SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING
25 MAY 2021

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....

as a true and accurate record

.....

Chairman

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.

- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.

- Prior to asking a question, the speaker must state his/her name and address.

- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.

- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.

- No debate or discussion is allowed to take place on any question or answer.

- A summary of each question asked and the response given will be included in the minutes of the meeting –

  Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)
  11. Minutes, content of (Act s.5.25(1)(f))
  The content of minutes of a meeting of a council or a committee is to include –
  (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

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

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

SPECIAL MEETINGS OF COUNCIL

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

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8.3 DEVELOPMENT SERVICES

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 22nd June 2021 commencing at 1.00pm

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

12.1 Proposed Write Offs of Sundry Debtors.....

13.0 CLOSURE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT BILLS BAR, ROBINSON STREET, CORAL BAY ON TUESDAY 25TH MAY 2021

The meeting was declared open by the Presiding Member at 10.30am

The Shire of Carnarvon acknowledges the Yingarrda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....Presiding Member/Shire President
Cr B Maslen..... Councillor, Gascoyne/Minilya Ward
Cr J Nelson ..... Councillor, Town Ward
Cr K Pinner ..... Councillor, Town Ward
Cr A Fullarton ..... Councillor, Town Ward
Cr L Vandeleur..... Councillor, Town Ward
Cr K Simpson ..... Councillor, Coral Bay Ward
Cr L Skender .....Councillor, Plantation Ward

Mrs A Selvey..... Chief Executive Officer
Mr D Nielsen ..... Executive Manager, Infrastructure Services
Mr D Perry.....Executive Manager, Development Services
Mrs D Hill .....Senior Executive Officer

Observers 9
Leave of Absence ..... Nil
Apologies ..... Nil

1.1 LEAVE OF ABSENCE – CR NELSON

FC 1/5/21
COUNCIL RESOLUTION
Cr Nelson/Cr Fullarton

That Councillor Nelson be granted leave of absence for the June 2021 Ordinary Meeting of Council.

CARRIED
F8/A0

2.0 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 Simpson (Proximity Interest) – Item 8.3.5 – Coral Bay Beach Estate – Local Development Plan
Cr Simpson (Proximity Interest) – Item 8.3.6 – Scheme Amendment – Holiday Accommodation – Lot 308 Coral Bay
Cr Skender (Impartiality Interest) – Item 8.2.3 – Ciphertel Digital Connectivity Improvement Project

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3.0 PUBLIC 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 10.34am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC QUESTION TIME

Mr Joe Eveson of Coral Bay submitted the following questions -

Question 1
Does Council have a register of non-conforming, temporary approved uses on both private and State Land?
Answer – Council does have a register for temporary approvals.
Question 2
What is Council policy on how to deal with these activities once they have expired?
Answer - There is no policy
Question 3
Does the Caravan Park and Camping Act allow for businesses to operate within the Caravan Parks, whether they are on Freehold or leasehold land?
Answer – This question will be taken on notice as the Caravan Park and Camping Act will need to be investigated.

Mrs Jackie Price of Coral Bay asked the following question –

Question 1 - Can a progress update be provided on the cycle/walkway?
Answer - The funding agreement for this project was received from the Dept of Transport last week. The agreement is being prepared for execution with the grant agreement to be completed and executed by 1 July 2021. This is a two-stage project. Stage 1 of the project will be completed in 21/22. Stage 1 consists of consultation, survey, and design. Stage 2, actual construction, will commence in 22/23.

Cr Simpson submitted the following questions –

Question 2 - Has there been a change to the Coral Bay Ranger Service? And is it expected that in the near future that a second part time Ranger will be re-introduced?
Answer - The current part-time ranger, Adam Manks has resigned effective 3rd June 2021.
Council is re-evaluating resources to cover the Shire – in the interim, Coral Bay will be serviced from Carnarvon on a rotating basis. (No set days to be on site). Rangers can be contacted through the Shire office.

Question 2 – Can you please provide an update on the relocation of the Coral Bay Tip Site?
Answer - The land dealing for the land for the new tipsite is currently with the Dept of Lands. The Shire's request has been assessed and is presently subject to a statutory referral process involving other government departments, government agencies and any other interest holders in the subject land parcel. The aerial survey of the new tip site is completed. Noel Bridge has offered to facilitate consultation with the Baiyungu People.

Public Question Time was closed at 10.40am

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION AND RECEIVING OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL – 27TH APRIL 2021
5.2 AUDIT AND RISK MANAGEMENT COMMITTEE – 19TH MAY 2021

FC 2/5/21
COUNCIL RESOLUTION
Cr Vandeleur/Cr Pinner

That the minutes of the Ordinary Meeting of Council held on Tuesday 27th April 2021 be confirmed as a true record of proceedings and the minutes of the Audit & Risk Management Committee Meeting held on Wednesday 19th May 2021 be received by Council.

CARRIED
F8/A0

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Shire President presented Mr Alistair Brogan with Coral Bay's Silver Award for the GWN7 Top Tourism Town and asked that it be displayed at Bills Bar.

