. The application is compliant with the Regulations.

Shire of Carnarvon Local Planning Scheme No. 10

Under LPS 10 the lot is zoned 'General Industry' in which Radio/TV installation is an 'AA' use meaning that the local government may, at its discretion, permit the use. Radio/TV installation means: *"land, structures and buildings used for the relay or transmission of radio, telephone and television signals and include provision for the generation of, or conversion of power supplies for these purposes"*.

Draft Local Planning Scheme 13

Under Draft LPS 13 the lot is also zoned 'General Industry' which 'Telecommunications Infrastructure' is a 'P' use meaning that the use is permitted if it complies with all relevant development standards and requirements of the Scheme. Telecommunications Infrastructure means: *"premises used to accommodate*

the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure related to the network”.

Relevant Plans and Policy:

Shire of Carnarvon Policy Statement No. 4 – Airport approaches

This policy applies because the site is located within the OLS buffer of Runway 22 of Carnarvon Airport. The objective of this Scheme Policy is to maximise compatibility between the development of those affected parts of the Scheme Area and the continued use of Carnarvon Airport.

The Policy statement reads:

- (a) *“With respect to the East-West and North- South runways, Council will examine any proposals for development on the basis of its susceptibility to amenity loss from light aircraft movements. In general, such impact is regarded as being of minor consequence only and will not normally interfere with proposals.*
- (b) *With respect to the South West-North Runway used by jet aircraft, Council will:*
 - (i) *Limit the height of any new development to accord with Department of Transport specifications.*
 - (ii) *Examine each proposal to determine whether or not any development or land use will interfere or adversely affect communications and aviation equipment.*
 - (iii) *In the case of the North Eastern Flight Path, generally oppose any residential development unless very exceptional circumstances can be proved to exist justifying a departure from this policy.*
 - (iv) *In the case of the South West Flight Path, examine each proposal for new residential development with the impact of the Flight Path in mind and seek to secure forms of development which will minimise amenity loss from aircraft movements.”*

Civil Aviation Safety Authority (CASA) Manual of Standards Part 139 – Aerodromes.

Financial Implications:

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

Risk Assessment:

As the structure is located within the approach of Runway 22 of Carnarvon Airport, the Airport Manager was advised by CASA that a full OLS and Pan OPS assessment is to be carried out. These assessments were undertaken by ‘Aerodrome Management Services’ and ‘Airservices Australia’ and considered by the Airport Manager to be acceptable.

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
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay
1.3.2	Develop industry and logistics precincts around the airports

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

Objective 5: Civic

Strong and listening Council.

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
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed

Comment:

The antenna is located within the approach of Runway 22 of Carnarvon Airport. After the completion of a full OLS and Pan OPS assessment, advice received from 'Aerodrome Management Services' and 'Airservices Australia' confirms that the antenna is compliant, as it does not fringe (interfere with) either the OLS or PAN OPS.

The development of the radio tower is consistent with the zoning of the site and will enable a local radio station to be streamed to the Carnarvon community. The officer's recommendation is that the application be approved subject to the conditions outlined below.

OFFICER'S RECOMMENDATION

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant retrospective development approval for application P13/20 for a 18m antenna pole for radio station transmission at Lot 397 (HN 11) Cornish Street, East Carnarvon, subject to the following conditions:

- 1. The development is to be generally in accordance with the approved plans submitted on 28 May 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*
- 2. The red obstacle warning light atop the structure must be operational during hours of darkness and extremely low light. The light must remain functional and be self-automated for the life of the structure.*

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) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

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 P13/20 for a 18m antenna pole for radio station transmission at Lot 397 (HN 11) Cornish Street, East Carnarvon, subject to the following conditions:

1. The development is to be generally in accordance with the approved plans submitted on 28 May 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.
2. The red obstacle warning light atop the structure must be operational during hours of darkness and extremely low light. The light must remain functional and be self-automated for the life of the structure.

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) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.

CARRIED

F4/A3

Cr Nelson voted for the motion.

8.3.2 CARNAVON CIVIC CENTRE REVITALISATION PLAN 2020

File No:	ADM1773; 4A0123.05
Date of Meeting:	23 June 2020
Location/Address:	Olivia Terrace, Camel Lane and Robinson Street, Carnarvon.
Name of Applicant:	Shire of Carnarvon
Name of Owners:	Shire of Carnarvon and State of WA
Author:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple majority
Previous Reports:	22 October 2019, 23 August 2016

Summary of Item:

This report presents to Council the final draft version of the Carnarvon Civic Centre Revitalisation Plan 2020 (the Plan) for their consideration; see Schedule 8.3.2(a). The intention of the proposed Plan is to:

- Identify possible streetscape improvements to encourage revitalisation.
- Set out urban design principles to guide future development with particular reference to the old courthouse/police station site.
- Assist with future applications for grants for urban improvements.

- Highlight opportunities for future investment.

In 2016 under the Northern Planning Program the then Department of Planning provided a grant to enable the Shire to initiate the preparation of a revitalisation plan to guide future development and investment in the Carnarvon Civic Centre Precinct. A draft Revitalisation Plan was prepared in 2004 for the overall precinct however it became apparent during consultation that several landowners did not support the redevelopment concept and it was requested that the plan be revised. Whilst this overall concept is included in the draft document for information, the revised plan provides a focus on the old Court House/Police Station Precinct as an important strategic redevelopment opportunity for Carnarvon.

Description of Proposal:

The vision for the Plan has evolved from it being 'a master plan' concept in anticipation of major state funding for redevelopment works across the entire precinct to a plan which highlights opportunities for investment, guidelines to maximise the benefit for the precinct of wholesale redevelopment, and potential streetscape improvement opportunities.

The current Plan proposes design guidelines for the previous courthouse/police station site to ensure that any redevelopment of the site will enhance the Olivia Terrace and Robinson Street experience and encourage investment within adjacent sites.

The Plan also identifies possible short to medium term streetscape improvements that will assist with the revitalisation of streets within proximity of the site, particularly Robinson Street and Olivia Terrace.

