

# SHIRE OF CARNARVON

## MINUTES COUNCIL MEETING TUESDAY 25<sup>TH</sup> FEBRUARY 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.

---

## FORMATION 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.)

# CONTENTS

## 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.)

## 4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

## 5.0 CONFIRMATION OF MINUTES

5.1 Minutes of Ordinary Meeting of Council held on 28<sup>TH</sup> January 2020

## 6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

6.1 Mr Frank Pinner – Aged Care Proposal – Carnarvon

6.2 Mr Danny Lobwein – Carnarvon Windfest 2020

## 7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

## 8.0 DEPARTMENTAL REPORTS

### 8.1 GOVERNANCE

8.1.1 Actions Performed Under Delegated Authority .....8

### 8.2 CORPORATE SERVICES

8.2.1 Accounts for Payment – 31 January 2020..... 18

8.2.2 Management Report – 31 January 2020..... 20

8.2.3 Investments as at 31 January 2020..... 21

8.2.4 Governance Advice to Elected Members and Executive..... 23

8.2.5 WALGA State Council Agenda – Matters for Decision and Information..... 26

8.2.6 Policy Review C002 – Inclusion of Legal Services Panels ..... 28

8.2.7	Budget Variation – Area Promotions .....	30
8.2.8	Response to Differential Rate Query with Department Local Government .....	34
8.2.9	Shire of Carnarvon Compliance Audit Return 2019 .....	37

### **8.3 DEVELOPMENT SERVICES**

8.3.1	Development Application – Hudson Circus.....	40
8.3.2	Carnarvon Space & Technology Museum – Antennas .....	46
8.3.3	Local Development Plan – Carnarvon Christian School.....	50
8.3.4	Development Application – 2020 Kickstarters Gascoyne Dash .....	58
8.3.5	Development Application – Oversized Shed Lot 1 William Street.....	63
8.3.6	Development Application – Outbuilding for Storage – Lot 82 William Street.....	67
8.3.7	Gascoyne Hotel – Fence and Gate .....	71
8.3.8	Australia Post Mobile Trading Licence – Coral Bay.....	75
8.3.9	Review of Shire of Carnarvon Tourism Strategy & Action Plan .....	80
8.3.10	Invitation to PANNZ Markets 2020.....	83

### **8.4 INFRASTRUCTURE SERVICES**

8.4.1	Road Asset Information – Budget Variation.....	85
8.4.2	Container Deposit Scheme Processing Centre Offer – Acceptance .....	91
8.4.3	Sale of Surplus Items by Auction .....	95

### **8.5 COMMUNITY SERVICES**

8.5.1	Blowholes Working Group Minutes – 31 January 2020 .....	98
8.5.2	Street Art – Request for Signage .....	100
8.5.3	Aboriginal Community Engagement Officer.....	104

### **9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

### **11.0 DATE OF NEXT MEETING**

11.1 Next meeting of Council will be held on Tuesday 24<sup>th</sup> March 2020 commencing at 8.30am.

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

### **13.0 CLOSURE**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 25<sup>TH</sup> FEBRUARY 2020**

The meeting was declared open by the Presiding Member at 10.06am

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr J Nelson .....	Councillor, Town Ward
Cr A Fullarton .....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr K Simpson .....	Councillor, Coral Bay Ward (by instantaneous communication)
Cr L Skender.....	Councillor, Plantation Ward
Mr D Burton .....	Chief Executive Officer
Mrs D Hill .....	Senior Executive Officer
Observers .....	5
Leave of Absence .....	Nil
Apologies .....	Cr Pinner

**1.1 REQUEST FOR LEAVE OF ABSENCE**

Councillor Nelson has requested leave of absence for the March 2020 Ordinary Meeting of Council.

**FC**

**COUNCIL RESOLUTION**

***Cr Nelson/Cr Maslen***

***That Cr Nelson be granted leave of absence for the March 2020 Ordinary Meeting of Council.***

**CARRIED**  
**F7/AO**

**2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME**

*(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.)*

*All questions are to be provided on the Public Question Time Submission Form.)*

Public Question Time commenced at 10.06am

## 2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

---

## 2.2 PUBLIC QUESTION TIME

Mr David Gooch, Manberry Station –

Given that the Carnarvon Shire is on Band 2 of the Local Government Band allocations.

**Question 1** – What are the requirements to meet the Band 2 criteria and could I please have a copy of the job description form?

**Question 2** - Given the poor local economical environment for the past 3 years in the Gascoyne area, does Carnarvon Shire still meet the Band 2 criteria and will the CEO actively pursue a review of Carnarvon’s Band classification?

**Question 3** – Does the current CEO have any previous experience in a Band 2 position and what was his highest previous level achieved?

**Answer** – The Shire President advised that Mr Gooch’s questions will be taken on notice.

---

Cr Julee Nelson -

**Question** – Do the Police have sufficient access to the Shire’s CCTV network to effectively monitor the CBD area 24/7?

**Answer** – Police have full access to the cameras and recordings.

Public Question Time was closed at 10.09am

---

## 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 Maslen – Impartiality Interest – Item 8.3.6 – DA Outbuilding for Storage – Lot 82 William Street

Cr Maslen – Impartiality Interest – Item 8.3.3 – Local Development Plan – Carnarvon Christian School

Cr Nelson – Impartiality Interest - Item 8.5.2 – Street Art – Request for Signage

Cr Smith – Indirect Financial – Item 8.3.3 – Local Development Plan – Carnarvon Christian School

---

## 4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

---

## 5.0 CONFIRMATION OF MINUTES

### 5.1 ORDINARY MEETING OF COUNCIL – 28<sup>th</sup> JANUARY 2020

*FC 1/2/20*

#### COUNCIL RESOLUTION

*Cr Vandeleur/Cr Fullarton*

*That the minutes of the Ordinary Meeting of Council held on Tuesday 28<sup>th</sup> January 2020 be confirmed as a true record of proceedings.*

CARRIED  
F7/A0

---

## 6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

6.1 Mr Frank Pinner – Aged Care Proposal – Carnarvon

6.2 Mr Danny Lobwein – Carnarvon Windfest 2020

---

## 7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

President Smith advised that he had received confirmation from the Carnarvon Swimming Club that the Club have won the rights to run and host the 2022 Statewide Swim Club Pennant. Competitors and support crew will amount to over 1500 people visiting Carnarvon during the event. Council will need to ensure that the Aquatic Centre and facilities are competition ready.

---

## 8.0 DEPARTMENTAL REPORTS

### 8.1 GOVERNANCE

*FC 2/2/20*

#### COUNCIL RESOLUTION

*Cr Fullarton/Cr Nelson*

*That Items 8.1.1, 8.2.1 and 8.2.3 be moved enbloc as follows -*

#### **8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JANUARY/FEBRUARY 2020**

Date of Meeting:	25 <sup>TH</sup> February 2020
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

**Summary of Item:**

To report back to Council actions performed under delegated authority for the months January/February 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 of January/February 2020 and are submitted to Council for information.

## COMMON SEAL

Date Affixed	Agreement Details
6 <sup>th</sup> February 2020	Lease Extension – Carnarvon Playgroup Inc. – 9 Butcher Street
17 <sup>th</sup> February 2020	Caveat (Replacement) – Lot 50 Robinson Street (Carnarvon Central Investments)

## DELEGATIONS

### ENVIRONMENTAL HEALTH

On-site wastewater management

*Health Act 1911, s.107*

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
14/02/2020	HOS20/001	Approval to Install Apparatus - Chemical Toilet Dump Point near Waste transfer station 4 Mile Camp, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	
14/02/2020	HOS20/002	Approval to Install Apparatus - Chemical Toilet Dump Point near Sandy Point, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	
14/02/2020	HOS20/003	Approval to Install Apparatus - Chemical Toilet Dump Point near Elles Camp, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	
14/02/2020	HOS20/004	Approval to Install Apparatus - Chemical Toilet Dump Point near Stevens Camp, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	
14/02/2020	HOS20/005	Approval to Install Apparatus - Chemical Toilet Dump Point near Waste Transfer Station Warroora Homestead, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	
14/02/2020	HOS20/006	Approval to Install Apparatus - Chemical Toilet Dump Point near Lagoon Camp, Ningaloo Coastal Reserve	Dept of Biodiversity, Conservation and Attractions	

Caravan parks and camp grounds

*Caravan Parks and Camp Grounds Act 1995*

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
13/02/2020	HCP20/001	Renewal of caravan park licence – Norwesta Lifestyle Park, 24 Angelo Street, Carnarvon	Carnarvon Capital Holdings Pty Ltd.	

		(increased number of sites)		
--	--	-----------------------------	--	--

**BUILDING SERVICES**

<b>Application No.</b>	<b>Owners Name</b>	<b>Lot &amp; Street</b>	<b>Type of Building Work</b>
B19/101	MS JANELLE CAROL MATHEWS	LOT 58 GLARIS ST KINGSFORD	INSTALLATION OF 3 ADDITIONAL PV PANELS
B19/111	ROSS EDWARD & CHRISTINA JOANNE GODDEN	LOT 18 BOUNDARY RD EAST CARNARVON	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING SHED
B19/124	MUNDILLYA FARM PTY LTD	LOT 200 & 201 NORTH RIVER RD NORTH PLANTATIONS	GROUND MOUNTED SOLAR PHOTOVOLTAIC PANEL INSTALLATION
B19/127	P J & E J KEARNEY	LOT 59 GLARIS ST KINGSFORD	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING
B19/128	PAUL DANIEL KEARNEY	LOT 5 SAW ST EAST CARNARVON	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING SHED
B19/129	PETER JOHN FAITHFULL	LOT 952 MILLS AVE SOUTH CARNARVON	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING DWELLING & PATIO
B19/131	DEPARTMENT FOR HOUSING	LOT 52 TONKIN CR BROCKMAN	1.8M HIGH COLORBOND POST & RAIL FENCES
B19/137	JUSTIN JOEL BRANDENBURG	LOT 77 SHALLCROSS ST EAST CARNARVON	STEEL BOUNDARY FENCE
B19/138	ANTONIO FRANCA & MARIA FATIMA PAULINO	LOT 20 & 21 NORTH RIVER ROAD NORTH PLANTATIONS	SOLAR PANELS ATTACHED TO ROOF OF EXISTING STEEL FRAME SHEDS
B19/139	SUZANNE ELIZABETH JORDAN	LOT 4 CLEAVER ST SOUTH CARNARVON	STEEL FRAMED FREESTANDING CARPORT
B19/140	JOHN FRANCIS & CHRISTINE MARIE KEARNEY	LOT 181 SOUTH RIVER RD SOUTH PLANTATIONS	MOBILE PHONE BASE STATION AND EQUIPMENT SHELTER
B19/141	WARD TERRENCE BAKER & ANNABELLE ELSIE WINDER	LOT 32 FANE CR BROCKMAN	2 x SHEDS STEEL FRAMED AND CLAD CLASS 10, STEEL FRAMED AND METAL SHEET CLADDING TO FRONT PATIO CLASS 10. BA 2011 S.51

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

MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
27/11/15	Proposed Engagement – Work for the Dole Program	David Burton	Officers are meeting with ABC Group on a regular basis to identify and progress specific projects. Draft MOU related to the Arboretum has been referred to ABC and the Carnarvon Tree Society for agreement prior to submitting to the Council.	Further discussions with the Tree Society indicate that they wish the original MOU for the Arboretum to remain unaltered. The relationship with the ABC Foundation in this regard is being discussed. We will be trying to progress this in July/August. Program now with Real Futures. Removed as approach is different.
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	Paul Lees	Relates to existing access arrangements over Shire land at the southern end of the site. Council has advised that it would like the matter to be formalised through the formation of an access easement in favour of GMF.	Shire officers are preparing the documentation associated with the application process.
20/8/16	Public Open Space Strategy	Paul Lees	The <u>draft</u> Public Open Space Strategy was completed by the Shire’s consultant; however, the document requires further Carnarvon-specific actions to make the document meaningful to the local setting. A project plan for the completion of the strategy has been developed and further work has recommenced on the project. The completion of the draft strategy will include further consultation.	Project is being progressed for completion by June 2020
16/9/16	The Shire’s Local Laws are overdue for review and do not reflect the	Paul Lees	Officers have commenced the engagement of a WA local law specialist to review the Shire’s local laws and commence drafting of new laws consistent with the State template.	It is expected that the review of the local laws

	current WA State standard for local law format.			will be completed by June 2020.
23/12/16	Notice of Removal of Houses – Lot 259, 1065 NRR	Dane Wallace	All three (3) buildings on site are of sub-standard construction and need to be removed. Shire officers will revisit the site to ascertain the current situation and obtain process for demolition of the remaining buildings.	Quotes will be obtained by end of March 2020 and the matter brought back to Council for budget consideration.
14/3/17	Signage – Heritage Walking Trail	David Nielsen	Work order for completion by internal staff issued.	Mar 2020
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Carolien Claassens	The Heritage Group has provided a Project Brief of the Revitalisation of the One Mile Jetty to the Carnarvon Town Tramway. The brief provided requires more work to in order for it to support an application for a new lease.	Timing is in the hands of the Heritage Committee Letter written to follow up on this.
16/9/17	Local Planning Scheme No.13	Paul Lees	Submissions received, modifications prepared and supported by Council, with all documentation sent to the DPLH who is reviewing the documentation.	The matter is now with the Department & WAPC for finalisation and approval by the Minister.
16/11/17	Carnarvon Revitalisation Project – Allocation of Earned Interest	Carolien Claassens	During a meeting with DPIRD the expenditure of the interest has been discussed. The Shire has to provide a proposal how the spend the interest accrual. Subject to the proposal from the Shire how to spend the interest. This will need Ministerial approval. The Shire is currently working on a proposal for the minister.	Completed. Refer to Minute Ref. 15/12/19 – Fascine Wall Structural Analysis by David Nielsen.
24/11/17	Bayview Coral Bay – Local Development Plan	Paul Lees	The applicant has requested that the draft Local Development Plan that has been publicly advertised be put on hold while other strategic matters relating to Coral Bay are finalised; the completion of LPS No. 13.	The final decision on LPS13 rests with the Minister.
10/1/18	Proposed Transfer of Management Order – CWA Lot 353	Paul Lees	The Department of Planning, Lands and Heritage have been advised of Council's view (may be prepared to accept the land and buildings as freehold) and further discussions are proceeding.	The matter rests with the Department of Lands.

8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's guideline, and the proposed infrastructure associated with the closure is included in the 2018/19 budget. The report has been finalised and sent to the WAPC for their consideration. Department staff are currently assessing the matter.	The decision on the closure rests with the WAPC. DPLH officers are working through their processes.
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	Council on 26 June 2018 resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the related subdivision application (re-alignment of the boundary to accommodate the extension to Lotteries House, and the amalgamation of Lots 111, 189 and 190). The subdivision application has been approved by WAPC and the Shire will now lodge the Deposited Plan with WAPC, who need to review, accept and issue titles.	The timeframe for completion of the subdivision rests with the WAPC.
9/8/18	MOU Amendment – Men's Shed	Carolien Claassens	Awaiting response from Men's Shed for the approval amended MoU. This matter is in the hands of the Men's Shed.	MOU with Mens Shed.
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	Shire officers have lodged the subdivision application for the Robinson Street parcel as per Council's resolution with the WAPC. The WAPC has circulated the proposed subdivision to agencies/local government for comment. If approved, the Shire will engage a registered surveyor to survey the site and prepare a Deposited Plan for final lodgement.	Final timeframes rest with the WAPC.
28/5/19	Cancellation of Dog Registration under Section 16(3)(A) of the Dog Act 1976	Paul Lees	The matter of the welfare and management of dogs associated with 95 Boor Street have been ongoing, with a number of infringements issued for non-compliance with the Dog Act 1976 over the last two years, and substantial Shire resources allocated to the matter. As an only option going forward the Council has directed the Shire's authorised officer to cancel the registration of all dogs registered to the said owner. The Notice of Cancellation has been served to the registered owner.	The registered owner has withdrawn her appeal to the State Administrative Tribunal (SAT); a member's motion is pending for future direction.
12/8/19	Café – Carnarvon Airport	Carolien Claassens	The applicant has been advised about the approval of the change of business entity running the café and the approval of a portion of the structural maintenance. The applicant has requested to wait with advertising of the lease until further notice.	January 2020
15/8/19	Main Street Pathway and Parking Rearrangement	David Nielsen	Positive comments received on no parking on grass signs. Public consultation material being prepared.	March 2020
17/8/19	Draft Authorised Inquiry Report – DLGSC	David Burton	Response sent – waiting on final report.	Report to January Meeting

11/9/19 18/11/19	Notice of Motion – Removal of Blowholes Shacks Assessed as n Dangerous Condition	David Burton Paul Lees	Approved by Council in September 2019 however Council has passed a new motion in 2019 to: revoke Motion FC11/9/19 – Removal of Blowholes Shacks assessed as being in a dangerous condition; the establishment of a committee to address the current condition of shacks and to resolve a development plan acceptable to all parties and stakeholders; that Council request the CEO to investigate the outcomes of the Blowholes workshop which requested clarification on State Planning Policy 2.6 (Coastal Planning); and Council instruct the CEO to re-issue leases to the registered shack owners commencing 1 July 2020 at the rate of \$1,000 per annum.	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
12/11/19	Health Studio Lot 56 Cleaver St – Retrospective Approval	John Meggitt	The application was approved with conditions by Council at the November 2019 Council meeting.	The applicant has been advised of the conditional approval and operator has advised users of the need to comply with the restricted hours of operation for the gym.
16/11/19	Small Business Friendly	Jennifer MacKellin	The Shire has been recognised as ‘Small Business Friendly’ by the Small Business Development Corporation. A framed certificate and marketing material has been provided to the Shire.	Completed
17/11/19	Buy Local Retailers Campaign	Jennifer MacKellin	The Shire contributed \$1,000 to the Carnarvon Chamber of Commerce in support of the Buy Local Retailers Campaign.	Completed
8/12/19	Permanent Road Closure – Lot 12 NWCH	John Meggitt	The application was supported at the December 2019 Council meeting and the Shire has advised the Minister accordingly.	Timeframes for completion of the road closure rest with the Department.
9/12/19	Sea Containers to House Telescopes – Space & Technology Museum	John Meggitt	The application was approved with conditions at the December 2019 Council meeting.	The applicant has been advised of Council’s conditional approval.

10/12/19	Quad Bike Adventure Tours – Gascoyne River	John Meggitt	The application was approved with conditions at the December 2019 Council meeting.	The applicant has been advised of Council's conditional approval.
15/12/19	Fascine Wall Structural Analysis	David Nielsen	Awaiting formal confirmation of funds release by DPIRD. Project planning underway.	June 2020
16/12/19	Community Growth Fund Applications	Jennifer MacKellin	The next round of applications will close on: Small Assistance & Community Support – 28 February Iconic Events – 30 April	Ongoing
18/12/19	Recording & Web Streaming of Council Meetings	Maurice Werder	Resolution FC 18/12/19 resolved to investigate the recording & web streaming of council meetings. Investigations into how other councils do it and decide on a model by Council resolution. Plan to incorporate into the 2020/2021 Budget.	To be researched in preparation of the Budget 2020/2021
17/12/19	Quarterly Budget Reports	Maurice Werder	Resolution FC 17/12/19 resolved that a budget Report be presented to Council on a Quarterly basis. Management plan is to present a COA / Job Variance Report as used by staff on an ongoing basis for expenditure monitoring, MYR, and Budget Planning.	YTD report to be presented for each Quarter going forward
19/12/19	Review of Provision of Legal Services	Maurice Werder	Resolution FC 19/12/19 resolved to review legal representation contracts request quotations. The RFQ was already in place, and closed on 08 January 2020, and is being evaluated. An extension of the RFQ using e-quotes is being actioned.	Debt collect to be awarded and Panel to be used for general legal services. Panel item to February OMC
20/12/19	Building Better Regions Fund Grant Application	Jennifer MacKellin	Application submitted. Awaiting outcome.	June 2020
21/12/19	Review of D001 Mobile Traders Policy	Maurice Werder	Resolution FC 21/12/19 resolved to review and update the current of D001 Mobile Traders Policy with reference to similar Shires.	In consultation with Development Services to update.
22/12/19	Budget Variation Club Development Project	Maurice Werder	Resolution FC 22/12/19 resolved to adopt the budget variations for matching expense and revenue for the Regional Every Club Funding Program.	Adopted by Council and to be actioned by Community Services.
4/1/20	Renewal of Lease – Lions Club	Maurice Werder Gloria Quinn	Resolved to lease the building to the Lions Club for a 1 year lease only	In communication with Lions Club about Deed of amendment
9/1/20	Executive Policies Review	Maurice Werder	Executive policies presented for review and amendment.	Adopted as presented to Council. <b>Completed.</b>

10/1/20	Lot 300 Olivia Tce – Progress Report	David Burton	Resolved that State Government to demolish buildings and remediate the site with possible purchase by Shire in the future.	Letter to be sent for resolution.
16/1/20	Inquiry into Shire of Carnarvon	Maurice Werder	Council accepted the report but does not accept the recommendations contained in the report and wants the matter referred to court for potential breaches by others for potential negligence.	Item February OMC Governance guidance from qualified advisor
18/1/20	Donations to Bush Fire Appeals	Maurice Werder	Council approval for \$5,000 towards appeal and in-kind contribution too support Hearts on Fire event.	Resolved by FC18/1/20
19/1/20	Motorcycle Club – Building Insurance Waiver	Maurice Werder Gloria Quinn	Council approved the extension of the lease for a further 5 year period.	Awaiting signatures
20/1/20	Budget Variation – Purchase of Safety Equipment	Paul Lees	Council denied the officers request to purchase safety equipment for the Civic Centre	Request denied. <b>Completed</b>
21/1/20	Space Museum – Dome Shelter & Containers	John Meggitt	Development application approved.	The applicant has been advised of Council's conditional approval.
22/1/20	Mobile Traders – Cheeki Pizza	John Meggitt	The application was approved for a 12-month period with conditions attached.	The applicant has been advised of Council's conditional approval.
24/1/20	Blowholes Conceptual Projects	Paul Lees	Council supports preparation of design concepts being developed. Concepts were presented at a Council workshop and are currently being modified to maximise community benefit.	Draft tender documentation to be prepared by end February 2020.
30/1/20	Container Deposit Scheme – Processing Offer Acceptance	David Nielsen	Council deferred matter pending further information and investigation relating to costings and scheme details. Consultation undertaken with Old Bastards charity group. Briefing to Council by Michael Madden from WARRRL completed 11 Feb. Costing information to be provided to Council at Feb meeting for decision.	Feb 2020

OFFICER'S RECOMMENDATION

*That Council accept the Status Report and reports outlining the actions performed under delegated authority for the months January/February 2020.*

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*That Council accept the Status Report and reports outlining the actions performed under delegated authority for the months January/February 2020.*

---

**8.2 CORPORATE SERVICES**

**8.2.1 ACCOUNTS FOR PAYMENT 31 JANUARY 2020**

<b>File No:</b>	ADM0186
<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	Shire of Carnarvon
<b>Name of Applicant:</b>	Shire of Carnarvon
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Author/s:</b>	Dallas Wood Harris – Relieving Creditors Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority

---

**Summary of Item:**

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

**Description of Proposal:**

N/A

**Background:**

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

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 – Section 5.42

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

**Relevant Plans and Policy:**

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

**Financial Implications:**

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

**Community & Strategic Objectives:**

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

**Comment:**

Accounts paid to 31 January 2020 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

**OFFICER'S RECOMMENDATION**

*That Council*

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$596,651.10 as presented for the month of January 2020 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD37382</i>	<i>DD37411</i>	<i>Bank Direct</i>	<i>\$96,440.15</i>
<i>47087</i>	<i>47109</i>	<i>Muni Cheques</i>	<i>\$98,711.86</i>
<i>7487</i>	<i>7491</i>	<i>Trust Cheques</i>	<i>\$1,947.81</i>
<i>EFT29786</i>	<i>EFT29910</i>	<i>Muni EFT</i>	<i>\$387,024.24</i>
<i>EFT29820</i>	<i>EFT29864</i>	<i>Trust EFT</i>	<i>\$12,527.04</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,664.53 as presented.*  
 c) *Note Sundry Creditors as at 31 January 2020 \$354,499.71*

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*That Council*

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$596,651.10 as presented for the month of January 2020 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD37382</i>	<i>DD37411</i>	<i>Bank Direct</i>	<i>\$96,440.15</i>
<i>47087</i>	<i>47109</i>	<i>Muni Cheques</i>	<i>\$98,711.86</i>
<i>7487</i>	<i>7491</i>	<i>Trust Cheques</i>	<i>\$1,947.81</i>
<i>EFT29786</i>	<i>EFT29910</i>	<i>Muni EFT</i>	<i>\$387,024.24</i>
<i>EFT29820</i>	<i>EFT29864</i>	<i>Trust EFT</i>	<i>\$12,527.04</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,664.53 as presented.*  
 c) *Note Sundry Creditors as at 31 January 2020 \$354,499.71*

**8.2.3****INVESTMENTS AS AT 31 JANUARY 2020**

File No:	ADM0186
Date of Meeting:	25 February 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Jodie Anderson, Senior Finance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

**Summary of Item:**

To report the Council details of surplus funds invested to 31 January 2020.