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF APRIL/MAY 2021

File No:
Date of Meeting: 27 April 2021
Location/Address: 3 Francis Street, Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Andrea Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Schedules Nil
Previous Reports: April 2021

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
x	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
To report back to Council actions performed under delegated authority for the months of March/April 2021.

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

Stakeholder and Public 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 as this is a reporting matter only.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions.
Property	N/A		
Environment	N/A		
Fraud	N/A		

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 and are submitted to Council for information.

AFFIXING OF COMMON SEAL

Date	Document
19th May 2021	Coral Coast Helicopters – Lease New Hangar – Carnarvon Airport

DELEGATIONS UNDERTAKEN BY COUNCIL OFFICERS

CEO	Sundry Debtors Write Off Totalling $882.36	Delegation 3025 Waiving and Granting of Concessions and Write Off of Debts Other than Rates & Service Charges

PLANNING

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
A2296	P15/21	352 Robinson Street, East Carnarvon	Commercial Kitchen	V. Lucchitto	5/05/21
A1547	P17/21	11 Maslen Street, Brockman	Shed and carport	W. Reece	10/05/21
A757	P18/21	7 Egan Street, Carnarvon	Carnarvon Family Funfair	Ryda Group Pty Ltd	12/05/21

Hawkers, traders and stall holders

Shire of Carnarvon Local Government Act Local Laws, s.29

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)	
16/04/21	P14/21	Fang's Kitchen – Food and drink van	Ms. Fang Zhou/ Fang's Pty Ltd	Nil	Nil

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/177	JULIAN PETER ANDREOLI & VALERIA LUCCHITTO	LOT 13 (10) WILLESEE ST, MORGANTOWN	FRONT BRICK FENCE AND GATES
B21/006	STATE OF WESTERN AUSTRALIA (WATER CORPORATION)	LOT 336 ON DEPOSITED PLAN 74153 (PIN 12012259) OFF LAWSON STREET, INGGARDA	FULL DEMOLITION OF WATER CORPORATION COMPOUND BUILDINGS, TANKS AND ASSOCIATED UTILITY INFRASTRUCTURE

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/009	TERRI ALANA MIDDLETON	LOT 10 (14) OLIVIA TCE, MORGANTOWN	CARPORT AND PATIO
B21/011	CHARLES JOHN BARON & ANNE DRUMMOND	LOT 1119 (1) HORTON PL, SOUTH CARNARVON	TIMBER FRAMED VERANDAH
B21/013	NATHAN REECE	LOT 318 (11) MASLEN ST, BROCKMAN	RESIDENTIAL SHED AND LEAN TO
B21/014	JAMES ARCHIBALD NORMAN ACKROYD & JENNIFER ANNE ACKROYD	LOT 37 BOOR STREET (EDAGEE STATION), WOORAMEL	DWELLNG (WORKERS ACCOMMODATION)
B21/017	RAC TOURISM ASSESTS PTY LTD	LOT 1 (14) ROBINSON ST, CORAL BAY (NINGALOO REEF RESORT)	STAIRCASE REPLACEMENT
B21/018	ROBIN ENA FAHL	LOT 9500 (66) CLEAVER ST, SOUTH CARNARVON	1.8M HIGH COLORBOND POST & RAIL BOUNDARY FENCE
B21/019	STATE HOUSING COMMISSION (DEPARTMENT OF COMMUNITIES)	LOT 87 (6) FANE CR, BROCKMAN	1.8M & 1.2M HIGH COLOBOND POST & RAIL FENCE

OFFICER'S RECOMMENDATION
That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of March and April 2021.

FC 3/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION
Cr Fullarton/Cr Nelson

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of March and April 2021.

CARRIED
F8/A0

8.1.2 AMEND DELEGATION NO 3025 – WAIVING AND GRANTING OF CONCESSIONS AND WRITE-OFF OF DEBTS OTHER THAN RATES AND SERVICE CHARGES

File No:
Date of Meeting: 25 May 2021
Location/Address: 3 Francis Street, Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: A. Selvey, Chief Executive Officer
Declaration of Interest: Nil
Schedules: 8.1.2 Delegation No. 3025
Previous Reports: 3 June 2020

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the

		Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
Delegation No 3025 (Waiving and Granting of Concessions and Write-off of Debts other than Rates and Service Charges – ***refer Schedule 8.1.2***) was established in July 2017 and reviewed on 18 December and the 3 June 2020. This report seeks a Council resolution to reduce the delegation limit.

Background:
Section 6.12 of the Local Government Act 1995 allows a local government to write-off any amount of money owed to the local government for debts. This authority has been delegated by Council to the Chief Executive Officer under Delegation No. 3025, with an upper limit of five hundred dollars ($500.00) to that delegation.

Consultation:
N/A

Statutory Environment:
Local Government Act 1995 Sections 5.42 and 6.12

Section 6.12(3) of the *Local Government Act, 1995 (The Act)* grants a Council the power to write off debts. Section 5.42 of The Act allows a Council to delegate, by absolute majority, this power to the Chief Executive Officer and to place any limits or parameters to that delegation.