Background:

The intent of the project as set out in the report to Council of 23 August 2016 was to prepare a revitalisation plan that:

"describes, graphically illustrates, and spatially articulates the future development constraints and potential uses and built form recommended for the study area in order to achieve the outcomes set by Council."

The report stated that over the period 2004-2010, a number of planning projects had been investigated for the redevelopment of the area. Many of these plans were based on the potential for the relocation of the courthouse and police station within, or nearby, to this precinct. In 2015, the new relocated police and justice precinct opened.

The proposed "Redevelopment Plan" endorsed by Council in 2004 sought to formalize a pedestrian connection between the Shire's Visitor Centre and the Woolshed (and axial connection from the corner of Robinson Street and Camel Lane) through to Olivia Terrace.

The Council of the day endorsed the plan and directed further investigation to be carried out with stakeholders, including State officers responsible for the Police and Justice complex. Council at the time expressed an interest in this plan being the preferred basis for future designs and policy.

It should be noted that an enquiry-by-design workshop was held in 2007, with the objective being for stakeholders to "improve and enhance the town centre". The "Carnarvon Civic Precinct Revitalisation Plan – Outcomes Report" states that a Shire of Carnarvon Enquiry-by-Design Outcomes Report (2007) was prepared as a result of the workshop, however there is no record of the outcomes report ever being adopted by Council and therefore no official follow-up of the concepts was prepared.

This proposed Plan includes reference to the previous master plans prepared for the Precinct since 2004. A considerable amount of research and community input has been invested in these plans and they remain relevant as they identify important design considerations and provide a valuable foundation from which to consider future development proposals. Common to these plans are:

- Identification of important connections to adjoining areas.
- Encouraging a mix of land use including residential development.
- A strong focus on activation of the street frontages.
- The maintenance of Robinson Street as the main commercial focus for Carnarvon.

Draft Local Planning Scheme 13 is currently with the Minister for Planning for consideration and is due to be gazetted within the next few months. Under this proposed new Scheme, the precinct is zoned “Regional Centre/ Civic and Community Reserve” which reflects the existing mix of public and private land uses. These zones provide for a wide range of land uses providing appropriate development opportunities for future investment.

Consultation:

Initially, as part of the original project development, a steering committee was established with representatives from the Council, the Gascoyne Development Commission, the Department of Lands and Landcorp. Some initial discussions were held with the steering committee in relation to the former Court House and Justice site however Shire records indicate that the committee has not been active for some years. As noted above the current proposed Plan focuses on the redevelopment of the degraded Court House/ Police Precinct. It should be noted that the Department of Planning, Lands and Heritage are preparing to engage a suitably qualified contractor to demolish the existing buildings and to make good the site. Council has advised the Department that they have an interest in purchasing the land.

Statutory Environment:

Planning and Development Act 2005

The above Act provides for the preparation of a local planning strategies by local government. The Shire of Carnarvon Local Planning Strategy 2017 recognises the Carnarvon Fascine Waterway and Environs Master Plan of 2010 which provides a vision for the Fascine and Town Centre and seeks to attract funding, identify investment opportunities and encourage community support.

Planning and Development (Local Planning Schemes) Regulations 2015

Includes model provisions and deemed provisions that apply to local planning schemes in WA.

Financial Implications:

There are no direct financial implications for the Shire as the project has been financed through the Northern Planning Program of Royalties for Region 2016/17 with funding rolled forward in successive financial years. The approval of this matter by Council will finalise the project.

Risk Assessment:

There are no risks associated with the officer’s recommendation.

Community & Strategic Objectives:

The matter accords with the following Shire desired outcomes as expressed in the *Carnarvon Strategic Community 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
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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

Comment:

It is recommended that Council resolve to adopt the Carnarvon Civic Centre Revitalisation Plan 2020 as proposed, and forward a copy of the Strategy to the Department of Planning, Lands and Heritage for their information, noting that the document provides a basis for good design outcomes for the site noting however that such guidelines are not a statutory requirement (cannot mandatorily be enforced).

OFFICER'S RECOMMENDATION

That Council

- 1. Adopts the Carnarvon Civic Centre Revitalisation Plan 2020.*
- 2. Directs the CEO to forward a copy of the Carnarvon Civic Centre Revitalisation Plan 2020 to the Department of Planning, Lands and Heritage confirming that the project has been completed in accordance with the project brief and that the strategy has been adopted by the Council.*

FC 17/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Fullarton

That Council

- 1. Adopts the Carnarvon Civic Centre Revitalisation Plan 2020.*
- 2. Directs the CEO to forward a copy of the Carnarvon Civic Centre Revitalisation Plan 2020 to the Department of Planning, Lands and Heritage confirming that the project has been completed in accordance with the project brief and that the strategy has been adopted by the Council.*

CARRIED

F7/A0

File No:	ADM0124 and ADM0173
Date of Meeting:	23 June 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	John Meggitt, Principal Planner Jessica Taukiri, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	17 December 2019

Summary of Item:

In December 2019 Council requested that *Policy D001 Mobile Trading* (the Policy) be reviewed and updated to reflect current best practice with regards to controlling mobile trading within the district. This report puts forward a revised policy for Carnarvon and a new separate policy that is applicable only to Coral Bay.

The Shire of Carnarvon has recently received a number of licence applications and enquiries that have highlighted the need to address deficiencies in the current policy (found at Schedule 8.3.3(a)) and provide greater clarity and direction for both applicants and Shire staff.

Background:

Council resolution of 17 December 2019 (FC 21/12/19) resolved as follows:

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."*

Description of Proposal:

Further to the Council's resolution a review was undertaken by Shire staff of mobile trading policies adopted by other local governments. It was found that there is a considerable variation in the approach taken, however it is clear that having a 'Schedule of Declared Locations' assists both applicants and regulatory authorities in the delivery of the policy. This approach also ensures that the policy does not conflict with Commonwealth anti-competition laws. It was also deemed to be beneficial to have a policy which provides clear and simplified guidance for applicants on the objectives, requirements and locations for trading.

Two draft policy documents are provided to Council for their consideration: the first is a revised draft mobile trading policy for Carnarvon (see Schedule 8.3.3(b)), and the second is a draft mobile trading policy exclusively for Coral Bay (see Schedule 8.3.3(c)).

