



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING TUESDAY 24th NOVEMBER 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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- 11.1 Next meeting of Council will be held on Tuesday 15th December 2020 commencing at 1.00pm

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

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

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 K Pinner	Councillor, Town Ward
Cr K Simpson	Councillor, Coral Bay Ward (by instantaneous communication)
Cr L Skender	Councillor, Plantation Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr A Fullarton	Councillor, Town Ward
Mr J Attwood	A/Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Ms J MacKellin	Executive Manager, Corporate & Community Services
Mr D Perry.....	Executive Manager, Development Services
Mrs D Hill	Senior Executive Officer
Observers	10
Leave of Absence	Refer Note Below
Apologies	Cr Nelson

(Note – at the October 2020 Meeting, both Cr Fullarton and Cr Vandeleur were granted leave of absence for the November 2020 Meeting however circumstances have changed and they were both able to attend the meeting.)

Cr Vandeleur requested leave of absence for the December 2020 Ordinary Meeting of Council.

FC 1/11/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

That Cr Vandeleur be granted leave of absence for the December 2020 Ordinary Meeting of Council.

CARRIED
F7/A0

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 1.03pm

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC QUESTION TIME

The following questions were submitted by Mr W Hopkinson from Hill Springs Station –

Question 1 – What is the average increase (or a percentage) in the UV for the Pastoral Ward?

Answer – 34.1%

Question 2 - As a percentage, what is the highest increase of the UV for a pastoral lease, compared to the previous year?

Answer – 71.65%

Question 3 -As a percentage, what is the smallest increase (decrease) of the UV for a pastoral lease, compared to the previous year?

Answer - -1.06%

Question 4 - As a percentage, what is the highest increase in Shire rates for a pastoral lease, compared to the previous year?

Answer – 45.81%

Additional Information –

- (a) rate in the \$ decreased by 0.036063
 - (b) average rates raised decreased by 25.85%
 - (c) total rates raised decreased by \$2593.21
-

The following question has been submitted by David Sadecky of Carnarvon -

Question - With the opening of Cape Farquhar Road, has the shire any idea of the impact it will have on the fragile area with the extra traffic that is encouraged by the shire by opening it. Has the shire got a plan in place for this?

Answer - Council will be considering this matter (the reopening of the Coastal track) at this meeting under agenda item 8.4.2 and are aware of concerns regarding potential impacts associated with the opening of the road.

The following questions have been submitted by the Norwest Boardriders, Carnarvon –

It is noted in minutes of previous council meetings, that the desire of the Carnarvon Shire is to propose the opening of the Gnaraloo Road on the 1st December 2020 **against** the recommendations of the DBCA/JMB, as an 'Adventure Track' for the purposes of Economic growth to the region with Shire having no jurisdiction within the coastal reserves apart from the gazetted road which traverses through Gnaraloo and Warroora stations.

Question 1. Can the Shire please identify what they define as an 'Adventure track'? Is it strictly guided tours or open to the public with 4x4 drives? How would it benefit the rate payers of the Shire of Carnarvon and the wider Gascoyne region as a whole with the current proposal by Shire of a 'straight drive through' from Gnaraloo Bay to Warroora with no deviation from the gazetted road, toilets, infrastructure, rubbish control or environmental management in place?

Answer – An adventure track is a type of tourism involving travel to remote or exotic locations to take part in outdoor activities and includes guided tours. Tourism benefit for accommodation, fuel, food and accessories.

It is noted in minutes of previous council meetings, it was recommended by council, it was in the Shires best interests that working groups be established between the Shire, JMB/DBCA, Indigenous traditional owners (Baiyungu and Yingarrda) to develop a framework by which road access and future use of Gnaraloo Coastal Reserve could be arrived. It is intended this will take into consideration, the coastal environment, traditional owners cultural significate sites and values, stakeholder group concerns with a management plan and environmental impact study completed.

Question 2 - Why have these working groups not been ongoing and why have the shire not included primary stakeholder groups and members of the public to attend these working groups?

Answer- Resolution 5 of the report (presented to this meeting) recommends that a Shire of Carnarvon/ Ningaloo Coast joint Working Group be formed. If formed, Council would include relevant groups to the working group.

The Shire has acted *against* the recommendations of the DBCA/JMB of the proposed opening the Gnaraloo Road on Dec 1st 2020. The original time period recommended by the DBCA/JMB was 30th June 2023. This was to enable a sufficient time period for a considered and appropriate management strategy to be achieved through the joint working group including traditional owners addressing Aboriginal Cultural Heritage Sites, Visitor Risk Management, Nature conservation, Sanctuary zone management and Coastal reserve management concerns.

Question 3 - Might I suggest to council that a moratorium of the proposed opening date of the Gnaraloo Road Dec 1st 2020 be postponed until Dec 1st 2021 to enable proper community, traditional owner and government consultation to be addressed?

Answer- Council will take your suggestion on notice.

Public Question Time was closed at 1.08pm

3.0 DECLARATIONS OF INTEREST

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

Cr Skender (Impartiality Interest) – Item 8.2.3 – Write Off of Accrual of Interest

Cr Simpson (Proximity Interest) – Item 8.3.1 - Variation to Mobile Trading Licence – Banksia Drive, Coral Bay

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL – 27TH OCTOBER 2020

FC 2/11/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That the minutes of the Ordinary Meeting of Council held on 27th October 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

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF OCTOBER/NOVEMBER 2020

Date of Meeting:	24 th November 2020
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	John Attwood, Acting 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 October/November 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 October/November 2020 and are submitted to Council for information.

Food

Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
17/9/2020	HFO20/009	Change of food business owner and name: Turtle Shack, Shop 2 / 6 Robinson St, Carnarvon (previously Fascine Coffee Lounge)	Cassandra Taylor	Teresa, Conceicao, Maria & Antonio Correia (land owners)
20/10/2020	HFO20/010	New food business registration – Sweet Coral Bay (Gelateria), Coral Bay Shopping Centre, 67 Robinson St, Coral Bay	Simone Laface & Eleanora Manto	Coral Bay Amalgamated Holdings Pty Ltd (land owner)

On-site wastewater management

Health Act 1911, s.107

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
23/9/2020	HOS20/016	Approval to install apparatus for the treatment of sewage for shop – 50 Bibbawarra Rd, South Plantations	Andrew & Joanne Buzzard	
20/10/2020	HOS20/017	Approval to install apparatus for the treatment of sewage for workshed – Brickhouse Station, 217 Carnarvon-Mullewa Rd, Inggarda	Saxon Boston	Forrest & Forrest Pty Ltd ATF MSPC Trust (owner)

Public Buildings

Health Act 1911, Part VI

Health (Public Buildings) Regulations 1992

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
10/11/2020	HPB20/001	Certificate of Approval of public building – RSL Club, 9 Stuart St, Carnarvon	Gascoyne RSL Sub-Branch	

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/097	PETER JOHN & CHRISTINE ANNE WALKER	LOT 71 (12) WHEELOCK WAY MORGANTOWN	NEW FRONT FENCE
B20/146	STATE OF WESTERN AUSTRALIA C/- DEPARTMENT OF PLANNING, LANDS AND HERITAGE	LOT 300 (85) OLIVIA TCE, CARNARVON	FULL DEMOLITION OF 4 X BUILDINGS (FORMER COURT HOUSE, POLICE STATION, DETACHED POLICE DETECTIVES OFFICE AND DETACHED DWELLING)
B20/149	ATF THE WALLBANK TRUST RYLINGTON HOLDINGS PTY LTD	LOT 99 (546) ROBINSON ST, KINGSFORD	REMOVAL OF ASBESTOS CLADDING AND INSTALLATION OF SHEET METAL CLADDING TO DWELLING AND ABLUTION BLOCKS
B20/151	BARRY GEORGE SAUNDERS	LOT 10 (9) KEMPTON WAY, EAST CARNARVON	DIVIDING FENCE
B20/153	ANDREW DAVID & JOANNE HELEN BUZZARD	LOT 250 (50) BIBBAWARRA RD, SOUTH PLANTATIONS	STAGE 1 - PREFABRICATED BUILDING LOCATED ON SITE (RETAIL AND KITCHEN PREPARATION AREA)
B20/154	GOVERNMENT REGIONAL OFFICER HOUSING	LOT 155 (70) DAVID BRAND DR, BROCKMAN	DIVIDING FENCE
B20/155	GOVERNMENT REGIONAL OFFICER HOUSING	LOT 216 (24) FOSS CRES, BROCKMAN	BOUNDARY FENCE

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/159	DEPARTMENT FOR HOUSING	LOT 49 (3A/B) TONKIN CRES, BROCKMAN	POST AND RAIL FENCE

SHIRE OF CARNARVON STATUS REPORT CURRENT AS AT AUGUST 2020				
MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	SJ Nixon	Relates to access arrangements over Shire land at the southern end of the site.	The Department of Communities is finalising the lodgement of the easement with Landgate.
20/8/16	Public Open Space Strategy	David Nielsen	The draft 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.	December 2020
16/9/16	Review of Local Laws	John Meggitt	Officers have engaged a WA local law specialist to review the Shire’s local laws and commence drafting of new laws consistent with the State template.	The review is expected to be finalised by the end of 2020 and process completed by May 2021
23/12/16	1060 NRR – Removal of 3 buildings	Dane Wallace	Three unapproved buildings were declared unfit for habitation and ordered for removal under the Health Act in 2016. In 2017 the owner was prosecuted for failing to remove the buildings. The buildings remain on the land.	Ongoing
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Sj Nixon	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	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. Follow up email sent on 9 th July 2020 No response received from the heritage committee