Relevant Plans and Policy:
Delegation No. 3025

Financial Implications:
There are no direct financial implications arising from the officer's recommendation. If supported, the reduction in delegated limit will improve financial oversight and accountability.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Current delegated limit could result in significant revenue written off without appropriate oversight.	Moderate	Reduction in the extent of the delegation as per officer's recommendation.
Health & Safety			
Reputation			
Service disruption			
Compliance	Delegations are non-compliant.	Low	The officer's recommendation ensures full compliance with the relevant legislation.
Property			
Environment			
Fraud	Current delegation allows for significant write off without appropriate oversight.	Low	Reduction in the extent of the delegation as recommended by the officer.

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 current delegation by Council to the Chief Executive Officer under Delegation No. 3025, with an upper limit of five hundred dollars ($500.00) to that delegation, has come under scrutiny during a recent analysis of outstanding debtors. $500.00 is considered a significant amount and it is recommended that the upper limit be reduced to one hundred dollars ($100.00) to provide better oversight of debt management.

OFFICER'S RECOMMENDATION
That Council, by Absolute Majority, pursuant to Section 5.42 of the Local Government Act 1995, resolves to amend the Council Delegation No. 3025 "Waiving and Granting of Concessions and Write-off of Debts other than Rates and Service Charges "by decreasing the upper limit of the delegation from $500.00 to $100.00".

FC 4/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION
Cr Nelson/Cr Skender

That Council, by Absolute Majority, pursuant to Section 5.42 of the Local Government Act 1995, resolves to amend the Council Delegation No. 3025 "Waiving and Granting of Concessions and Write-off of Debts other than Rates and Service Charges "by decreasing the upper limit of the delegation from $500.00 to $100.00".

CARRIED BY ABSOLUTE MAJORITY
F8/A0

8.1.3 AMEND DELEGATION NO 3024 – WRITE OFF RATES AND SERVICE CHARGES

File No:
Date of Meeting: 25 May 2021
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: A. Selvey, Chief Executive Officer
Declaration of Interest: Nil
Schedules: 8.1.3 Delegation No. 3024
Previous Reports: 3 June 2020

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
Delegation No 3024 (Write-off Rates and Service Charge Debts– ***refer Schedule 8.1.3***) was established in July 2017 and reviewed on 18 December and the 3 June 2020. This report seeks a Council resolution to reduce the delegation limit.

Background:
Section 6.12 of the Local Government Act 1995 allows a local government to write-off any amount of money owed to the local government for debts, including rates and service charges debts. This authority has been delegated by Council to the Chief Executive Officer under Delegation No. 3024, with an upper limit of five hundred dollars ($500.00) to that delegation.

Stakeholder and Public Consultation:
Andrea Selvey – Chief Executive Officer

Statutory Environment:
Local Government Act 1995 Sections 5.42 and 6.12

Section 6.12 of the *Local Government Act 1995 (The Act)* grants a Council the power to write-off debts. Section 5.42 of The Act allows a Council, by absolute majority, to delegate this power to the Chief Executive Officer and to place limits or parameters to that delegation.

Relevant Plans and Policy:
Delegation No. 3024

Financial Implications:
There are no direct financial implications arising from the officer's recommendation. If supported, the reduction in delegated limit will improve financial oversight and accountability.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Current delegated limit could result in significant revenue written off without appropriate oversight.	Moderate	Reduction in the extent of the delegation as per officer's recommendation.
Health & Safety			
Reputation			
Service disruption			
Compliance	Delegations are non-compliant.	Low	The officer's recommendation ensures full compliance with the relevant legislation.
Property			
Environment			
Fraud	Current delegation allows for significant write off without appropriate oversight	Moderate	Reduction in the extent of the delegation as recommended by the officer.

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 current delegation by Council to the Chief Executive Officer under Delegation No. 3024, with an upper limit of five hundred dollars ($500.00) to that delegation, has come under scrutiny during a recent analysis of outstanding rates debtors. $500.00 is considered a significant amount and it is recommended that the upper limit be reduced to one hundred dollars ($100.00) to provide better oversight of debt management.

OFFICER'S RECOMMENDATION
That Council, by Absolute Majority, pursuant to Section 5.42 the Local Government Act 1995, resolves to amend the Council Delegation No. 3024 by decreasing the upper limit of the delegation from $500.00" to "$100.00".

FC 5/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION
Cr Nelson/Cr Fullarton

That Council, by Absolute Majority, pursuant to Section 5.42 the Local Government Act 1995, resolves to amend the Council Delegation No. 3024 by decreasing the upper limit of the delegation from $500.00" to "$100.00".

CARRIED BY ABSOLUTE MAJORITY
F8/A0

8.1.4 ANNUAL REPORT, FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 AND ELECTORS MEETING

Date of Meeting:	25 May 2021
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Schedules:	Schedule 8.1.4 - Annual Report and Financial Statements 2019/2020
Previous Reports:	24 March 2020

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report formally presents the Shire of Carnarvon 2019/2020 Annual Report (the Annual Report), inclusive of the 2019/2020 Financial Statements and Auditors Management Report to Council and recommends that Council adopts the Annual Report as presented ***refer Schedule Schedule 8.1.4***.