The objectives of the draft policies before Council are:

- To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
- To regulate the level and intensity of vendor activities on road reserves and other public places necessary to ensure that the site is retained primarily for its primary purpose.
- To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.

- To ensure that the parking of vehicles (or the erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area.

The policies provide greater transparency relating to the assessment of mobile trading applications and clarity on the process for those applying to establish mobile trading businesses in Carnarvon and Coral Bay.

The proposed draft *Policy D003 - Coral Bay Mobile Trading* (Schedule 8.3.3(c)) is based on the revised Mobile Trading Policy for Carnarvon. The key difference in the documents is the level of restrictions applicable to Coral Bay, being that trading is only permissible at the listed locations.

Consultation:

No public consultation has been undertaken as part of the review of the policy, however Council has previously been consulted at workshops in regard to this matter. Internal consultation has also occurred within the Shire.

Statutory Environment:

Local Government Act, 1995

Council's role in determining local government policies is defined under Section 2.7(2)(b) of the *Local Government Act, 1995*.

Local Government Act Local Laws 1998

The Shire of Carnarvon Local Government Act Local Laws (Gazetted on 26 February 1998) regulates *Hawkers, Traders and Stall Holders* in section 29 by providing that "no person shall hawk any goods, works, merchandise or wares or carry on trading or set up a stall in any thoroughfare or public place" without a valid licence.

This clause not only covers stall holders but also mobile vendors trading or soliciting business from a vehicle on a thoroughfare or public place. A public place is described in the local laws as including:

"a thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property."

Clause 29.4 of the Local Law states that in considering an application for licence or the renewal of a licence the Council shall have regard to:

"29.4.1 any relevant policy statements;"

Food Act 2008

Trading licences do not authorise the sale of food under the *Food Act 2008*. Mobile trading licences do not remove the obligation to comply with all other relevant laws and do not imply compliance with other laws.

Relevant Plans and Policy:

The Relevant documents are:

- *The Shire of Carnarvon Local Law - Hawkers, Traders and Stall Holders.*
- *The Shire of Carnarvon Policy D001 - Mobile Traders Policy.*

Financial Implications:

By providing a more consistent decision-making framework it is expected that the administration of the local law will become more efficient. It will also help to ensure that staff processing time remains within the limitation of the time calculated in regard to the licensing fee.

Risk Assessment:

The existing policy currently does not align with the *Competition and Consumer Act 2001 & Competition and Consumer Amendment (Competition Policy reform) Act 2017* and therefore must be amended.

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
1.2	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

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
2.6.5	Buildings and facilities are appropriately managed according to their need and use
2.6.6	Maintain town centre, fascine and town beach for enjoyment of locals and visitors, that the community can take pride in
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

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
5.1.3	The community can readily access friendly and efficient bookings, registers, applications, advice and customer services
5.2	The Shire has a high standard of governance and accountability
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:

Mobile traders have the ability to increase place vibrancy, consumer choice and provide opportunities for small commercial operators.

By updating the Shire's policy for mobile traders and developing a stand-alone policy for mobile trading at Coral Bay, the Shire will clarify and simplify the regulation of mobile trader operations. The amendments will also align with existing relevant legislation.

OFFICER'S RECOMMENDATION

That Council resolves to:

- 1. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the revised draft Mobile Traders Policy D001 Carnarvon Mobile Trading as presented in Schedule 8.3.3 (b) of this report.*
- 2. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the draft Policy D003 Coral Bay Mobile Trading as presented in Schedule 8.3.3 (c) of this report.*

FC 18/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Simpson/Cr Maslen

That Council resolves to:

- 1. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the revised draft Mobile Traders Policy D001 Carnarvon Mobile Trading as presented in Schedule 8.3.3 (b) of this report.**
- 2. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the draft Policy D003 Coral Bay Mobile Trading as presented in Schedule 8.3.3 (c) of this report.**

CARRIED

F7/AO

8.4 INFRASTRUCTURE SERVICES

8.4.1 WAIVER OF TIP SERVICE FEE - REINSTATEMENT

Date of Meeting:	23 rd June 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	April 2020

Summary of Item:

Reinstatement of the \$35 service charge at Browns Range Waste facility is recommended.

Description of Proposal:

in May 2020, a waiver of the \$35 service charge at Browns Range Waste facility was introduced as part of Council's COVID19 business assistance measures. As COVID19 restrictions continue to ease, impacts on local business is lessening. Returning to normal fee collection for the Carnarvon waste facility will ensure sustainability of the Shire's waste disposal service.

Background:

At its special meeting held on 30th of April 2020, Council resolved as follows:

SCM 7/4/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

That the Chief Executive Officer advertise and waive the Tip Fee Service Charge of \$35.00 as listed in the 2019/2020 Budget commencing from 1st May 2020 to 30th June 2020 when it will be reviewed for further consideration.

The fee waiver was introduced from 1 May as requested. Waste facility officers were requested to monitor and provide weekly updates on the number of fee waivers that were applied.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 6.16 applies:

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

** Absolute majority required*

Relevant Plans and Policy:

Nil

Financial Implications:

The table below shows service charges not collected from commercial disposals for the period 1 May 2020 to 14 June 2020.

Week Commencing	Commercial Disposals	Fees Not Collected
4-May-20	56	\$ 1,960
11-May-20	60	\$ 2,100
18-May-20	57	\$ 1,995
25-May-20	66	\$ 2,310
1-Jun-20	79	\$ 2,765
8-Jun-20	105	\$ 3,675
Total	423	\$ 14,805
Weekly Average	71	\$ 2,468

Annualised, this equates to approximately \$130,000 in lost revenue for the Carnarvon waste facility or approx. 56% of the estimated 20/21 revenue.

Risk Assessment:

Financial Risk

Continuation of this fee waiver for the waste facility represents a significant loss of revenue and is likely to impact upon the ability of the Shire to deliver sustainable waste disposal services to the community.

Community & Strategic Objectives:

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
2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay

Comment:

Nil.