			Babbage Island. The lease expired on 30 June 2016 and Council resolved not to renew the lease until a Business plan was provided.	
16/9/17	Local Planning Scheme No.13	John Meggitt	LPS 13 was gazetted on 3/11/2020.	Notice of gazettal to be advertised and letters to go out to submitters.
8/2/18	Closure of PAW – Lot 302 Wheelock Way	John Meggitt	Council resolved that the Shire proceed with the process for the closure of the pedestrian accessway.	Dept. of Planning Lands and Heritage records indicate Mr Gavin Griffiths has executed and returned a Contract of Sale and deposit of monies for the purchase of Lot 302 Wheelock Way and its amalgamation with his adjoining freehold land.
20/6/18	Lotteries House – Boundary Realignment	SJ Nixon	Issue of Certificate of Titles on hold pending resolution of a caveats on the title.	The Shire is waiting on the issuing of Certificates of Titles from Landgate.
13-14/8/18	St John Ambulance – Land Exchange	John Meggitt	The Shire has been advised that the new Titles have been finalised.	The Shire is waiting on the receipt of Certificates of Titles from Landgate.
17/8/19	Draft Authorised Inquiry Report – DLGSC	John Attwood	80% training completed- Final report to be presented to December OCM and provided to Min for LG	15/12/2020
11/9/19 18/11/19	Notice of Motion – Removal of Blowholes Shacks Assessed as n Dangerous Condition	John Attwood	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	The committee is required to report back to Council within 8 months of the date of the resolution. Meetings as required by 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 2020

			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 .Suggest meeting to bring all parties up to speed.	
15/12/19	Fascine Wall Structural Analysis	David Nielsen	Tie rod exposure scheduled for first week in December. Fencing works to be sent for design and construct quotations.	December 2020
10/1/20	Lot 300 Olivia Tce – Progress Report	John Meggitt	Resolved that State Government to demolish buildings and remediate the site with possible purchase by Shire in the future.	Demolition to be undertaken late November early December 2020.
17/2/20	Review of Shire Tourism Strategy & Action Plan	Jennifer Mackellin	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. September 2020 - Shire officers will bring the matter back to Council after considering the emerging matters and actions relating to the Covid-19 crisis/ border closures. Currently Visitors Centre staff are very busy providing advice to tourists and tourism operators.	No further updates
22/2/20	Road Asset Information – Budget Variation	David Nielsen	Report received. Under review.	December 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	December 2020

			<p>on this matter and gave feedback.</p> <p>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.</p> <p>18/05/2020 – No further updates</p> <p>15/06/2020 – Working with tourism on signage.</p> <p>July 2020 – No further updates</p> <p>August 2020 – Due to other priorities this has not progressed</p> <p>October 2020 – Tourism is working on signage but other priorities have taken precedence</p>	
8/4/20	RSL Building Purchase	John Attwood	No Further action by council	Documents signed and returned to DFES for execution.
SCM2 – 2/5/20	Tender 03/2020 – Design & Construct Tourism Development Blowholes	David Nielsen Carolien Claassens	Carpark bulk earthworks commenced. All building materials ordered. Building works to commence December. Extension of time approved until end Feb 21.	March 2021
8/5/20	Transfer of RSL Building	John Attwood	No Further action by council	Completed
11/5/20	Tender – RFT 07/2/20 – Carnarvon Airport	David Nielsen Carolien Claassens	Variation & extension of the funding agreement from both funding bodies has been received. The Project Manager will be requested to vary the Tender Document in accordance to the amended scope of works of the project	April 2021
14/5/20	Coral Bay Airstrip	David Nielsen	Soil testing for materials completed. Tender document being prepared. Extension of Time will be required.	February 2020
37/5/20	34 Francis Street - Removal of house	Dane Wallace	On 26/5/20 the Council resolved to serve notice on the owner under s.137 of the Health Act to take down and remove the house within 6 weeks of the date of the notice. A demolition permit was issued on	Ongoing

			16/7/2020. The building remains.	
4/6/20	Blowholes Reserve Management Plan - Amendments	John Attwood		Staff to arrange meeting with DPLH
5/6/20	Council Property Considered for Disposal	John Attwood	Coral Bay Airport-DOT do not wish to take over airport. Fascine waterway- unlikely any interest from DOT particularly until waterway opened. 360 Health-not actioned at this stage Butcher street building- Another group interested in building which may deliver rental to council.	Have begun discussions with Department of Transport. Letter to Transport for Airport and information to DG Transport for Fascine.
18/7/20	Carnarvon Tennis Club Building Works	David Nielsen	Work program submitted to LRCI approved. Purchase orders issued to suppliers.	December 2020
19/7/20	Private Works – DPAW	David Nielsen	DPAW advised of Council decision. Works delayed due to resourcing.	January 2020
4/8/20	Blowholes Committee Schedule	John Attwood	As Above	
4/8/20	Blowholes Management Arrangements	John Attwood	As above	
5/8/20	Blowholes Reserve – Caretaker Role	John Attwood	Discussions with Blowholes Progress Association.	Ongoing
6/8/20	Coral Bay Toilet & Fish Table	John Attwood	No Easy solution-will require significant investigation to find a good location for fish cleaning facility.New ablution block required-cost est \$250K?Land tenure may need to be resolved	Ongoing
9/8/20	Lease – Carnarvon Airport – Global Navigation System	SJ Nixon	Council resolved to lease the property at 50% of the market value. This has been communicated to Geoscience Australia with a request to advice on how they wish to proceed.	Timing is in the hand of the applicant.
24/8/20	OTC Dish Structural Inspection Report	David Nielsen	Initial working group meetings held.	
28/8/20	Local Roads & Community Infrastructure Program Project Nominations	David Nielsen	Project nomination lodgements commenced. Five projects approved.	June 2021
30/8/20	Building Better Regions Fund – Execution of	David Nielsen	Revised submission lodged with BBRF delegate for approval.	February 2021

	Grant Funding Agreement		Status checked several times with no change as yet.	
34/8/20	Request for Road Reserve widening Banksia Drive	CEO David Nielsen	To be discussed with DPLH.	
9/9/20	Strategic Community Plan & Corporate Business Plan	CEO	Executive Manager Development services will be tasked with this project. Mr David Perry Commenced services on 18 th November 2020 .Involves significant council/community input.	May 2021
26/9/20	RFT 8/2020 – Water Pipeline Stage C and D	David Nielsen	Awaiting formal execution of BBRF funding agreement to award contract to successful tenderer.	February 2021
7 – 8/10/20	New Lease – Carnarvon Horse & Pony Club	SJ Nixon		
9/10/20	Regulation 17 Review and Compliance Audit Return 2020	Carolien Claassens	A consultant has been appointed and the preparation of audit has been started. A budget variation has taken place to allow for the expenditure.	January 2021
10/10/20	Carnarvon Youth Strategy – Funding Agreement Budget Variation	Carolien Claassens	The budget variation has taken place to allow for the income of grant funding and expenditure. The consultant has been appointed the work has commenced	Completed
11/20/20	Australia Day 2020	Jennifer MacKellin		
12/10/20	Outbuilding – Lot 602 Crossland Street	John Meggitt		Approved by Council
13/10/20	Mobile Trading Licence – Beach Road MacLeod	John Meggitt		Approved by Council
15/10/10	Dedication Vacant Crown Land – Lot 503 McGlades Road	John Meggitt		Approved by Council
16/10/20	Mobile Trader Licence Renewal – Valeria Lucchitto	John Meggitt		Approved by Council
18/10/20	Bureau of Meteorology – Electricity Charges	David Nielsen	Invoice from BOM received.	Completed.
19/10/20	Remote Airstrip Upgrade Program Funding Application	S J Nixon		
20/10/20	Repeal Shire of Carnarvon Policy E004	John Attwood	Policy amended as per council resolution.	Completed

	Designated Senior Employees			
23/10/20	Recruitment of CEO Position	John Attwood	Consultant appointed-advertisement to be placed in West Australian 21 st November 2021.	Ongoing
CIS	Street Xmas Party	John Attwood	To be administered by others with some assistance from council staff.	Completed

OFFICER'S RECOMMENDATION

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

FC 3/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

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

CARRIED
F7/A0

8.1.2 2021 ORDINARY MEETINGS OF COUNCIL– SCHEDULE OF DATES, TIMES AND VENUES

File No: ADM0308
Date of Meeting: 24th November 2020
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Dannielle Hill, Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Report: Nil

Summary of Item:

This report is to seek Council approval for the Shire of Carnarvon Ordinary Council Meeting dates for the 2021 calendar year.

Description of Proposal:

As above.

Background:

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

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

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

Accordingly, the following is a proposed schedule of dates and times for the 2021 Ordinary Meetings of Council, incorporating the suggested changes as previously mentioned, for Council's consideration –

Council Ordinary Meeting Dates, Times and Venues 2021		
Date	Time	Venue
Wednesday 27 January 2021	1.00pm	Council Chambers
Tuesday 23 February 2021	1.00pm	Council Chambers
Tuesday 23 March 2021	1.00pm	Council Chambers
Tuesday 27 April 2021	1.00pm	Council Chambers
Tuesday 25 May 2021	10.30am	Coral Bay Tavern
Tuesday 22 June 2021	1.00pm	Council Chambers
Tuesday 27 July 2021	1.00pm	Council Chambers
Tuesday 24 August 2021	1.00pm	Council Chambers
Tuesday 28 September 2021	1.00pm	Council Chambers
Tuesday 26 October 2021	10.30am	Coral Bay Tavern
Tuesday 23 November 2021	1.00pm	Council Chambers
Tuesday 21 December 2021	1.00pm	Council Chambers

Consultation:

Nil

Statutory Environment:

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

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

(a) the ordinary council meetings; and

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

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

Relevant Plans and Policy:

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

Financial Implications:

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

Risk Assessment:

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

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

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

Comment:

In consideration of the proposed meeting dates, the May and October 2021 Ordinary Meetings have been tagged for Coral Bay to reflect an increased presence by the Shire, and greater representation for this part of the community.