**Description of Proposal:**

N/A

**Background:**

Nil.

**Consultation:**

Takes place with Financial institutions prior to renewal of investments.

**Statutory Environment:**

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

**Relevant Plans and Policy:**

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

**Financial Implications:**

Nil.

**Risk Assessment:**

No risk identified.

**Community & Strategic Objectives:**

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

**Comment:**

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

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

CARRIED  
F7/AO

**8.2.2 FINANCIAL ACTIVITY STATEMENT 31 JANUARY 2020**

File No:	ADM0186
Date of Meeting:	25 February 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Sa Toomalatai, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

**Summary of Item:**

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

**Description of Proposal:**

N/A

**Background:**

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

**Consultation:**

Nil

**Statutory Environment:**

*Local Government (Financial Management) Regulation 34.*

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

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

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

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

**Risk Assessment:**

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

**Community & Strategic Objectives:**

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

**Comment:**

Attached as **Schedule 8.2.2** for consideration is the completed Statement of Financial Activity for the period ended 31 January 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 31 January 2020 as per Schedule 8.2.2.*

**FC 3/2/20**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Vandeleur*

*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 31 January 2020 as per Schedule 8.2.2.*

LOST  
FO/A7

(Note to Minute – Council noted the changes to phasing in of projects for the budget and requested that the timings remain as originally adopted.)

**8.2.4 GOVERNANCE ADVICE TO ELECTED MEMBERS AND EXECUTIVE**

File No:	ADM 1942
Date of Meeting:	25 February 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	28 <sup>th</sup> January 2020 FC 16/1/20

**Summary of Item:**

This report reflects the Shire President request to provide for Governance Advice to Elected Members and Executive following the reviews of the 'Report of the Inquiry into the Shire of Carnarvon' and the options for the Council and the Shire to address.

**Background:**

The Authorised Inquiry was instigated by several complaints from electors and the review of a Probity Audit that was conducted on the Shire in 2013. The Deputy Director General of the Department authorised the inquiry in accordance with section 8.3(2) of the Act. The report is available at this link: [Report of the Inquiry into the Shire of Carnarvon](#) on the DLGSC website.

The report to Council on the 28<sup>th</sup> January 2020 included the recommendation:

OFFICER'S RECOMMENDATION

*That Council resolves to:*

- 1. Accept the Report of the Inquiry into the Shire of Carnarvon as prepared by the Department of Local Government, Sport and Cultural Industries*

2. *Require the CEO to prepare a plan to implement the recommendations from the report as listed:*
  1. *The elected members and Shire staff undertake governance and accountability training, and any other such training, as determined appropriate by the Director General within 6 months of the report becoming final.*
  2. *Following completion of the training referred to in Recommendation 1, and within 6 months of this report becoming final, the Shire CEO is to deliver to the Director General a comprehensive report;*
    - a. *demonstrating the knowledge and understanding gained by the Shire from the training; and*
    - b. *outlining the steps taken by the Shire to implement such knowledge and understanding,*
    - c. *such report to be endorsed by Council.*
  3. *The Shire of Carnarvon undertake a Governance Review as approved by the Director General within 6 months of the report becoming final and the report is to be made available to the Director General.*
  4. *The Shire engage a suitably qualified person to manage any project over \$1,000,000.*

Following discussion and consideration the Council resolution was:

**FC 16/1/20**

**COUNCIL RESOLUTION**

***Cr Fullarton/Cr Nelson***

***Council resolves to –***

1. ***Accept the report of the inquiry into the Shire of Carnarvon as prepared by the Department of Local Government, Sport and Cultural Industries;***
2. ***Council notes, but does not adopt the recommendations of the report; and***
3. ***That the report be referred to a court of competent jurisdiction for the potential breaches of trust to be dealt with as misconduct of those mentioned, and others, for the potential negligence and failings in their duties as detailed in the report, for that court's findings and remedies.***

**CARRIED**

**F8/AO**

(NOTE TO MINUTE: Council does not accept the recommendations and reasons contained within the report and feels that the current Councillors and Staff are being unfairly held to account for the actions of the previous Council and Staff.)

**Correspondence to Minister:**

Two items of correspondence were sent to the Minister of Local Government, Sports and Cultural Industries signed by the Shire President informing of the Council's response. The proposal specified in this report is considered a more appropriate and suitable answer to the needs for such knowledge and understanding required by the current Elected Members and Executive.

**Description of Proposal:**

The proposal sponsors the commitment to this Council providing transparent, honest and accountable Governance to our community at all times. It involves securing the services of an experienced, competent and respected Local Government expert to provide Council and Executive staff with governance advice and clarity of purpose relating to their Local Government responsibilities.

**Statutory Environment:**

Local Government Act 1995.

### Dates of Presentation:

There are two suggested periods for the presentation of the Independent Advice with Monday the 16<sup>th</sup> and Tuesday the 17<sup>th</sup> March preferred to allow time to ensure that all preparations are actioned. An alternative is the week earlier on Monday the 9<sup>th</sup> and Tuesday the 10<sup>th</sup> March.

### Financial Implications

Provision is to be made from the account COA 106D020 Job0011 Contractors/Consultancy Contingency which has sufficient funds for the anticipated expenditure.

### Risk Assessment

The provision of providing Governance advice to Council and Executive should reduce the governance and risks to the Shire.

### Community & Strategic Implications:

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

#### Goal 5: Civic

##### **Strong and listening Council.**

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councilors
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.5	The right people with the right skills in a productive workplace
5.5.1	All staff are provided with adequate training and equipment to undertake their role, including cultural awareness training

#### COUNCILLOR'S RESOLUTION

*Moved Cr Smith*

*That Council engage the services of Paul Omodei and Associates to provide Council and Executive staff Governance advice and clarity as per offer and information provided by Paul Omodei and Associates, with the Dates of Presentation to be agreed with the service provider.*

#### OFFICER'S RECOMMENDATION

*That the CEO inform the Director General of the details of the program to be provided to the current Elected Members and Executive.*

**FC 4/2/20**

#### COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

*Cr Smith/Cr Fullarton*

- 1. That Council engage the services of Paul Omodei and Associates to provide Council and Executive staff Governance advice and clarity on 9<sup>th</sup> and 10<sup>th</sup> March 2020 as per offer and information provided by Paul Omodei and Associates, with the Dates of Presentation to be agreed with the service provider.*
- 2. That the CEO inform the Director General of the details of the program to be provided to the current Elected Members and Executive.*

CARRIED  
F7/AO

<b>File No:</b>	ADM 1942
<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	Shire of Carnarvon
<b>Name of Applicant:</b>	Shire of Carnarvon
<b>Author/s:</b>	Maurice Werder, Executive Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	

**Summary of Item:**

This report advises Council on the Matters for Decision at the WALGA State Council Meeting on 4<sup>th</sup> March 2020 and seeks input and direction to be passed on to the regional zone delegate.

**Background:**

Each zone in Western Australia has a delegate to the Western Australian Local Government Association State Council and the Gascoyne Country Zone member is President Cr Cheryl Cowell from Shark Bay. The individual Councils are able to have an input to the delegate to reflect the local council thoughts and preferred stance on a matter for decision. Note that the delegate has the discretion to decide the final vote on the matter, with consideration on the various councils' views.

**Agenda Items – Matters for Decision:**

There are three Agenda Matters for Decision.

- 5.1 National Redress Scheme – Future Participation of WA Local Governments (05-086- 03-0004 KD)
- 5.2 Submission on Aboriginal Empowerment Strategy (05-032-03-0011 SM)
- 5.3 WALGA Submission on Independent Review of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

**Detailed Supporting documentation – Matters for Decision:**

Details of the matters for decision are contained in Schedule 8.2.5 WALGA State Council Agenda – Matters for Decision and Information

The full 82 page Agenda document is located at: [Agenda State Council 4 March 2020.pdf](#)

**State Council Recommendations:**

- 5.1 National Redress Scheme – Future Participation of WA Local Governments (05-086- 03-0004 KD)

**Recommendation: That State Council:**

1. Acknowledge the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorse the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorse by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

- 5.2 Submission on Aboriginal Empowerment Strategy (05-032-03-0011 SM)

**Recommendation: That the submission to the Department of Premier and Cabinet in response to the Aboriginal Empowerment Strategy be endorsed.**

- 5.3 WALGA Submission on Independent Review of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

**Recommendation:** That the submission on the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) be endorsed.

**Statutory Environment:**

Local Government Act 1995.

**Date of Meeting:**

Wednesday, 4<sup>th</sup> March 2020

**Financial Implications**

Nil

**Risk Assessment**

None identified

**Community & Strategic Implications:**

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

**Goal 5: Civic**

**Strong and listening Council.**

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councilors
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.5	The right people with the right skills in a productive workplace
5.5.1	All staff are provided with adequate training and equipment to undertake their role, including cultural awareness training

**Comment:**

Individual Councils are able to have an input to the delegate of a preferred stance on a matter for decision, however, the delegate has the discretion to decide the final vote on the matter, with consideration on the various councils' views.

OFFICER'S RECOMMENDATION

*That the State Council Recommendations to the WALGA State Council meeting on the 4<sup>th</sup> March be supported subject to the discretion of the Gascoyne Country Zone member.*

**FC 5/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Nelson/Cr Maslen*

*That the State Council Recommendations to the WALGA State Council meeting on the 4<sup>th</sup> March be supported subject to the discretion of the Gascoyne Country Zone member.*

**CARRIED**  
**F7/A0**

Date of Meeting	25 February 2020
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest	Nil
Voting Requirements	Absolute Majority
Previous Report	28 January 2020; 26 November 2019

### Summary of Item

This report presents the *Corporate Policy C002 – Purchasing* for review, amendment and adoption by Council, as it has been identified as needing to be revised and updated to improve operational efficiency by allowing the use of Legal Services Panels.

### Description of Proposal

To adopt the amended *Corporate Policy C002 – Purchasing*.

### Background

Council adopted 50 reviewed policies including the C002 Purchasing policies on the 28<sup>th</sup> January 2020. An RFQ for Legal Services was lodged on the WALGA VendorPanel eQuotes platform for General Legal Services and for Debt Recovery Legal Services. The evaluation of the applicants resulted in the identification of a preferred provider of Debt Recovery Legal Services. However, for the two equally preferred providers of legal services there were different specific skills for one that the other provider was not as experienced in. In order to secure the most appropriate Legal Services for the Shire on specific issues, a panel of approved suppliers will be used on the VendorPanel eQuotes platform.

### Description of Amended Policies

In policy C002 – Purchasing a clause was added to provide for the provision of utilising a panel for legal services and to define clarity and improve functionality:

#### Shire of Carnarvon Exemptions from the Provision of Multiple Quotes.

##### *Legal Services*

16. Procurement of Legal Services from the WALGA Preferred Supply Arrangements (PSAs) for Legal Services (not including Debt Recovery Services) is exempt from seeking multiple quotes for a value up to \$50,000. A formal RFQ and / or Public Tender will be required for Legal Services regarding a specific case, if this case is expected to be more, or worth more than \$50,000.

Note: The numbering of clauses following the inserted Legal Services Panel clause now reflect this addition.

### Consultation

The review of this policy has been undertaken by the evaluation panel following the Legal Services RFQ process.

### Statutory Environment

As provided under the Local Government Act 1995, Section 2.7(2)(b), the role of Council is to “determine the local government’s policies”.

### Financial Implications

There are no significant direct financial implications for the current budget as a result of the adoption of this proposed amended policy.

## Risk Assessment

A regular review and update of the Shire Policies avoids the risk of the documents becoming outdated. Any adverse issues from policy use, application, interpretation or changing circumstances will be brought back to Council for review. Relevant and related staff have been provided with WALGA'S eQuotes webinar training to increase and share the knowledge and skills required for efficient operation of the online systems.

## Community & Strategic Objectives:

### Objective 5: Civic *Strong and listening Council*

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

## Comment

In order to ensure that clear direction is provided, as a need is identified, policies need to be reviewed to address any adverse issues from changing circumstances and to seek Council adoption of the updated policy. Table 1 in the officer's recommendation lists the amended policy to be endorsed by Council. *Schedule 8.2.6 Policy Review – C002 – Purchasing* contains the full text of the policy due for adoption.

## OFFICER'S RECOMMENDATION

*That Council in accordance with Section 2.7(2)(b) of the Local Government Act 1995:*

*Adopt the following Corporate policy as listed in Table 1 below and as presented in the attached 'Schedule 8.2.6 Policy Review – C002 – Purchasing' to this report, that will then form part of the Shire of Carnarvon Policy Manual:*

TABLE 1:

<i>Policy No. - Policy</i>
<i>Corporate:</i>
<i>C002 - Purchasing</i>

**FC 6/2/20**

## COUNCIL RESOLUTION

*Cr Nelson/Cr Fullarton*

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

LOST

F3/A4

*Crs' Nelson, Simpson & Fullarton voted for the motion.*

## 8.2.7 BUDGET VARIATIONS AS AT 28 FEBRUARY 2020 – AREA PROMOTIONS BUDGET VARIATION

File No:	ADM0186
Date of Meeting	25 February 2020
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Paul Lees, Executive Manager Development Services
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	N/A

### Summary of Item:

To seek the approval of Council for a budget variation required to fund the marketing strategy developed for the ‘Holiday Here This Year’ program. The program has been developed in conjunction with “Australia’s Coral Coast” in the wake of the recent bushfires and coronavirus health emergency that has resulted in a significant downturn in tourism across Australia.

### Background

Tourism Council WA conducted a Bushfire Visitor Perception and Impact Survey in late January 2020 following the bushfire crisis peak media coverage. The survey showed 67% of businesses reported some impact from the bushfire coverage, including some immediate cancellations and softer forward bookings; particularly from self-drive tourism and international markets such as the UK.

Tourism Australia and the Minister for Tourism have released a multi-million-dollar initiative to bolster the tourism trade in Australia as a result of the impact of the domestic and international downturn; consistent with this strategy Tourism WA has recently launched the ‘Holiday Here This Year’ campaign.

To ensure Carnarvon is part of the marketing initiative, a budget variation is required to fund the ‘Holiday Here This Year’ campaign. It is proposed to partly fund the campaign from the “Tourism signage” budget (\$15,000), leaving the remaining \$15,000 in the budget to update existing signage and install new signs.

As this is an out of budget initiative it is necessary to seek the approval of Council for a budget variation as outlined below:

### Variation Requested

COA No.	Job No.	Account Description	Current Budget	Variation	Revised Budget
142620	1972	TOURISM SIGNAGE	30,000	(15,000)	15,000
142620	1951	AREA PROMOTION	52,850	15,000	67,850
			Effect on Council Funds	0	

### Description of Proposal:

Tourism Australia has recently launched the ‘Holiday Here This Year’ campaign in the wake of the recent bushfire crisis and the Coronavirus health emergency which has had a significant impacted on tourism across Australia. Australia’s Coral Coast (the regional Tourism Organisation) has developed a domestic marketing strategy that focuses on intrastate tourist visitation; Tourism Western Australia and Tourism Australia is marketing interstate and internationally to lift Australia’s attractiveness as a destination of choice.

Australia's Coral Coast has seen a high number of cancellations by those effected by the bushfires (Eastern State travellers) and the Coronavirus health crisis has also impacted businesses on the Coral Coast with an immediate stop to incoming flights from China. It is therefore important that the Shire ensures that it is part of the 'Holiday Here This Year' tourism campaign.

Refer to Schedule 8.4.2(a) TCWA-WA Tourism Pulse Summer 2020 -Bushfire impact.

The following links provide additional information on the latest tourism initiatives within Australia:

Tourism Australia - <http://www.tourism.australia.com/en/news-and-media/news-stories/tourism-australia-bushfire-statement.html>

Tourism Western Australia -

[https://www.tourism.wa.gov.au/About%20Us/News\\_and\\_media/Article/Multi\\_million-dollar\\_marketing\\_boost\\_to\\_holiday\\_in\\_WA\\_and\\_support\\_tourism\\_industry/986#/](https://www.tourism.wa.gov.au/About%20Us/News_and_media/Article/Multi_million-dollar_marketing_boost_to_holiday_in_WA_and_support_tourism_industry/986#/)

Minister for Tourism -

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/01/Multimillion-dollar-marketing-boost-to-holiday-in-WA-and-support-tourism-industry.aspx>

#### Financial Implications:

The following actions table has been developed by the Shire's Visitors Centre staff to ensure that the Carnarvon visitor experience gets the widest possible tourism market exposure. While each of the initiatives are of themselves relatively small, collectively they will provide an effective tourism exposure across a range of prospective markets within Australia.

PROJECT	ESTIMATED COST	PROJECT DETAILS
Fruit Loop Drive Trail	\$2,500.00	Design and Print 10,000 copies for the 2020 tourism season. Initial project development from Tourism WA provided funding to print the first 5,000 copies for 2019. It was extremely successful initiative. The drive trail highlights where visitors can purchase local produce direct from outlets.
Art, Heritage and Memorial Walk Trail	\$1,800.00	Design and Print 5,000 copies of Carnarvon Art, Heritage and Memorial Walk Trail. Initial project was highlighted by town centre businesses, to encourage visitors to walk around and discover the local history of the town. This is part of the product development strategy, which was identified by Two Feet and Heartbeat consultants that Carnarvon already has the product for visitors to experience but there was a need for a brochure.
Perth Caravan and Camping Show	\$2,000.00	Exhibition, Travel and Accommodation expenses to attend the Perth Caravan and Campaign Show as part of the Australia's Coral Coast stand.
Promotional Videos	\$1,500.00	Digital Marketing Campaign for events - Approximately 3 promotional videos for events and to assist market the developed packages
Destination Guide Distribution	\$2,000.00	Distribution the 2020 Destination Guide to WA outlets, major hotels and motels in Perth. Estimated \$9k for the financial year, but successful distribution has exceeded the distribution cost.
Coral Coast Highway - The West Australian feature	\$1,027.00	Advertisement in the West Australian - Australia's Coral Coast cooperative marketing program. Feature is 'On the road from Shark Bay to Carnarvon and Exmouth' - Highlights the key attractions for the region

Brochure Display - Caravan Camping Holiday Super show (Sydney)	\$275.00	Carnarvon and Coral Bay 2020 Destination Guide represented at the Caravan Camping Holiday Super show in Sydney, as part of the Caravan and Camping WA display.
Brochure Display - Queensland Caravan, Camping & Touring Super show (Brisbane)	\$275.00	Carnarvon and Coral Bay 2020 Destination Guide represented at the Caravan Camping Holiday Super show in Brisbane, as part of the Caravan and Camping WA display.
Brochure Display - Darwin 4WD, Boating & Camping Expo (Darwin)	\$275.00	Carnarvon and Coral Bay 2020 Destination Guide represented at the Caravan Camping Holiday Super show in Darwin, as part of the Caravan and Camping WA display.
Outback Coast - The West Australian feature	\$1,027.00	Advertisement in the West Australian - Australia's Coral Coast cooperative marketing program. Feature is 'On Outback Coast, travelling from Shark Bay to Carnarvon' the key attractions for the region.
Digital Advertising Package - Event Listings WA	\$1,800.00	Purchase of Digital Advertising Package from Event Listings WA to promote upcoming events in Carnarvon. Package include paid features on key digital platforms such as Perth is OK, Perth Happenings, Scoop Events etc.
<b>Total</b>	<b>\$14,479.00</b>	

The following is the details of the current/proposed budget variation to fund the above initiatives:

**Current budget:**

COA NUMBER 142620, JOB NO. 1951 - AREA PROMOTION/IMPROVEMENT - AREA PROMOTION			
2019/2020 Current Budget	Actual Expenditure to Date + Committed	Remaining Budget Funds to Date	This budget is identified for:
52,850	49,483.75	3,366.25	VISITOR CENTRE ADVERTISING AND AREA PROMOTION COSTS
COA NUMBER 142620, JOB NO. 1972 - AREA PROMOTION/IMPROVEMENT - TOURISM SIGNAGE			
2019/2020 Current Budget	Actual Expenditure to Date	Remaining Budget Funds to Date	This budget is identified for:
30,000	0	30,000	INSTALLATION REPAIR OR REPLACEMENT OF TOURISM SIGNS AS PER TOURISM SIGNAGE STRATEGY FOR CARNARVON AND CORAL BAY.

**Community & Strategic Objectives:**

**Objective 1: Economic**

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

<b>1.2</b>	Thriving tourism industry within the district/region
<b>1.2.1</b>	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region

## Objective 5: Civic

*Strong and listening Council.*

<b>5.1</b>	<b>A well engaged and informed community and a high standard of customer service</b>
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

### Comment:

Recent research and economic activity have revealed that the tourism industry within Australia has been impacted by the recent bushfires and the Coronavirus health emergency.

Tourism Australia has recently launched the 'Holiday Here This Year' campaign, and Australia's Coral Coast has developed a domestic marketing strategy that focuses on intrastate tourist visitation.

Tourism Western Australia and Tourism Australia is marketing interstate and internationally to lift Australia's attractiveness as a destination of choice.

The Shire has an opportunity to join the national campaign supported by State and Federal Government – the 'Holiday Here This Year' 2020 campaign. It is therefore recommended that Council approved the proposed budget variation to fund the tourism initiative as outlined in the actions table above.

### OFFICER'S RECOMMENDATION

*That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the following budget variations as shown in the table below.*

COA No.	Job No.	Account Description	Current Budget	Variation	Revised Budget
142620	1972	TOURISM SIGNAGE	30,000	(15,000)	15,000
142620	1951	AREA PROMOTION	52,850	15,000	67,850
			Effect on Council Funds	0	

**FC 7/2/20**

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Fullarton*

*That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the following budget variations as shown in the table below.*

COA No.	Job No.	Account Description	Current Budget	Variation	Revised Budget
142620	1972	TOURISM SIGNAGE	30,000	(15,000)	15,000
142620	1951	AREA PROMOTION	52,850	15,000	67,850
			Effect on Council Funds	0	

CARRIED  
F7/A0

File No:	ADM0071
Date of Meeting:	25 February 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Maurice Werder, Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	

### Summary of Item:

This report brings to Council the discussions the Shire has had with the Department of Local Government, Sports and Cultural Industries on the adjustments to the approved differential Rates as applied to the 2019/2020 Budget.

### Description of Proposal:

The Shire is involved in discussions with the Department of Local Government, Sports and Cultural Industries on the adjustments to the approved differential Rates and has not to come to an agreeable resolution. As in prior years, the Shire applied for approval for Differential Rates on the Categories UV Intensive Horticulture, UV Pastoral and UV Mining under the Local Government Act 1995, Sect 6.33(3) and approval was given.

Following the Landgate revaluations the required equity was compromised. The Shire intended to apply the planned CBP increase of 6.00% across each category as well as across the total rate base. Referring to and supported by the Local Government Act 1995, Sect 6.36(4) the Shire made adjustments to the approved rates in the \$ for equity. We reported this change and the reasoning in the 'Moore Stephens Budget Model' in the Budget Document.

We have received correspondence from the Department that with our approach "we consider that it is unlawful" and therefore we are required to go to the State Administrative Tribunal (SAT) to quash the Rates, well at least the changes in the Differential Rates part. We have been seeking from the Department references to the legislation that supports the assertion that "we consider that it is unlawful" without any success.

As a result of the unsatisfactory and conflicting responses a letter has been sent directly to the Minister for a final resolution. Depending of the response from the Minister the Shire is prepared to seek a SAT resolution.

### Content of letter to the Minister for Local Government; Culture and the Arts:

#### MINISTERIAL APPROVED DIFFERENTIAL GENERAL RATES WITH MODIFICATION

The Shire of Carnarvon needed to create Differential Rates for the 2019/2020 financial year in order to ensure the rate burden was equitable across the different categories of ratepayers. We applied for Ministerial Approval under the Local Government Act, Section 6.33 (3):

#### LOCAL GOVERNMENT ACT 1995 - SECT 6.33

##### 6.33 . Differential general rates

(1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*

- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the [Planning and Development Act 2005](#); or*
- (b) *a purpose for which the land is held or used as determined by the local government; or*
- (c) *whether or not the land is vacant land; or*

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

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

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation <sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

We received Ministerial approval on the 29<sup>th</sup> July 2019 to impose differential rates.