OFFICER'S RECOMMENDATION

That the Chief Executive Officer makes public notification that the \$35 waste disposal service charge as listed in the 2020/2021 Budget shall apply commencing 1 July 2020.

FC 19/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That the Chief Executive Officer makes public notification that the \$35 waste disposal service charge as listed in the 2020/2021 Budget shall apply commencing 1 July 2020.

CARRIED

F7/A0

8.4.2

ROAD INFRASTRUCTURE - LOT 308 SUBDIVISION, CORAL BAY

2.42pm – Cr Simpson declared a Proximity Interest in this matter as he holds a lease adjacent to the property in question. Cr Simpson therefore left the meeting and did not participate or vote on the matter.

Date of Meeting:	23 June 2020
Location/Address:	Lot 308 Coral Bay
Name of Applicant:	Department of Communities
Name of Owner:	BAC Village Pty Ltd
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

A repair process is recommended to Council to enable it to accept road infrastructure created by the subdivision of Lot 308 Coral Bay with reasonable confidence that it will not be accepting a future liability.

Description of Proposal:

Shire Officers have refused acceptance of roads constructed during the subdivision of Lot 308 as the works fails to meet the conditions of subdivision approval imposed by the Shire.

Additional inspections and testing have subsequently been completed to examine construction materials and as constructed parameters in greater detail. Officers are satisfied that subject to remedial works being carried out at no cost to the Shire, the road assets may be accepted with reasonable confidence. Council requested the CEO to provide a report for their formal consideration of this matter at the Corporate Information Session (CIS) held on 9 June 2020.

Background:

The Department of Primary Industries and Regional Development funded subdivision of Lot 308 Coral Bay which is owned by the Biangu Aboriginal Corporation (BAC). This property is one of the designated sites for Coral Bay workers accommodation and the subdivision is intended to provide titles for additional workers accommodation lots.

Subdivision works reached practical completion in December 2018. The Shire was requested to sign off on its subdivision approval conditions in early 2019. A full copy of the subdivision approval is provided in **Schedule 8.4.2(a)**.

Upon completion of the subdivision works, site inspections by Shire officers raised immediate concerns with the Department of Communities Project Managers regarding the quality and standard of the works, especially in relation to the bitumen seal.

A high degree of overspreading of aggregate on the seal surface was noted. This material was obscuring the actual seal surface and a complete inspection was not possible. It was also noted at this initial inspection that there appeared to be aggregate “plucked” out of the seal i.e. individual aggregates partially coated with bitumen were observed on the surface.

Sweeping of the surface was requested to enable a proper inspection of the seal to be completed. Sweeping work was eventually completed by the contractor in July 2019 and a detailed inspection of the seal surface was then completed.

Multiple defects in the seal were noted during this inspection. A copy of the inspection report is provided in **Schedule 8.4.2(b)**. Shire officers refused to accept that the road met the conditions of the subdivision approval due to the unacceptable standard of the seal.

It is understood there are ongoing contractual issues between the Department of Communities and its principal subdivisional works contractor. However, the position of the Shire has remained unchanged i.e. that the road works have not been completed to a satisfactory standard in accordance with the development approval conditions.

Anecdotal comments regarding the depth of pavement material placed on the roads were also raised with officers. This increased concerns of officers regarding the quality and standard of the road works.

It is understood that the BAC has written to several ministers requesting that title to the new lots be released.

The matter did not progress for some time. A change in Department of Communities staff has resulted in a renewed attempt to resolve the matter. The Department commissioned geotechnical investigations of the road works to examine:

- Subgrade compaction;
- Pavement material standards;
- Pavement compaction;
- Pavement depth;
- Pavement width; and
- Seal condition.

A full copy of the geotechnical report is provided in **Schedule 8.4.2(c)**.

Of concern is the conclusion reached in this report that, *“Two areas have been noted where small areas of seal stripping have occurred.”*

The author completed a follow up inspection of the site on 6 May 2020 accompanied in part by Coral Bay Cr Simpson. That inspection continues to support the initial Shire findings that the seal was substandard requiring far more than the remedial work proposed in the geotechnical report.

Comments from that inspection and comments on the geotechnical report findings were communicated to the Department of Communities on 12 May 2020 and these are provided in **Schedule 8.4.2(d)**.

On 19th of May 2020, the author and the Shire Operations Manager completed a series of pavement depth tests to verify the extent of pavement below the specified depth. Those tests were accompanied in part by a MRWA representative. Prior to those depth tests being completed, a full sweep of the surface was completed by the Shires sweeper to attempt to reveal additional areas where the seal had not bonded to the pavement surface.

A total of six depth tests were completed. Five results indicated depth at or more than the 250mm specified pavement thickness. One depth test on the centre spur road indicated a pavement depth of 200mm. This is also the road where the 160mm pavement depth was noted in the geotechnical test.

In addition to the depth tests, the raised and or deformation areas in the seal were examined. Samples taken revealed that the raised areas in the seal were **not** due to pavement deformation but are areas of thickened seal most likely caused by poor construction technique in the use of wet edges between spray runs.

Consultation:

Consultation has been undertaken with:

- Department of Communities
- Department of Primary Industries and Regional Development
- Road Maintenance Operations Staff
- MRWA

Statutory Environment:

The Planning and Development Act 2008 applies.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

There are no direct financial implications associated with the recommendation as the full cost of the repairs to bring the road seal to an acceptable standard are the responsibility of the Department of Communities.

Acceptance of the road infrastructure if these repairs are completed satisfactorily will mean acceptance of the cost of ongoing future maintenance of these roads.

That work will typically consist of normal road maintenance activities such as sweeping, pothole repairs (when necessary) and resealing.

Risk Assessment:

Accelerated Asset Degradation Risk - There are clearly issues associated with the quality of the subdivision road works. Testing and physical inspections appear to limit the extent of these quality issues to the bitumen seal. The rectification methodology proposed will to a large extent eliminate these issues. The method will be required to seal the complete surface from water intrusion and correct surface defects created by the thickened areas of seal. It is essential that the Department of Communities be responsible for the methodology proposed and that the Shire is prepared to approve that methodology.