With Council in agreeance to the proposed scheduled dates for the Ordinary Meetings for the 2021 calendar year, local public notice will need to be given in the local newspaper, Shire of Carnarvon website and Shire public notice boards.

OFFICER'S RECOMMENDATION

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

1. Endorse the following Ordinary Council Meeting dates, times and venues for the 2021 calendar year –

<i>Council Ordinary Meeting Dates, Times and Venues 2021</i>		
<i>Date</i>	<i>Time</i>	<i>Venue</i>
<i>Wednesday 27 January 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 23 February 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 23 March 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 27 April 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 25 May 2021</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 22 June 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 27 July 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 24 August 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 28 September 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 26 October 2021</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 23 November 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 21 December 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>

2. Give local public notice advising of the meeting dates and times for the 2021 Ordinary Meetings of Council.

FC 4/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

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

1. Endorse the following Ordinary Council Meeting dates, times and venues for the 2021 calendar year –

<i>Council Ordinary Meeting Dates, Times and Venues 2021</i>		
<i>Date</i>	<i>Time</i>	<i>Venue</i>
<i>Wednesday 27 January 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 23 February 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 23 March 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 27 April 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 25 May 2021</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 22 June 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 27 July 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 24 August 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 28 September 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 26 October 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 23 November 2021</i>	<i>10.30am</i>	<i>Coral Bay Tavern</i>
<i>Tuesday 21 December 2021</i>	<i>1.00pm</i>	<i>Council Chambers</i>

2. Give local public notice advising of the meeting dates and times for the 2021 Ordinary Meetings of Council.

CARRIED
F7/AO

(Note - As the LG Elections will be held in October 2021, it was considered that the meeting of Council for October be held in Carnarvon with the November meeting being held in Coral Bay.)

8.2 CORPORATE & COMMUNITY SERVICES

FC 5/11/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Pinner

That Items 8.2.1 and 8.2.2 be considered en-bloc.

CARRIED
F7/AO

FC 6/11/20

COUNCIL RESOLUTION

Cr Pinner/Cr Vandeleur

That Items 8.2.1 and 8.2.2 be adopted by Council as follows -

File No:	ADM0186
Date of Meeting:	24 th November 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Dallas Wood Harris – 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 2020/2021 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

Comments:

OFFICER'S RECOMMENDATION

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$2,381,908.62 as presented for the month of October 2020 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38212	DD38214	Bank Direct	\$48,153.53
47188	47193	Muni Cheques	\$0.00
7524	7524	Trust Cheques	\$0.00
EFT31326	EFT31568	Muni EFT	\$1,019,563.31
EFT31450	EFT31474	Trust EFT	\$76,607.02
Total			\$1,140,797.80

- b) Note Sundry Creditors as of 31 October 2020 \$ 87,528.52

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$2,381,908.62 as presented for the month of October 2020 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38212	DD38214	Bank Direct	\$48,153.53
47188	47193	Muni Cheques	\$0.00
7524	7524	Trust Cheques	\$0.00
EFT31326	EFT31568	Muni EFT	\$1,019,563.31
EFT31450	EFT31474	Trust EFT	\$76,607.02
Total			\$1,140,797.80

- b) Note Sundry Creditors as of 31 October 2020 \$ 87,528.52

8.2.2 FINANCIAL ACTIVITY STATEMENT 30 SEPTEMBER 2020

Date of Meeting: 24 November 2020
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Jennifer MacKellin Executive Manager Corporate and Community
Megan Shirt and Jillian Brasil – 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:

That Council receives the Financial Activity Statement for the period ending 30 September 2020.

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

Community & Strategic Objectives:

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

Comment:

Attached as **Schedule 8.2.2** for consideration is the completed Statement of Financial Activity for the period ended 30 September 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 September 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 September 2020 as per Schedule 8.2.2.

CARRIED
F7/AO

1.13pm – Cr Skender declared an Impartiality Interest in this item as his partner is the author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No:	ADM0072
Date of Meeting:	24 November 2020
Location/Address:	Confidential
Name of Applicant:	Confidential
Name of Owner:	Confidential
Author/s:	Carolien Claassens – Operations Manager Corporate & Community
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

To acknowledge and approve to write-off of accrual of interest on Assessment 2865 (A2865) for a total of \$502.49.

Description of Proposal:

In accordance with Delegation No. 3025 – the CEO has delegated authority to approve applications to write-off debt other than rates or services charges if the request does not exceed \$500. In order to write-off the requested accrual of interest for A2865 a Council resolution will be required.

Background:

On 31 January 2020, the Shire received a payment of \$15,541.04 for rates. The Rate payer used an incorrect reference number on the transaction details. Consequently the Shire staff was not able to locate the relevant assessment number. The amount was transferred into Trust and classified as ‘unclaimed monies’.

Not being able to allocate the above-mentioned payment to the correct assessment, additional interest was accrued in the period January until April 2020. On 8th of May 2020 the Shire received a payment of \$16,430.56 and was receipted against the correct Assessment, A2865.

By way of this payment all outstanding rates up until 2019/ 20 have been paid in full. A payment in September 2020 was received for the outstanding rates of the current financial year, which have been cleared in full.

Only on 26th of October 2020 the Rate payer contacted the Shire to discuss the incorrect payment made on 31 January 2020 of \$15,541.04. The rate payer requested a refund of this amount, which is currently in process using the Shire’s creditor system.

A total of \$502.49 of incorrect interest accrual in the period between January until April 2020 has been incurred by the rate payer. Taken into account that if the original payment, dated 31 January 2020 was receipted against A2865 the interest accrual would not have taken place. For this reason it is considered a reasonable request to write off this amount of accrued interest.

Consultation:

Consultation has taken place with between the Rates officer and the Rate payer and the CEO.

Statutory Environment:

The Council may waive or write off debts pursuant to Section 6.12 (1) of the *Local Government Act, 1995*.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

Relevant Plans and Policy:

Delegation 3025 – Waiving and Granting of Concessions and Write-Off of debts other than Rates & Service Charges

Financial Implications:

The amount to be written in accrued interest is minor and for this reason would not have significant financial impact on the Shire.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability

Comment:

N/A

OFFICER'S RECOMMENDATION

That Council in accordance with section 6.12 of the Local Government Act 1995, agree to write off the accrual of interest of \$502.49 on Assessment A2865.

FC 7/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Vandeleur

That Council in accordance with section 6.12 of the Local Government Act 1995, agree to write off the accrual of interest of \$502.49 on Assessment A2865.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.2.4 COMMUNITY GROWTH FUNDS – 2020/2021 RATES DONATION

Date of Meeting:	24 November 2020
Location/Address	N/A
Name of Applicant	N/A
Name of Owner 1	N/A
Author/s:	Jennifer MacKellin – Executive Manager Community Services Community Growth Funds Committee
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Related Reports:	22 September 2020 – 8.5.1 – C025 Community Growth Fund Policy – Review 26 February 2019 – 8.2.8 – Review of Community Growth Fund Policy 2019

Summary of Item:

That Council provides support for community groups, through the provision of a rates donation, in accordance with the resolution made on 22 September 2020 and C025 Community Growth Fund Policy.

Description of Proposal:

- a) That Council provides a 90% rate donation for 2020/21 to:
 - 1. Carnarvon Playgroup
 - 2. Carnarvon Speedway Club
 - 3. Carnarvon Community and Senior Citizens
 - 4. Carnarvon Motorcycle Club
 - 5. Carnarvon Rifle Club
 - 6. Carnarvon Heritage Group
 - 7. Carnarvon Yacht Club
 - 8. Carnarvon Horse and Pony Club
 - 9. Carnarvon Space and Technology Museum
 - 10. Masonic Lodge
 - 11. Carnarvon Tennis Club
 - 12. Carnarvon Bowling Club
 - 13. Carnarvon Art and Crafts Workshop
 - 14. PCYC
 - 15. Carnarvon Racing Club

- b) That Council provides a 50% rate donation for 2020/21 to:
 - 1. Carnarvon Gymnastics Club

- c) That the Council contribution of a rates donation be conditional upon the provision of any outstanding application documentation.

Background:

Through the review of C025 Community Growth Fund Policy, it became apparent that Council had been contributing a 90% rates donation (for some entities) in excess of 17 years, with no application or review process. In 2019/20, Council contributed ~\$73,000 in rates donations. Many of those receiving a rates donation are in a Council owned or managed property, where some are on peppercorn leases and others paying minimal rent.

Shire staff were able to identify a total of twenty organisation's that have received a rates donation, with sixteen of these being provided for at least 17 years. These organisation's were sent a letter advising them of the Council resolution provided in the September 2020 meeting as provided in **Schedule 8.2.5a**. This letter outlined the requirement for them to apply for consideration of a Rates Donation for the 2020/21 financial year. Fifteen organisation's applied, from this letter. Those that did not apply by the deadline received either an email or phone call to remind them. Officers worked to ensure that every organisation was provided with extra time to submit their application, should Council choose to accept late applications. All applications received have previously received a 90% Rates Donation.

In addition to the fifteen applications received from existing recipients, an unsolicited application was received from Gascoyne Gymnastics Club. No other new applications were received. As a new application, the newly adopted Policy C025 will apply to Gascoyne Gymnastics Club providing eligibility for a 50% Rates Donation should the criteria be met.

Shire officers reviewed these applications upon receipt and followed up with each applicant to request any outstanding documents/information from their application.

Confirmation of information provided was undertaken by searching government websites, organisation websites and Shire records, for every application.