Landgate completed a revaluation on the Shire of Carnarvon properties to be effective as at the 1<sup>st</sup> July 2019. The Shire applied the new Landgate valuations to all rateable properties and calculated the Rates Model with the approved differential rates.

The intention was to impose a rate increase of 6.00% across each category as per the Strategic Community Plan and the Corporate Business Plan. By applying the approved Differential Rates to the new Landgate Valuations produced a variance to the desired 6.00% across the Differential Rates categories.

The Shire applied the CBP increase of 6.00% across the individual differential rate areas as well as across the total rate base. The 'Moore Stephens Budget Model' in the Budget Document reported the modification to the actual Rate in the \$ for these categories as:

Item "1 (e) Variance in Adopted Differential Rates to Local Public Notice" on page 12 as:			
Category of Rating	Approved	Adopted	Revenue increase on 18/19
UV Mining	13.3766	14.1000	6.0%
UV Pastoral	7.5800	7.5966	6.0%
UV Intensive Horticultural	1.2850	1.3028	6.0%

**Reasons for the Difference**  
An increase in the differential rate on the UV properties is the result in further rates modelling calculations to meet the overall rate requirements for the Shire to be set at a 6% increase over last year's rate revenue.

The Shire has verified that the decision to provide this modification to the Approved Differential Rates was supported by the legislation where the Local Government Act 1995, Section 6.36 (4) and (5)(b) refers to:

#### LOCAL GOVERNMENT ACT 1995 - SECT 6.36

##### 6.36 . Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

(2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) A notice referred to in subsection (1) —

(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and

(b) is to contain —

(i) details of each rate or minimum payment the local government intends to impose; and

(ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and

(iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

and

(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

**(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.**

**(5) Where a local government —**

(a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or

(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

From reading this legislation, particularly 6.36 (4), we would consider that it is lawful to impose the proposed rate "with or without modification", which is what we have achieved.

There have been a number of pieces of correspondence about the modifications to the Differential Rates without being informed of the of the legislation that the Shire has breached other than a statement that "we consider that it is unlawful" and therefore we are required to go to the State Administrative Tribunal (SAT) to quash the Rates.

We look forward to a definitive answer to this issue, preferably to be implemented in the 2020/2021 financial year, if at all, and with a written requirement from the Minister.

Your assistance would be appreciated across the Local Government industry.

**End of letter:**

**Consultation:**

Discussion and correspondence with several Department of Local Government, Sports and Cultural Industries staff, Shire management and research into relevant legislation.

**Statutory Environment:**

Local Government Act 1995 Sect 6.33 and Sect 6.36.

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

The direct financial implications of an adverse response from the Minister will be a reduction of \$10,313 in the Rates for 2019/2020.

**Risk Assessment:**

Nil

## Community & Strategic Objectives:

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

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

### Comment:

The Shire considers that we have complied with the relevant Legislation regarding the application and modification of Differential Rates however correspondence from the Department asserts that “we consider that it is unlawful”. We have written directly to the Minister to get a definitive and concise direction which we intend to accept and act upon. Depending of the response from the Minister, the Shire is prepared to seek a SAT resolution.

A copy of the correspondence to the Minister is included as *Schedule 8.2.8 - Ministerial Approved Differential General Rates with Modification*.

### OFFICER'S RECOMMENDATION

*That Council resolves to accept the upcoming response from the Minister regarding the Differential Rates and if necessary, request the CEO make a decision to resolve the matter before the State Administrative Tribunal (SAT).*

**FC 8/2/20**

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur*

*That Council resolves to accept the upcoming response from the Minister regarding the Differential Rates and if necessary, request the CEO make a decision to resolve the matter before the State Administrative Tribunal (SAT).*

**MOTION LAPSED FOR WANT OF A SECONDER**

**8.2.9**

**SHIRE OF CARNARVON COMPLIANCE AUDIT RETURN 2019**

File No:	ADM0308
Date of Meeting:	25 February 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Maurice Werder Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

**Summary of Item:**

This report relates to Council’s adoption of the Shire of Carnarvon annual Compliance Audit Return for 2019.

**Description of Proposal:**

N/A

**Background:**

The Shire of Carnarvon is required under the Local Government (Audit) Regulation 1996 - Clause 14, to complete an annual Compliance Audit Return (CAR). The CAR represents an audit of the Shire compliance in the period 1 January until 31 December of each year. Commercial Enterprises by Local Governments, Delegation of Power, Disclosure of Interest, Disposal of Property, Elections, Finance, Integrated Planning and Reporting, Local Government Employees, Official Conduct, Optional Questions and Tenders are being evaluated based on several questions provided by the Department of Local Government, Sport and Cultural Industries.

In this context the local government is required to undertake the audit and present the report to the Audit Committee for assessment. The CAR will be adopted by Council and presented to the Departmental CEO by 31 March 2020.

A copy of the Compliance Audit Return 2019 is provided at *Schedule 8.2.9 - Shire of Carnarvon Compliance Audit Return 2019*

**Consultation:**

Nil.

**Statutory Environment:**

The Council is obliged to complete and submit the Carnarvon Compliance Audit Return 2017 in accordance with Regulations 14 and 15 the Local Government (Audit) Regulations, 1996.

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

Nil

**Risk Assessment:**

There is a risk that Council will be in breach of its statutory obligations should it not complete and adopt the Carnarvon - Compliance Audit Return 2019.

**Community & Strategic Implications:**

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

**Goal 5: Civic**

**Strong and listening Council.**

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

**Comment:**

The CAR 2019 has been completed by several relevant officers. The table below provides detail which officer completed which CAR category. The compilation of the CAR 2019 documents has been completed by the Manager Governance.

COMPLIANCE AUDIT RETURN CATEGORY	RESPONSIBLE OFFICER	ROLE
Commercial Enterprises by Local Governments	Maurice Werder	Executive Manager Corporate Services
Delegation of Power	Dannielle Hill	Senior Executive officer / FOI Coordinator
Disclosure of Interest	Dannielle Hill	Senior Executive officer / FOI Coordinator
Disposal of Property	Carolien Claassens	Manager Governance
Elections	Dannielle Hill	Senior Executive officer / FOI Coordinator
Finance	Sa Toomalatai	Manager Finance
Integrated Planning and Reporting	Maurice Werder	Executive Manager Corporate Services
Local Government Employees	Maurice Werder	Executive Manager Corporate Services
Official Conduct	Dannielle Hill	Senior Executive officer / FOI Coordinator
Optional Questions	Sa Toomalatai (Q1, 3 & 4) Carolien Claassens (Q2)	Manager Finance Manager Governance
Tenders	Carolien Claassens	Manager Governance

In the Finance category of the CAR three questions 5, 6, 7, 8 and 9 related to the Auditors Report for the Financial year ended 30 June 2019, have been answered with No. Questions 7, 8 and 9 will be amended accordingly, after the response from the Audit Committee and the receipt of the signoff of the Annual Report.

In the Integrated Planning and Reporting category of the CAR question 5, 6 and 7, related to the adoption of an Asset Management Plan, Long Term Financial Plan and a Workforce Plan, have been answered with No. Comments have been provided about the progress of completing these reports.

Where required, some additional comments have been made by the responsible officer for other CAR categories.

#### OFFICER'S RECOMMENDATION

*That Council:*

1. Pursuant to Regulation 14(3) of the Local Government (Audit) Regulations 1996 review the Carnarvon – Compliance Audit Return 2019 as presented in Schedule 8.2.9 of this report;
2. Pursuant to Regulation 14(3A) of the Local Government (Audit) Regulations 1996, adopt the Compliance Audit Return 2019, subject to the review by the Audit Committee;
3. Forward a certified copy of the Carnarvon – Compliance Audit Return 2019 to the 'Departmental CEO' of the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996, subject to the review by the Audit Committee;
4. That the Audit Committee review the Compliance Audit Return 2019 along with the Annual report when signed off by the Auditors

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Nelson/Cr Fullarton*

**That Council:**

1. Pursuant to Regulation 14(3) of the Local Government (Audit) Regulations 1996 review the Carnarvon – Compliance Audit Return 2019 as presented in Schedule 8.2.9 of this report;
2. Pursuant to Regulation 14(3A) of the Local Government (Audit) Regulations 1996, adopt the Compliance Audit Return 2019, subject to the review by the Audit Committee;
3. Forward a certified copy of the Carnarvon – Compliance Audit Return 2019 to the 'Departmental CEO' of the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996, subject to the review by the Audit Committee;
4. That the Audit Committee review the Compliance Audit Return 2019 along with the Annual report when signed off by the Auditors

**CARRIED**  
**F7/AO**

(Note to Minute - Cr Fullarton Noted that while the compliance audit return did have some failures, these have been rectified by staff.)

---

**8.3 DEVELOPMENT SERVICES**

**8.3.1 HUDSON CIRCUS – TOWN OVAL**

File No:	ADM2030; P40/19
Date of Meeting:	25 February 2020
Location/Address:	Lot 1164 (7) Egan Street, Carnarvon
Name of Applicant:	Hudson Circus
Name of Owner:	Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner Jessica Taukiri, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

---

**Summary of Item:**

This report requests that Council consider the approval of a proposed circus to be held at the Town Oval being Lot 1164 (7) Egan Street, Carnarvon. The event will be held from Wednesday 16<sup>th</sup> September 2020 to Sunday 20<sup>th</sup> September 2020. The circus will arrive on site on Monday 14<sup>th</sup> September 2020 and will be dismantled on Monday 21<sup>st</sup> September 2020.

The applicant is seeking the use of Shire reserve land for the public event (circus) at the Town Oval as illustrated below:

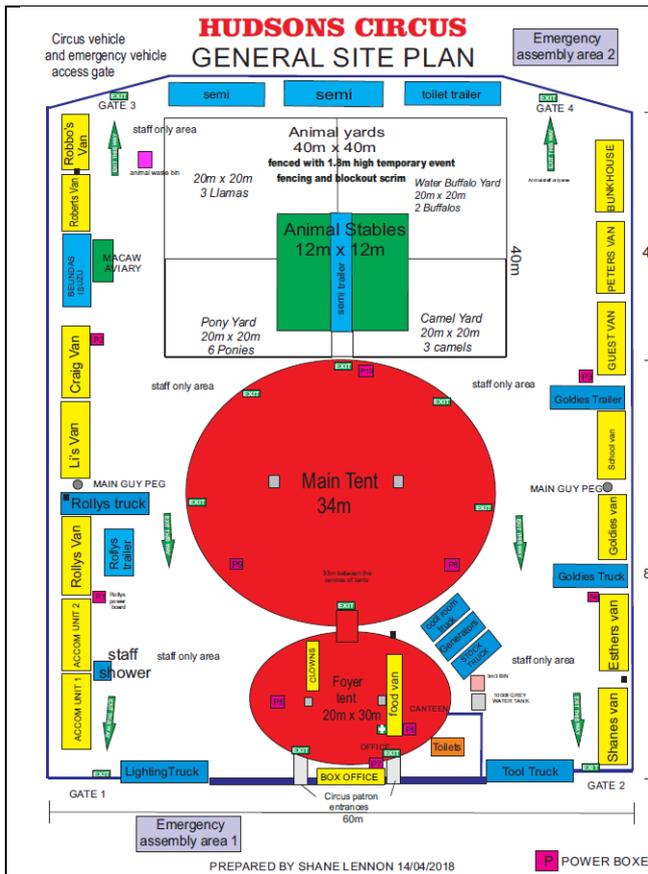


Figure 1 (left) – Generic Site Plan

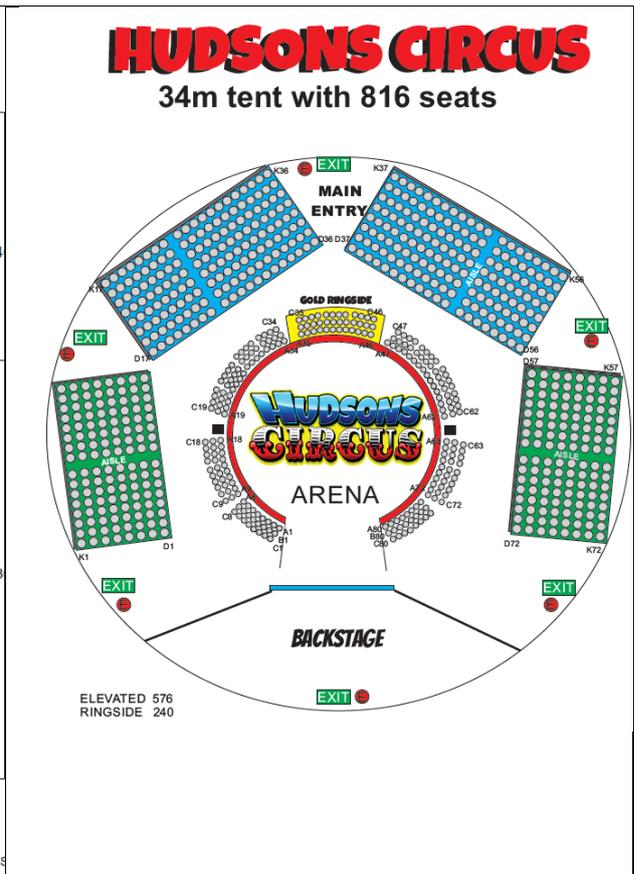


Figure 2 (right) – Internal Site Plan of Main Tent

**Description of Proposal:**

The applicant is a travelling circus who seek approval to use Lot 1164 Egan Street otherwise known as Town Oval for the purpose of hosting a traditional circus. Proposed performances will be held over five (5) days in September 2020.

The circus will include approximately twelve (12) accommodation units/caravans, two (2) semi-trailers, four (4) small trucks and six (6) personal vehicles, three (3) camels, six (6) miniature ponies, three (3) llamas, two (2) water buffalos and a 34 metre main tent with seating. The event will be mostly self-sufficient with the applicant providing their own generators, toilets and water.

**Background:**

The event will be held over five (5) days in September 2020 as follows:

- Mon - 14th September: Bump in
- Tues - 15th September: Bump in
- Wed - 16th September: Performing 7:00 pm
- Thurs - 17th September: Performing 7:00 pm
- Fri - 18th September: Performing 7:00 pm
- Sat - 19th September: Performing 4:00 pm & 7:00 pm
- Sun - 20th September: Performing 11:00 am only
- Mon - 21st September: Bump out.

The applicant has provided further information about the setup and operations. The event is mostly self-sufficient apart from the request to utilise onsite power and lights via the Shire switchboard, which will be used in combination with the Circus' own generator. The applicant will also provide eight (8) toilets and one (1) accessible toilet; the facilities will be cleaned and serviced by the applicant.

The site plan setup can be seen as Figure 1. The plan provides an approximate location of final set up arrangements. Caravans and trucks will be placed around the central tent (big top) and a fence will be erected around the exterior to restrict public access. Event staff will be “camped” on the oval for the duration of the event.

The animals kept on site will be tended by event staff, with animal waste proposed to be collected during the day and stored in a sealed skip bin to restrict odours. A dumpster will be provided by the applicant and will be emptied when full, using a local disposal company.

Event organisers have provided copies of public liability insurance, a risk management plan, evacuation plans, an environmental impact plan, a noise management plan, a waste management plan, certified building plans and seating plans. Shire officers have provided contact details for St. John Ambulance, WA Police, the Carnarvon District Hospital, and Fire and Emergency Services. Shire officers recommended that the organisers contact emergency management staff prior to set-up, and always ensure designated emergency access to be kept clear at all times.

Environmental Health Officers will inspect the tent when erected for public building approval under the *Health Act 1911*. The applicant will also be required to provide evidence of their food business registration or apply for registration under the *Food Act 2008* prior to the event.

**Consultation:**

No public consultation was required for this application.

**Statutory Environment:**

Shire of Carnarvon Local Planning Scheme No. 10

The event is located on Local Reserve with the use designated as ‘Parks and Recreation’ under Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10). The proposed land use is considered consistent with the requirements of LPS 10.

Shire of Carnarvon Draft Local Planning Scheme No. 13

The draft Local Planning Scheme No. 13 indicates Lot 1164 Egan Street as Local Scheme Reserve Public Open Space, with the scheme objectives being:

- To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts, and associated car parking and drainage.

**Relevant Plans and Policy:**

Local Planning Policy Statement No. 19 – Event Guide

The policy statement was provided to the applicant who has provided the following information:

*Risk Management Plan:*

The event operator has a Risk Management Plan that applies to their set-up. The Risk Management Plan has been circulated to the Shire’s Environmental Health Officers for assessment and comment. Matters arising from this consultation are included in the recommended conditions of approval.

*Public Liability Insurance:*

Hudson Circus has provided a certificate of currency for Public Liability Insurance for Australia-wide with a maximum liability cover of \$20 million. The period of coverage expired on the 9<sup>th</sup> February 2020. Evidence of coverage during the period of the event is required 60 days prior to development/ land use.

*Event set up and Shire staff involvement:*

Infrastructure Service staff will direct Hudson Circus staff during set-up ensuring vehicles and machinery, star pickets/ pegs do not interfere with underground pipes and irrigation. Shire Environmental Health Officers will inspect the tent and food van set-up.

**Financial Implications:**

There is no identified financial implication relating to the approval of this application.

**Risk Assessment:**

The level of risk has been outlined in the Risk Management Plan and event management staff are required to indemnify the Shire of Carnarvon from any claim under their public liability insurance. It is noted that the copy of public liability insurance provided by the applicant will have expired by the time of the event. Evidence of a new or renewed policy for adequate public liability insurance will be required prior to development/ land use.

**Community & Strategic Objectives:**

The matter before Council generally accords with the following Shire desired outcome as expressed in the *Carnarvon Strategic Community Plan 2018-2028*:

**Objective 1: Economic**

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

ITEM	Outcomes and Strategies
1.2	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

**Comment:**

Generally, circus troupes visit the Shire’s district each year. These events provide a positive contribution to the community in the form of entertainment, and it is therefore recommended that the application be approved with conditions as outlined below.

OFFICER’S RECOMMENDATION

*That Council approve the application subject to the conditions recommended below:*

1. *The associated application fee(s) and deposits for the event and use of the venue and facilities are met prior to development/ land use.*
2. *The event shall conform to the ‘Risk Management Plan’ as included in the application and approved by this Notice of Determination and comply with the hours of operation as prescribed in the application.*
3. *The event shall conform to the ‘Noise Management Plan’ as included in the application and approved by this Notice of Determination.*
4. *The event operator shall supply evidence of sufficient Public Liability Insurance covering the period of the event, 30 days prior to the development/ land use.*
5. *Hudson Circus (the event operator) shall notify the Shire’s Operations Manager Infrastructure Services (Wayne Sanderson) prior to the commencement of event set-up to obtain directions for on-site establishment.*
6. *At completion of the event, the event operator shall notify the Shire’s Operation Manager Infrastructure Services for a site inspection and shall make good any damage as directed.*
7. *The event operator shall ensure that:*
  - a) *All temporary structures, signage, equipment and waste is removed within 24 hours of the cessation of the activity, or as otherwise directed by the Executive Manager Infrastructure Services;*

- b) *The Town Oval is returned to a neat and tidy condition; and*
  - c) *Any damage to Shire infrastructure that is directly attributed to the event is to be repaired or replaced at the event operators' expense and to the satisfaction of the Executive Manager Infrastructure Services.*
8. *Vehicular access and egress to the Town Oval shall not be permitted during the hours of operation unless otherwise approved by the Executive Manager Infrastructure Services or his representative (Wayne Sanderson).*
  9. *Emergency Services access to the site is to be identified by the event organiser prior to event setup, shall be sign posted accordingly, and shall remain open (accessible) for the duration of the event. The access location shall be established to the satisfaction of the Shire's Operations Manager Infrastructure Services.*
  10. *The event operator shall supply eight (8) portable toilets (4 designated for male and 4 designated for female use) and one (1) universal access toilet, for the duration of the event. The location of the toilets shall be to the satisfaction of the representative of the Shire's Operations Manager Infrastructure Services and shall be removed at the conclusion of the event at the event operators' expense.*
  11. *Food premises are subject to registration/notification with the Shire of Carnarvon; this includes payment of the prescribed fee, on-site assessment and compliance with relevant acts, regulations and code of practice.*
  12. *All tents/hardware/seating is to be assembled/constructed/evacuated in accordance with the structural and civil engineering certification supplied. If the tents and other public building structures have been assigned a maximum accommodation number, this is to be adhered to.*
  13. *The event organiser shall provide at all times during the operation of the event, the use of an acceptable waste bin for receiving animal waste: -*
    - (a) *Provided with a tight-fitting hinged lid (cover) and be weather proof and leak proof;*
    - (b) *The bin lid shall be kept closed at all times except when the animal waste is being deposited or removed;*
    - (c) *The waste bin(s) shall be of a suitable size to accommodate all animal waste during the event. The waste bin shall be removed from the site once the capacity has been met and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and/or disease.*

**Advice Notes:**

- I. *If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of this determination.*
- II. *This approval does not confer approval under any other relevant legislation, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Health (Public Buildings) Regulations 1992 and Local Government Local Laws.*
- III. *Compliance with relevant legislation is required at all times, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Health (Public Buildings) Regulations 1992 and Local Government Local Laws*

**FC 10/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Maslen/Cr Vandeleur**

**That Council approve the application subject to the conditions recommended below:**

1. ***The associated application fee(s) and deposits for the event and use of the venue and facilities are met prior to development/ land use.***
2. ***The event shall conform to the 'Risk Management Plan' as included in the application and approved by this Notice of Determination and comply with the hours of operation as prescribed in the application.***
3. ***The event shall conform to the 'Noise Management Plan' as included in the application and approved by this Notice of Determination.***

4. *The event operator shall supply evidence of sufficient Public Liability Insurance covering the period of the event, 30 days prior to the development/ land use.*
5. *Hudson Circus (the event operator) shall notify the Shire's Operations Manager Infrastructure Services (Wayne Sanderson) prior to the commencement of event set-up to obtain directions for on-site establishment.*
6. *At completion of the event, the event operator shall notify the Shire's Operation Manager Infrastructure Services for a site inspection and shall make good any damage as directed.*
7. *The event operator shall ensure that:*
  - a) *All temporary structures, signage, equipment and waste is removed within 24 hours of the cessation of the activity, or as otherwise directed by the Executive Manager Infrastructure Services;*
  - b) *The Town Oval is returned to a neat and tidy condition; and*
  - c) *Any damage to Shire infrastructure that is directly attributed to the event is to be repaired or replaced at the event operators' expense and to the satisfaction of the Executive Manager Infrastructure Services.*
8. *Vehicular access and egress to the Town Oval shall not be permitted during the hours of operation unless otherwise approved by the Executive Manager Infrastructure Services or his representative (Wayne Sanderson).*
9. *Emergency Services access to the site is to be identified by the event organiser prior to event setup, shall be sign posted accordingly, and shall remain open (accessible) for the duration of the event. The access location shall be established to the satisfaction of the Shire's Operations Manager Infrastructure Services.*
10. *The event operator shall supply eight (8) portable toilets (4 designated for male and 4 designated for female use) and one (1) universal access toilet, for the duration of the event. The location of the toilets shall be to the satisfaction of the representative of the Shire's Operations Manager Infrastructure Services and shall be removed at the conclusion of the event at the event operators' expense.*
11. *Food premises are subject to registration/notification with the Shire of Carnarvon; this includes payment of the prescribed fee, on-site assessment and compliance with relevant acts, regulations and code of practice.*
12. *All tents/hardware/seating is to be assembled/constructed/evacuated in accordance with the structural and civil engineering certification supplied. If the tents and other public building structures have been assigned a maximum accommodation number, this is to be adhered to.*
13. *The event organiser shall provide at all times during the operation of the event, the use of an acceptable waste bin for receiving animal waste: -*
  - (d) *Provided with a tight-fitting hinged lid (cover) and be weather proof and leak proof;*
  - (e) *The bin lid shall be kept closed at all times except when the animal waste is being deposited or removed;*
  - (f) *The waste bin(s) shall be of a suitable size to accommodate all animal waste during the event. The waste bin shall be removed from the site once the capacity has been met and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and/or disease.*

**Advice Notes:**

- IV. *If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of this determination.*
- V. *This approval does not confer approval under any other relevant legislation, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Health (Public Buildings) Regulations 1992 and Local Government Local Laws.*
- VI. *Compliance with relevant legislation is required at all times, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Health (Public Buildings) Regulations 1992 and Local Government Local Laws*

CARRIED  
F7/AO

### 8.3.2

## INSTALLATION OF TWO ANTENNAS AT THE CARNARVON SPACE AND TECHNOLOGY MUSEUM

File No:	A3924; P48/19
Date of Meeting:	25 February 2020
Location/Address:	Lot 2 (35) Mahony Avenue, Brown Range WA 6701
Name of Applicant:	Phil Youd, Chairman Carnarvon Space and Technology Museum
Name of Owner:	Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

### Summary of Item:

This item relates to an application for development approval for the installation of two antennas, these being further exhibits to the Museum exhibition. The development seeks to reinstall structures that were present at the Carnarvon Tracking Station when operational.