There is a risk that additional areas of existing seal are poorly bonded to the pavement surface. That situation may be likened to painting over a poorly prepared surface – the paint will not be as effective as painting a properly prepared surface.

The seal surface has been swept thoroughly on two occasions now. This sweeping action is likely to reveal areas where the seal bod has failed. Prior to rectification work, additional sweeping is recommended to reveal any remaining unseen potential failure areas.

On balance, with a properly compacted subgrade and quality pavement material appropriately compacted in place, the repair of the seal to eliminate surface defects and exposure to water should provide the Shire with a road asset expected to meet usual life expectancy standards.

Community & Strategic Objectives:

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	Shire to incorporate appropriate planning controls for land use planning and development
2.7.2	Council adopts appropriate land use planning and building regulation practices

Comment:

The following summarises issues for Council to consider:

- Subgrade material compaction for the roads has been sampled and tested and the levels recorded meet the required standard and specification.
- The pavement material used on the roads has been sampled and tested and meets the required standard and specification.
- Pavement material compaction for the roads has been sampled and tested and the levels recorded meet the required standard and specification.
- Pavement depths sampled on two of the three road sections meet or exceed the required standard and specification. Depths of between 160-200mm on the middle, short road section are below the 250mm specification however given the pavement material quality, compaction achieved and likely traffic this is likely to represent a low risk of pavement failure.
- Pavement widths do not meet the standard specified in some locations however given expected low traffic volumes and speeds this is unlikely to be a significant asset performance issue.
- The seal does not meet the required standard due to:
 - multiple bond failures resulting in bare, clearly visible exposed pavement;
 - multiple small (less than 10mm) point failures in the seal surface resulting in small exposed areas of pavement unprotected from water intrusion – these will result in pavement potholes if left untreated;
 - seal thickening resulting in longitudinal ridges on the road surface likely to retain water on the surface longer than necessary increasing the likelihood of water intrusion of the pavement; and
 - an overall inconsistent surface texture making standard sprayed seal repair treatments problematic.

Removing the entire existing seal to provide a fresh surface for a new sprayed seal has been considered. This will be difficult to achieve without damage to the existing pavement surface and is not a repair method that is typically undertaken. If that type of repair were to occur, it is likely full or partial reconstruction of some areas may be required to obtain a surface suitable for spray sealing. That introduces additional complexity and risk to the repair works as pavement compaction standards and levels must then be controlled.

Reconstruction of the roads through use of specialised stabilising type equipment (sometimes referred to as a Bomag) or via a standard work method to rip and re-lay the entire pavement are also possible repair methods. This is however considered an unwarranted use of resources as both the pavement material and its compaction meet the required specification and standard. Undertaking repair using these methods again introduces the same additional complexity and risk as described previously.

A repair method is therefore required which will provide a consistent, correctly shaped, fully sealed surface. This can be achieved via a slurry type aggregate seal or via a hot or cold asphalt overlay treatment. These methods address each of the identified failure issues.

Prior to such a method being undertaken, additional sweeping of the surface can be carried out to assist in exposing any areas where the existing seal has not bonded to the pavement surface. The repair is required for the whole of the roads at the full width including the cul-de-sac heads.

To minimise risk exposure, independent Shire appointed supervision of the repair works is also recommended as is an unconditional defects liability period of 12 months commencing from the date of completion of the repair works.

The recommendations to Council capture the elements discussed above and are considered to provide Council with reasonable confidence that the road assets will not represent a future maintenance burden upon the Shire of Carnarvon.

OFFICER'S RECOMMENDATION

That Council, in relation to the road assets created by the subdivision of Lot 308 Coral Bay (application No 154764), directs the CEO to advise the Department of Communities that Council:

- a) will not clear Shire of Carnarvon subdivision conditions and accept the constructed road assets unless repairs are undertaken to rectify identified defects in the sealed surface;*
- b) requires the Department to submit to the CEO for consideration and approval a detailed seal repair methodology to address the identified defects. Acceptable repair methodologies include but are not limited to full width slurry sealing and full width hot or cold asphalt overlays;*
- c) requires the Department of Communities to undertake road surface brooming not less than twice prior to the seal repair works being undertaken to identify possible additional areas of seal not bonded to the pavement surface;*
- d) requires appointment of a suitably qualified and experienced person, of the Shires choosing and at no cost to the Shire, to supervise and assess the repair works. The assessment by this person on the suitability of the repair and the acceptability of the asset at the conclusion of repair works shall be final.*
- e) prior to acceptance of the repaired road assets, requires the Department to agree to provide the Shire with an unconditional defect liability period on the road assets of not less than 12 months.*

FC 20/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That Council, in relation to the road assets created by the subdivision of Lot 308 Coral Bay (application No 154764), directs the CEO to advise the Department of Communities that Council:

- a) will not clear Shire of Carnarvon subdivision conditions and accept the constructed road assets unless repairs are undertaken to rectify identified defects in the sealed surface;*

- b) *requires the Department to submit to the CEO for consideration and approval a detailed seal repair methodology to address the identified defects. Acceptable repair methodologies include but are not limited to full width slurry sealing and full width hot or cold asphalt overlays;*
- c) *requires the Department of Communities to undertake road surface brooming not less than twice prior to the seal repair works being undertaken to identify possible additional areas of seal not bonded to the pavement surface;*
- d) *requires appointment of a suitably qualified and experienced person, of the Shires choosing and at no cost to the Shire, to supervise and assess the repair works. The assessment by this person on the suitability of the repair and the acceptability of the asset at the conclusion of repair works shall be final.*

prior to acceptance of the repaired road assets, requires the Department to agree to provide the Shire with an unconditional defect liability period on the road assets of not less than 12 months.

CARRIED
F6/A0

2.43pm – Cr Simpson returned to the meeting and was advised of Council’s decision.

8.5 COMMUNITY SERVICES

8.5.1 BLOWHOLES COMMITTEE MEETING MINUTES – THURSDAY 11TH JUNE 2020

2.44pm – Cr Nelson declared an Impartiality Interest in this item due to her owning a shack. Cr Nelson was not required to leave the meeting and could participate and vote on the matter.