The Councils Community Growth Funds Committee then met to review the applications. Five Elected Members attended this meeting, with three having voting rights and two as observers. Each application was again reviewed against the criteria and provision of information. This Committee has delegated authority for the general Community Growth Fund grants. This Committee reviews applications for Rates Donations, which are to be presented to Council and require an absolute majority vote.

Due to the confidential nature of some information provided, applications have not been provided in their entirety for this report. A confidential spreadsheet has been prepared for Elected Members to assist in their determination of the recommendations. This document provides an overview of the information provided in applications. ***Schedule 8.2.5b Confidential***

Through the process of reviewing applications, it became apparent that some organisations would benefit from greater support in reviewing their governance practices. The reliance on volunteers, changing membership within organisations and the challenges associated with running a not for profit community group, impact on the capacity for some groups to meet and maintain compliance requirements. It was noted that of the applications received, some organisations had difficulty in being able to locate documents and compliance deadlines were not always met with regulatory bodies. As a result of this, Shire officers will identify opportunities to provide greater education and training for community organisations to support them in their sustainability.

Consultation:

Shire Officers
Community organisations

Statutory Environment:

Local Government Act 1995

Relevant Plans and Policy:

C025 Community Growth Funds Policy
Annual Budget
Corporate Business Plan

Risk Assessment:

Reputational Risk – Should Council not provide the discount for 2020/21, there would be a significant reputational risk within the community.

As mentioned in the report provided to Council in September 2020, the Local Government Act does not appear to require Council to provide grants or donations to the Community. This is at the discretion of the individual Council. Some entities may believe that they are being disadvantaged by a change in the Rates donation which will come into force for 2021/22. Council has provided these organisations with a little over a year to reconcile their own financial sustainability to enable them to pay the increase in payments.

Financial Implications:

Council has already adopted the budget for 2020/21 and these changes will have no impact on this budget.

Name/Club	Years Discount	Discounted %	Rates notice (ex ESL & Bins) 20/21	Discount amount 2020/21
Carnarvon Playgroup	4	90%	\$ 1,413.99	\$ 1,272.59
Carnarvon Speedway Club	17	90%	\$ 1,300.87	\$ 1,170.78
Carnarvon Community and Senior Citizens	17	90%	\$ 2,422.11	\$ 2,179.90
Carnarvon Motorcycle Club	17	90%	\$ 1,093.00	\$ 983.70
Carnarvon Rifle Club	17	90%	\$ 1,093.00	\$ 983.70
Carnarvon Heritage Group	17	90%	\$ 3,559.59	\$ 3,203.63
Carnarvon Yacht Club	17	90%	\$ 4,726.39	\$ 4,253.75
Carnarvon Horse and Pony Club	4	90%	\$ 1,093.00	\$ 983.70
Carnarvon Space and Tech Museum	2	90%	\$ 5,938.76	\$ 5,344.88
Masonic Lodge	4	90%	\$ 1,885.32	\$ 1,696.79
Carnarvon Tennis Club	17	90%	\$ 3,390.96	\$ 3,051.86
Carnarvon Bowling Club	17	90%	\$ 7,174.69	\$ 6,457.22
Carnarvon Arts and Crafts Workshop	17	90%	\$ 2,029.34	\$ 1,826.41
PCYC	17	90%	\$ 6,522.08	\$ 5,869.87
Carnarvon Racing Club	17	90%	\$ 6,190.13	\$ 5,571.12
Carnarvon Heritage Group	17	90%	\$ 1,434.94	\$ 1,291.45
Gascoyne Gymnastics	0	50%	\$ 2,827.13	\$ 1,413.57
			\$ 54,095.30	\$ 47,554.92

Community & Strategic Objectives:

Goal 2: Natural and built environment

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

2.6	Shire assets and facilities that support services and meet community need
2.6.5	Buildings and facilities are appropriately managed according to their need and use

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation

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

Goal 5: Civic

Strong and listening Council

5.1	A well engaged and informed community and a high standard of customer service
5.2	The Shire has a high standard of governance and accountability
5.4	Sound financial and asset management

Comment:

It might be considered given no or minimal rents are being paid, in-kind services are being provided, and grants have been approved, that the Council is already providing a significant contribution to some organisation's. It

is acknowledged, however, that many community organisations are struggling to continue providing a service to the community.

Council is committed to continuing to support community organisations, through rates donations, community grants and in-kind support as per Policy.

OFFICER'S RECOMMENDATION

That all applications received be approved for 2020/21 subject to any outstanding application documents being submitted within fourteen (14) days.

FC 8/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Skender

That all applications received be approved for 2020/21 subject to any outstanding application documents being submitted within fourteen (14) days.

CARRIED BY ABSOLUTE MAJORITY
F7/A0

(Note – Council instructs the CEO to review the system of grant allocations for the 2021/2022 financial year)

8.2.5 RATES RECOVERY

Date of Meeting: 24 November 2020
 Location/Address N/A
 Name of Applicant 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:

Council note the Rates Arrears for the Shire of Carnarvon.

Council note that Shire officers will be enacting Part 6 the Local Government Act 1995 and the Shire of Carnarvon Rates Recovery Policy.

Description of Proposal:

The Shire of Carnarvon records show Rates Arrears to be \$560,934.25 in total.

These Arrears can be broken down as follows:

	No. of Assessments	3 years +	No. of Assessments	2 years	No. of Assessments	1 year	TOTAL
Rates	48	\$ 160,256.46	47	\$ 79,332.28	117	\$ 254,982.69	\$ 494,571.43
Back rates 14/15	0	\$ -	1	\$ 6,202.06	0	\$ -	\$ 6,202.06
Back rates 15/16	0	\$ -	1	\$ 19,129.00	0	\$ -	\$ 19,129.00

Back rates 16/17	0	\$ -	1	\$ 20,005.62	0	\$ -	\$ 20,005.62
Back rates 17/18	0	\$ -	1	\$ 21,026.14	0	\$ -	\$ 21,026.14

In addition to this, there is also \$360,340.61 in other charges that are in arrears for previous years.

Policy C009 Rates Recovery, which was last reviewed and adopted by Council on 24 April 2019, provides a framework for Rates Recovery that is consistent with that set out in the Local Government Act 1995. Shire Officers have been working within this Policy for Rates Recovery.

Rates are an essential source of revenue for the Shire, without we would be unable to provide our many services within the community. The current Rates Arrears has an impact on our budget which relies upon this revenue.

The next stages of Rates Recovery, as provided in the Local Government Act, include:

1. Issuance of a General Procedure Claim, which will include costs incurred by the Shire in issuing the Claim (s.6.56 of the Act)
2. Garnishing of rent from the lessee of a property (s.6.60 of the Act)
3. Taking possession, including possible sale, of the property (s.6.64 of the Act)
4. Lodging a caveat that precludes dealings in respect of the property (s6.64 of the Act)

Background:

The Shire of Carnarvon issues Rates Notices annually to property owners in accordance with the Local Government Act 1995. An opportunity to pay by installments is available to all ratepayers. Some ratepayers have entered into alternate payment arrangements with the Shire, which allow them to make regular payments to clear any outstanding rates by the end of the current period.

Shire Officers have reviewed all Rates Arrears and attempted to contact and enter into payment arrangements to have Arrears cleared by the end of the current period. Unfortunately, there have been some ratepayers who not responded to correspondence and telephone calls from the Shire. Arrangements for payment have been made where possible, but some arrangements could not be entered into as the ratepayers were not able to meet the minimum payment required.

Consultation:

n/a

Statutory Environment:

Rates and Charges (Rebates and Deferments) Act 1992
Local Government Act 1995

Relevant Plans and Policy:

C009 Rates Recovery
C036 COVID-19 Financial Hardship Policy

Financial Implications:

The current Rates Arrears amount to \$xxx

Legal costs may be incurred by the Shire with costs to be recovered through any claims against the property.

Risk Assessment:

Reputational - concern within the community can be anticipated should action result in legal proceedings or the sale of properties.

Financial and Operational – the loss of revenue will impact on the annual budget

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council

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 Councilors
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
5.2.5	Continual improvement in implementation of the Integrated Planning and Reporting (IPR) cycle
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The Rates Arrears do not relate to the current Rates payable. Council adopted C036 COVID-19 Financial Hardship Policy on 2 April 2020. This Policy is for those experiencing financial hardship due to COVID-19 and applies to Rates levied for the 2020/21 financial year only.

OFFICER'S RECOMMENDATION

1. That Council note the Rates Arrears for the Shire of Carnarvon
2. That Council note that Shire officers will be enacting Part 6 the Local Government Act 1995 and the Shire of Carnarvon Rates Recovery Policy C009

FC 9/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

1. That Council note the Rates Arrears for the Shire of Carnarvon
2. That Council note that Shire officers will be enacting Part 6 the Local Government Act 1995 and the Shire of Carnarvon Rates Recovery Policy C009

CARRIED
F7/AO

LATE ITEM

The Shire President advised that a Late Item had been received in regard to rate arrears and asked Council if they wished to consider this item.

That the late item as presented to Council in regard to Rate Arrears be considered.

CARRIED

F7/AO

8.2.6

RATES ARREARS

Date of Meeting:	24 November 2020
Location/Address:	Confidential
Name of Owner:	Confidential
Author/s:	Jennifer MacKellin – Executive Manager Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

In accordance with the Local Government Act 1995 (Act) and Policy C009 Rates Recovery, Shire officers are recommending to Council that a Payment Arrangement Agreement (Agreement) be adopted for the Rates Arrears on a property within Carnarvon. This payment Agreement is a recognition of the difficulties being faced within our community, by providing the property owner additional time to pay their Rates Arrears. It may be considered the final opportunity for the property owners to make good on the significant debt owing to the Shire of Carnarvon.