### Description of Proposal:

The proposed works involve the foundations and installation of two (2) antennas with the following dimensions; 2.3m high, 3.6m in width, and 3.0m long. The proposed location of the antennas is to the south east of the museum, adjacent to the OTC Dish (refer to Figure 1). The antennas will serve as an additional attraction to the museum.



Figure 1: Location of antennas as lodged with application

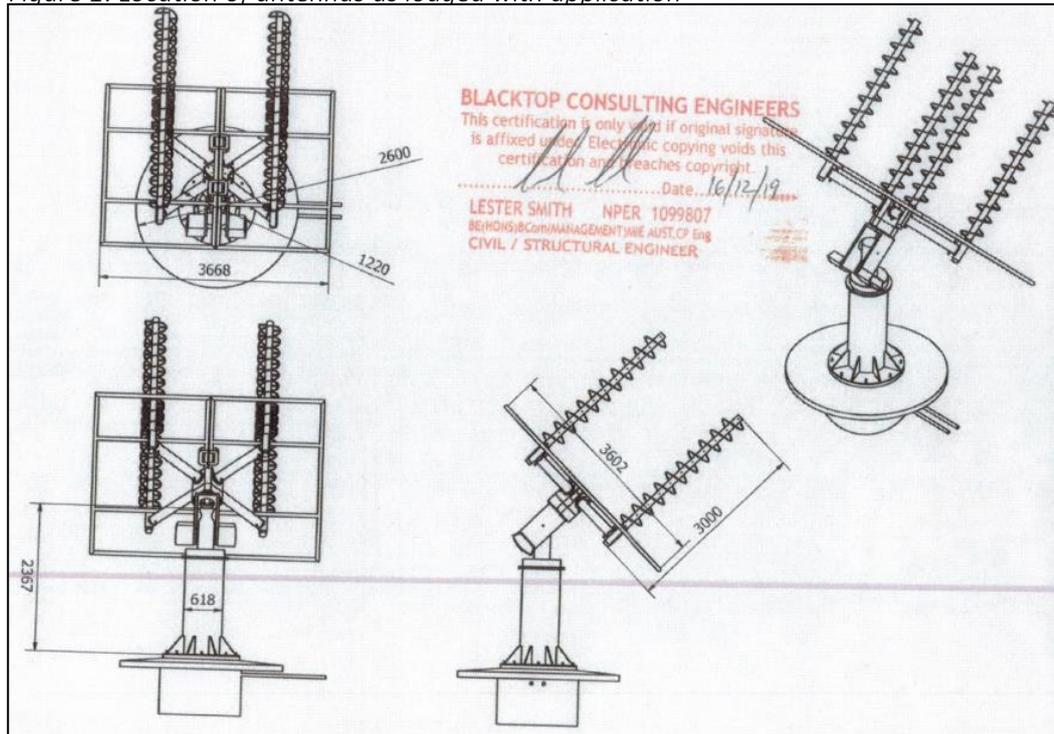


Figure 2: Antennas

**Background:**

The two antennas to be installed were originally in service at the NASA Carnarvon Tracking Station in the 1960's – 1970's. After the stations closure, they were transported to Alice Springs and used at a government site.

The antennas have recently been recovered from a metal recycler in Alice Springs and have been transported back to Carnarvon to become permanent exhibits at the Space and Technology Museum.

**Consultation:**

The proposal was referred to the Western Australian State Heritage Council for comments, who advised that the proposed development is supported. The Council's comments can be found at Schedule 8.3.2(a).

No further consultation is required under Local Planning Scheme No. 10 (LPS 10).

**Statutory Environment:**

Planning and Development Act 2005

As defined under the Act, 'Development' means the *development or use of any land*. The development and use of land in this instance being works to install two antennas at the Museum site.

The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

Planning and Development (Local Planning Schemes) Regulations 2015

Part 9 – Procedure for dealing with applications for development approval. Clause 67. Matters to be considered by local government. A full assessment of the proposal against the regulations has been completed.

Local Planning Scheme No. 10

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

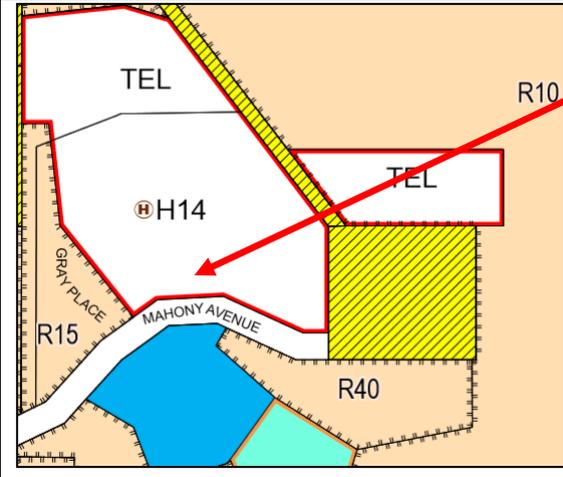
	Location of antennas		Special Use; Telecommunications, NBN Satellite Earth Station and Tourist/Education Precinct
			Residential
			Place of Historical Significance

Figure 2: LPS 10 zoning

Heritage of Western Australia Act (1990)

The OTC Satellite Earth Station is recognised on the State Heritage Register for exceptional significance. The main heritage structures of the Satellite Earth Station are the parabolic dish, casshorn dish, and the administration building.

The Heritage Council supports the application and commented that “the placement of the antennas will not impact negatively on the site, the OTC Dishes will clearly remain as the dominant structures on the site and the antennas will further add to the richness of the museum use of the site.”

Shire of Carnarvon Draft Local Planning Scheme No. 13

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

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

**Relevant Plans and Policy:**

Shire of Carnarvon Municipal Heritage Inventory 2015

The OTC Satellite Earth Station is recognised on the Shire of Carnarvon’s Municipal Heritage Inventory for exceptional significance as well as being included on the State’s heritage list as noted above. This document specifically references the parabolic and casshorn dishes as well as the administration building (now the museum) and powerhouse.

**Financial Implications:**

There are no identified financial implications for the Shire of Carnarvon in the approval of the application.

**Risk Assessment:**

There are no identified risks associated with the approval of the application.

## 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
<b>1.2</b>	<b>Thriving tourism industry within the district/region</b>
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

### Objective 2: Natural and built environment

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

ITEM	Outcomes and Strategies
<b>2.7</b>	<b>Regulated land use to meet the current and future needs of the community</b>
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
<b>2.8</b>	<b>Preservation of local heritage buildings and places of interest</b>
2.8.2	Heritage buildings and places of interest are preserved and maintained through effective planning controls

#### Comment:

The proposed antennas formed part of the original NASA Tracking Station and their installment on the subject land will provide a further significant additional heritage element to the museum experience; they will therefore enhance the heritage values of the site. It is recommended that the application be approved subject to the following conditions.

#### OFFICER'S RECOMMENDATION

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No.10 grant development approval for application P48/19 for the 'INSTALLATION OF TWO ANTENNAS AS EXHIBITS AT THE CARNARVON SPACE AND TECHNOLOGY MUSEUM' subject to the following conditions:*

- 1. The development is to be generally in accordance with the approved plans dated 16 December 2019 (Antenna Footing) and 13 December 2019 (Antenna Dimensions), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other condition of this approval or with prior written approval of the Shire of Carnarvon.*

#### Advice notes:

- If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the*

commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.

**FC 11/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Skender/Cr Fullarton**

**Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No.10 grant development approval for application P48/19 for the 'INSTALLATION OF TWO ANTENNAS AS EXHIBITS AT THE CARNARVON SPACE AND TECHNOLOGY MUSEUM' subject to the following conditions:**

- 1. The development is to be generally in accordance with the approved plans dated 16 December 2019 (Antenna Footing) and 13 December 2019 (Antenna Dimensions), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other condition of this approval or with prior written approval of the Shire of Carnarvon.**

**Advice notes:**

- i. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- ii. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**
- iii. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.**

**CARRIED**  
**F7/A0**

**8.3.3**

**CARNARVON CHRISTIAN SCHOOL LOCAL DEVELOPMENT PLAN**

11.20am – President Smith declared an Indirect Financial Interest and Impartiality Interest in this matter as his daughter works at the School. He therefore vacated the Chair and left the meeting and did not participate or vote on the matter.

11.20am – Cr Maslen assumed the Chair as Deputy and declared an Impartiality Interest in this matter as his daughter attends the school. Cr Maslen was not required to leave the meeting and could participate and vote on the matter.

<b>File No:</b>	A3476; P35/19
<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	Lots 560, 562 and 1046 Babbage Island Road Morgantown WA 6701
<b>Name of Applicant:</b>	Carnarvon Christian Parent Control School (Carnarvon Christian School)
<b>Name of Owner:</b>	Carnarvon Christian Parent Control School (Carnarvon Christian School)
<b>Author/s:</b>	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	Resolution FC 21/3/16

---

### Summary of Item:

This item relates to a proposed Local Development Plan lodged with the Shire for existing and proposed development over for Lots 560, 562 and 1046 Babbage Island Road, Morgantown. These lots make up the Carnarvon Christian School landholding, with the campus located on Lot 562.

A Local Development Plan is a mechanism used to co-ordinate and assist in achieving better built form outcomes by linking design to future development; it can also streamline the development approval processes with compliant development exempt from the requirement to obtain a development approval.

Decision makers are to give 'due regard' to an approved Local Development Plan when making decisions in respect to the development of the land. A Local Development Plan is valid for ten (10) years from the date of approval.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, a proposed local development plan is to be determined by the local government. It is not required to be referred to the Western Australian Planning Commission (WAPC) for determination.

It is considered that the Local Development Plan has been prepared in a manner and form to accord with Schedule 2, Part 6, Clause 48(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Description of Proposal:

The proposed Local Development Plan applies to Lots 560, 562 and 1046 Babbage Island Road, Morgantown. It is zoned 'Residential Development' and is guided by Local Planning Scheme No. 10.

The Local Development Plan has been prepared in accordance with Schedule 2, Part 6, Clause 48(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As noted above the Local Development Plan is a mechanism used to coordinate and assist in achieving better built form outcomes by linking design to future development; it can also be used to streamline the development approval process going forward with compliant development exempt from the requirement to obtain a development approval.

The Local Development Plan as lodged can be found at Figure 1 below:

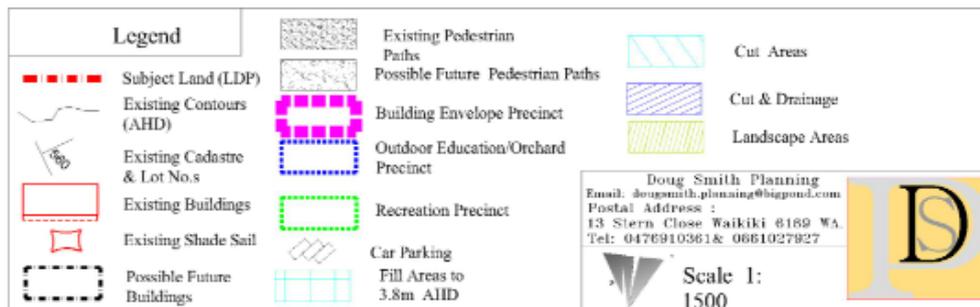
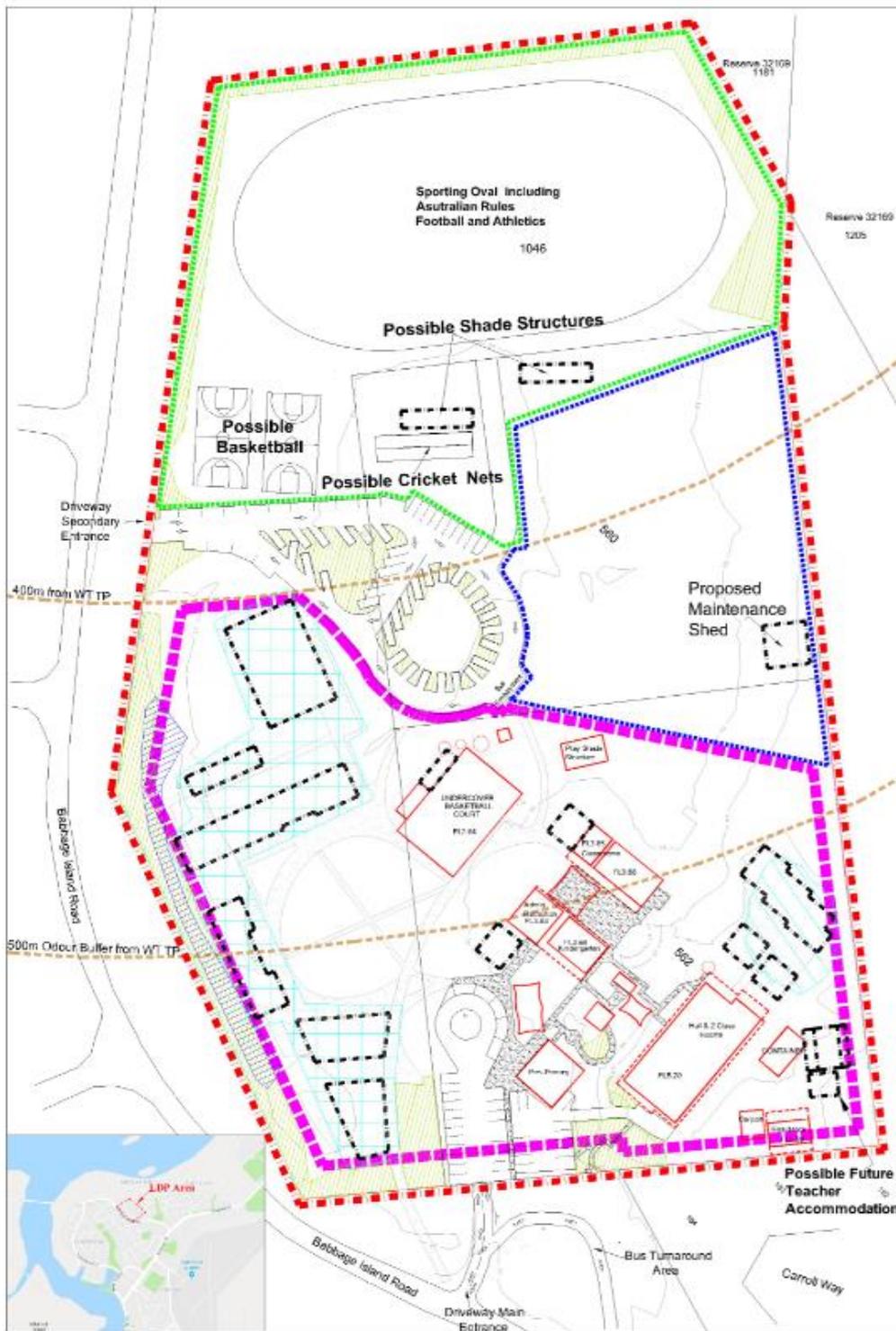


Figure 1: The Carnarvon Christian School Local Development Plan

### **Background:**

The Local Development Plan has been prepared in response to a Resolution FC 21/3/16 by the Shire of Carnarvon, that a Local Development Plan is required for the orderly and proper planning of Lot 1046, 560 and 562 Babbage Island Road, Morgantown. The justification for the preparation of the plan, as discussed in the report was “to affirm strategic direction for the planning of the site, and to reduce the future number of development approvals required to implement such strategic vision.”

The Western Australian Planning Commission on 12 April 2016 advised the Shire of Carnarvon that it considered the preparation of an Local Development Plan as necessary; it (the Plan) will provide the Shire of Carnarvon with the necessary understanding of the School’s intended long-term development plans for the site and the necessary development controls, to ensure that if and when the School expansion is required, it will occur in an orderly and proper fashion.

The Local Development Plan addresses the matters of bushfire hazard assessment, school purpose buildings, wastewater treatment buffers, vehicle parking, setbacks and landscaping. The Local Development Plan is proposing that future buildings be constructed without the lodgement of new Development Applications, although building licenses will be required. These proposed buildings will be constructed within the building envelope precinct and outlines reflected on the Local Development Plan and detailed in the 2018 Master Plan prepared by JAWS Architects. See **Schedules 8.3.3 (a)** and **8.3.3 (b)** for copies of the Local Development Plan.

The Local Development Plan is proposing the expansion of the school facilities including classrooms, library, day care centre, offices, recreational facilities, seating, playing fields, performing arts centre, shade structures, teacher accommodation, parking, footpaths, landscaping and ancillary structures. If the Local Development Plan is adopted these facilities will not require the lodgement of Development Applications, however building approvals will be required.

### **Consultation:**

In accordance with Schedule 2, Part 6, cl. 50 of the Regulations, the proposed Local Development Plan was advertised for a period of fourteen (14) days from 8 November to 22 November 2019. The Shire received no submissions on the proposal.

A Bushfire Attack Level (BAL) Assessment and Report was completed for the site by Smith Consulting to determine the BAL for the potential to develop within the Christian School grounds at 33 Babbage Island Carnarvon.

Following the lodgment of the Local Development Plan the documents were referred to the Department of Water and Environmental Regulation (DWER) for advice and guidelines for development on floodplains to minimize flood risk and damage. The site is close to but within Special Control Area 3 (SCA3) “Flood Prone Area” under draft LPS 13. A levee bank has been constructed along the Gascoyne River north of the school. DWER advised that as the school is protected by a levee, they do not specify a finished floor level for the lots based on the 100-year flood level.

### **Statutory Environment:**

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2 Part 6 Local Development Plans outline the process local government is required to undertake when assessing a Local Development Plan.

The local government must consider all submissions made during the period for public comment. The requirements of the local government following the conclusion of the advertising period as the following:

#### *52. Decision of local government*

- 1) *Following the consideration of a proposed local development plan, including any amendment made to the plan to address the matters raised in submissions, the local government must—*
  - a. *Approve the local development plan; or*

- b. Require the person who prepared the local development plan to –
  - i. Modify the plan in the manner specified by the local government; and
  - ii. Resubmit the modified plan to the local government for approval;
- or
- c. Refuse to approve the plan.

A proposed Local Development Plan may provide for the future approval of development, which is noted under cl. 53 of the ‘Regulations’ (see below). It is intended that the Local Development Plan will provide for the development approval of future school facilities.

*53. Local development plan may provide for later approval of details of development*

*1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.*

*2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.*

The effect of the proposed Local Development Plan if approved is noted under cl. 56 of the ‘Regulations’:

*56. Effect of local development plan*

*1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan.*

The approval of a Local Development Plan has effect for a period of 10 years commencing on the day on which the local government approves the plan.

Shire of Carnarvon Local Planning Scheme No. 10

The site is zoned Residential Development under the Shire of Carnarvon Town Planning Scheme No.10 (TPS10) the site falls within Residential Development and Residential zonings. Under the zoning table an ‘Educational Establishment’ is an “SA” use, meaning that the local government may, at its discretion, permit the use after notice of application has been given in accordance with Clause 64 of the deemed provisions.

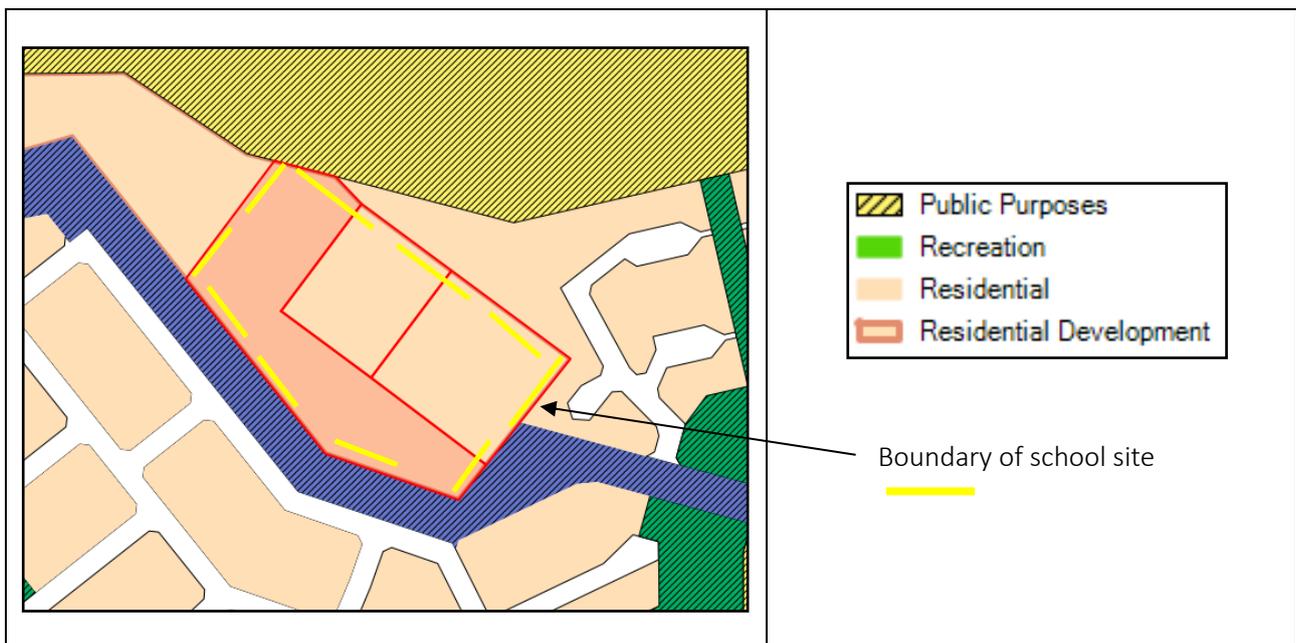


Figure 2: Scheme 10 zoning map



Figure 3: Aerial Photo of school site

Shire of Carnarvon Local Planning Scheme No. 13

The proposed Town Planning Scheme No.13 (TPS13) provides for the subject land to be Zoned Special Use 3 (SU3). The Special Use for the site is “Educational Establishment” and similarly provides for the preparation of an LDP.

Part of the site is within the proposed Special Control Area 1 (SCA1) “Town of Carnarvon Wastewater Treatment Plant (WWTP)”, wherein which the objective is to maintain adequate separation between the WWTP and residential and other sensitive land uses.

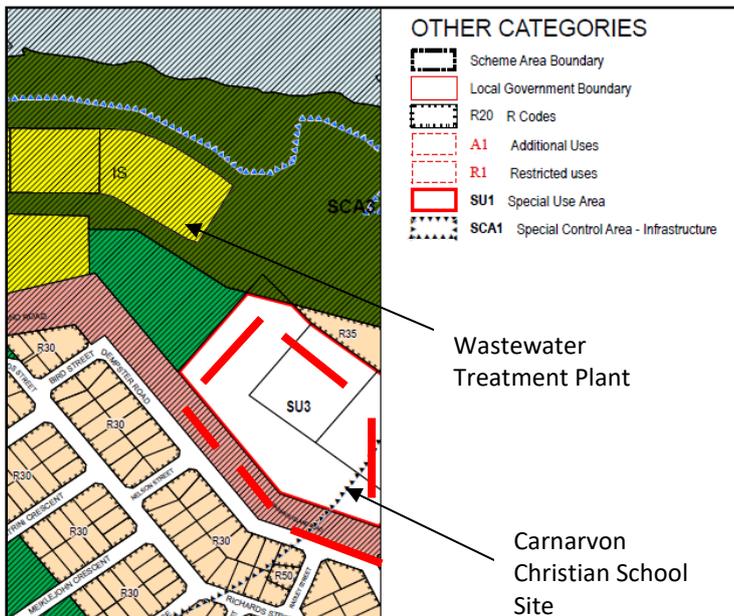


Figure 3: Scheme 13 zoning map

### Relevant Plans and Policy:

#### Planning and Development (Local Planning Schemes) Regulations 2015 Framework for Local Development Plans

This framework constitutes the manner and form in which a Local Development Plan is to be prepared, pursuant to Schedule 2, Part 6, Clause 48 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### State Planning Policy 3.7 Planning in Bushfire Prone Areas

Clause 6.6.1 "In areas where BAL-12.5 to BAL-29 applies Subdivision and development applications for vulnerable or high-risk land uses in areas between BAL-12.5 to BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the State authority for emergency services."