Background:

Section 5.53 of the Local Government Act 1995 requires the preparation of an Annual Report and details the contents required within that report. Section 5.54 requires that the Annual Report for a financial year be accepted no later than 31 December after that financial year or within 2 months of receiving the auditor's report. In this instance, the finalization of the Annual Report has been delayed due to delays with finalising the financial statements and obtaining the Auditor's Report. This is due to several factors, including changes in key finance staff at the Shire and changes in accounting standards.

The Local Government Act 1995 requires that an Electors' General Meeting is to be held within 56 days of acceptance of the Annual Report. Pending adoption of the Annual Report, the Electors' General Meeting will be scheduled for 16 June 2021.

Consultation:

The Office of the Auditor General
The Shire of Carnarvon Audit and Risk Committee

Statutory Environment:

Sections 5.53, and 5.27 of the Local Government Act 1995 provide the statutory framework for the Annual Report and Electors' General Meeting. While the Shire of Carnarvon has not met statutory timeframes in this matter, other aspects of the process are compliant with the requirements of the legislation.

Relevant Plans and Policy:

N/A

Financial Implications:

There are no direct financial implications from the officer's recommendation to receive the Annual Report and to set the date for the Electors' General Meeting, the financial implications of the content of the financial statements are at the heart of this report. The auditor's report which provides further detail is provided under the Risk Assessment section of this report – see below.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	A significant adverse trend in the financial position of the Shire is noted by the Auditor	Extreme	The draft Long-Term Financial Plan which will be finalised in 2021/2022 alongside the 2021/2022 budget process and Corporate Business Plan review will take

	with specific note of the Asset Sustainability Ratio and the Operating Surplus Ratio below the Dept of Local Government standard for the past three years.		this into account. The key points to note are: • The Shire has relatively low existing debt levels, giving the Council considerable capacity to manage any debt servicing risks; and • The Corporate Business Plan will thoroughly review levels of service and will identify a rates revenue strategy which is intended to both reduce and smooth immediate funding needs and gaps, and any asset replacement funding needs.
Health & Safety	N/A		
Reputation	The delay in calling an Electors' General Meeting (Annual Electors' Meeting) has the potential to raise concerns about the Shire's financial management and cause reputational damage.	Moderate	Open and transparent reporting of the reason for the delay in this report which is made publicly available.
Service disruption	N/A		
Compliance	The Shire has not reported the Asset Renewal Funding Ratio as required by section 50(1)(c) of the Local Government (Financial Management) Regulations 1996 as information on planned capital renewals and required capital expenditure over a 10-year period was not available.	Extreme	This will be addressed with the update of the Long Term Financial Plan which will inform and update the Asset Management Plan during 21/22.
Property	N/A		
Environment	N/A		
Fraud	Fraudulent reports	High	The objective of the audit is to obtain reasonable assurance that the financial report is free from material misstatement, either by fraud or error. This is expressed in the Auditor's Report.

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 2019-20 Annual Report has been prepared in accordance with Section 5.53 of the Local Government Act 1995 and includes the Audited Annual General Purpose Financial Statements. The Audit has found a significant adverse trend in the financial position of the Shire as the Asset Sustainability Ratio and Operating Surplus Ratio have been below the DLGSCI benchmark for the past three years. In addition, the Audit has identified that the lack of data to calculate the Asset Renewal Ratio is a material matter of non-compliance. These matters have been noted by the Chief Executive Officer and Finance Manager and these will be a focus for the development of the Long Term Financial Plan and Asset Management Plan in 2021/2022.

It is a requirement (S7.12A of the *Local Government Act 1995*) of the that Local Government prepares a report on any matters identified as significant by the auditor in the audit report and submit the report to the Minister within three months of the audit report being received by the Local Government. The report is required to include an action plan to address these matters and must be published on the Shire's website.

OFFICER'S RECOMMENDATION
That Council, by Absolute Majority, pursuant to Section 5.54 of the Local Government Act 1995, resolves to:

1. *Accept the Shire of Carnarvon Annual Report for the 2019/2020 Financial Year, incorporating the Shire President's Report, CEO's Report, Financial Statements and Auditors Report, presented at Schedule 8.1.4 and make the Annual Report publicly available via the Shire website, at the Shire Administration Centre and at the Carnarvon Regional Library;*
2. *Set the date for the Annual Electors' General Meeting as Wednesday, 16 June 2021 at 5pm at the Shire of Carnarvon Council Chambers, Stuart Street, Carnarvon; and*
3. *Give Public Notice of the meeting via local print and social media platforms and notices in public venues in Carnarvon and Coral Bay.*

FC 6/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION
Cr Fullarton/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 5.54 of the Local Government Act 1995, resolves to:

1. *Accept the Shire of Carnarvon Annual Report for the 2019/2020 Financial Year, incorporating the Shire President's Report, CEO's Report, Financial Statements and Auditors Report, presented at Schedule 8.1.4 and make the Annual Report publicly available via the Shire website, at the Shire Administration Centre and at the Carnarvon Regional Library;*
2. *Set the date for the Annual Electors' General Meeting as Wednesday, 16 June 2021 at 5pm at the Shire of Carnarvon Council Chambers, Stuart Street, Carnarvon; and*
3. *Give Public Notice of the meeting via local print and social media platforms and notices in public venues in Carnarvon and Coral Bay.*

CARRIED BY ABSOLUTE MAJORITY
F8/A0

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1 CREDITORS REPORT OF ACCOUNTS PAID UNDER DELEGATION 1 TO 30 APRIL 2021

File No: ADM0186
Date of Meeting: 25 May 2021
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Vika Nafetalai-Creditors Officer
Declaration of Interest: Nil
Schedules: Nil
Previous Reports: Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
To present the listing of accounts paid from the Municipal Fund, Visitor Centre Account and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of April.

Background:
Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund, Visitor Centre Account and Trust Fund. A list of all payments is provided in *Schedule 8.2.1*

Stakeholder and Public Consultation: Nil

Statutory Environment:
Local Government Act 1995 – Section 5.42
Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

Relevant Plans and Policy:
All accounts are paid as per the Shire of Carnarvon's 2020/2021 Budget.

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

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Slow payment of creditors	Low	Can impact financial statements. Set proper close off dates
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	Accounting Fraud	Moderate	Regular background check and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts)

OFICER'S RECOMMENDATION
That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

a) Receive the list of payments made under delegation, as per Schedule 8.2.1 (a) totalling $1,237,789.22 as presented for the month of April 2021 incorporating.

Payment Reference from:	*Payment Reference to:*	*Payment Type*	*Payment Amount*
DD38528.2	*DD38528.2*	*Bank Direct- Muni*	*$25,939.38*
DD38568.1	*DD38569.1*	*Bank Direct -Muni*	*$25,592.94*
DD38571.1	*DD38571.2*	*Bank Direct- Visitor Centre*	*$24,849.80*
DD38575.1	*DD38575.1*	*Bank Direct- Muni*	*$25,059.77*
DD38579.1	*DD38579.1*	*Bank Direct- Muni*	*$2,902.22*
DD38587.1	*DD38587.2*	*Bank Direct- Muni*	*$28,938.75*
47201	*47203*	*Cancelled Cheque*	*$0*
47204	*47205*	*Muni Cheques*	*$317.40*
47206	*47206*	*Cancelled Cheque*	*($353.15)*
47207	*47207*	*Muni Cheque*	*$130.35*
EFT32814	*EFT32932*	*Muni EFT*	*$ 1,103,324.95*
EFT32933	*EFT32935*	*Trust EFT*	*$ 733.66*
		Total	*$1,237,789.22*

b) Note Sundry Creditors as of 30 April 2021 $392,548.55, however $310,036.59 of payments were made on the 14 May 2021.

FC 7/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

a) Receive the list of payments made under delegation, as per Schedule 8.2.1 (a) totalling $1,237,789.22 as presented for the month of April 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38528.2	DD38528.2	Bank Direct- Muni	$25,939.38
DD38568.1	DD38569.1	Bank Direct -Muni	$25,592.94
DD38571.1	DD38571.2	Bank Direct- Visitor Centre	$24,849.80
DD38575.1	DD38575.1	Bank Direct- Muni	$25,059.77
DD38579.1	DD38579.1	Bank Direct- Muni	$2,902.22
DD38587.1	DD38587.2	Bank Direct- Muni	$28,938.75
47201	47203	Cancelled Cheque	$0
47204	47205	Muni Cheques	$317.40
47206	47206	Cancelled Cheque	($353.15)
47207	47207	Muni Cheque	$130.35
EFT32814	EFT32932	Muni EFT	$ 1,103,324.95
EFT32933	EFT32935	Trust EFT	$ 733.66
		Total	$1,237,789.22

b) Note Sundry Creditors as of 30 April 2021 $392,548.55, however $310,036.59 of payments were made on the 14 May 2021.

CARRIED
F8/A0

8.2.2 FINANCIAL ACTIVITY STATEMENT 30 APRIL 2021

Date of Meeting:	18 May 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen A/ Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules	Schedule 8.2.2
Previous Report	Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

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

Description of Proposal:
That Council receives the Financial Activity Statement for the period ending 30 April 2021. That Council also notes the variance in the opening surplus actual which has increased, over the current budget figure, by $20,444. This is due to an amendment in the Financial Statements for 30 June 2020, for the provision for Doubtful Debts which was reduced in the final Financial Statements for 30 June 2020.

Background:
This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances. The Audited Financial Statements for 30 June 2020 are finalised and the closing surplus figure which becomes the opening surplus figure for 2021 is now final.

Consultation:
Nil

Statutory Environment:
Local Government (Financial Management) Regulation 34.

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

(1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —
(a) according to nature and type classification; or
(b) by program; or
(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Relevant Plans and Policy:
Corporate Business Plan 2018 - 2022

Financial Implications:
Nil.

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

Community & Strategic Objectives:

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

Comment:
Attached as ***Schedule 8.2.2*** for consideration is the completed Statement of Financial Activity for the period ended 30 April 2021.