Should Council not support the recommendation for an extended time payment Agreement, legal action against the property owner may be to the extent which would require the sale of the property in accordance with the Act.

The recommended payment Agreement falls outside of Policy C036 COVID-19 Financial Hardship, as the rates arrears are not as a result of COVID-19, as the rates were levied prior to the current financial year.

Note: Property owners are afforded protection under the Act when a debt is raised:

5.95. *Limits on right to inspect local government information:*

(2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (m), (n), (p) or (u) of that section if the information relates to any debt owed to the local government by a person other than the first-mentioned person.

As a small community, it is important to respect and protect the confidentiality of property owners in these circumstances. Elected Members may also be placed in a position when making a decision, should they have a personal connection to the ratepayer, where there may be a perceived conflict of interest. To protect both the ratepayer and the Elected Members, the Author has chosen not to provide any information that may unethically identify the property owner. This allows Elected Members to make an impartial decision without any perceived conflict. The property owner will be advised of this to reduce the risk of any unnecessary tensions.

Description of Proposal:

It is proposed that Council authorise the CEO to enter an extended time payment Agreement with the property owners of Assessment Number A1727 for a period of four (4) years. This period allows the property owner to pay \$1,350 per fortnight to clear the debt by 30 June 2024, based on current estimates. **Confidential Schedule 8.2.6**

The current Rates Notice identifies the following:

	Current	Arrears	Amount Due
Rates	\$11,896.37	\$30,517.76	\$42,414.13
Emergency Services Levy	655.48	1,687.33	2,342.81
Interest	1,558.80	5,565.12	7,123.92
Other Services	3,325.00	9,625.00	12,950.00
ESL Penalty Interest	39.16	259.91	299.07
Arrangement Fee		1,162.50	1,162.50
	\$17,074.81	\$48,817.62	\$66,292.43

Of note in this is the *Arrangement Fee* which has been applied previously due to a Payment Arrangement Agreement. The property owner did make regular payments under the previous Agreement, but these appear to have stopped in 2017.

Since this notice was issued on 15 September 2020, there has been further interest which has accrued. The total outstanding is now **\$69,885.68**.

During the proposed Agreement period, the Rate Arrears will continue to accrue interest at a rate of 8%p.a. on the outstanding balance of the arrears. (Subject to change as Council set this rate annually)

During this period, current and future rates will continue to be payable when they fall due. These are additional to the Rate Arrears. Rates for 2020/21 are levied at \$15,876.50 and it can be anticipated that this will not decrease for future years. Calculations are subject to change annually.

The Rate Arrears and Rates yet to be levied provide a **total projected amount of \$112,307.88**.

In accordance with the Shire of Carnarvon Schedule of Fees and Charges, \$46.50 (per \$1,000 outstanding -non pensioners) administration fee applies for all accepted payment arrangements. This will be payable annually in addition to Rates Arrears, for the period of the payment Agreement, and subject to annual changes in accordance with the Schedule of Fees and Charges adopted by Council. Based on \$112,307.88 this is calculated at \$5,208.00.

Background:

- The property in question had made no payments towards Rates since 16 October 2017.
- Attempts had been made by former Shire officers to recoup the arrears, but these did not result in payments being made.
- An email was sent to the property owner on 28 October 2020, providing a recommended Payment Arrangement Agreement.
- The property owner was advised in this email that should '*payment of \$66,760.21 not be received or a suitable Payment Arrangement entered into within the next 21 days, Council will commence legal action to secure the property under Section 6.64 of the Local Government Act 1995*'.
- This Agreement offered a minimum weekly payment of \$2,090 (x35 weeks) to clear the Rates Arrears, Administration Fees and Interest Charges (estimated) by 30 June 2021.
- The CEO does not have authority to provide a payment Agreement that extends beyond the current rating year.
- An email from the property owner was received, nominating an amount of \$600 per week, was received on 29 October.
- Following further communication with the property owner, the Rates Officer received this signed offer on 10 November 2020.
- The Shire officers and CEO could not accept this Agreement as it would not clear the Rates Arrears by 30 June 2021.

Options:

In considering this situation, Shire officers have deliberated on the various options available to Council:

1. Payment Arrangement Agreement over extended time – identified as a recommendation for consideration of Council. Allowing the property owner with an opportunity to pay their Rate Arrears without incurring legal costs or potentially having their property sold. Should the property owner not maintain the Agreement payments, following the default of two payments, legal action may be taken. This may result in the sale of the property.
2. Debt collection – referring this debt to a debt collection agency would impose greater debt on the property owner and may prevent them from consolidating their debts through typical sources such as a bank loan. With the information provided to Shire officers, it appears that the property owners are facing financial difficulty and are looking at their options to recover.
3. Legal action – a General Procedures Claim may be pursued through a debt collection agency or solicitor.
4. Sale of the property – this is considered a ‘last resort’. Should Council take this option, it can be expected that they would receive the full payment of the rates arrears. However, it can also be expected that this option would see Carnarvon lose another family from the community and may result in a significant reputational risk for the Council.

Statutory Environment:

The recovery of Rates Arrears requires an understanding of both the Act and Local Government Regulations.

Rates and service charges are covered in the Act in *Part 6, Division 6*.

Subdivision 4 – Payment of rates and service charges:

6.45 Options for payment of rates or service charges

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by –*
 - (a) *4 equal or nearly equal instalments; or*
 - (b) *such other method of payment by instalments as is set forth in the local government’s annual budget.*
- (2) *Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge –*
 - (a) *by a single payment; or*
 - (b) *by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*
- (3) *A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *Regulations may –*
 - (a) *provide for the manner of making an election to pay by instalments under subsection (1) or (2); and*
 - (b) *prescribe circumstances in which payments may or may not be made by instalments; and*
 - (c) *prohibit or regulate any matters relating to payments by instalments; and*
 - (d) *provide for the time when, and manner in which, instalments are to be paid; and*
 - (e) *prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and*
 - (f) *provide for any other matter relating to the payment of rates or service charges.*

[Section 6.45 modified: SL 2020/57^{1M}.]

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

6.50. Rates or service charges due and payable

(1) Subject to —

- (a) subsections (2) and (3); and
- (b) any concession granted under section 6.47; and
- (c) the Rates and Charges (Rebates and Deferments) Act 1992,

a rate or service charge becomes due and payable on such date as is determined by the local government.

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

6.51. Accrual of interest on overdue rates or service charges

(1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —

- (a) a rate or service charge (or any instalment of a rate or service charge); and
- (b) any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.

* Absolute majority required.

(2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

(4) If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —

- (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
- (b) no additional charge is to be imposed under section 6.45(3) on that person.

(5) Regulations may provide for the method of calculation of interest.

[Section 6.51 amended: No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

[Section 6.51 modified: SL 2020/57^{1M}.]

Subdivision 5 – Recovery of unpaid rates and service charges

6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

6.62. Application of money paid for rates and service charges

Where money is paid to a local government in respect of rates or service charges imposed on land, the local government is to apply the money for or towards —

- (a) the rates or services charges due on the land in the order in which they become due; and
- (b) any outstanding costs of proceedings for the recovery of any such rates or charges.

Subdivision 6 — Actions against land where rates or service charges unpaid

6.64. Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

- (a) from time to time lease the land; or
- (b) sell the land; or

- (c) *cause the land to be transferred to the Crown; or*
- (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

6.68. Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
 - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*
- (3A) *A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.*
- (3) *Schedule 6.3 has effect in relation to the exercise of the power of sale.*

Rates and service charges are covered in Part 5 of the Local Government (Financial Management) Regulations 1996:

58. Instalments not available if land in arrears (Act s. 6.45)

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

66. Instalments, when right to pay by ceases

- (1) *Subject to subregulation (2), where an election has been made to pay a rate or service charge by instalments, payment may continue to be made by instalments notwithstanding that an instalment (other than the first instalment) remains unpaid after it is due and payable.*
- (2) *If an instalment remains unpaid after the day on which the next instalment becomes due and payable, the local government may revoke the ratepayer's right to pay by instalments.*
- (3) *Where the right to pay by instalments is revoked under subregulation (2) —*
 - (a) *the unpaid rate becomes due and payable on the day after the day of the revocation, or such later day as the local government decides; and*
 - (b) *the local government must, in writing, immediately notify the ratepayer of the revocation and give details of —*
 - (i) *the amount of the unpaid rate; and*
 - (ii) *the due date for payment of the unpaid rate; and*
 - (iii) *any interest accruing on the unpaid rate, or which will accrue if payment is not made by that date; and*
 - (iv) *any right to impose interest on the cost of proceedings to recover any unpaid rate.*

68. Maximum interest component prescribed (Act s. 6.45)

The maximum rate of interest to be imposed under section 6.45(3) is prescribed as 5.5%.

69. Instalments, calculating interest for (Act s. 6.45(3))

Interest under section 6.45(3) is to be calculated on a simple interest basis by applying the rate of interest imposed by the local government to the amount of each instalment for the period between the due date of the first instalment and the due date of each subsequent instalment.

71. Overdue rates and service charges, calculating interest on

- (1) Interest on rates and service charges, and the costs of any proceedings to recover such charges, that remain unpaid after the date of becoming due and payable (the **due date**) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- (2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- (3) If payment is received by the local government during the period from 1 July in a financial year until the annual budget for that financial year is adopted, interest referred to in subregulation (1) for that period is to be at the rate of interest imposed under section 6.51(1) for the previous financial year. [Regulation 71 amended: Gazette 31 Mar 2005 p. 1052.]