### Financial Implications:

There are no financial implications related to the approval of the proposed Local development Plan.

### Risk Assessment:

There are no risks associated with the approval of the proposed Local Development Plan.

### Community & Strategic Objectives:

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

#### Objective 2: Natural and built environment

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

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

#### Objective 5: Civic

*Strong and listening Council*

ITEM	Outcomes and Strategies
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 Councillors</i>
5.2.2	<i>Highly capable executive leadership and management</i>

### Comment:

The Local Development Plan has been submitted to the Shire for the purpose of recognising existing development and facilitating/guiding future development within Lots 560, 562 and 1046 Babbage Island Road, Morgantown.

The proposed Local Development Plan was advertised for public comment and no submissions were received. It is recommended that Council approve the Carnarvon Christian School Local Development Plan for Lots 560, 562 and 1046 Babbage Island Road.

It should be noted that the future development of school facilities on the lots will not require approval under the *Planning and Development Act 2005*, that is the lodgement and approval of Development Applications for future buildings as prescribed by the Plan, however building approval will be required prior to commencement of construction.

### OFFICER'S RECOMMENDATION

That Council,

1. Pursuant to Clause 52 (a) of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 approve the Local Development Plan for the orderly and proper planning of Lots 560, 562 and 1046 Babbage Island Road Morgantown as lodged with the Shire on 30 October 2019.
2. Direct the CEO to provide the person who prepared the local development plan written notice of its decision to approve or to refuse to approve the local development plan.
3. Direct the CEO to publish the approved Local Development Plan on the Shire website.

### Advice Notes

- i. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- ii. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.

FC 12/2/20

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Skender

That Council,

1. Pursuant to Clause 52 (a) of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 approve the Local Development Plan for the orderly and proper planning of Lots 560, 562 and 1046 Babbage Island Road Morgantown as lodged with the Shire on 30 October 2019.
2. Direct the CEO to provide the person who prepared the local development plan written notice of its decision to approve or to refuse to approve the local development plan.
3. Direct the CEO to publish the approved Local Development Plan on the Shire website.

### Advice Notes

- i. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- ii. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.

CARRIED  
F6/AO

11.22am – President Smith resumed the Chair and was advised of Council's decision on the matter.

<b>File No:</b>	A3198, ADM0471, P42/19
<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	Multiple locations: Olivia Tce, Reserve 37127 200 NW Coastal Highway Shire Reserve land
<b>Name of Applicant:</b>	Gascoyne Off Road Racing Club Inc. (GORRC)
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Author/s:</b>	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	N/A

#### Summary of Item:

Development Approval is sought for the 2020 Kickstarter's Gascoyne Dash, an off-road racing event that takes place on reserve land within the Shire of Carnarvon and the Shire of Upper Gascoyne. The event also crosses private land, however the approval for this use is not the subject of this report. The event is classified as a major iconic event in the Shire of Carnarvon Community Growth Fund Policy C025.

#### Description of Proposal:

The Kickstarter's Gascoyne Dash is an annual motor racing event in which buggies, motorbikes, and other all-terrain vehicles race between Carnarvon and Gascoyne Junction. The off-road race is run under the affiliation and general competition rules of the Confederation of Australian Motorsport (CAMS) & Motorcycling WA (MWA).

The event application states that the anticipated total attendance for the event is 1050 vehicles over four days, with an expected daily spectator attendance of 400 people. The following approval is sought from the Council: Development approval for the use of Shire reserve land for a public event at Olivia Terrace and racing on Part of Reserve 37127, 200 North West Coastal Highway, Brown Range.

#### Background:

The event covers a large area within the Shire and has been assessed under Local Planning Scheme No. 10.

The off-road racing competition is to occur over four (4) days as follows:

- 9 April 2020 – registrations, scrutineering & community static display at the Olivia Terrace public carpark opposite to the Gascoyne Hotel;
- 10 April 2020 – race prologue at 200 North West Coastal Highway.
- 11 & 12 April 2020 – racing from 200 North West Coastal Highway cross country to Gascoyne Junction.
- 12 April 2020 – Event ceremony at Carnarvon Civic Centre, Woolshed.

#### Consultation:

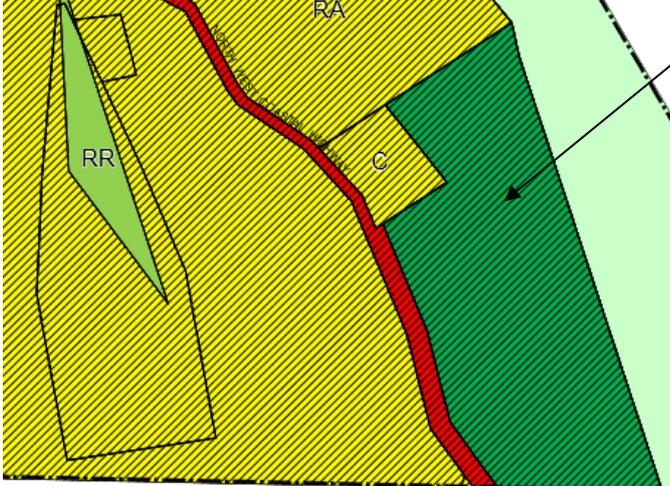
The GORCC as part of their event management process, have consulted with the following interested parties:

- Main Roads Western Australia
- Department of Planning, Lands & Heritage (DPLH)
- Medic Aid WA
- Western Australia Police
- Affected rural landowners
- Department of Fire and Emergency Services.

**Statutory Environment:**

Shire of Carnarvon Local Planning Scheme No. 10

The event crosses reserved land within the Shire of Carnarvon with the following zonings listed in the table below:

Event location	LPS 10 zoning
<p>Olivia Terrace carpark and Gascoyne Hotel</p>	 <p><b>Proposed site Thursday 9 April</b></p> <p><b>H</b> Hotel      <b>Important Local Road</b></p> <p>Olivia Terrace is subject to a proposed road closure for the opening day of the event with registrations, scrutineering and a community static display occurring in the carpark directly across from the Gascoyne Hotel. A satisfactory Traffic Management Plan will need to be lodged and approved prior to the event. This matter is addressed by way of the suggested conditions of approval.</p>
<p>Reserve 37127, 200 North West Coastal Highway, Brown Range</p>	 <p><b>Proposed site for starting point of race</b></p> <p><b>Parks and Recreation</b></p> <p>Lot 200 North West Coastal Highway is zoned as a Local Reserve with the use designated to 'Parks and Recreation' under LPS 10. The use of the land for 'Recreation' purposes is consistent with the requirements of LPS 10.</p>
<p>Rural land within Scheme 10 and 11 Crown Land</p>	<p>The core racing event will take place on land zoned "Rural" within LPS 10 and LPS 11. For land that is zoned Rural, the use of the land for recreational purposes is also permitted.</p> <p>The use for motorsport racing on the 12<sup>th</sup> of April is subject to the approval of a section 91 License issued by DPLH.</p>

Land Administration Act 1997 Section 91 "Licenses and profits à prendre over Crown land".

It should be noted that the Shire is not being requested to approve the use of Crown land for Off-Road Vehicle Racing as the responsibility for the Crown land sits with the Department of Planning, Lands and Heritage.

#### **Relevant Plans and Policy:**

Guidelines for concerts, events and organized gatherings December 2009 – Department of Health:

The State guidelines for events issued by the Department of Health stipulate the framework for considerations to be made by event organizers and the local government in seeking to make events safe, meet basic standards necessary and follow consistent event management procedures.

'Shire of Carnarvon Community Growth Fund Policy C025'

Under the *Community Growth Fund Policy C025 (Major Iconic Events)* GORRC receive a \$4,500 contribution, as the Gascoyne Dash is an on-going "Iconic Status" major event which contributes significantly to the regional profile and economic benefit of the District.

#### **Financial Implications:**

As the costs noted above are approved under the *Community Growth Fund Policy C025*, there are no additional financial implications to be considered by the Shire of Carnarvon in relation to the officer's recommendation.

#### **Risk Assessment:**

The level of risk has been outlined in the Risk Management Plan and event management staff are required to indemnify the Shire of Carnarvon from any claim under their public liability insurance.

#### **Community & Strategic Objectives:**

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

#### **Objective 1: Economic**

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

ITEM	Outcomes and Strategies
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon

#### **Objective 2: Natural and built environment**

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

ITEM	Outcomes and Strategies
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use
2.6.6	Maintain town centre, fascine and town beach for enjoyment of locals and visitors, that the community can take pride in

#### **Objective 3: Social**

*Healthy, safe and resilient community, where everyone belongs*

ITEM	Outcomes and Strategies
3.2	Strong community identity and spirit through arts, culture and events
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

## Objective 5: Civic

*Strong and listening Council.*

ITEM	Outcomes and Strategies
5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed

### Comment:

The Gascoyne Dash is an iconic community event that brings a large number of visitors to the district and makes a significant contribution to the district's economy. The Shire supports the event under the Shire of Carnarvon Policy C025. It is therefore recommended that Council approve the application and endorse the event, subject to the following conditions.

### OFFICER'S RECOMMENDATION

*Pursuant to clause 68 of the Planning and Development (Local Planning Scheme) Regulations 2015 'Deemed provisions', it is recommended that Council grant development approval for the 2020 Kickstarter's Gascoyne Dash, subject to the following conditions:*

- 1. The event program shall conform to the 'Event Application Package' and the 'Risk Management Plan 2020' as submitted with the application lodged with the Shire.*
- 2. The Gascoyne Off Road Racing Club must engage a suitably qualified person to prepare a Traffic Management Plan(s) to be submitted to and approved by the Executive Manager Infrastructure Services at least 30 days prior to the event.*
- 3. All road closure procedures must comply with the above approved Traffic Management Plan.*
- 4. The Gascoyne Off Road Racing Club shall indemnify the Shire of Carnarvon against any claim resulting from the event and shall provide evidence of such insurance prior to any activities commencing on Shire reserve land, including event set up.*
- 5. The Gascoyne Off Road Racing Club shall notify the Executive Manager Infrastructure Services prior to the commencement of event set-up within the Shire of Carnarvon, and prior to the commencement of racing, in order for Shire officers to undertake necessary compliance inspections of all temporary structures, barriers, viewing area and signage.*
- 6. The Gascoyne Off Road Racing Club shall ensure that:*
  - a. All temporary structures, signage and additional amenities are removed within 24 hours of the activity concluding, or as otherwise directed by the Executive Manager Infrastructure Services;*
  - b. All areas are to be returned to a neat and tidy condition;*
  - c. Any damage to Shire infrastructure that is directly attributed to the event is to be repaired or replaced at the organizers expense to the satisfaction of the Executive Manager Infrastructure Services.*

### Advice Notes

- i. This approval does not confer approval under any other relevant legislation, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Road Traffic Act 1974 and Local Government Local Laws.*
- ii. Arrangements should be made with the Executive Manager Infrastructure Services, and Carnarvon Police Services for all proposed traffic management and road closure matters, including the erection of temporary signage.*
- iii. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- iv. Arrangements should be made with the Executive Manager Infrastructure Services, and Carnarvon Police Services for all proposed traffic management and road closure matters, including the erection of temporary signage.*

- v. Upon conclusion of the event the organizer is encouraged to conduct a 'debriefing meeting' with all stakeholders to review the event and identify areas of improvement for future events.

**FC 13/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Nelson/Cr Skender**

Pursuant to clause 68 of the Planning and Development (Local Planning Scheme) Regulations 2015 'Deemed provisions', it is recommended that Council grant development approval for the 2020 Kickstarter's Gascoyne Dash, subject to the following conditions:

1. The event program shall conform to the 'Event Application Package' and the 'Risk Management Plan 2020' as submitted with the application lodged with the Shire.
2. The Gascoyne Off Road Racing Club must engage a suitably qualified person to prepare a Traffic Management Plan(s) to be submitted to and approved by the Executive Manager Infrastructure Services at least 30 days prior to the event.
3. All road closure procedures must comply with the above approved Traffic Management Plan.
4. The Gascoyne Off Road Racing Club shall indemnify the Shire of Carnarvon against any claim resulting from the event and shall provide evidence of such insurance prior to any activities commencing on Shire reserve land, including event set up.
5. The Gascoyne Off Road Racing Club shall notify the Executive Manager Infrastructure Services prior to the commencement of event set-up within the Shire of Carnarvon, and prior to the commencement of racing, in order for Shire officers to undertake necessary compliance inspections of all temporary structures, barriers, viewing area and signage.
6. The Gascoyne Off Road Racing Club shall ensure that:
  - d. All temporary structures, signage and additional amenities are removed within 24 hours of the activity concluding, or as otherwise directed by the Executive Manager Infrastructure Services;
  - e. All areas are to be returned to a neat and tidy condition;
  - f. Any damage to Shire infrastructure that is directly attributed to the event is to be repaired or replaced at the organizers expense to the satisfaction of the Executive Manager Infrastructure Services.

**Advice Notes**

- i. This approval does not confer approval under any other relevant legislation, including but not limited to, the Building Act 2011, Health Act 1911, Food Act 2008, Road Traffic Act 1974 and Local Government Local Laws.
- ii. Arrangements should be made with the Executive Manager Infrastructure Services, and Carnarvon Police Services for all proposed traffic management and road closure matters, including the erection of temporary signage.
- iii. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- iv. Arrangements should be made with the Executive Manager Infrastructure Services, and Carnarvon Police Services for all proposed traffic management and road closure matters, including the erection of temporary signage.
- v. Upon conclusion of the event the organizer is encouraged to conduct a 'debriefing meeting' with all stakeholders to review the event and identify areas of improvement for future events.

**CARRIED**  
**F7/AO**

FC 14/2/20

COUNCIL RESOLUTION

Cr Nelson/Cr Fullarton

*That Items 8.3.5 to 8.3.7 inclusive be considered en-bloc.*

CARRIED  
F7/A0

FC 15/2/20

COUNCIL RESOLUTION

Cr Nelson/Cr Fullarton

*That Items 8.3.5 to 8.3.7 inclusive be adopted by Council -*

**8.3.5 OVERSIZED SHED ON RESIDENTIAL LOT 1 WILLIAM STREET, EAST CARNARVON**

File No: A1107, P47/19  
Date of Meeting: 25 February 2020  
Location/Address: Lot 1 (68) William Street, East Carnarvon  
Name of Applicant: Paul Kearney  
Name of Owner: Wayne Harding  
Author/s: John Meggitt, Principal Planner  
Andrew Karagoglou, Planning Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: N/A

**Summary of Item:**

This item relates to a proposed oversized outbuilding (shed) at Lot 1 (68) William Street, East Carnarvon.

**Description of Proposal:**

The site is zoned Residential R12.5 under the Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10). Lot 1 (68) William Street has an area of 790m<sup>2</sup> and includes a residence and existing shed (which is to be removed).

The proposed shed has a total floor area of 90m<sup>2</sup>, a 2.9m wall height and a 4m ridge height. It is proposed that the shed will be built up to the side boundary.



Figure 1: Location of proposed shed

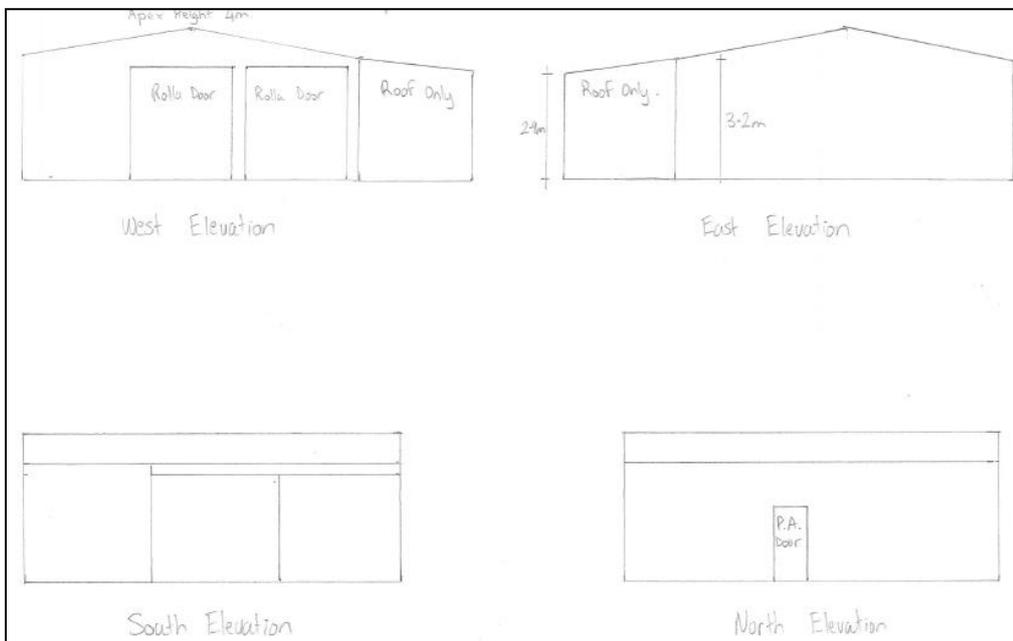


Figure 2: Elevations of shed

Under the R-Codes the 'deemed-to-comply' provisions are:

- A maximum floor area of 60m<sup>2</sup>
- A maximum wall height of 2.4m
- A minimum lot boundary setback of 1m

It is proposed that the shed will be built up to the south eastern lot boundary.

The Shires Outbuilding Policy provides a context and framework in which outbuilding use and development can take place within the scheme area. The Outbuilding Policy allows for greater flexibility than the R-Codes for oversized structures. A shed is classified as an outbuilding being an enclosed non-habitable structure that is detached from any dwelling. The policy has the following standards for a Residential property of area 601m<sup>2</sup> to 999m<sup>2</sup>.

- Maximum floor area 81m<sup>2</sup>
- Maximum wall height 3.5m;
- Maximum overall height (single story) 5m

The property has a very wide verge (10 metres) and as such pedestrian safety will not be adversely impacted. The adjoining property to the south has a similar sized shed abutting the boundary of the lot and the owner of this lot is supportive of the proposal. The properties opposite on Saw Street are approximately 40 metres from the site and would not be significantly impacted.

#### **Consultation:**

The affected neighbour to the south (21 Saw Street), is also the applicant and is supportive of the proposed development.

#### **Statutory Environment:**

##### Planning and Development Act 2005

As defined under the Act, 'Development' means the *development or use of any land*; the development and use of this land in this instance being works to construct a shed on a residential lot. The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

##### Planning and Development (Local Planning Schemes) Regulations 2015

Part 9 – Procedures for dealing with applications for development approval. Clause 67. Matters to be considered by local government.

##### Local Planning Scheme No. 10

Under LPS 10, Lot 1 William Street is zoned 'Residential' with an R. Code of R12.5.

##### Shire of Carnarvon Draft Local Planning Scheme No. 13

Under the Shire of Carnarvon Draft Local Planning Scheme 13 the lot zoned 'Residential with an R. Code of R10/20.

#### **Relevant Plans and Policy:**

##### State Planning Policy 7.3 Residential Design Codes

This application does not comply with the deemed-to-comply provisions for outbuildings as set out in the Residential Design Codes. The nil lot boundary setback, wall and ridge height are non-compliant.

Failing the above, the Design Principle requires: *Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

##### Shire of Carnarvon Policy Statement No. 15 Outbuildings

The Shire of Carnarvon Policy Statement No. 15 provides a context and framework for the consideration of outbuildings within the Carnarvon context.

#### **Financial Implications:**

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

**Risk Assessment:**

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

**Community & Strategic Objectives:**

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

**Objective 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:**

The officer's recommendation is that the proposed outbuilding be approved, as it considered that the minor departure from the policy of 81m<sup>2</sup> will not detract from the streetscape or visual amenity of the adjacent properties. The properties to the south east of the lot on Saw Street are 40 metres from the property and will not be significantly impacted by the proposal. A letter was sent to the neighbouring property owner on 21 Saw Street, who raised no objections to the proposal.

**OFFICER'S RECOMMENDATION**

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P47/19 for the construction of 'an oversized shed on the lot boundary AT LOT 1 ON 008807 HN 68 WILLIAM STREET EAST CARNARVON ' subject to the following conditions:*

- 1. The development is to be generally in accordance with the approved plans submitted on 6 December 2019, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*

**Advice notes:**

- i) If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- ii) If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- iii) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P47/19 for the*

construction of 'an oversized shed on the lot boundary AT LOT 1 ON 008807 HN 68 WILLIAM STREET EAST CARNARVON ' subject to the following conditions:

1. The development is to be generally in accordance with the approved plans submitted on 6 December 2019, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.

Advice notes:

- i) If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- ii) If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- iii) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.

### 8.3.6

### OVERSIZED OUTBUILDING - LOT 82 (HN 115) WILLIAM STREET

File No:	A3808, P02/20
Date of Meeting:	25 February 2020
Location/Address:	Lot 82 (HN 115) William Street, East Carnarvon WA 6701
Name of Applicant:	Craig Condie and Kathleen Donald
Name of Owner:	Craig Condie
Author/s:	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

#### Summary of Item:

This item relates to a development application lodged with the Shire for the construction of an outbuilding (four bay shed) for the storage of privately owned vehicles. The proposed outbuilding exceeds the size provided for in the Shire of Carnarvon Policy Statement No. 15 (Outbuildings).

#### Description of Proposal:

The applicant has applied for development approval for an outbuilding (shed) with a total floor area of 85m<sup>2</sup>, having a 4.32m wall height and 6.21m ridge height. Lot 82 (115) William Street has an area of 2074m<sup>2</sup> and the subject land is currently vacant.

The proposed outbuilding does not meet the *deemed-to-comply requirements of SPP 7.3 Residential Design Codes* and the Shire of Carnarvon Policy Statement No. 15 (Outbuildings). As a result, the following approval is requested by the property owner:

- Oversized in terms of floor area (exceeds by 25m<sup>2</sup>).

- Oversized in terms of wall height (exceeds by 1.92m).
- Oversized in ridge height (exceeds by 2.01m).

The Shires Outbuilding Policy provides a context and framework in which outbuilding use and development can take place. A shed is classified as an outbuilding; “an enclosed non-habitable structure that is detached from any dwelling”. The policy has the following standards for a Special residential property that is 2,000 to 4,999m<sup>2</sup>:

- Maximum floor area 144m<sup>2</sup>
- Maximum wall height 4.0m
- Maximum overall height (single story) of 5m.

The subject land has a total area of 2074m<sup>2</sup>. The maximum permitted wall height is exceeded by 0.32m, and the maximum permitted overall height is exceeded by 1.21m.

The subject land, Lot 82 (115) William Street is currently vacant, as is the adjacent vacant lots located to the east of the site. The proposed outbuilding (shed) will be used for the storage of a privately-owned caravan, camp trailer and vehicles. The colour scheme of the proposed shed will be blue with a cream trim. The applicant has advised that future development on the site will be a residential dwelling.

The proposed outbuilding complies with the maximum permitted floor area; however, it does not comply with the maximum wall height and overall height. As is required by the policy a request for comment was sent to the adjoining landowners who did not provide a submission to the Shire which must be interpreted as them not having an objection to the proposal. The subject land is illustrated below in Figure 1.