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, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Statement of Financial Activity for the period 1 July 20929 to 30 April 2021 as per Schedule 8.2.2.

FC 8/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Nelson

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Statement of Financial Activity for the period 1 July 2020 to 30 April 2021 as per Schedule 8.2.2.

CARRIED
F8/A0

8.2.3 CIPHERTEL DIGITAL CONNECTIVITY IMPROVEMENT PROJECT

10.50am – Cr Skender declared an Impartiality Interest in this item as his partner is the author of this report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No:	ADM1711
Date of Meeting:	25 May 2021
Location / Address:	35 Mahony Avenue – OTC site
Name of Applicant:	Mr Matthew Frontino – CipherTel Pty Ltd
Name of owner:	N/A
Author/s:	Carolien Claassens – Operations Manager Corporate and Community
Declaration of Interest:	The author declares an interest being the Carnarvon Treasurer for the Space and Technology Museum
Schedules:	8.2.4 Copy letter of support from the Shire of Carnarvon
Previous Reports:	N/A

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

CipherTel Pty Ltd (the applicant) has been successful in sourcing funding to improve the internet connectivity to the Carnarvon Horticultural District and surrounding areas (the project). The Shire of Carnarvon provided a letter of support for the funding application. This letter from the Shire, signed by the former CEO, included a commitment of significant contributions from Shire which were critical to the success of the project.

As Council support for the Shire contributions was not formally sought at the time, the Shire is seeking retrospective approval from Council to support the project and a formal resolution to support the required contributions.

Background:

The Department of Primary Industries and Regional Development (DPIRD) has introduced the 'Digital Farm Grants Program' to improve internet access for remote farming business. The program is focused on expending mobile coverage, providing fast, reliable, and affordable broadband to support digital farming practices. The applicant has been able to secure $600,000 for the project, which commits to providing *"a broad coverage communications network delivery high-speed internet and date to farming entities with the Carnarvon Horticultural District and surrounding areas*" (extract from CipherTel's application dated 04 December 2019).

The Applicant is specialised in communication solutions for remote and regional areas in WA. Since 2018 the applicant has been able receive funding from the Digital Farm Grants Program for seven remote locations in WA.

Part of the grant application for the Carnarvon project was a letter of support from the Shire dated 19 November 2019 a copy of which is provided in schedule 8.2.3. At time of submitting the letter of support Council approval was neither sought nor received.

The applicant was advised in July 2020 that their application had been successful and immediately contacted the Shire to advise of the outcome of the funding application. Following finalization of the agreement with DPIRD, the applicant has again been in touch with the Shire seeking the Shire's co-contribution as per the letter dated 19 November 2019 to commence the project. Given that the Shire officers involved in the initial letter of support have since left the Shire, the applicant was asked to provide a more detailed briefing on the project, its background, benefits and further clarity around the Shire's contribution. The following information was established during these recent discussions and in a follow up email from the applicant dated 4 May 2021.

1. The project will include installation of a new 65-meter mast located at the old satellite pedestal at the OTC site and shared use of the Shire's communications tower outside the admin office.
2. The Shire's server room will be utilised for the install of a server. To ensure a reliable network a second air conditioning will be installed in the server room and an emergency generator outside of the Shire admin office.
3. The network will be operated by the applicant and supported by locally trained contractors.
4. Upon granting of all approvals, it is expected that development and commissions of the project will take 4 to 6 months.

The applicant identified the following benefits to the broader community and the Shire:

1. Improved connectivity to the Horticultural District and the surrounding areas (commercial and residential), including the Shire waste facility and depot. The applicant has stated that currently the existing services in these locations are not adequate for digitalisation of business (farming) practises.
2. Provide opportunities to the farming industry to enhance smart farming technologies to improve productivity and quality.
3. Provision of operational and monitoring services to critical service providers (e.g. Horizon Power, Water Corporation, Shire of Carnarvon).
4. Provision of expertise and assistance to the Shire to connect the various Shire operational sites.
5. Improved connectivity to the Shire administration office and site reliability and redundancy via a shared generator and second air conditioner.
6. Development of the old satellite pedestal into a 65-meter tower will transform a derelict site into a functional asset.

The required contributions from the Shire are critical to the success of the project. These contributions include:

1. Access into the Shire server room to install a free-standing rack and a second air conditioner.
2. Utilising the Shire Telstra and NBN led-in fiber infrastructure.
3. Access into the pit and conduit infrastructure to connect the server to the 15-meter mono pole mast at the rear of the Shire Admin office.
4. Access and use of the 15-meter mono pole mast. The use of the pole will be subject to engineering and load calculations. The applicant will be responsible for engineering approval and any required updates to the mast.
5. A peppercorn lease for a portion of the land at the OTC site, being the old satellite pedestal to install a 65-meter tower.
6. Optional: a cash contribution of $10,000 from the Shire to install a shared generator which will allow the Shire IT infrastructure to operate from in a matter of emergency.

The applicant has requested all contributions by the Shire to be granted for 5 years with the option to extend for a further 5 years following the same terms and conditions.