Relevant Plans and Policy:

Policy C009 Rates Recovery
Policy C036 COVID-19 Financial Hardship
Corporate Business Plan
Annual Budget

Financial Implications:

As identified in item 8.2.5 *Rates Recovery*, a report to Council dated 24 November 2020, the Shire of Carnarvon has Rates Arrears of \$560,934.25, with an additional \$360,340.61 in other charges that are in arrears. These arrears have an impact on current and future financial planning for the Shire. Additional costs may be incurred by the Shire should legal action be required. This cost may be recoverable from the property owner.

Risk Assessment:

Financial – not pursuing the recovery of Rates Arrears poses a significant financial risk for the Shire

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council

5.2	<i>The Shire has a high standard of governance and accountability</i>
5.2.1	<i>Robust decision-making by culturally aware, well-informed and supported Councilors</i>
5.2.2	<i>Highly capable executive leadership and management</i>
5.2.3	<i>Risks are well managed</i>
5.2.4	<i>The Shire will apply sustainability principles in its own operations</i>
5.2.5	<i>Continual improvement in implementation of the Integrated Planning and Reporting (IPR) cycle</i>
5.2.6	<i>Compliance with the Local Government Act 1995 and all other relevant legislation and regulations</i>

Comment:

The recommended Payment Arrangement Agreement provides a fair and reasonable opportunity for the property owner to repay their debt to Council. The recommended amount takes into consideration future rates and service charges to be levied over the Agreement period.

OFFICER'S RECOMMENDATION

1. *That Council note that the current Rate Arrears for the property identified in this report are \$69,885.68*
2. *That Council authorise the (Acting) CEO to enter into a Payment Arrangement Agreement with the owner of the property identified in this report, for a maximum period of four (4) years, as provided in the Confidential Schedule 8.2.2.*
3. *That Council note that should the property owner default on the Agreement terms and conditions, the (Acting) CEO may proceed to further recovery action in accordance with Policy C009 Rates Recovery.*
4. *That Council authorise the (Acting) CEO to enter into Payment Arrangement Agreements with other property owners, for a period of up to two years, for the purpose of Rate Recovery. That this authority is for Rates Arrears less than \$50,000 and does not include current or future rates levied.*

FC 11/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

1. *That Council note that the current Rate Arrears for the property identified in this report are \$69,885.68*
2. *That Council authorise the (Acting) CEO to enter into a Payment Arrangement Agreement with the owner of the property identified in this report, for a maximum period of four (4) years, as provided in the Confidential Schedule 8.2.2.*
3. *That Council note that should the property owner default on the Agreement terms and conditions, the (Acting) CEO may proceed to further recovery action in accordance with Policy C009 Rates Recovery.*
4. *That Council authorise the (Acting) CEO to enter into Payment Arrangement Agreements with other property owners, for a period of up to two years, for the purpose of Rate Recovery. That this authority is for Rates Arrears less than \$50,000 and does not include current or future rates levied.*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.3.2 VARIATION TO MOBILE TRADING LICENCE - BANKSIA DRIVE, CORAL BAY

1.21pm – Cr Simpson declared a Proximity Interest in this matter as he leases land adjacent to the property in question. Cr Simpson disconnected from the meeting.

File No:	ADM2051, P35/20
Date of Meeting:	24 November 2020
Location/Address:	Banksia Drive, Coral Bay
Name of Applicant:	Lisa Eveson
Name of Owner:	Road Reserve (Shire of Carnarvon)
Author:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	25/02/2020, 28/07/2020

Summary of Item:

This item relates to an application received from the Coral Bay Australia Post contractor to vary the existing mobile trading licence for Australia Post services. The applicant has requested that the licence be modified as follows:

1. To permit Lotterywest sales and service; and
2. To locate a portable sign on Banksia Drive opposite the mobile trader from Monday to Friday from 8am to 5pm.

The trading area (Banksia Drive road reserve) and trading times (2:00pm to 5:00pm Monday – Friday) are to remain unchanged. The licence expires on 14 March 2021.

The officer's recommendation is that the application for a variation to the licence be supported as it is a minor modification to the existing approved licence and does not significantly change the extent or nature of the existing mobile trading service.

Description of Proposal:

The applicant operates from an expandable trailer van located in Banksia Drive as illustrated in Figure 1. The vehicle is set up and removed from the site at the end of each trading day. The proposed Lotterywest sales and services will operate from the van. The proposed sign will be located opposite the van on Banksia Drive.



Figure 1: Site occupied by the Australia Post



Figure 2: Proposed portable sign

Background:

The Shire of Carnarvon Local Law ‘Hawkers, Traders and Stall Holders’ relates to the temporary occupation of land either on a long term or periodic basis for the purpose of either selling or displaying goods or providing services to customers.

Lotterywest sales and service is likely to generate more pedestrian and vehicle traffic as it will be the only outlet for this franchise in Coral Bay. The subject site is located approximately 250 metres away from the previous Australia Post agency within the Coral Bay Shopping Arcade, it abuts a paved footpath providing pedestrian access and street parking is available in Banksia Drive. The subject site is not located on a major public thoroughfare and its operation since approval was granted in March 2020 has not resulted in traffic congestion or parking concerns.

The Shire has provided a ‘finger sign’ at the junction of Robinson Street and Banksia Drive indicating location of the Australia Post facility. Main Roads WA will not allow operating hours to be attached to this sign. Due to the limited operating hours the general public, tourists and other visitors have restricted access to postal services in Coral Bay, the provision of signage setting out operating hours will assist those seeking access to this service.

The mobile trading location is temporary. The applicant has advised that a number of alternative sites are being considered for when the current licence expires in four months time.

Consultation:

No public consultation is required for mobile trading applications.

Statutory Environment:

Shire of Carnarvon Local Government Act Local Laws, s. 29 – Hawkers, Traders & Stall Holders

The local law provides guidance on the method and information required for applications, assessment considerations, grounds for refusing, licence renewals, licence conditions, and the grounds for revoking licences; as well as fee and licence transfer management. The current licence complies with the requirements

of the local law.

Relevant Plans and Policy:

Shire of Carnarvon Policy: D003 Coral Bay Mobile Trading

In June 2020, the Shire adopted *Policy D003 Coral Bay Mobile Trading, (Policy 003)* which limits trading to land in private ownership. Objectives of the Policy are as follows:

1. *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.*
2. *To regulate the level and intensity of vendor activities on road reserves and private land accessible to the public to ensure that the site is retained primarily for its purpose (community/traffic use, parking and commercial activities).*
3. *To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.*
4. *To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street carparks, and private commercial areas.*

The mobile trading licence held by the applicant was approved under the superseded Shire *Policy D001 Mobile Trading*. Although a variation to an existing licence, consideration has been given to the revised policy as it involves some intensification of the use.

Shire of Carnarvon Policy Statement No. 18 Advertising and Signage

This policy was adopted under Local Planning Scheme No. 10 (LPS 10), with the gazettal of LPS 13 on 3 November 2020 LPS 10 has been revoked and as such Policy Statement No. 18 is no longer valid however it provides a guide when assessing applications.

The Policy identifies portable signs as being:

a sign not permanently attached to the ground, building, post, wall or fence which only advertises a product or service available on the land upon which it is erected or upon land immediately adjacent to its location; including but not limited to a sandwich board sign consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means;

The proposed sign falls within this definition of a portable sign which can be located on the subject site.

Financial Implications:

There are no identified financial implications.

Risk Assessment:

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

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Objective 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	Outcomes and Strategies
1.1	Local business growth

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:

On 30 June 2020, the Shire adopted *Policy D003 Coral Bay Mobile Trading* which limits trading to land in private ownership. However, the mobile trading licence held by the applicant was approved under the now superseded *Policy D001 Mobile Trading* which allowed trading from road reserves. The application expires on 14 March 2021.

Policy D003 applies to new applications in Coral Bay and limits mobile trading sites to areas of private land, as such the site subject to this licence will not be permitted for mobile trading activity once the current licence expires.

The proposed sign is consistent with the Shire's advertising and signage policy in relation to portable signs. It is considered that residents, tourists and visitors to Coral Bay will benefit from having information available on operating hours of the postal service.

With the proposed additional Lotterywest sale and services it is considered that the mobile trading business will continue to satisfy the objectives of Policy 003 in relation to traffic, pedestrian and general public safety and given that Lotterywest sales are not currently available in Coral Bay, will provide a service that will enhance the visitor/resident experience.

It is recommended that the application be supported on the basis that the proposal:

1. Does not represent a significant variation from the existing licence;
2. Is not anticipated to create adverse traffic, pedestrian and general public safety concerns;
3. Is to be in operation for a limited period of time; and
4. Will provide a service that is not otherwise available to the Coral Bay community.

OFFICER'S RECOMMENDATION

That Council,

Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve the modification to the Mobile Trading Licence HHT 20/002 to include Lotterywest sales and service and a portable sign setting out operating hours, subject to the following conditions:

1. *The portable sign to be located on the site only from Monday to Friday from 8am to 5pm.*
2. *No access to the site by the mobile trading vehicle being permitted over the adjoining footpath.*
3. *The adjacent footpath shall be kept clear of migrated gravel at all times to ensure ongoing pedestrian safety.*
4. *The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.*
5. *The licensee must on demand produce this licence to any authorised person of the Council or any police officer or the person in charge of the place where the licenced activity is carried on.*
6. *The licensee must remove his/her vehicle and all of his/her goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place.*
7. *Trading is only permitted between the hours of 1400 to 1700 Monday to Friday.*
8. *The licensee must comply with the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning law s and laws relating to advertising signs and obstruction of thoroughfares.*
9. *The licensee must maintain a minimum of \$10 million public liability insurance covering the licenced activity.*
10. *The trading activity must not cause unreasonable nuisance considering the trading environment.*
11. *The licence for the activity expires on 14 March 2021.*

Advice Notes

- a. Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.
- b. Trading licences are not transferable without the written consent of the Council.
- c. Trading licencees must comply with all the requirements of s. 29 of the Shire of Carnarvon Local Government Act Local Laws. A copy of this may be obtained from the Council office at 3 Francis St, Carnarvon WA.