*Figure 1: Aerial view of lot*

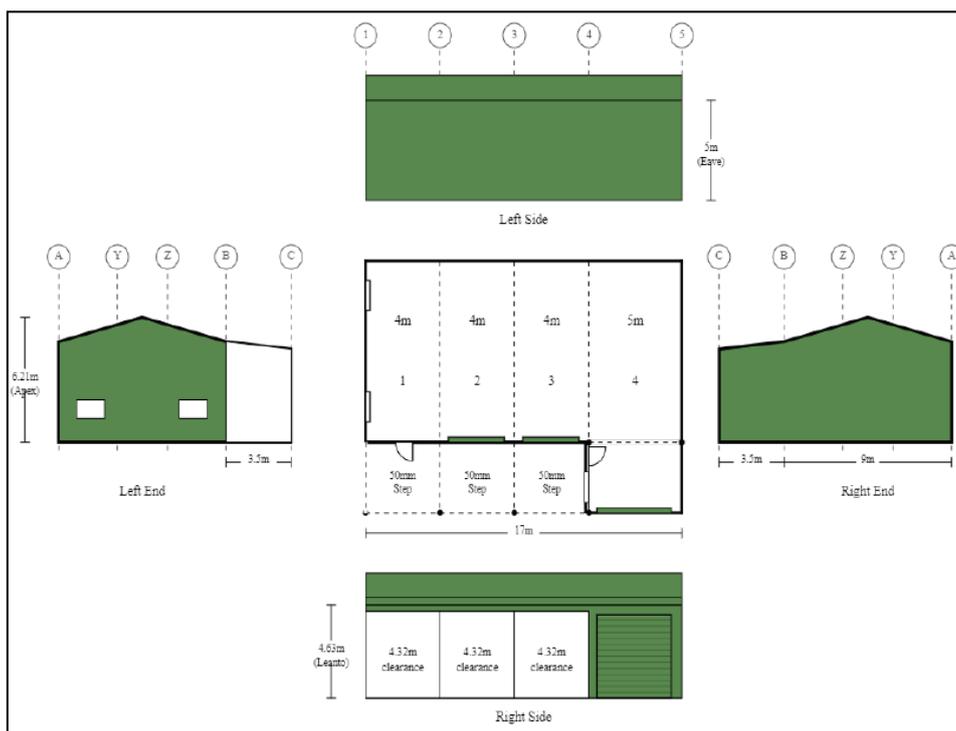


Figure 2: Shed plans and elevations as lodged with PO2/20

#### Consultation:

A request for comment was requested from the adjoining landowners to the rear (16 Marmion Street). No submission was received from the landowner.

#### Statutory Environment:

##### Planning and Development (Local Planning Schemes) Regulations 2015

Clause 61 of the Deemed Provisions applies to exempt residential development proposed in accordance with the deemed-to-comply requirements of the Residential Design Codes.

#### Relevant Plans and Policy:

##### State Planning Policy 7.3 – Residential Design Codes

The proposed development does not satisfy the deemed-to-comply requirements of the R-Codes. The Design Principle requires: *Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

The state planning policy outlines the deemed-to-comply requirements for outbuildings. The Shires Policy Statement No. 15 (Outbuildings) allows for greater flexibility than the R-Codes for oversized structures.

##### Town Planning Scheme No. 10 Policy Statement No. 15 (Outbuildings)

The Shires Outbuilding policy provides a context and framework in which outbuilding use and development can take place within the scheme area.

#### Financial Implications:

There are no identified financial implications for the Shire of Carnarvon in the approval of the application as lodged.

#### Risk Assessment:

There are no identified risks associated with the approval of the application as lodged.

## Community & Strategic Objectives:

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

### Objective 2: Natural and built environment

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

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

#### Comment:

The proposal has minimal impact on the streetscape due to the relatively large lot size, and the proposed front set back. The applicant has advised that they intend to further develop the site for residential purposes.

As stated in Policy Statement No. 15 (Outbuildings) 4.4 Garaging, and minor repair and servicing, of the occupier's motor vehicles, trailers, caravans, boats and the like are deemed acceptable to be carried out on the site within an outbuilding, in the absence of a residential dwelling. It is recommended that the application be approved.

#### OFFICER'S RECOMMENDATION

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P02/20 for the construction of an 'oversized shed for the storage of private vehicles' AT LOT 82 ON 068478 HN 115 WILLIAM STREET EAST CARNARVON' subject to the following conditions:*

- 1. The development is to be generally in accordance with the approved plans dated 1 November 2019 and 6 January 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*

#### Advice notes:

- If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- This approval does not confer approval under the other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required to obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

#### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P02/20 for the*

construction of an 'oversized shed for the storage of private vehicles' AT LOT 82 ON 068478 HN 115 WILLIAM STREET EAST CARNARVON' subject to the following conditions:

1. The development is to be generally in accordance with the approved plans dated 1 November 2019 and 6 January 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.

Advice notes:

- i) If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- ii) If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- iii) This approval does not confer approval under the other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required to obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.

### 8.3.7

### FENCE AND GATE AT GASCOYNE HOTEL CAR PARK

File No:	A533, P46/19
Date of Meeting:	25 February 2020
Location/Address:	Lot 600 (HN 57) Olivia Terrace, Carnarvon WA 6701
Name of Applicant:	Lorenzo Drazevich
Name of Owner:	Kevin Leahy
Author/s:	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

#### Summary of Item:

This item relates to a development application lodged with the Shire for approval of a silver 1.8 metre high garrison fence and gate (tubular galvanized steel fence) on the frontage of Lot 600 (57) Olivia Terrace, Carnarvon. The proposed fence and gate will be located at the car park entry to the Gascoyne Hotel (see figures 1, 2 & 3) and span approximately 13.2 metres. A copy of the plan view and site plans are available as Schedule 8.3.7(a).

#### Description of Proposal:

The subject land is located on Olivia Terrace and is zoned 'Hotel' under the Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10). The proposed development will consist of 7 metre (w) electric gate with a 6.5 metre opening, and a 7.7 metre (w) fence (as per figure 3 and Schedules 8.3.7(a) 8.3.7(b)). The proposed garrison fence is to 1.8 metres high and silver in colour (see figures 1 and 2).

The applicant has stated that the purpose of development is for after-hours security of hotel guests, parked cars and hotel assets and equipment. The gate is to be open during business hours (approximately 8am to

midnight) and closed from the end of trade (approximately midnight to 8 am). No signage to this effect has been proposed.



Figure 1: Olivia Terrace street frontage

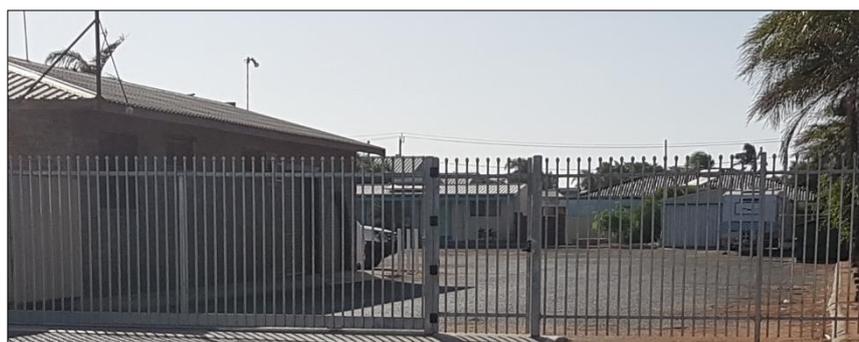


Figure 2. Example of a garrison fence

#### **Background:**

The subject site has a total lot area of 1464m<sup>2</sup> and includes a hotel, car park and accommodation units. The Gascoyne Hotel is included as a place of considerable significance in the Shire of Carnarvon Municipal Heritage Inventory.

There is currently no fencing structure present, making the carpark accessible twenty-four hours a day. The applicant has indicated that the gate will be open during business hours for the convenience of guests and bar customers in accordance with pre-existing planning approvals. The street frontage includes the two storey hotel with a partly enclosed upper verandah, bar extension and beer garden (See figure 2). The applicant advises that the fence is required to protect the hotel and motel from unauthorised after hours access and antisocial activity in the carpark area.

#### **Consultation:**

There is no requirement for internal/external consultation on this matter.

#### **Statutory Environment:**

Shire of Carnarvon Local Planning Scheme No. 10

The Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10) identifies the lot as zoned 'Hotel'.

Shire of Carnarvon Draft Local Planning Scheme No. 13

The draft Local Planning Scheme No. 13 (LPS 13) indicates Lot 600 Olivia Terrace zoned 'Regional Centre'. The Scheme objectives being:

- To provide for a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment;
- To make provisions for a transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimized;
- To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre;
- To encourage pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre and to develop areas for public interaction;
- To ensure the provision of residential opportunities within the Regional Centre including higher density housing and tourist accommodation that supports the role of the Regional Centre and meets the needs of the community.
- To retain the cultural heritage value of the built environment and highlight Aboriginal and pioneer connections to place.

#### **Relevant Plans and Policy:**

##### Shire of Carnarvon Municipal Heritage Inventory

The Municipal Heritage Inventory is a local heritage list under the *Heritage of Western Australia Act 1990*. The Gascoyne Hotel is recognised on the Shire of Carnarvon's Municipal Heritage Inventory for 'considerable significance', which is defined as very important to the heritage of the locality and a high degree of integrity/authenticity. However, the building has been significantly modified from its original appearance and its condition is classified as only fair. The gate will abut the outdoor extension and while visible when viewed from across Olivia Terrace, it does not significantly detract the overall amenity of the main building structure.

##### Shire of Carnarvon Town Planning Scheme No 10: Policy Statement No. 6

The subject lot is located within the policy area of Policy Statement No. 6, which includes "*The area of land fronting Olivia Terrace or on adjacent side streets overlooking the Fascine from West Street in the south to Stuart Street [now Camel Lane] in the north*"

The objective of Policy Statement No.6 is "*To enhance and maintain the existing integrity, character and visual amenity of this precinct in keeping with its importance to the overall townscape.*"

Relevant provisions include the following:

#### *"4. POLICY STATEMENT:*

- (a) *In determining the suitability of development in this precinct, Council shall promote the utilisation of the North-West style of architecture and in doing so, shall have regard to the following –*
- (iii) *Colours should be muted, compliment the architectural style and not highlight any particular building above its neighbours.*
  - (iv) *Building materials of a broad range are acceptable, the emphasis being on simplicity and respect for the character and theme of the wider environment.*
  - (v) *Front boundary fences shall be less than 1 metre in height and of a design that will establish a level of consistency with adjacent properties, if appropriate, or the overall character of the area."*

While the application is not consistent with provisions in the policy statements regarding materials, colour and height. However, it is recognised that the buildings in the locality have all been heavily modified, the fence is of a scale that is compatible to the adjoining buildings and the need to provide security for the property is acknowledged. Furthermore, it is noted that properties adjacent to the subject lot are also inconsistent with said provisions, with 1.8m chain fences.

#### **Financial Implications:**

There is no identified financial implication relating to the approval of this application.

**Risk Assessment:**

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

**Community & Strategic Objectives:**

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

**Objective 2: Natural and built environment**

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

ITEM	Outcomes and Strategies
<b>2.7</b>	<b>Regulated land use to meet the current and future needs of the community</b>
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
<b>2.8</b>	<b>Preservation of local heritage buildings and places of interest</b>
2.8.2	Heritage buildings and places of interest are preserved and maintained through effective planning controls

**Comment:**

It is considered that the fence will not have a significant adverse impact on the visual amenity of the Hotel. It will allow for additional security for the hotel accommodation and will not significantly affect the heritage values of the subject land and associated buildings.

**OFFICER'S RECOMMENDATION**

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P46/19 for the development of a 1.8m garrison fence and gate at the Gascoyne Hotel Carpark subject to the following conditions:*

1. *The development is to be in accordance with the approved plans dated 14 January 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified with prior written approval of the Shire of Carnarvon.*  
*Note: The submitted plans indicate a fence setback of 1 (one) metre from the front of lot.*
2. *The gate must remain open during hotel and restaurant trading hours.*

**Advice notes:**

- i. *If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- ii. *If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- iii. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.*

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P46/19 for the*

development of a 1.8m garrison fence and gate at the Gascoyne Hotel Carpark subject to the following conditions:

1. The development is to be in accordance with the approved plans dated 14 January 2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified with prior written approval of the Shire of Carnarvon.  
*Note: The submitted plans indicate a fence setback of 1 (one) metre from the front of lot.*
2. The gate must remain open during hotel and restaurant trading hours.

Advice notes:

- i. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- ii. If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- iii. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.

CARRIED  
F7/A0

### 8.3.8 AUSTRALIA POST MOBILE TRADING LICENCE - CORAL BAY

File No:	ADM 1867
Date of Meeting:	25 February 2020
Location/Address:	Road Reserve - Robinson Street junction with French Street, Coral Bay
Name of Applicant:	Lisa Eveson
Name of Owner:	Crown Road Reserve vested with the Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

#### Summary of Item:

The applicant is seeking approval to operate a mobile trading van from a parking area adjacent to Robinson Street at the junction of French Street, Coral Bay. The proposed trading location is within the unformed car parking area that is essentially a northern extension of the Robinson Street Road Reserve (widened road reserve forming the parking area). The mobile trader is intending to provide "Australia Post services including sales of Australia Post products".

#### Description of Proposal:

The applicant proposes to trade from a van operating from 2:00 pm to 5:00 pm Monday to Friday. The application indicates that it is intended that the trading van would be located at the western end of the carpark as indicated in Figure 1 below.

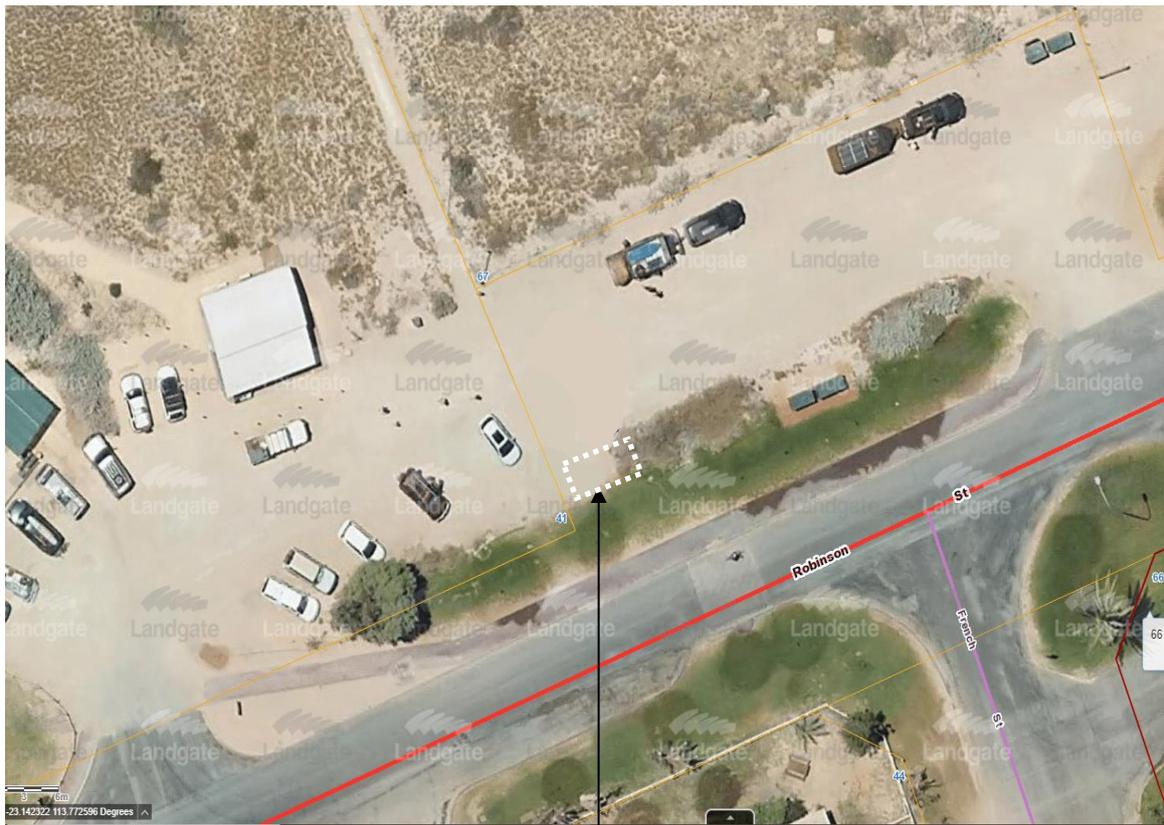


Figure 1. Site for Proposed Mobile Trader

This carpark is a road reserve vested with the Shire of Carnarvon; it is noted that the adjoining area to the west, which is also used for parking, is a separate Crown lease which is vested with the Department of Biodiversity, Conservation and Attractions; the site for proposed mobile trader is outside of the Crown lease.

**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. The Shire’s Mobile Trading Policy (D001) defines mobile trading as ‘trading from a vehicle in a public place’.

The proponent previously provided Australia Post services from the news agency in the Coral Bay Shopping Centre. Since the termination of the proponent’s lease the Coral Bay community has been receiving these services through an informal mobile service operated by the applicant. This application seeks to regularise the operation of this service.

The approval of a mobile trading permit typically does not give the trader an exclusive right to operate within a public place; while Council may designate a particular locality for trading, Council would not normally take responsibility to ensure that the location was always available to the trader. However, it should be noted that in this case the “reservation” of a space may be warranted due to the fact that the service (Australia Post) is an essential community service and there is currently no other option for the Coral Bay community to obtain the postal service.

Trading Locations and Competition

The Shire has recently received legal advice that the *Competition and Consumer Act 2001 & Competition and Consumer Amendment (Competition Policy reform) Act 2017* takes precedent over the Shire’s local laws and the Mobile Trading Policy in regard to the matter of commercial competition. Notwithstanding that there is no other Australia Postal Service in Coral Bay, it should be noted that the matter of the possible creation of

commercial competition cannot be considered as a valid matter in the assessment of this application , i.e. commercial competition cannot be considered as a valid reason to refuse the application.

#### Operation of the Carpark

During the busy holiday season, the public car parking facilities in Coral Bay are at full capacity; this is compounded by the high percentage of towed vehicles (large caravans & boats). The subject car park is at times used by those who have arrived in Coral Bay and are waiting for a site in one of the caravan parks, and sometimes by day visitors who have called into Coral Bay. The carpark has an informal layout, at the present time the Shire has no plans or funding available to upgrade the carpark.

The applicant has indicated a preferred site at the western end of the car park to operate a mobile trading van. It is recognised that at peak tourist season when the carpark is operating at full capacity, the proposed location may not be available for parking (trading is proposed to commence from 2:00pm Monday to Friday. The applicant has advised that they intend to keep the van parked at their home outside of the mobile trading hours.

#### **Consultation:**

No public consultation is required for mobile trading applications.

#### **Statutory Environment:**

##### Planning and Development (Local Planning Schemes) Regulations 2015

Under Schedule 2, Part 7: Clause 61 of the Planning and Development Regulations, development approval is not required for "(f) temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period." As the trailer will be removed from site when not in operation its existence will be less than 48 hours and therefore development approval under the Regulations/Act is not required.

##### 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. These matters are further developed in the Shire's Mobile Trading Policy.

#### **Relevant Plans and Policy:**

##### Shire of Carnarvon Policy: D001 Mobile Trading

The application has been assessed against the Shire's Mobile Trading Policy; D001 Mobile trading.

#### **Financial Implications:**

There are no identified financial implications associated with the officer's recommendation, however should Council grant an approval that designates a site for the proposed activity (Post Office services during the hours specified in the application) there may be implications relating to required compliance action, this being other vehicles parking in the designated location.

#### **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
2.6	Shire assets and facilities that support services and meet community need
2.6.3	Town footpaths and verges are appropriately managed according to their need and use
2.6.4	Parks, gardens and open space appropriately managed according to their need and use
2.6.6	Maintain town centre, fascine and town beach for enjoyment of locals and visitors, that the community can take pride in
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

## Objective 5: Civic

*Strong and listening Council.*

ITEM	Outcomes and Strategies
5.6	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:

Mobile trading can provide significant benefits to communities through enriching the vibrancy of public spaces, encouraging economic activity and increasing the diversity of goods and services on offer to the public.

In this instance the Australia Post service is an essential community service and the Australia Post contractor currently has the exclusive right to provide the service. Although the approval of afternoon trading will have a minor impact on the function of the unformed Robinson Street carpark, the Coral Bay community will benefit from the regularisation of the service. From observations of the car park function it is clear that vehicle movements and parking are undertaken in an informal and unstructured way. The inclusion of a designated space for trading a three hours a day “tucked in” against the existing vegetation is not considered to have a significant impact on the parking arrangements and movements undertaken within the area. It may result in some caravan vehicle combinations parking in other locations however the observation of aerial photographs across the site indicates that this is currently undertaken by travellers.

In order to provide some certainty for the provision of this service it is proposed that the Shire marks the site with signage indicating that the area is reserved for the Post Office operation within the designated hours. It should be noted that a mobile trading permit usually provides for 12 months trading and it is suggested that there is no reason to alter this provision. The relatively short nature of the approval provides opportunity for the Shire to gauge the impacts of the proposal over season demand variations and mitigate impacts through other means if necessary. It is recognised that whilst the informal car park area gets busy at holiday times, the area is by nature a low speed environment with high levels of pedestrian activity.

It is recommended that the application be approved with conditions as outlined below.

### OFFICER'S RECOMMENDATION

*That council,*

1. Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve the application made by Lisa Eveson to hold a 12-month, Traders Licence for her

mobile trading business providing Australia Post services including sales of Australia Post products subject to the following conditions:

- a. This licence is valid for a period of 12 months from the date of this approval.
- b. The licensee is only be permitted to trade at the nominated location in Robinson Street as identified in Figure 1, Monday to Friday between 2:00pm and 5:00pm. The hours of operation may within reason be varied with the approval of the Shire of Carnarvon Chief Executive Officer.  
*Note: The Shire of Carnarvon will erect signs identifying the trading area. All trading must be undertaken between the signs identifying the area as nominated for Australia Post trading.*
- c. Waste and litter generated by the activity, including customer waste, is to be disposed of in appropriately sized receptacles to be provided at the expense of the operator.
- d. The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.
- e. 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 licensed activity is carried on.
- f. 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.
- g. The licensee must comply with the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning laws and laws relating to advertising signs, and obstruction of thoroughfares.
- h. The licensee must maintain a minimum of \$10 million public liability insurance covering the licensed activity.
- i. The trading activity must not cause unreasonable nuisance considering the trading environment.

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 licensees 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 16/2/20**

**COUNCIL RESOLUTION**

**Cr Simpson/Cr Nelson**

1. ***That Council resolve to work with the applicant Lisa Eveson, the local community and stakeholders, to find a suitable, safe vehicular friendly, compliant mobile trading site to operate the Australia Post service from. With special consideration given to operating at the Shire road reserve to the south of Baiyungu Aboriginal Corporation Village (BACV) workers accommodation Lot 308 and to the north of Lot 307 Coral Bay.***
2. ***CEO be directed to establish the hard stand area south of the BACV for the use by mobile traders as a matter of priority to be completed on or before end of March 2020.***

**CARRIED**

**F6/A1**

***Cr Fullarton voted against the motion***

(Councillors were of the opinion that the proposed parking area on Robinson Street is not suitable from a safety and aesthetics point of view and therefore consider that alternative sites as proposed be looked into.)

File No:	ADM0133
Date of Meeting	25 February 2020
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Paul Lees, Executive Manager Development Services
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	N/A

#### Summary of Item:

To seek the approval of Council for the release of a Request for Quote (RFQ) to identified specialist consultants requesting a fee schedule to prepare a revised Carnarvon Tourism Strategy and Action Plan, that specifically provides recommendations on the short to medium term tourism initiatives that can be undertaken by the Shire, tourist industry operators and associated stakeholders to capture a greater share of the Australian and overseas tourism market.

The Carnarvon Tourism Strategy 2012-2015 Addendum & Action Plan (August 2012) can be found at **Schedule 8.3.9(a)**, and it is recommended that this document be used as the base document for review and “modernisation” of the strategy/action plan.

#### Background

The Carnarvon Tourism Strategy 2012-2015 Addendum & Action Plan (August 2012) was developed from the August 2010 Carnarvon Tourism Strategy; the document lists a range of pragmatic actions that should be undertaken to grow the tourism industry in Carnarvon.

Some of the actions listed in the strategy have been completed, however the source document is now ten years old and the tourism market has continued to evolve with the expansion of social media and the desire of travellers for experience based holidays, as well as the expansion of the “Grey Nomad” travellers.

Whilst the “influence” and effectiveness of the Shire’s Visitors Centre marketing has seen an increase in interest and visitation to the area, the Visitor Centre’s Co-ordinator is of the view that the engagement of an industry leading specialist will provided targeted assistance in defining specific actions that will grow Carnarvon’s tourism industry within the context of current domestic and global tourism.

#### Description of Proposal:

Shire officers have prepared a draft “Request for Quote” inviting suitably qualified persons to provide quotes for services outlined in the project brief as described below:

The Shire of Carnarvon is seeking to develop an updated tourism strategy and action plan for Carnarvon. The strategy will guide the activities undertaken by the Shire and Carnarvon’s tourism industry/stakeholders to grow the tourism market. The strategy should identify the short-term (5-year timeframe) target tourism market and the actions that should be undertaken to effectively grow the towns tourism industry over this period. The strategies/actions should identify current and emerging markets and provide maximum benefits for targeted tourism “investment”. The strategy should also identify the emerging tourism market within the medium term (up to ten years) and identify the longer-term actions that can be undertaken within the five to ten-year period to continue to grow tourism within the District.