Date of Meeting:	23 rd JUNE 2020
Location/Address:	N/A
Name of Applicants:	N/A
Name of Owner:	N/A
Author/s:	Jennifer Mackellin Executive Manager, Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To seek Council endorsement of the Blowholes Committee Meeting held on Thursday the 11th of June 2020.

Description of Proposals:

As above.

Background:

The meeting of the Blowholes Committee was held on Thursday the 11th of June 2020 and attended by Cr Fullarton and representatives of the Blowholes Protection Association.

The purpose of this Committee, as per Council Resolution FC 18/11/19 states –

“ That Council establishes a Committee to address the current condition of shacks at the Blowholes and to resolve a development plan acceptable to all parties and stakeholders with the Committee to report back to the Council within 8 months of the date of this resolution being accepted by the Council.”

Consultation:

Blowholes Committee

Statutory Environment:

N/A

Relevant Plans and Policy:

Blowholes Reserves Management Plan 2014-2036

Ningaloo Coast Regional Strategy Carnarvon to Exmouth, August 2004

Shire of Carnarvon Local Planning Strategy 2017

Shire of Carnarvon Corporate Business Plan 2018 – 2022

Shire of Carnarvon Strategic Community Plan 2018 - 2028

Financial Implications:

There are no financial implications as this report is to endorse the minutes of the Committee.

Risk Assessment

There is no risk to Council as the minutes are for Council endorsement and information only.

Community & Strategic Objectives:**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
1.2.1	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

Objective 2: Natural and built environment*A sustainable natural and built environment that meets current and future community needs*

ITEM	Outcomes and Strategies
2.1	Valued natural environment, for use and enjoyment by current and future generations
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

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
5.1.2	The community is engaged in planning for the future and other matters that affect them
5.6	The Shire advocates on behalf of its community

Comment:The minutes attached at **Schedule 8.5.1a** are submitted to Council for endorsement and information.

OFFICER'S RECOMMENDATION

That Council endorse the minutes of the Blowholes Committee Meeting held on Thursday the 11th of June 2020 and any recommendations contained therein.

FC 21/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Maslen

That Council note the unconfirmed minutes of the Blowholes Committee Meeting held on Thursday the 11th of June 2020.

CARRIED

F7/A0

(Note to Minute – the minutes are unconfirmed at this stage therefore Council can only note the minutes)

8.5.2 COMMUNITY GROWTH FUND COMMITTEE MEETING MINUTES – TUESDAY 16TH JUNE 2020

Date of Meeting:	23 rd JUNE 2020
Location/Address:	N/A
Name of Applicants:	N/A
Name of Owner:	N/A
Author/s:	Jennifer Mackellin Executive Manager, Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To seek Council endorsement of the Community Growth Fund Committee Meeting held on Tuesday the 16th of June 2020.

Description of Proposals:

As above.

Background:

The meeting of the Community Growth Fund Committee was held on Wednesday 11th March 2020 and attended by Crs' Skender, Vandeleur and Pinner.

Consultation:

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

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.
Shire of Carnarvon Corporate Business Plan 2018 – 2022
Shire of Carnarvon Strategic Community Plan 2018 - 2028

Financial Implications:

There are no financial implications as this report is to endorse the minutes of the committee.

Risk Assessment

There is no risk to Council as the minutes are for Council endorsement and information only.

Community & Strategic Objectives:

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:

This is the third round of Community Growth Funding. The minutes attached at **Schedule 8.5.2** are submitted to Council for endorsement and information.

OFFICER'S RECOMMENDATION

That Council endorse the minutes of the Community Growth Fund Committee Meeting held on Tuesday the 16th of June 2020 and any recommendations contained therein.

FC 22/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Nelson

That Council note the unconfirmed minutes of the Community Growth Fund Committee Meeting held on Tuesday the 16th of June 2020.

CARRIED
F7/AQ

(Note to Minute – the minutes are unconfirmed at this stage therefore Council can only note the minutes)

8.5.3 CASUAL YOUTH WORKERS

Date of Meeting:	23 June 2020
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	N/A
Author/s:	Jennifer MacKellin – Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

That Council consent to the CEO recruiting casual Youth Workers to the Department of Communities funded Carnarvon Youth Service. The casual Youth Workers would primarily be engaged in the proposed night patrol service. This request follows a moratorium on recruitment enacted by Council in response to COVID-19 on 2 April 2020.

The Carnarvon Youth Service has a well-developed program for service delivery which would have a direct benefit to the residents of Carnarvon through youth engagement. This program would address community concerns in relation to poor school attendance, behaviours of concern and youth crime. Without adequate

staffing the program cannot be fully implemented, which may see the Shire unable to meet its funding obligations with the Department and potentially requiring the Shire to return unspent funds.

Description of Proposal:

This report is not intended to provide a comprehensive insight into the operational aspects of this service, as that is outside of the role of Council in accordance with the Local Government Act 1995 (s.2.7; s.2.10). The service is viewed as Council's commitment to community safety through its youth services portfolio. The continued support of Council for addressing youth related issues within the community is recognised. It is this support that has encouraged staff, who are often faced with very challenging circumstances within their roles, in their strive to continually refine the services to meet the needs.

Carnarvon Youth Service is to provide a program that will include:

- Case Management for 'at risk' youth
- A youth hub which is to be known as Mayu-Mia (Kids House). This will provide a safe environment for young people that would service the needs of the proposed afternoon program as well as the proposed community night patrol program.
- Centre based programs and activities that incorporate educational sessions such as mental health and protective behaviours
- Health and safety promotion activities
- Outreach and referral to other agencies
- Life skills development
- A night patrol service

The night patrol service is considered a key component of the program. Following the success of such services in other regions, whereby crime rates have been significantly reduced and engagement in appropriate activities and school has increased, the Shire of Carnarvon was encouraged to develop a service of this type for Carnarvon. Through consultation and research, it is evident that a night patrol service needs to engage with local people who might be seen as appropriate role models for the young people who are often found wandering the streets late at night.