Stakeholder and Public Consultation:

In their application for funding, CipherTel Pty Ltd stated that they have consulted with, and received letters of support from various stakeholders including, the Carnarvon Growers Association, Gascoyne Water, various Growers, Gascoyne Food Council.

Carnarvon Space and Technology Museum has been informally advised of the request from the applicant and the possible impact on their lease.

Statutory Environment:

Local Government Act 1995 Section 3.58 Disposing of Property. Should Council resolve to proceed with a lease, the Shire will have to follow the statutory process, including giving public notice of the proposed lease with details of the proposed lessee, area of the lease, value, and terms of the lease.

Relevant Plans and Policy:

C016 Leasing and Licensing Classification Policy

Financial Implications:

Whilst the direct cash contribution from the Shire is limited (an optional contribution of $10,000) there are some financial implications to be considered.

1. Peppercorn Lease

The Letter of support does not specifically indicate a contribution by way of (a peppercorn) lease, this appears to be the expectation. The letter from the Shire includes:

- Access to tower site location on OTC hill (subject to engineering approval)
- Access to radio communications room and power at the OTC hill location

In the email dated 4 May 2021, the applicant has clarified the request for a peppercorn lease for the old satellite pedestal on the OTC site for a term of 5 years including a further term of 5 years (5 year + 5 year) following the same terms and conditions. A 65-metre communication tower will be installed on top of the pedestal. The applicant has not provided any detail of the required size of the lease however, it should be noted that a 65-metre tower will require the installation of guyed wires which would be included into the leased site.

At present the pedestal is part of the Carnarvon Space and Technology Museum lease, refer to ***figure 1*** below. The Shire has contacted the Museum to discuss the potential impact of the tower and the possibility to exclude the land around the pedestal from the lease. Excluding the access road to the pedestal from lease will be part of the negotiations with the Museum.

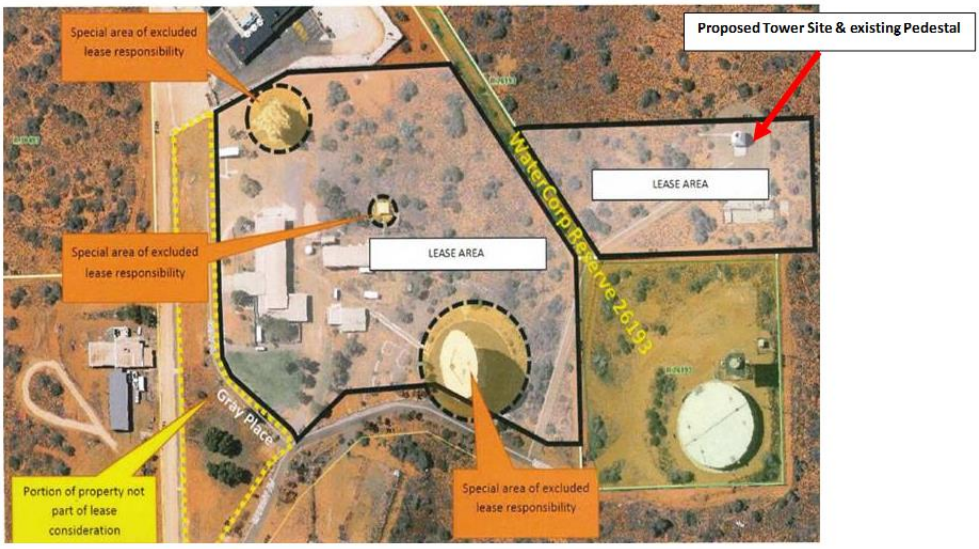

Figure 1 – Leased site with Carnarvon Space and Technology Museum

A peppercorn lease for a commercial business does not comply with Council Policy C016 Leasing and Licensing Classification. At present no market valuation of this particular parcel of land has taken place. A market valuation can be conducted upon Council's request.

The applicant has not provided clarity around the cost of the preparations and advertising of the lease. It is recommended that the applicant will be responsible for all cost involved to prepare the lease including a market valuation if required.

A 5-year extension of a lease is commonly accepted, following the same terms and conditions should be avoided. The Shire should hold the right to be able to make amendments to the lease including a lease fee based upon market value. It therefore the officer's recommendation that Council commits only to the initial five-year period in this instance, and subject to the success of the project, formally considers a further five-year term as a new lease.

2. Ongoing maintenance and repairs

It is assumed that the applicant will be responsible for all maintenance and repairs of all externally installed equipment and the server in the Shire's server room. The Shire's assumption will form the basis of the agreement with the applicant.

The Shire will be responsible for operation and maintenance of a second air conditioner and generator (e.g. power and diesel). Repairs and replacement will be negotiated with the applicant as part of the access agreement and the Shire's use of this equipment.