#### Consultation:

The draft RFQ has been developed by the Shire's Visitor Centre's staff, the Shire's Chief Executive Officer and the Executive Manager Development Services. It should be noted that the brief requires structured consultation with Shire staff, tourism operators, key stakeholders (including local businesses servicing the tourism industry), and Council; the brief includes the requirement for Council workshops and briefings prior to the completion of the document and presentation to Council for endorsement.

A consideration of whether the Shire has the skills and capacity to undertake the review has been undertaken; it is considered that due to the specialist skill required to undertake the strategic review, and limited staff capacity due to the imminent commencement of the tourism season, that the skills of a tourism specialist leading the project would ensure the best outcome. It should be noted that Shire staff, Councillors and local operators/stakeholders will all be involved in the project as important stakeholders.

### **Statutory Environment**

Local Government Act 1995

### **Relevant Plans and Policy:**

Reference documents listed in the RFQ include:

- Gascoyne Regional Tourism Strategy (2014 – 2020)
- Carnarvon Tourism Strategy (2010)
- Carnarvon Tourism strategy – Addendum & Action Plan (2012 – 2015)
- Tourism WA Domestic Segmentation Model (2018)
- Tourism WA Taste 2020 Strategy
- Shire of Carnarvon Strategic Community Plan 2018 – 2028
- Shire of Carnarvon Corporate Business Plan 2018 - 2022

### **Financial Implications:**

Currently the 2019/20 budget includes a \$10,000 allocation for the completion of the RV Friendly Plan. It is considered that the updating of the tourism strategy should proceed the development of the RV Friendly Plan, due to the importance of the strategy at this time of tourism decline. It is likely that an RV Friendly Plan will result from the strategy as a recommended action.

### **Risk Assessment:**

There are no risks to the Shire in updating of the Carnarvon Tourism Strategy, however failure to do so will result in the Shire not having a current tourism strategy to guide tourism growth actions and the development of tourism related industry, within the District over the short to medium term.

The Shire's Corporate Business Plan 2018 – 2022 under the heading "Strategic Priorities" lists the updating and finalisation of the Economic and Tourism Development Plan as a four-year priority. Whilst the Shire has a current draft Economic and Tourism Development Action Plan (2017 – 2022), the draft action plan is generic in nature and it is therefore recommended that the specific/pragmatic actions contained in the Carnarvon Tourism Strategy (2012) be reviewed against current tourism best practice, including consultation with industry stakeholders and Council, and then updated accordingly.

Also, a focus on the tourism strategy is appropriate at this time of general tourism downturn; this will allow for the delivery of the "low hanging fruit". The new Economic Action Plan can be developed in partnership with the Gascoyne Development Commission, and the Carnarvon Chamber of Commerce & Industry. It may be that some of the actions identified in the tourism strategy could be considered as appropriate investment/development actions associated with the future Economic Action Plan.

### **Community & Strategic Objectives:**

The following relevant matters are listed in the Shire of Carnarvon Strategic Community Plan 2018 – 2028:

## Objective 1: Economic

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

ITEM	Outcomes and Strategies
<b>1.1</b>	<b>Local business growth</b>
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile
<b>1.2</b>	<b>Thriving tourism industry within the district/region</b>
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
<b>1.3</b>	<b>Transport hubs that support a thriving region</b>
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay
1.3.2	Develop industry and logistics precincts around the airports

### Comment:

As outlined above it is recommended that Council supports the finalisation and release of the “RFQ Brief Shire of Carnarvon Tourism Strategy and Action Plan” to selected tourism experts to allow for the Shire to receive quotes for the review of the Carnarvon Tourism Strategy: 2012-2015 Addendum & Action Plan (August 2012), and for the CEO to appoint a suitably qualified expert to undertake the work as outlined in the RFQ within the scope of funds currently provided.

### OFFICER’S RECOMMENDATION

*That Council agrees 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 Carnarvon Tourism Strategy: 2012-2015 Addendum & Action Plan (August 2012) as outlined in the officers report, noting that the RV Friendly Plan will be developed after the completion of the tourism strategy. If additional funds are required, the matter will be brought back to Council for their approval.*

**FC 17/2/20**

### COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

*Cr Nelson/Cr Maslen*

*That Council agrees 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 Carnarvon Tourism Strategy: 2012-2015 Addendum & Action Plan (August 2012) as outlined in the officers report, noting that the RV Friendly Plan will be developed after the completion of the tourism strategy. If additional funds are required, the matter will be brought back to Council for their approval.*

CARRIED

F6/A1

*Cr Fullarton voted against the motion.*

### LATE ITEM

The President advised that Council had received a late item regarding Council approval for the Manager Entertainment to attend the PANNZ Arts Market 2020 in New Zealand. Council agreed to consider the matter.

<b>File No:</b>	ADM0208
<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Carnarvon
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Authors:</b>	Paul Lees, Executive Manager Development Services Trish Ouellette, Development Services Support Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	N/A

**Summary of Item:**

CircuitWest invitation for Michelle Goff, Manager Entertainment to attend the Performing Arts Network of New Zealand (PANNZ) Arts Markets held at Auckland, New Zealand (NZ) at no cost to the Shire of Carnarvon.

**Description of Proposal:**

Michelle Goff was selected by CircuitWest along with: two other performing arts managers and accompanied by Circuit West staff member Rebecca Nelson, to attend the PANNZ ARTS MARKET event in NZ.

CircuitWest will cover the participants flights, accommodation and registration in line with the funding that has been made available by the State Government. It is proposed that Ms. Goff will fly out of Carnarvon on the 6<sup>th</sup> March 2020 and return on the 13<sup>th</sup> March 2020.

**Background:**

The PANNZ Arts Market is being held in Auckland New Zealand from the 8<sup>th</sup> to the 11<sup>th</sup> March 2020. The PANNZ Arts Market is New Zealand's premiere event for artists, producers, presenters and industry leaders from across the performing arts sector. In 2020 CircuitWest is partnering with PANNZ to provide the opportunity for selected Western Australian industry stakeholders to participate in this event.

CircuitWest is a key service provider of the Regional Arts and Culture Investment Program funded by the Government of Western Australia. CircuitWest is contracted to deliver a range of business and professional development opportunities to regional performing arts venues. In partnership with PANNZ, CircuitWest is providing this professional development in Auckland New Zealand to a select few within the industry in Western Australia, and Ms. Goff is one of those selected. The selection shows the industry leaders recognition of Ms. Goff's value and professionalism in the entertainment industry and to the Carnarvon community.

The event has a full line up of development sessions, information sessions and networking sessions that will add value to future Carnarvon Civic Centre management and entertainment events, thereby enriching the community experience. 8.3.10.(a) Schedule – PANNZ ARTS MARLETS Schedule

**Consultation:**

No external consultation is required relating to this matter.

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

Carnarvon Strategic Community Plan

The plan encourages the promotion and provision of performing arts, entertainment/facilities and performances/activities and opportunities for participation in social and cultural events/activities. Well trained and networked staff is important for ensuring quality deliverables.

**Financial Implications:**

There are no financial implications for the Shire of Carnarvon as CircuitWest is covering all expenses with funding provided to them to provide professional development for industry stakeholders. As the event is a training /development opportunity, Ms. Goff will be considered to be continuing her duties with the Shire.

**Risk Assessment:**

There are no risks associated with this proposal.

**Community & Strategic Objectives:**

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

**Objective 3: Social**

**Healthy, safe and resilient community, where everyone belongs**

<b>3.2</b>	<b>Strong community identity and spirit through arts, culture and events</b>
3.2.1	Provide and promote visual arts facilities and exhibitions/activities
3.2.2	Provide and promote performing arts and entertainment facilities and performances/activities
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.2.4	Support the delivery of public art initiatives
3.2.5	Provide accessible literature and life-long learning resources through library and information services

**Comment:**

The invitation is considered to provide a special opportunity to participate in highly regarded event for the Manager Entertainment. The valuable information and learning from this event will add significant value to the role performed by Ms Goff at the Shire.

OFFICER'S RECOMMENDATION

*That Council give authorisation for the Manager Entertainment to attend PANNZ ARTS MARKET in Auckland New Zealand, fully funded by the state government through CircuitWest.*

**FC 18/2/20**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Nelson*

*That Council give authorisation for the Manager Entertainment to attend PANNZ ARTS MARKET in Auckland New Zealand, fully funded by the state government through CircuitWest.*

**CARRIED**  
**F7/AO**

## 8.4 INFRASTRUCTURE SERVICES

### 8.4.1 BUDGET VARIATION FOR ROAD ASSET DATABASE UPDATE WITH PHOTOGRAPHIC PICKUP

Date of Meeting	25 February 2020
Location/Address	N/A
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:	<b>Officer Recommendation 1</b> - Absolute Majority <b>Officer Recommendation 2</b> - Simple Majority <b>Officer Recommendation 3</b> - Absolute Majority
Previous Report:	N/A

#### Summary of Item:

That Council accept an offer from Greenfield Technical Services to conduct a complete visual condition assessment, photographic pickup, RAMM database pickup and RAMM database update of the Shire's sealed and unsealed road network, approves necessary budget variations to allow this work to occur and delegates authority to the CEO to execute a contract for the assessment works.

#### Description of Proposal:

Greenfields Technical Services have provided an offer to undertake asset condition assessment services for Shire of Carnarvon for its sealed and unsealed road network. A copy of the offer is provided in **Schedule 8.4.1**. The services consist of:

- Visual condition assessments;
- Photographic pickup of roads;
- RAMM database pickups; and
- RAMM data base update.

Greenfields provided options for consideration as follows with comments added by author:

Option	Description of Works	Cost	Comment
1	Unsealed road network – visual condition assessment and photographic pickup	\$33,200	Valuable for disaster relief funding only. Does not take advantage of mobilisation to capture all available data.
2	Unsealed road network – visual condition assessment and photographic pick-up and RAMM database update	\$46,300	Recommended minimum with inclusion of pickup for Blowholes Road and Carnarvon Mullewa Road
3	Sealed roads photographic pickup	\$24,700	Limited value for money to consider sealed roads only. Not recommended.
4	Sealed roads photographic data, RAMM pick-up and RAMM database update	\$33,800	Limited value for money to consider sealed roads only. Not recommended.
5	Complete road network (sealed + unsealed) – visual condition assessment (unsealed roads only), photographic pickup + RAMM pick-up and RAMM database update	\$64,600	Preferred option – full network capture taking advantage of a single mobilisation.

**Background:**

From the WALGA preferred supplier listing, the following details services provided by Greenfield Technical Services.

*Greenfield Technical Services is a Western Australian owned and operated company providing civil engineering and project management consultancy services across the state to private and government clients. The Company specialises in road design, traffic and transport engineering, stormwater drainage design, project management of WANDRRA events, RAMM road asset management and project and construction management for greenfield and brownfield road construction projects.*

*Established in 1994, Greenfield has built a reputation for its professionalism, quality of service and flexible approach to meeting its client's needs. Greenfield's staff have a wealth of knowledge and appreciate the challenges of road design and construction in regional and remote Western Australia.*

Greenfield have developed a low-cost method to collect georeferenced photographic information regarding road condition and asset information. This collection method allows the RAMM road asset database used by the Shire to be brought up to an up to date standard. Database quality is an important factor in the valuation and management of the Shires roads assets.

**Consultation:**

Referee checks were conducted regarding the performance of Greenfields in the delivery of this service. Shire of Upper Gascoyne have recently had a similar pickup of their road network completed and consider the information collected by the survey has resulted in an improvement in their ability to manage and plan road maintenance activities and support claims under the Disaster Recovery Funding Arrangements (DRFAWA) funding. They recommended Greenfield and would use their services again.

**Statutory Environment:**

Section 6.8 of the Local Government Act 1995 applies in relation to items of expenditure not included in the annual budget.

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*Section 5.42 of the Local Government Act 1995 applies in relation to delegation to CEO.*

*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).*

*\* Absolute majority required.*

**Relevant Plans and Policy:**

Councils purchasing policy applies. Typically, three quotes would be sought for works of this value.

Section 15(b) of the policy can be applied in this instance:

**Regulatory Exemptions**

*17. Public tender process exemptions shall apply in accordance with the Regulations including but not limited to:*

(b) The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement. Market testing is encouraged. For purchases above \$50,001 in value, three quotations from pre-qualified suppliers shall be sought wherever possible;

The following reasons are considered reasonable grounds for Council to approve appointment of Greenfield without obtaining additional quotations:

- Council may engage prequalified WALGA suppliers directly and a tender process is not required. The value of this work is less than one half of the tender threshold requirement.
- Greenfield have carried out similar services in other Shires in the region. Use of a supplier familiar with the regional conditions assists in obtaining consistency and local knowledge improves the likelihood of a more informed analysis.
- No other supplier in the region is known to provide a similar service.

#### Financial Implications:

Option 5 provided by Greenfield Technical Services is the preferred option. It captures the full road network with a single mobilization. This will require expenditure of \$64,600.

There is no specific allocation for this work in the existing 19/20 budget. The following sources have been identified from the existing budget:

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget	Comment
1722	Asset Management	1724	Asset Condition Assessments	\$15,000	\$50,000	\$65,000	Expenditure to occur here - work planned here now being undertaken inhouse.
1722	Asset Management	1725	Asset Improvement and Management Plans	\$20,000	- \$20,000	\$0	Originally proposed for design and planning of replacement tanks at premier oval.
1722	Asset Management	1726	Asset Design and Concept Plans	\$10,000	- \$10,000	\$0	Not specified in budget for specific purpose.
3950	Country Roads Maintenance			\$983,994	- \$20,000	\$963,994	Will mean approx 100 hours less grading..
Total				\$1,028,994	\$0	\$1,028,994	

#### Risk Assessment:

The work proposed will place the Shire in a more favorable position regarding any future claims made under DRFAWA. If photographic capture of the road network is not completed, the Shire may not have the evidence required to support a claim under the Disaster Recovery Funding Arrangements (DRFAWA) funding.

It must be noted that a regular pickup of this information is required. Ideally this pickup will be timed to coincide with road revaluations undertaken every 3 years.

#### Community & Strategic Objectives:

##### Objective 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need

ITEM	OUTCOMES AND STRATEGIES
2.6.1	Roads are appropriately managed according to their need and use

**Objective 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.4	Sound financial and asset management
5.4.1	The Shire has an Asset Management Plan in place for each asset class

**Comment:**

There are other consultants that offer road inspection/photographic survey data capture however their systems are more complex (and thus expensive) than Greenfield. Other systems are designed primarily for sealed roads. These alternative survey systems involve multiple cameras and other instruments for detailed pavement analysis. The Greenfield system is aimed at rural and regional road networks and have the benefit of being quick and cost effective.

Condition assessment of Shire roads was last completed as part of the 17/18 roads valuation work. The next roads valuation is due to occur in 20/21. That valuation needs to be performed with data current as at 30 June 2021. However, once the RAMM database is up to date (i.e. via the full network inspection/validation proposed), valuation at 30 June 2021 should be able to be done via desktop only. This is achieved by adding capital, renewal and maintenance works completed after the RAMM Update/Inspection proposed for 2020 and 30 June 2021 to the RAMM database and producing the valuation.

A photographic record of Shire roads has not been captured previously. If the Shire was to suffer a natural disaster event with significant road damage, claims under the DRFAWA are likely to be lengthier and more difficult to achieve.

Examination of the RAMM data currently held also indicates that there is fragmentation of data particularly on the unsealed network. An independent update of that data will provide a database with a higher level of validity.

It is the preferred option to capture full network data. If however, Council wish to lower the cost of the proposal, Option 2 (with inclusion of Blowholes Road and Carnarvon Mullewa Roads capture would be the recommended minimum.

**OFFICER'S RECOMMENDATION 1**

*That Council, pursuant to section 6.8(1)(b) of the Local Government Act, adopt budget variations as follows to fund the provision of Option 5 of the Greenfield Technical Services submission GTSPROP-00006 dated 5 January 2020:*

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
1722	Asset Management	1724	Asset Condition Assessments	\$15,000	\$50,000	\$65,000
1722	Asset Management	1725	Asset Improvement and Management Plans	\$20,000	-\$20,000	\$0

1722	Asset Management	1726	Asset Design and Concept Plans	\$10,000	-\$10,000	\$0
3950	Country Roads Maintenance			\$983,994	-\$20,000	\$963,994
Total				\$1,028,994	\$0	\$1,028,994

(Absolute Majority Required)

OFFICER'S RECOMMENDATION 2

That Council accepts the offer from Greenfield Technical Services for provision of Option 5 from their submission GTSPROP-00006 dated 5 January 2020 for the amount of \$64,600 (ex GST).

(Simple Majority)

OFFICER'S RECOMMENDATION 3

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Greenfield Technical services for the provision of Option 5 of their submission GTSPROP-00006 dated 5 January 2020.

(Absolute Majority Required)

FORESHADOWED MOTION

Cr Fullarton

That Council, pursuant to section 6.8(1)(b) of the Local Government Act, adopt budget variations as follows to fund the provision of Option 5 of the Greenfield Technical Services submission GTSPROP-00006 dated 5 January 2020:

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
1722	Asset Management	1724	Asset Condition Assessments	\$15,000	\$50,000	\$65,000
1722	Asset Management	1725	Asset Improvement and Management Plans	\$20,000	-\$20,000	\$0
1722	Asset Management	1726	Asset Design and Concept Plans	\$10,000	-\$10,000	\$0
3950	Country Roads Maintenance			\$983,994	-\$20,000	\$963,994
Total				\$1,028,994	\$0	\$1,028,994

**FC 19/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1**

Cr Maslen/Cr Vandeleur

That Council, pursuant to section 6.8(1)(b) of the Local Government Act, adopt budget variations as follows to fund the provision of Option 2 of the Greenfield Technical Services submission GTSPROP-00006 dated 5 January 2020:

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
117220	Asset Management	1724	Asset Condition Assessments	\$15,000	\$31,300	\$46,300
117221	Asset Management	1725	Asset Improvement and Management Plans	\$20,000	-\$20,000	\$0
117222	Asset Management	1726	Asset Design and Concept Plans	\$10,000	-\$10,000	\$0
139500	Country Roads Maintenance			\$983,994	-\$1,300	\$982,694
<i>Total</i>				\$1,028,994	\$0	\$1,028,994

LOST  
F2/A5

The Foreshadowed Motion then became the Substantive Motion.

**FC 20/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1**

*That Council, pursuant to section 6.8(1)(b) of the Local Government Act, adopt budget variations as follows to fund the provision of Option 5 of the Greenfield Technical Services submission GTSPROP-00006 dated 5 January 2020:*

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
1722	Asset Management	1724	Asset Condition Assessments	\$15,000	\$50,000	\$65,000
1722	Asset Management	1725	Asset Improvement and Management Plans	\$20,000	-\$20,000	\$0
1722	Asset Management	1726	Asset Design and Concept Plans	\$10,000	-\$10,000	\$0
3950	Country Roads Maintenance			\$983,994	-\$20,000	\$963,994
<i>Total</i>				\$1,028,994	\$0	\$1,028,994

CARRIED BY ABSOLUTE MAJORITY  
F7/A0

FC 21/2/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Nelson/Cr Skender

*That Council accepts the offer from Greenfield Technical Services for provision of Option 5 from their submission GTSPROP-00006 dated 5 January 2020 for the amount of \$64,600 (ex GST).*

CARRIED

F7/AO

FC 22/2/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 3

Cr Skender/Cr Fullarton

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Greenfield Technical services for the provision of Option 5 of their submission GTSPROP-00006 dated 5 January 2020.*

CARRIED BY ABSOLUTE MAJORITY

F7/AO

**8.4.2**

**CONTAINER DEPOSIT SCHEME PROCESSING CENTRE OFFER ACCEPTANCE**

File	ADM2029
Date of Meeting	25 February 2020
Location/Address	Browns Range Waste Facility
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:	<b>Officer Recommendation 1</b> - Absolute Majority <b>Officer Recommendation 2</b> - Absolute Majority
Previous Report:	January 2020

**Summary of Item:**

That Council accepts an offer from WA Return Recycle Renew Limited (WARRRL) for the Shire of Carnarvon appointment as Processing Service Provider for the Gascoyne region container deposit scheme.

**Description of Proposal:**

In September 2019, Shire of Carnarvon submitted a Gascoyne region Processing Service Provider proposal under the WA container deposit scheme. This proposal was accepted. An offer has been extended to the Shire by WARRRL to be appointed as the Processing Service Provider.

**Background:**

Reference should be made to the previous report provided in **Schedule 8.4.2(a)** for background information regarding the scheme and the Shire proposal.

Council considered this matter at its January ordinary meeting and resolved as follows:

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

1. *That a decision on the matter be deferred pending further information and investigation relating to the associated costings; and*
2. *That prior to a final decision being made, that the community be consulted on the proposal.*

CARRIEDF7/A0

A briefing was provided directly to Councillors attending the Corporate Information Session on 11 February 2020. The briefing was conducted by WARRRL Head of PLMR Operations Mr Michael Madden. In addition, this report provides additional costing details and costing sensitivity analysis.

**Consultation:**

Consultation was undertaken with the “Old Bastards” fundraising group by the author and Mr Madden on 11 February 2020 to explain the scheme operation to the group. Additional information has been provided to that group subsequent to that meeting. Groups such as this can improve fundraising opportunities by participation in the container deposit scheme.

Consultation with two local businesses has occurred for the acceptance of crushed glass for inclusion in concrete or quarry type products. There is a general willingness to accept the material subject to the material being available at nil or minimal cost.

As discussed by Mr Madden, the scheme will increase its release of public information and public consultation regarding the scheme in the months approaching the June 2020 commencement date. A large-scale media campaign is planned to raise public awareness.

The public face of the scheme is associated with refund points where community members receive their 10-cent deposit for returned containers. There is limited opportunity for community consultation regarding operation of the processing service. The processing service has no direct community interface. If it becomes the processor, the Shire would need to establish close relationships with logistics providers and refund points. These are not yet finalised so consultation cannot occur in that space.

**Statutory Environment:**

Section 6.8 of the Local Government Act 1995 applies in relation to items of expenditure not included in the annual budget.

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*

*Section 5.42 of the Local Government Act 1995 applies in relation to delegation to CEO.*

*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).*

*\* Absolute majority required.*

**Relevant Plans and Policy:**

Nil applicable to proposal.

**Financial Implications:**

Reference should be made to the previous report provided in **Schedule 8.4.2(a)** for detailed financial implications regarding the scheme.

Key factors in the baseline financial model developed to assess costs associated with the Shire accepting the Processing Service Provider offer are summarised as follows:

- Capital Outlay - \$90,000
- Operational Cost p.a. - \$97,800 (includes depreciation and capex recovery over contract period)
- Contract Period – 5 years
- Cost recovery – 100%
- Assumed container redemption rate - 55%
- Gascoyne Region Population - 9423
- Income assumed from sale of processed materials – Nil (The Shire would in fact receive 20% of any sales of processed materials however this has not been included in the processing fee calculation.)
- Estimated Processed Tonnage p.a. – 208
- Estimated Processing Cost - \$470/T
- Proposed Processing Fee - \$470/T

Sensitivity of the costing model has been considered for two key factors:

- Population; and
- Redemption Rate.

The table below demonstrates sensitivity of the cost model to variations of these two factors. The model output is provided in **Schedule 8.4.2(b)** for reference.

Population Increase or Decrease	Container Redemption Rate	Processing Cost	Profit or Loss p.a.	Comment
0%	55%	\$470/T	\$0	Baseline
-5%	55%	\$495/T	\$4,890 loss	Population figures do not consider visitor numbers.
-10%	55%	\$522/T	\$9,780 loss	Population figures do not consider visitor numbers.
-5%	60%	\$454/T	\$3,556 profit	A 5% redemption rate increase fully offsets a 5% population decrease resulting in a process profit.
-8.5%	60%	\$471/T	\$178 loss	A 5% redemption rate increase offsets a 8.5% population decrease.
0%	60%	\$431/T	\$8,891 profit	Redemption rates higher than estimated are considered likely.
0%	65%	\$398/T	\$17,782 profit	Redemption rates higher than estimated are considered likely.

Information provided in the previous report in **Schedule 8.4.2(a)** indicates capacity exists within the 19/20 budget for the required capital outlay without impacting nett expenditure.

Detailed budget arrangements can be adopted via the mid-year statutory review. Endorsement from Council to commence capital procurement is recommended to ensure necessary collection infrastructure is in place by scheme commencement in June this year.