Whilst Carnarvon Youth Service is not an Aboriginal identified service, it is recognised that there is an over-representation of Aboriginal young people at risk within our community. It is considered not only appropriate, but essential to the service delivery outcomes, that we work in partnership with the local Aboriginal communities

The service would also work in collaboration with W.A. Police, Carnarvon Trustees Aboriginal Corporation (CTAC), Department of Child Protection, Department of Education, Department of Housing, Department of Health, and NGO's, enabling a multi-disciplinary approach to service delivery.

The objectives of the night patrol service are to:

1. Provide a service to Carnarvon that assists vulnerable youth at risk;
2. Provide non-coercive approaches and methods through appropriate cultural and contemporary practices, in partnership with key stakeholders, that contribute to the reduction in youth anti-social and criminal behavior and enhances community safety, security and peace;
3. Engage and maintain collaborative relationships with key stakeholders that support the ongoing operations of the service; and
4. Provide advice, information and assistance that may help prevent further repeat behaviours.

The Shire of Carnarvon has for some time been experiencing unprecedented youth dysfunctionality within the townscape which has resulted in an increase of reported cases of anti-social behavior and youth crime especially during the later hours.

This initiative is required to support local youth with a safe environment during times when family members and/or friends are engaging in excessive drug and alcohol use in their homes and communities. This in turn creates a plethora of unsafe situations for young people including domestic violence, sexual assaults and other offences perpetrated against the young people themselves.

Currently there is nowhere in Carnarvon for young people to escape to when feeling their safety is threatened or when they feel their homes are not safe places to be thus walking the streets being an option. The program will provide a venue where staff can safely work with young people and key-stakeholders in identifying alternatives for young people that align and benefit the participant and the community.

The Carnarvon Women's Refuge provides accommodation for children under 12 years of age however they must be accompanied by a parent or guardian.

Focus is particularly important on the times of operation and 10pm – 2am is period when there is the highest risk of youths engaging in anti-social behaviour or offending. The two current full-time staff within the Carnarvon Youth Service are employed to work during business hours. Their primary roles will remain during these hours, but the Shire has been fortunate that these staff have offered to assist with some after hours work. The efficiency of this service requires additional staff to afternoons and evenings, with an expectation of both the community and agencies that local employment will be provided through this service.

The Carnarvon Youth Service currently budgets for 268 hours per fortnight. The service currently provides 152 hours in full-time staff. With 116 hours remaining, it is proposed that these be made available for casual youth workers.

Background:

The current Officer in Charge of Carnarvon Police Station, Snr. Sgt. Morawski, engaged the Shire of Carnarvon in discussions relating to youth issues in the early part of 2019. As the then Chair of the Carnarvon Social Action Group (CSAG), Snr. Sgt. Morawski and agencies attending the CSAG meetings were in agreeance that action needed to be taken that was in addition to the work of W.A. Police. It was through these discussions that Snr. Sgt Morawski introduced the concept of a night patrol service similar to those that have been successful in other regions. The experience and commitment of Snr. Sgt Morawski has been invaluable in guiding the direction that the Carnarvon Youth Service.

Carnarvon Youth Service receives funding from the Department of Communities for 'At Risk Youth' services. This funding has been received by the Shire for more than ten years. Until 2020 the Shire has provided a full compliment of staff to this service which has been able to provide valuable services to the young people of Carnarvon over the years. A change of staff in 2020 allowed for a review of both service delivery models and the gaps within services available. A mapping exercise was undertaken which identified that there are no services provided for young people after 6pm each day, other than the PCYC Safe Space program which finishes at 9pm on Friday evenings. Extensive consultation, with community members and relevant agencies, supported the notion that issues were more prevalent of an evening.

The notion of establishing a Shire of Carnarvon Community Patrol (SOCCP) was reignited by community concerns relating to anti-social behaviour and youth crime during the early months of the COVID-19 pandemic. The local business sector, campaigning through the Chamber of Commerce, approached the local police seeking permission to establish a night patrol or neighbourhood watch program to reduce further occurrences. This resulted in meetings being formatted involving WA Police, Shire of Carnarvon and local Aboriginal Leaders searching for a solution that could provide community ownership in resolving issues at a local level. It was determined that the project would have impact if the system was embedded within the local Aboriginal community and its capacity and capability was supported by key stakeholders and the community. Further, the night patrol service only extends to reaching out to young people, through mediation and diversion using existing government and non-government support. It does not extend to powers of arrest, or enforcement of orders, which remains with the Western Australia Police Force (WAPF).

The work of Professor Harry Blagg, who is Professor of Criminology and Associate Dean of Research at UWA Law School, strongly supports both the benefits of a night patrol and the engagement of local Aboriginal people in the delivery of services. With a strong focus on remote communities, particularly in the Kimberly region and the Northern Territory, Professor Blagg refers to studies which identify the *need for government support to ensure that initiatives are sustainable and not set up to fail* (Stempel, Saggars, Gray and Stearne, 2003), and a *process of capacity building, during which Indigenous communities acquire the necessary skills and capacities to sustain initiatives over the long term* (Lingiari Foundation, 2003). It is the intention of the Carnarvon Youth Service to adopt the Best Practice Principles for Community Patrols developed by Professor Blagg, through his extensive research.

In accordance with the Local Government Act 1995 (s.5.41), the CEO of the Shire of Carnarvon is delegated responsibility for the 'employment, management supervision, direction and dismissal' of employees. The Shire of Carnarvon Workforce and Human Resources Policy (E061) states that 'The CEO is the sole employee of the Shire of Carnarvon and in turn employs all other Shire of Carnarvon employees. This rightly excludes Council Members from involvement in the day to day operational management of the Shire and reduces risks of undue influence over Shire employees.'

In response to COVID-19 and with deliberations in relation to the 2020/21 budget in progress, Council and the CEO agreed to a moratorium on any new recruitment as of 2 April 2020. This includes recruitment to vacant positions such as those in the Carnarvon Youth Service. (see attached letter to Minister Templeman) The Shire is currently undertaking an organisational restructure which does not impact directly on this service due to the receipt of operational funding. Any staff displaced by the restructure will be notified of the positions, but due to the casual nature of the role and requirements for the positions it is unlikely that this would be considered by those staff.