FC 12/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Maslen

That Council,

Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve the modification to the Mobile Trading Licence HHT 20/002 to include Lotterywest sales and service and a portable sign setting out operating hours, subject to the following conditions:

1. **The portable sign to be located on the site only from Monday to Friday from 8am to 5pm.**
2. **No access to the site by the mobile trading vehicle being permitted over the adjoining footpath.**
3. **The adjacent footpath shall be kept clear of migrated gravel at all times to ensure ongoing pedestrian safety.**
4. **The licencee must legibly and conspicuously display his/her licence on the vehicle used for trading.**
5. **The licencee must on demand produce this licence to any authorised person of the Council or any police officer or the person in charge of the place where the licenced activity is carried on.**
6. **The licencee must remove his/her vehicle and all of his/her goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place.**
7. **Trading is only permitted between the hours of 1400 to 1700 Monday to Friday.**
8. **The licencee must comply with the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning law s and laws relating to advertising signs and obstruction of thoroughfares.**
9. **The licencee must maintain a minimum of \$10 million public liability insurance covering the licenced activity.**
10. **The trading activity must not cause unreasonable nuisance considering the trading environment.**
11. **The licence for the activity expires on 14 March 2021.**

Advice Notes

- a. Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.
- b. Trading licences are not transferable without the written consent of the Council.
- c. Trading licencees must comply with all the requirements of s. 29 of the Shire of Carnarvon Local Government Act Local Laws. A copy of this may be obtained from the Council office at 3 Francis St, Carnarvon WA.

FC 13/11/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Standing Orders Section 13 be suspended at 1.25pm to enable clarification from the Town Planner in regard to the proposed variation to the licence.

CARRIED
F6/AO

1.22pm – Mr John Meggitt, Town Planner joined the meeting.

1.30pm – Mr John Meggitt, Town Planner left the meeting.

FC 14/11/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That Standing Orders Section 13 be resumed at 1.27pm

CARRIED

F6/A0

Motion FC 12/11/20 was put.

CARRIED

F4/A2

Cr Fullarton and President Smith voted against the motion

1.33pm – Cr Simpson was reconnected to the meeting at 1.33pm and was advised of Council's decision.

8.4 INFRASTRUCTURE SERVICES

8.4.1 SHIRE OF CARNARVON - UPDATE OF SIGNIFICANT LOCAL ROADS

File No:	ADM0049
Date of Meeting:	24 th November 2020
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Renee Lathwell
Declaration of Interest:	None
Voting Requirements:	Simple Majority

Summary of Item:

That Council amends Shire of Carnarvon nominated Significant Local Roads in the *Roads 2030 Strategies for Significant Local Roads – Gascoyne Region*.

Description of Proposal:

Three roads are proposed for removal from Shire of Carnarvon Significant Local Roads as follows:

- Douglas Street, Carnarvon
- Carnarvon Road, Carnarvon
- Sydney 2 Memorial Drive, Carnarvon

Four additional roads are proposed for inclusion as Shire of Carnarvon Significant Local Roads as follows:

- Banksia Drive, Coral Bay
- Robinson Street, Coral Bay
- Wahroonga-Pimbee Road, Carnarvon
- Robinson Street, Carnarvon

Background:

The aim of the Roads 2030 Regional Road Development Strategy is to identify and develop a significant road network to support and facilitate the development of the Gascoyne Region.

To be eligible for Regional Roads Group (RRG) funding, a Shire road must be included in this strategic outlook as a *Significant Local Government Road*.

The Gascoyne Roads 2030 strategy currently includes thirteen Shire of Carnarvon *Significant Local Government Roads* as follows:

Carnarvon Mullewa Road	Douglas Street
Blowholes Road	Cornish Street
Quobba Gnaraloo Road	Harbour Road
North River Road	Sydney II Memorial Drive
Bibbawarra Road	Carnarvon Road
Minilya Lyndon Road	
Lyndon Mangaroon Road	
Lyndon Towera Road	

The Gascoyne region Roads 2030 document is provided in **Schedule 8.4.1(a)** for reference. **Schedule 8.4.1(b)** provides a copy of the Final Draft Guidelines and Criteria for the Identification of Significant Local Government Roads. These documents are entering a review process hence this report.

Under these guidelines, to be considered a *Significant Local Government Road*, a road must “**meet two (2) of these criteria (with at least one criteria being met from two of the four sections)**. A road connecting to what is deemed a significant tourist attraction/area only needs to meet the Tourism requirement.”

Consultation:

Consultation has been undertaken with;

- Main Roads WA – Midwest Gascoyne Region
- Shire of Upper Gascoyne

Statutory Environment:

N/A

Relevant Plans and Policy:

N/A

Financial Implications:

There are no direct financial implications associated with the recommendation.

The number or status of Significant Local Roads nominated under the strategy has no impact whatsoever on the level of RRG funding received by the local government.

Risk Assessment:

No risk identified.

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
2.6.1	Roads are appropriately managed according to their need and use
2.6.2	Advocate for improvements to the state road network

Comment:

Roads recommended for removal as *Significant Local Government Roads* are Douglas Street and Carnarvon Road (ex Sydney 2 Memorial Drive). These roads do not require significant or imminent works and were resealed within the past three years under the Roads to Recovery (R2R) program.

Two Coral Bay roads are recommended for inclusion as Significant Local Government Roads. Both roads are likely to require upgrades and/or extensions to meet tourism traffic demands.

Wahroonga-Pimbee Road is an extension of Shire of Upper Gascoyne's Pimbee Road which they list as a *Significant Local Government Road*. Inclusion as a Shire of Carnarvon *Significant Local Government Road* adds consistency to the Roads 2030 Strategy so that the full length of the road is included, not just the Upper Gascoyne portion. Robinson Street Carnarvon is recommended for inclusion for required pavement works. The following table provides the internal assessment of how the roads nominated for inclusion in the strategy meet the inclusion criteria.

Road Name	Significant Local Road Criteria			
	Network / Significant	Road Function/Freight	Traffic Volume	Tourism
Banksia Drive, Coral Bay			Yes	Yes
Robinson Street, Coral Bay	Yes		Yes	Yes
Wahroonga-Pimbee Road, Carnarvon	Possible	Yes		Yes
Robinson Street, Carnarvon	Yes	Possible	Yes	

The roads recommended in this report appear likely therefore to meet sufficient criteria for inclusion as per the guidelines.

These nominated roads will need to be agreed upon by the Gascoyne Regional Road Group. If agreed, the RRG would seek an amendment to the endorsed Significant Local Government Roads as documented on the required Road Justification and Development Strategy Submission Form.

After approval by the RRG, the MRWA Road Classification Manager will confirm that the road/route meets the criteria and submit the application to the State Road Funds to Local Government Advisory Committee (SAC) for endorsement. If endorsed, the Road Classification Manager will then update the RRG Roads List.

OFFICER'S RECOMMENDATION

That Council supports the following amendments of Shire of Carnarvon Significant Local Government Road for inclusion in the Roads 2030 Strategies for Significant Roads:

- A. *Removal of Douglas Street, Carnarvon Road and Sydney II Memorial Drive*
- B. *Inclusion of Banksia Drive & Robinson Street (Coral Bay), Wahroonga-Pimbee Road and Robinson Street (Carnarvon).*

FC 15/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Skender

That Council supports the following amendments of Shire of Carnarvon Significant Local Government Road for inclusion in the Roads 2030 Strategies for Significant Roads:

- A. *Removal of Douglas Street, Carnarvon Road and Sydney II Memorial Drive*
- B. *Inclusion of Banksia Drive & Robinson Street (Coral Bay), Wahroonga-Pimbee Road and Robinson Street (Carnarvon).*

CARRIED
F7/A0

Date of Meeting:	24 November 2020
Location/Address:	Part Gnaraloo Road from Gnaraloo Bay to Southern Boundary of Warroora
Name of Applicant:	Department of Biodiversity, Conservation and Attractions
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Recommendation 1 - Simple Majority Recommendation 2 – Simple Majority Recommendation 3 - Simple Majority Recommendation 4 - Absolute Majority Recommendation 5 – Simple Majority
Previous Reports:	March 2020, May 2020 and September 2020

Summary of Item:

It is recommended Council agrees to an extension of time for the temporary road closure of the Gnaraloo to Warroora coastal track until 1 April 2022 subject to the normal public notice requirements under Section 3.50 of the Local Government Act 1995.

It is further recommended Council agrees to the proposal from the Department of Biodiversity, Conservation and Attractions for formation of a working group between the Shire and the Nynggulu Coast Joint Management Body to develop and implement a road map for the opening of the track and nominates Councillor representatives to that working group.

Description of Proposal:

The Pilbara Regional Manager for the Department of Biodiversity, Conservation and Attractions (DBCA) has written to the Shire President regarding the proposed reopening of the coastal track in December this year as previously resolved by Council.

The DBCA has outlined a “road map” for reopening of the coastal track and is requesting Council reconsider its May and September 2020 decisions to reopen the Gnaraloo Coastal Track on 1 December 2020. DBCA correspondence is provided in **Schedule 8.4.1**.

Background:

At its May 2020 ordinary meeting, Council resolved as follows:

FC 24/5/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

That Council direct the CEO to inform all appropriate stakeholders that the Shire will reopen the Gnaraloo Coastal Track on Tuesday 1st December 2020 for the purpose of an adventure track only.