**Risk Assessment:**

Reference should be made to the previous report provided in Schedule 8.4.2(a) regarding risk assessment.

## 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
2.4	Waste management practices that are efficient and sustainable
2.4.3	Provide education on waste reduction and reuse, and opportunities for reuse

### Goal 5: Civic

*Strong and listening Council.*

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

## Comment:

The following summarises key points associated with the Shire becoming the processing services provider:

- The container deposit scheme is funded by beverage companies not the State Government;
- Delivery of the scheme is coordinated through WARRRL;
- There is only one processing facility planned for the Gascoyne region;
- The Shire proposal offers a single processing fee for all container types;
- Processing fee payment occurs approx. 1 week after bale production not upon sale of the processed product bale;
- Glass makes up the largest proportion of containers by weight;
- Glass is the second highest number of container types expected to be received;
- Glass is the least intensive processing requirement;
- Facilities and equipment are already largely established at the Browns Range Facility;
- Storage capacity exists at Browns Range for over 12 months of bale production;
- Container Deposit Scheme removes the largest impediment to Carnarvon recycling by funding transport costs;

### OFFICER'S RECOMMENDATION 1

*That Council, pursuant to Section 6.8 of the Local Government Act (1995):*

- a) Accepts the offer from WA Return Recycle Renew Limited (WARRRL) for the Shire of Carnarvon to be to be appointed as Gascoyne region Processing Service Provider for the WA Container Deposit Scheme; and*
- b) Authorises expenditure of up to \$90,000 of the 19/20 adopted budget for the purchase of capital equipment; and*
- c) Directs the CEO to include provision for the Processing Service Provider costs in the mid year statutory budget review and the draft 20/21 budget.*

*(Absolute Majority Required)*

### OFFICER'S RECOMMENDATION 2

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a Services Agreement between the Shire of Carnarvon and WA Return Recycle Renew Limited (WARRRL) for the provision of Gascoyne region Processing Services for the WA Container Deposit Scheme.*

*(Absolute Majority Required)*

FC 23/2/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That Officer's Recommendation 1 and 2 be moved en-bloc.

CARRIED  
F7/AO

FC 24/2/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1 AND 2

1. That Council, pursuant to Section 6.8 of the Local Government Act (1995):
  - a) Accepts the offer from WA Return Recycle Renew Limited (WARRRL) for the Shire of Carnarvon to be to be appointed as Gascoyne region Processing Service Provider for the WA Container Deposit Scheme; and
  - b) Authorises expenditure of up to \$90,000 of the 19/20 adopted budget for the purchase of capital equipment; and
  - c) Directs the CEO to include provision for the Processing Service Provider costs in the mid year statutory budget review and the draft 20/21 budget.
2. That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a Services Agreement between the Shire of Carnarvon and WA Return Recycle Renew Limited (WARRRL) for the provision of Gascoyne region Processing Services for the WA Container Deposit Scheme.

MOTION LAPSED FOR WANT OF A MOVER

8.4. 3

**AUCTION OF SURPLUS VEHICLES**

Date of Meeting:	25 February 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Assets Co-ordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority – Recommendation 1 Absolute Majority – Recommendation 2
Previous Report:	Nil

**Summary of Item:**

Council approval for the sale of surplus vehicles is sought.

**Description of Proposal:**

To dispose of vehicles identified as surplus to requirements via online auction.

**Background:**

During the last financial year eight Shire vehicles were replaced by new leased vehicles. Several replaced vehicles are owned by the Shire and are now surplus to requirements and are available for disposal. A list of the proposed vehicles for sale appears below –

<i>Plant No.</i>	<i>Number Plate</i>	<i>Description</i>
PU1	C500	2006 Holden Commodore Utility
P295	C27655	2014 Holden Colorado
PCAR22	C0 (Plate to be retained)	2014 Holden Caprice
PCAR14	C12899	2010 Mazda BT50
PCAR21	1GVY839 (Was C1)	2013 Toyota Prado
PUTE22	C12284	2007 Mazda BT50
P301	C27680	2014 Holden Colorado
PTRU1	C27504	2004 Hino Truck

**Consultation:**

Consultation between management and operational staff was undertaken to identify vehicles which were not suitable and/or not required to be redeployed to other operational areas, or in a condition where significant maintenance liabilities were imminent.

Pickles Auctions handled disposal of Depot items in March 2018. A representative from Pickles Auctions visited the Depot on 5<sup>th</sup> February 2020 to view the vehicles and has supplied valuations for some of these as listed in **Schedule 8.4.3(a)**.

**Statutory Environment:**

Section 3.58 of the Local Government Act 1995 applies as follows:

**3.58. Disposing of property**

(1) *In this section —*

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

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).*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Section 5.43(d) of the Local Government Act 1995 applies as follows:

**5.43. Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties —*

(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

**Relevant Plans and Policy:**

Not applicable.

**Financial Implications:**

No income from the sale of these items has been budgeted for in the 2019/20 budget. A minimum of \$50,000 is anticipated from the sales. It is proposed that the proceeds from the sale of these vehicles be utilised for capital equipment proposed for the Container Deposit Scheme Processing Services Provision (if approved by Council at agenda item 8.4.2) otherwise that it be transferred to the Plant Reserve to offset future plant replacements.

**Risk Assessment:**

Good asset management practice will regularly review assets to identify items surplus to requirements. Good housekeeping practices keep work areas free from unwanted, unproductive and/or surplus plant items.

**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
5.2.3	Risks are well managed
5.2.4	The Shire will apply sustainability principles in its own operations
5.4	Sound financial and asset management
5.4.2	The Shire's Long Term Financial Plan shows financial sustainability, with realistic renewals expenditure and a realistic rates profile

**Comment:**

Unlike the previous disposal auction, most of the proposed vehicles for sale are in reasonably good condition. It is therefore appropriate to advertise them to a wider buyer audience via an online auction than to hold a locally advertised public tender process where the return on the vehicles may not be as good.

A reserve price will be set for each vehicle. In the event of a "near offer" and the vehicle being passed in, negotiations can be held with the highest bidder in order to reach a mutually acceptable purchase price.

It is intended to submit a finalised listing to known online auction service providers and seek the best terms of sale taking into consideration valuation advice from the auction service providers.

**OFFICER'S RECOMMENDATION NO. 1**

*That Council, pursuant to Section 3.58 2(a) of the Local Government Act (1995), disposes to the highest bidder, by public online auction all surplus vehicles and plant identified as follows:*

<i>Plant No.</i>	<i>Number Plate</i>	<i>Description</i>
PU1	C500	2006 Holden Commodore Utility
P295	C27655	2014 Holden Colorado
PCAR22	C0 (Plate to be retained)	2014 Holden Caprice
PCAR14	C12899	2010 Mazda BT50
PCAR21	1GVY839 (Was C1)	2013 Toyota Prado
PUTE22	C12284	2007 Mazda BT50
P301	C27680	2014 Holden Colorado
PTRU1	C27504	2004 Hino Truck

*(Simple Majority Required)*

## OFFICER'S RECOMMENDATION 2

That Council, pursuant to Section 5.42 of the Local Government Act (1995), delegate authority to the CEO to negotiate, finalise and undertake the online auction of all surplus vehicles identified above.  
(Absolute Majority Required)

**FC 25/2/20**

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Nelson*

1. That Council, pursuant to Section 3.58 2(a) of the Local Government Act (1995), disposes to the highest bidder, by public online auction all surplus vehicles and plant identified as follows:

<i>Plant No.</i>	<i>Number Plate</i>	<i>Description</i>
<i>PU1</i>	<i>C500</i>	<i>2006 Holden Commodore Utility</i>
<i>P295</i>	<i>C27655</i>	<i>2014 Holden Colorado</i>
<i>PCAR22</i>	<i>C0 (Plate to be retained)</i>	<i>2014 Holden Caprice</i>
<i>PCAR14</i>	<i>C12899</i>	<i>2010 Mazda BT50</i>
<i>PCAR21</i>	<i>1GVY839 (Was C1)</i>	<i>2013 Toyota Prado</i>
<i>PUTE22</i>	<i>C12284</i>	<i>2007 Mazda BT50</i>
<i>P301</i>	<i>C27680</i>	<i>2014 Holden Colorado</i>
<i>PTRU1</i>	<i>C27504</i>	<i>2004 Hino Truck</i>

2. That Council, pursuant to Section 5.42 of the Local Government Act (1995), delegate authority to the CEO to negotiate, finalise and undertake the online auction of all surplus vehicles identified above.

**CARRIED BY ABSOLUTE MAJORITY**  
**F7/A0**

## **8.5 COMMUNITY SERVICES**

### **8.5.1 BLOWHOLES COMMITTEE MEETING MINUTES – FRIDAY 30 JANUARY 2020**

Date of Meeting: 25<sup>TH</sup> February 2020  
Location/Address: N/A  
Name of Applicants: N/A  
Name of Owner: N/A  
Author/s: Jennifer Mackellin Executive Manager, Community Services  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority

#### **Summary of Item:**

To seek Council endorsement of the Blowholes Committee Meeting held on Friday 30<sup>th</sup> January 2020.

#### **Description of Proposals:**

As above.

#### **Background:**

The inaugural meeting of the Blowholes Committee was held on Friday 30<sup>th</sup> January 2020 and attended by Crs' Fullarton and Nelson and representatives of the Blowholes Protection Association.

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

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

**Consultation:**

Blowholes Committee

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

- Blowholes Reserves Management Plan 2014-2036
- Ningaloo Coast Regional Strategy Carnarvon to Exmouth, August 2004
- Shire of Carnarvon Local Planning Strategy 2017
- Shire of Carnarvon Corporate Business Plan 2018 – 2022
- Shire of Carnarvon Strategic Community Plan 2018 - 2028

**Financial Implications:**

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

**Risk Assessment**

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

**Community & Strategic Objectives:**

**Objective 1: Economic**

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

ITEM	Outcomes and Strategies
<b>1.2</b>	Thriving tourism industry within the district/region
<b>1.2.1</b>	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
<b>1.2.2</b>	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon

**Objective 2: Natural and built environment**

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

ITEM	Outcomes and Strategies
<b>2.1</b>	Valued natural environment, for use and enjoyment by current and future generations
<b>2.7</b>	Regulated land use to meet the current and future needs of the community
<b>2.7.1</b>	Incorporate appropriate planning controls for land use planning and development
<b>2.7.2</b>	Adopt appropriate land use planning and building regulation practices

**Objective 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
<b>5.1</b>	A well engaged and informed community and a high standard of customer service
<b>5.1.2</b>	The community is engaged in planning for the future and other matters that affect them
<b>5.6</b>	The Shire advocates on behalf of its community

**Comment:**

This is the first meeting of the Committee and will be held on a fortnightly basis. The minutes attached at **Schedule 8.5.1** are submitted to Council for endorsement and information.

OFFICER'S RECOMMENDATION

*That Council endorse the minutes of the Blowholes Committee Meeting held on Friday 30<sup>th</sup> January 2020 and any recommendations contained therein.*

**FC 26/2/20**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

**Cr Fullarton/Cr Nelson**

*That Council endorse the minutes of the Blowholes Committee Meeting held on Friday 30<sup>th</sup> January 2020 and any recommendations contained therein.*

CARRIED  
F7/AO

**8.5.2 SIGNAGE REQUEST – ROBINSON STREET ART WORK**

12.04pm – Cr Nelson declared an Impartiality Interest in this matter as the applicant is a family friend. Cr Nelson was not required to leave the meeting and could participate and vote on the matter.

<b>Date of Meeting:</b>	25 February 2020
<b>Location/Address:</b>	Cnr. Robinson Street & Olivia Terrace, Carnarvon
<b>Name of Applicant:</b>	Paquita Boston
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Jennifer MacKellin – Executive Manager Community Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority

**Summary of Item:**

This report serves to inform Council of the request by a community member to have stenciled signage (spray-painted) around the edge of the roundabout on the corner of Robinson Street and Olivia Terrace. This signage is intended to be descriptive of the artwork and a welcome to the town.

**Description of Proposal:**

Paquita Boston is a local resident and artist, who is proposing to use a stencil and spray-paint to put signage on the roundabout in Robinson Street. The suggestions put forward for the signage have included:

- “Welcome Around the Camp Fire”
- “Welcome”
- “Welcome to Carnarvon”

Ms. Boston has suggested that signage must be “readable from a car as people enter town”<sup>1</sup>  
Below is a sample of the signage as provided by Ms. Boston.

<sup>1</sup> Email to Author from applicant on 2 December 2019



**Background:**

The Project Coordination Working Group was formed in 2014, as a part of the Carnarvon Revitalisation Project. A part of this project was the installation of artworks within the town, which was a grant funded project. Community consultation occurred to determine the type of art works, what the art should represent, and placement. Research by the Author identifies that this consultation was comprehensive and inclusive, and included a good representation of the community. The consultation included community feedback on “where does the town start?”. There were varying views on whether visitors should be provided a ‘Welcome’ sign at the roundabout indicated in this report, or further out along Robinson Street. It appears that most community members preferred the roundabout, but this was not clearly evident. There is reference to a larger sign being designed and constructed within the roundabout. It might be suggested that funding constraints did not allow for this sign to proceed, but further research would be required to confirm this.

A ‘Public Art and Design and Commission Agreement’ was entered into with Dowling Giudici & Associates for the provision of public art, following a Request for Tender process, on 9 October 2017. The artists for this project were Bonni Ingram, Anton Blume and Sabrina Dowling Giudici, who were commissioned to create five contemporary pieces that would best reflect the town’s character and history.

One of these pieces, which is referred to within this report, is known as ‘Garla: Campfire Welcome’. It is constructed with five fire sticks, and recognises the four neighbouring Countries in addition to the Yinngarrda Country of Carnarvon: Malgana, Payungu, Thalanji, Thudgarri countries.



In the contract with the artists, Clause 18 (Title and copyright) identify that the title of the artworks was to be handed to the Shire upon completion of the works, but that the copyright remains with the artist. Clause 21 (Alteration and deaccessioning of the Artwork) of the contract states:

*21.2 The Principal will not alter or modify the Artwork(s) in any way whatsoever without the Artist's prior written consent provided that the where such alterations or modifications are required for the proper maintenance of the Artworks(s), or by law to comply with occupational health and safety standards, such consent will not unreasonably be withheld.*

**The professional integrity of the artists, and to what extent any signage might be perceived to be an extension of the artwork should be considered in any deliberations.**

In October 2019, a request was made for the author to consider a proposal by Ms. Boston to install the signage which is the subject of this report. Contact was made with Ms. Boston, who was provided what she believed to be the history and interpretation of the artwork. Ms. Boston acknowledged that some residents may have differing views on the interpretation, but this has now been clarified by the artists as described.

Contact was made with Sabrina Dowling Giudici (artist) who was able to provide further insight into the intentions of the artists in their creation of these pieces, and the information provided to them through community consultation. The artist was of the understanding that the Shire was intending to apply for a grant for interpretative signage, with a small contribution from the Shire. This project was considered 'aspirational' at the time, and those involved (including the artists) agreed that it be put on hold to allow the Lock Hospital project to be better supported. The artist advised that it had always been intended to complete signage as part of the installation, but financial constraints limited when this might be considered.

The artist advised that there is an outstanding obligation to the Yingarrda people to do another, smaller, sign at each piece of art. This was to be a small brass plaque (approximately 25cm x 10cm) affixed to the base of the artwork. Professor Peter Austin, who is a linguist, had provided the wording in language. These plaques were not for tourism but provided in consideration of the traditional owners. **The approximate cost of these is estimated to be less than \$3,000.**

The artists were advised of the request made by Ms. Boston. They were not in favour of this proposal as it was not in keeping with the intentions of the community, detracted from their work, and was not of a professional standard thereby impacting on the professional integrity of their work.

The Author advised Ms. Boston of this feedback, and also that the proposal was not in line with the streetscape vision provided by the community in consultations. Whilst the passion of Ms. Boston to have something to welcome visitors to our town is supported, it should be of a professional standard and representative of the image the community would like to be known by. **It is for this reason that any consideration of such signage should be the subject of community consultation.**

Sculptural art trails are an internationally recognized tourism draw card, and the art works in Carnarvon should be considered a part of this.

**Consultation:**

1. Meetings between the Shire President, CEO and Ms. Boston
2. Phone conversations and emails between the Executive Manager Community Services & Ms. Boston
3. Phone conversations between Sabrina Dowling Giudici (artist) and the Executive Manager Community Services
4. Community consultation in 2014

**Statutory Environment:**

Copyright Act 1968

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

1. Signage proposed by Ms. Boston – Nil
2. Initial signage proposed by Author - \$3,000

The 2019/2020 Budget includes an allocation for Consultancy and for Tourism Signage which will be used for the expenditure of these items, however additional funding may be required to cover the costs. This can be adopted by Council under simple majority as it does not invoke clause 6.8 of the Local Government Act 1995.

**Risk Assessment:**

This proposal poses no known significant risk to the Shire of Carnarvon

Should this proposal proceed, it can be anticipated that many members of the community would express concern that consultation has not occurred and that the work does not meet their expectations.

**Community & Strategic Objectives:**

Goal 3: Social – Healthy, safe and resilient community where everyone belongs

3.2 Strong community identity and spirit through arts, culture and events

Goal 5: Civic – Strong and listening Council

5.1.2 The community is engaged in planning for the future and other matters that affect them

**Comment:**

This request is supported in principle, as it was always the intention for signage to occur. It is the signage itself that is not supported by the Author, for those reasons mentioned in this report. Should Council vote to accept this proposal, it would be recommended that the artists support of this be sought in writing. As it has already been verbally objected to, this should be considered unlikely to occur.

OFFICER'S RECOMMENDATION

1. *That Council decline the proposal of Ms. Boston to provide spray-painted signs to the roundabout at the corner of Olivia Terrace and Robinson Street.*
- 2.1 *The Council instruct the CEO to undertake community consultation to determine what signage the community would prefer at the site of art installations, and that such consultation should include other signage that might be considered within the Shire of Carnarvon.*
- 2.2 *That Council consider an increased budget allocation of \$5,000 to the current ledger for consultation to occur.*
- 2.3 *That Council consider an increased budget allocation of \$3,000 for the provision of small plaques to be provided, in language, at the base of each of the five art installations within the town.*

**FC 27/2/20**

COUNCIL RESOLUTION

*Cr Maslen/Cr Skender*

1. *That Council decline the proposal of Ms. Boston to provide spray-painted signs to the roundabout at the corner of Olivia Terrace and Robinson Street.*
2. *The Council instruct the CEO to undertake community consultation to determine what signage the community would prefer at the site of art installations, and that such consultation should include other signage that might be considered within the Shire of Carnarvon.*
3. *That Council consider an increased budget allocation of \$3,000 for the provision of small plaques to be provided, in language, at the base of each of the five art installations within the town.*

CARRIED

F6/A1

*Cr Nelson voted against the motion*

(Note – Councillor did not agree that there should be \$5000 increase in consultation costs and therefore removed from recommendation.)

**8.5.3 ABORIGINAL COMMUNITY ENGAGEMENT OFFICER**

Date of Meeting:	25 February 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:	The employee referred to is a current volunteer with the Shire of Carnarvon
Voting Requirements:	Simple Majority

**Summary of Item:**

To seek the support of Council in the appointment of an Aboriginal Community Engagement Officer.

**Description of Proposal:**

To transfer hours/funding from one position within the Youth Services budget to create the part time position of Aboriginal Community Engagement Officer, to be filled by an appropriate person.

**Background:**

Council currently engages with Mr Thomas Cameron is a highly regarded, and respected, Wattandee Elder. He has connection to Yingarrda country, and is a resident of Carnarvon. Thomas has been a volunteer with the Shire for almost four years. During this time he has made contributions to the work of the Shire in its work with Aboriginal community members. Thomas has received many awards in recognition of the work he has done within Aboriginal communities. Mr Cameron may be considered for this position.

The work of the Shire includes the progression of the Reconciliation Action Plan. It would be anticipated that this position would be able to progress this work. The applicant would also be involved in the Aboriginal Reference Group, and be a cultural mentor for staff within the Shire.

The proposal is to transfer 40 hours per fortnight from the Youth Service team, which is undergoing a restructure and will not be significantly impacted at this point in time. Further funding opportunities will be sought for Youth Services, which may enable additional staff to be recruited in time.

**Consultation:**

Staff consultation has occurred, and support provided for this proposal.

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

E021 Employee Attraction and Retention

**Financial Implications:**

Nil – wages already in budget (Youth position transferred to Aboriginal Engagement Officer)

**Risk Assessment:**

Should Council not support this recruitment, there may be a delay in meeting deadlines for the Reconciliation Action Plan and it would reduce the capacity of staff to improve engagement with the Aboriginal members of our community.

**Community & Strategic Objectives:**

5.3 Council takes into account Aboriginal issues and perspectives in decision-making

**Comment:**

As this decision has no impact on budgets, but does identify an additional position in the organisational chart, the Author is seeking the support of Council in this decision.

**OFFICER'S RECOMMENDATION**

*That Council supports the inclusion of an Aboriginal Community Engagement Officer to the Organisational Chart.*

**FC 28/2/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Nelson/Cr Skender*

*That Council supports the inclusion of an Aboriginal Community Engagement Officer to the Organisational Chart.*

**CARRIED**  
**F7/AO**

---

**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 24<sup>TH</sup> March 2020 commencing at 10.00am.

---

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

**FC 29/2/20**

**COUNCIL RESOLUTION**

*Cr Fullarton/Cr Skender*

*That the meeting be adjourned for 10 minutes at 12.23pm.*

**CARRIED**  
**F7/AO**

**FC 30/2/20**

**COUNCIL RESOLUTION**

*Cr Nelson/Cr Skender*

*That the meeting reconvene at 12.34am.*

**CARRIED**  
**F7/AO**

**FC 31/2/20**

**COUNCIL RESOLUTION**

*Cr Maslen/Cr Skender*

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

**CARRIED**  
**F7/AO**

Date of Meeting:	25 <sup>th</sup> February 2020.
Location/Address:	As per Registration Table
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Jennifer Suzanne Ford
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Previous Report:	28 May 2019
Voting Requirements:	Absolute Majority – Recommendation 1 Simple Majority – Recommendation 2

(Proposed rescission Motion endorsed by Cr Smith, Cr Maslen and Cr Skender)

**FC 32/2/20**

**COUNCIL RESOLUTION**

*Cr Skender/Cr Maslen*

*That Council consider the rescission of Motion FC 28/5/19.*

**CARRIED BY ABSOLUTE MAJORITY**

**F5/A2**

*Crs' Nelson and Fullarton voted against the motion*

**FC 33/2/20**

**COUNCIL RESOLUTION & MEMBERS RECOMMENDATION 1**

*Cr Smith/Cr Maslen*

*That Motion FC 28/5/19 of 28<sup>th</sup> May 2019 resolving "That Council direct the Shire's registration officer to cancel the registration of all dogs registered to Mrs. Ford.", carried by Absolute Majority, be rescinded*

**FC 34/2/20**

**COUNCIL RESOLUTION**

*Cr Fullarton/Cr Vandeleur*

*That Standing Orders Section 13 be suspended at 12.43pm in order that Councillors could seek clarification on certain matters pertaining to the report.*

**CARRIED**

**F7/A0**

**FC 35/2/20**

**COUNCIL RESOLUTION**

*Cr Vandeleur/Cr Maslen*

*That Standing Orders Section 13 be resumed at 1.06pm.*

**CARRIED**

**F7/A0**

Motion FC 33/2/20 was put.

LOST

F4/A3

*(Absolute Majority Required)*

*Crs' Nelson, Fullarton and Simpson voted against the motion.*

Due to the rescission motion being lost, Member's Recommendation 2 lapsed.

**MEMBER'S RECOMMENDATION 2**

*That Council instructs the Chief Executive Officer to:*

- 1. Allow Mrs Ford to register 2 dogs at her property of 95 Boor Street as per the Shire of Carnarvon Dog Local Law; and*
- 2. Advise Mrs Ford that:*
  - a. All other dogs must be registered to other properties and other owners within 30 days;*
  - b. Any request for additional dogs must be presented to Council; and*
  - c. There is to be no rotation of dogs at the property of 95 Boor Street.*

---

**FC 36/2/20**

**COUNCIL RESOLUTION**

*Cr Vandeleur/Cr Maslen*

*That the meeting be reopened to the public.*

CARRIED

F7/A0

---

**13.0 CLOSURE:**

The Presiding Member declared the meeting closed at 1.11pm.