The Executive Manager for Community Services sought approval from Council to recruit to vacant positions within the Carnarvon Youth Service to enable the necessary formalities and training to commence for casual Youth Workers. Council were advised that these positions are funded and accounted for in the existing budgets. Council was concerned about the commitment required from the Shire to the employment of casual employees. The Executive Manager referred to Fair Work which identifies that a *casual employee does not have a firm commitment in advance from an employer about how long they will be employed for, or the days (or hours) they will work*. <https://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees> Council requested that a more formal request be made, hence this report being made for Council consideration.

Consultation:

1. W.A. Police
2. Department of Communities
3. Carnarvon Trustees Aboriginal Corporation (CTAC)
4. Carnarvon Community College
5. Gail Bellotti
6. Ngala
7. Aboriginal Medical Services
8. Helping Minds
9. Chamber of Commerce
10. PCYC

Statutory Environment:

Local Government Act 1995
Fair Work Act 2009

Relevant Plans and Policy:

Strategic Community Plan 2018-2028

E021 Employee Attraction and Retention Policy

E061 Workforce and Human Resources

Financial Implications:

There are no significant financial implications for Council should they accept the recommendations of the officer. Should the Carnarvon Youth Service fail to deliver on its funded contract, due to not having staff, the Shire may be required to return any unspent funds to the funding body.

Risk Assessment:

The Department of Communities have identified that it is their expectation, as part of funding received, that the Shire of Carnarvon will recruit suitable staff for the delivery of service. The Department has been engaged in discussions regarding the services to be provided and, following consultation with relevant representatives, strongly recommended the engagement of local Aboriginal people. This is supported by research and consultation with community and agency stakeholders. Should the Shire not employ casual Youth Workers to enable this service to be provided, there would be a reputational risk. This risk may impact on future operational funding opportunities, particularly should the Shire want to be a part of any consortium bid for funding.

The employment of casual Youth Workers poses no greater risk for the Shire than those that exist with current employees. As casual employees the ongoing commitment for the Shire is lessened. The employment of casual Youth Workers will be aligned with the Shire of Carnarvon employment practices, policies, and legislative requirements.

Community & Strategic Objectives:***Goal 3: Social******Healthy, safe and resilient community, where everyone belongs***

3.5	Engaged young people
3.5.1	Provide a youth centre and activities to engage young people, particularly at risk young people
3.5.3	Advocate for young people and collaborate with other agencies to engage young people
5.3	Council takes into account Aboriginal issues and perspectives in decision-making
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:

The commitment to addressing youth issues within our community, by all stakeholders, is recognised and highly commended. Community concern has been listened and responded to by the Shire and the support of stakeholders who have invested their knowledge and time into the development of this program is appreciated.

This report provides a brief insight into a highly complex situation for which the Shire is working with others in addressing. It is now reliant on adequate resourcing of this project to enable it to commence.

OFFICER'S RECOMMENDATION

That Council authorises the CEO to recruit casual employees for the Carnarvon Youth Service, within budget, to meet operational needs.

FC 23/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Fullarton

That Council authorises the CEO to recruit casual employees for the Carnarvon Youth Service, within budget, to meet operational needs.

FC 24/6/20

AMENDMENT TO MOTION

Cr Fullarton/Cr Pinner

That Motion FC 22/6/20 read –

That Council authorises the CEO to recruit suitably qualified casual employees for the Carnarvon Youth Service, within budget, to meet operational needs.

LOST

F3/A4

Cr Nelson voted against the motion

Cr Fullarton voted for the motion

Motion FC 22/6/20 stands and was put

CARRIED

F7/A0

2.53pm – Cr Nelson left the meeting and did not return.

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

Cr Simpson requested that Council consider writing to the Department of Parks and Wildlife in relation to Council's concerns regarding lack of emergency services at the National Marine Park and associated camping areas and roads. The President was in agreeance to the request.

10.1 DEPARTMENT PARKS AND WILDLIFE – RISK MANAGEMENT PLAN

FC 25/6/20

COUNCIL RESOLUTION

Cr Simpson/Cr Pinner

That the Shire President write to the Director General of Parks and Wildlife and the Gascoyne/Exmouth Parks and Wildlife Regional Manager, asking to provide the Shire with the following –

- 1. A Risk Management Plan for the National Marine Park (NMP) and associated camping areas and roads, that outlines emergency services to be provided and implemented, both in the context of staff and equipment.*
- 2. A Waste Management Plan for the NMP and associated camping areas, in particular for the Warroora Station, Gnarlloo Station and Ningaloo Station camping areas.*
- 3. A plan for expected development of camp sites and roads for areas south of Coral Bay, including the Gnarlloo Road.*

CARRIED

F6/A0

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 28th July 2020.

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

FC 26/6/20

COUNCIL RESOLUTION

Cr Maslen/Cr Simpson

That the meeting be closed to members of the public –

1. *In accordance with Section 5.23 (2) (b) as Item 12.1 relates to a matter which may reveal the personal affairs of any person; and*
2. *In accordance with Section 5.23 (2) (a) as Item 12.2 relates to a matter affecting employees.*

CARRIED
F6/A0

2.57pm – The gallery left the meeting.

12.1 1060 NORTH RIVER RD – DEMOLITION AND CLEAN-UP

It was advised by the Chief Executive Officer that Confidential Item 12.1 has been withdrawn as the report requires further input.

12.2 ORGANISATIONAL RESTRUCTURE

Date of Meeting:	23 rd June 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

OFFICER'S RECOMMENDATION

That the Chief Executive Officer proceed with the Organisational Restructure as indicated in the Draft Report and report back to Council when the changes are finalised indicating the changes in costings for the current financial year and future financial years.

FC 27/6/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That the Chief Executive Officer proceed with the Organisational Restructure as indicated in the Draft Report and report back to Council when the changes are finalised indicating the changes in costings for the current financial year and future financial years.

CARRIED

F6/A0

FC 28/6/20

COUNCIL RESOLUTION

Cr Simpson/Cr Vandeleur

That the meeting be reopened to the public at 2.58pm.

CARRIED

F6/A0

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.58pm