CARRIED

F7/AO

(Note to Minute – As a result of the continual reclosing of this road with no definitive time frame provided by DBCA, Council agreed that the track should be reopened for the purpose stated and that the date provided would enable sufficient notice for the stakeholders concerned.)

The matter of the status of the track was again considered by Council at its September 2020 ordinary Meeting after receipt of correspondence from the Chair of the Nynggulu Coast Joint Management Body (NCJMB). Council resolved in that matter as follows:

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

After due consideration of the letter received from the Joint Management Board on 7th August 2020, Council direct the Chief Executive Officer to inform all appropriate stakeholders that the Shire will reopen the Gnaraloo Coastal Track on Tuesday 1st December 2020 for the purpose of an adventure track only.

CARRIED
F6/A0

Council met with representatives of DBCA and the Ningaloo Coast World Heritage Area Committee after its October 2020 ordinary meeting in Coral Bay to further discuss issues associated with reopening of the road.

It was agreed in principal at that meeting that:

1. DBCA would provide to Council a “road map” for the opening of the track outlining key considerations for the ongoing management of the track and the associated coastal reserve; and that
2. Council would reconsider its previous decision to open the track on 1 December 2020 upon receipt and consideration of the road map.

Consultation:

Consultation with the DBCA and the Ningaloo Coast World Heritage Area Committee occurred after the October 2020 Council meeting held at Coral Bay.

DBCA subsequently provided a “road map” outlining matters requiring further work required to manage the track and the reserve along with estimated timeframes to complete that work.

Statutory Environment:

Section 3.50 of the Local Government Act 1995 applies as follows:

3.50. Closing certain thoroughfares to vehicles

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) deleted]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

Section 5.42 of the Local Government Act 1995 applies as follows

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

There are no direct material financial implications associated with the recommendation. Financial implications are likely to be associated with outcomes from the working group such as expenditures for signage, studies and surveys. Council may need to include provision for these matters in its 21/22 budget and/or at its statutory budget review in January 2021.

Risk Assessment:

Partnership Risk – Formalisation of the Coastal Reserve is largely completed. The Nynggulu Coast Joint Management Body *is* the management body established by the State to manage this portion of land within the Shire of Carnarvon. Concerns expressed previously regarding the December opening of the track through the reserve have continued.

Community interest may be better served over the longer term by the Shire establishing and building its working partnership with the NCJMB. Building this partnership is likely to require knowledge and understanding, trust, an acknowledgement of differences and compromise on the part of *both* partners.

Establishing and building this partnership through the establishment of the proposed working group is a reasonable and typical process and may assist the Shire to maintain its current role as a genuine stakeholder in the management of this land. Not establishing and building that partnership may place the Shire at risk of being regulated out of any genuine stakeholder role.

Community & Strategic Objectives:**Goal 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
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

Goal 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

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
5.3	Council takes into account Aboriginal issues and perspectives in decision-making
5.3.1	Establish an Aboriginal Representation Committee for advice and collaboration
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 road map provided by the DBCA to address concerns associated with the reopening of the road sets the following issues, actions, and timeframes:

Issue	Action	Responsibility	Timeframe
Working Group Implementation	Establish and agree to terms of reference.	Joint	2 months
Aboriginal Cultural Heritage Concerns	Surveys and mapping.	Joint	12 months
Visitor Risk Management Concerns	Undertake visitor risk assessments	Joint	6 months
Nature Conservation Concerns	Undertake site assessments and report to	NCJMB	12 months
Management and Compliance Concerns	Develop plan and budget for visitor compliance	Joint	12 months
Infrastructure Development	Develop signage and communication plan.	Joint	12 months
Adjoining Road Reserve and Associated Impacts	Road reserve continuity and maintenance plan.	Shire	6 Months

Clearly, some of these actions can run in parallel. The 1 April 2022 proposed opening date appears to have addressed one of Council's primary concerns regarding the open-ended nature of prior requests.

On balance therefore it is considered appropriate for Council to grant an extension of the temporary road closure and agree to formation of the working group to allow opportunity for issues associated with opening of the track to be addressed systematically. With this in mind, Council will be required to rescind the previous motion adopted at the September 2020 Ordinary Meeting of Council.

OFFICER'S RECOMMENDATION 1

That Council consider the rescission of Motion FC 17/9/20.

OFFICER'S RECOMMENDATION 2

That Motion FC 17/9/20 of 22 September 2020 resolving that -

"After due consideration of the letter received from the Joint Management Board on 7th August 2020, Council direct the Chief Executive Officer to inform all appropriate stakeholders that the Shire will reopen the Gnaraloo Coastal Track on Tuesday 1st December 2020 for the purpose of an adventure track only."
be rescinded.

OFFICER'S RECOMMENDATION 3

That Council, pursuant to Section 3.50 of the Local Government Act (1995):

1. Advertises its intent to continue the temporary closure of a portion of Gnaraloo Road between Gnaraloo Bay and the Warroora Station southern boundary until 1 April 2022 by:
 - a) Providing local public notice in accordance with Section 1.7 of the Local Government Act (1995);
 - b) Display of a notice on the Shire of Carnarvon Website;
 - c) Written notice sent to the affected pastoral lessees; and
 - d) Includes in that notice advice that submissions regarding the proposed closure are to be received within a period of 21 days from the date of publication.
2. Directs the CEO to prepare a report for Councils consideration if objections to the proposed closure are received.

OFFICER'S RECOMMENDATION 4

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure of a portion of Gnaraloo Road between Gnaraloo Bay and the Warroora Station southern boundary until 1 April 2022 subject to there being either nil submissions received, or nil submissions received objecting to the proposal.

(Absolute Majority Required)

OFFICER'S RECOMMENDATION 5

That Council agrees to the formation of a Shire of Carnarvon/Nyinggulu Coast Joint Management Body working group to develop and implement a road map for a 1 April 2022 opening of the coastal track and nominates Cr _____ and Cr _____ as its working group representatives.

FC 16/11/20

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That Standing Orders Section 13 be suspended at 1.37pm to enable Councillors to receive verification on a number of questions directed to the Executive Manager Infrastructure Services.

CARRIED
F7/A0

FC 17/11/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Standing Orders Section 13 be resumed at 1.52pm

CARRIED
F7/A0

FC 18/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Skender/Cr Fullarton

That Council consider the rescission of Motion FC 17/9/20.

CARRIED
F6/A1

Cr Vandeleur voted against the motion

FC 19/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Skender/Cr Fullarton

That Motion FC 17/9/20 of 22 September 2020 resolving that -

"After due consideration of the letter received from the Joint Management Board on 7th August 2020, Council direct the Chief Executive Officer to inform all appropriate stakeholders that the Shire will reopen the Gnaraloo Coastal Track on Tuesday 1st December 2020 for the purpose of an adventure track only."

be rescinded.

LOST
F2/A5

(Note – due to the rescission motion being lost, Officer's Recommendations 3,4,5 were not considered.)

1.58pm – Cr Simpson disconnected from the meeting and did not return.

8.4.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PROJECT NOMINATIONS

Date of Meeting: 24 November 2020
Location/Address: Various
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: Officers Recommendation 1 - Simple Majority
Officers Recommendation 2 - Absolute Majority
Previous Report: August 2020

FC 20/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Skender/Cr Vandeleur

That Council nominates the following projects for completion under the extension of the LRCI funding program:

Project No	Item	Est Cost	Complexity	Procurement Requirement	Comments
12	Power Supply Main Street	\$20,000	Moderate	Shire contractor.	To be used for street functions and displays.
13	Install solar power at tipsite to reduce fuel usage, lighting and security system.	\$50,000	Moderate	RFQ - Local Content	Fuel usage up to \$8000 p.a. for existing generator supply.
14	Replace Information Bay on NWCH lighting, town map with photos of Fascine	\$50,000	Moderate	RFQ - Local Content	Prelim concept plans completed.

Project No	Item	Est Cost	Complexity	Procurement Requirement	Comments
15	Remove old splash park and play equipment at Baxter Park and remediate.	\$30,000	Moderate	RFQ - Local Content	May need to include tree/garden planting.
16	Pioneer Cemetery Remediation - Remove fencing, tree planting, lighting, water for trees	\$50,000	Moderate	RFQ - Local Content. Will require specialist restoration for any grave restoration work.	There is a small private contribution that can be utilised for part of this to develop entry statement.
17	Baston Oval Ablutions Upgrade	\$20,000	Low	RFQ - Local Content and Shire contractor.	Tiling and plumbing fixture upgrades required.
18	Horticultural district amenity and signage - road traffic control, cactus parking, fruit loop trail, standardised "No Work" Signs	\$50,000	Moderate	RFQ - Local Content	Will require coordination from Tourism section.
19	Public Toilet Baxter Park	\$100,000	Moderate	RFQ - some local content possible	Utilise prefabricated unit.
20	Brockman Park Reticulation and Public Toilet and Landscaping	\$198,912	High	RFT - Local content possible.	
21	Quobba Gnaraloo Information Bay - Tyre filling station	\$60,000	High	RFQ - some local content possible	Power supply to the unit may need to be via solar.
22	Tramway Bridge Shelter	\$40,000	Moderate	RFQ - some local content possible	Additional to initial LRCI allocation
23	Robinson Street Tree Planting	\$30,000	Low	RFT - Local content possible.	Utilise endemic species to minimise water requirements.
	Projects Total	\$698,912			

CARRIED
F6/A0

FC 21/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council delegates authority to the CEO to procure external project management resources where necessary to ensure delivery of the nominated projects within the required funding program timeframe.

CARRIED BY ABSOLUTE MAJORITY
F6/A0

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

Nil

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 15th December 2020 commencing at 1.00pm

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

Nil

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.04pm.