3. *Shared emergency generator*

The applicant will install a back-up generator outside the Shire's server room. For a $10,000 contribution from the Shire the applicant will be able to install a shared generator to allow the Shire IT Infrastructure to operate from this generator. If this element of the project is supported by Council, $10,000 would need to be considered in the 2021/22 budget.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**

Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	1. Loss of income from the lease of land	1. Moderate	1. Ensure a market valuation is obtained to provide clarity around the contribution provided. Not include an option term of 5 years to allow a review of the lease terms and conditions if a renewal is required.
	2. Additional cost to amend the Lease with the Space and Technology museum	2.Moderate	2. Installation of the 65-meter pole outside the boundaries of the Space & Technology Museum.
	3. Unforeseen cost in maintaining and repairing parts of the infrastructure	3. Moderate/ high	3. For the Shire to request clarity and negotiate with the applicant which party is responsible for the repair and ongoing maintenance of <u>all</u> the relevant infrastructure. This should include required insurances, timeframes and responsibility around removal, replacement or site remediation.
Health and Safety	N/A		
Reputation	1. For the Shire not to act upon its promises made in the Letter of Support will have a damaging impact on the Shire's reputation on local but also on state level. The letter of support from the Shire has been a significant part of the successful grant application with DPIRD.	1. Extreme	1. Provide the retrospective approval and allow the Shire to further discuss and negotiate the implementation of the Shire's contributions.
	2. Inconsistency in adhering to the Lease policy by approving a peppercorn lease to a commercial business. All commercial lease holders are to pay a lease fee in accordance with a market value – not older then 6 months at time of approving the	2. Moderate	2. Securing a benefit for the Shire as part of this overall agreement.

	lease.		
Service disruption	N/A		
Compliance	The commitment provided by the Shire via the letter of support dated 19 November 2020 did not follow appropriate compliance requirements as it committed the Shire financially, without a formal resolution from Council.	High	Retrospective approval from Council improves compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

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

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

Item	Outcomes and Strategies
1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile

Comment:
The applicant advised that this project varies greatly from the newly installed Telstra tower on North River Road. The 4G Telstra network provides voice and data for mobile handset and modems. The applicants project will deliver a fixed wireless broadband internet which is far more suitable for future business operations, reliable and consistent. The 4G network from Telstra will not be adequate for all applications.

OFFICER'S RECOMMENDATION PART 1
That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, resolves to retrospectively approve the Shire of Carnarvon's support and contributions for the improvement of Internet connectivity to the Carnarvon Horticultural District and surrounding areas.

OFFICER'S RECOMMENDATION PART 2
That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, subject to formal approval by the Carnarvon Space Technology Museum, resolves to give local public notice of the proposed disposition by lease of an area of land at the OTC Site identified approximately in Figure 1 for a consideration of a Peppercorn for a period of 5 years.

OFFICER'S RECOMMENDATION PART 3
That Council, by Absolute Majority, pursuant to section 5.42 of the Local Government Act 1995, subject to nil submissions opposing the lease being received, resolves to delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a lease agreement between CipherTel Pty Ltd and the Shire of Carnarvon for an area of land at the OTC Site identified approximately in Figure 1 for a period of 5 years and for a consideration of a Peppercorn with all cost relevant to the preparation of the lease to be the responsibility of CipherTel Pty Ltd.

OFFICER'S RECOMMENDATION PART 4
That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, resolves to consider a cash contribution of $10,000 towards back-up generator for the Shire Server Room during the 2021/2022 budget deliberations subject to prioritisation against other projects and clarification with CipherTel regarding generator ownership, operation, and maintenance.

FC 9/5/21
COUNCIL RESOLUTION
Cr Pinner/Cr Vandeleur

That Officer's Recommendations Part One, Two and Four be adopted en-bloc as follows –

OFFICER'S RECOMMENDATION PART ONE
That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, resolves to retrospectively approve the Shire of Carnarvon's support and contributions for the improvement of Internet connectivity to the Carnarvon Horticultural District and surrounding areas.

OFFICER'S RECOMMENDATION PART TWO
That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, subject to formal approval by the Carnarvon Space Technology Museum, resolves to give local public notice of the proposed disposition by lease of an area of land at the OTC Site identified approximately in Figure 1 for a consideration of a Peppercorn for a period of 5 years.

OFFICER'S RECOMMENDATION PART FOUR
That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, resolves to consider a cash contribution of $10,000 towards back-up generator for the Shire Server Room during the 2021/2022 budget deliberations subject to prioritisation against other projects and clarification with CipherTel regarding generator ownership, operation, and maintenance.

CARRIED
F6/A2
Cr Nelson & Cr Fullarton voted against the motion

FC 10/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART THREE
Cr Pinner/Cr Vandeleur

That Council, by Absolute Majority, pursuant to section 5.42 of the Local Government Act 1995, subject to nil submissions opposing the lease being received, resolves to delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a lease agreement between CipherTel Pty Ltd and the Shire of Carnarvon for an area of land at the OTC Site identified approximately in Figure 1 for a period of 5 years and for a consideration of a Peppercorn with all cost relevant to the preparation of the lease to be the responsibility of CipherTel Pty Ltd.

FC 11/5/21
AMENDMENT TO MOTION
Cr Fullarton/Cr Vandeleur

That the motion be amended, in part, to read the following –
" …..for a period of 5 years and ~~for a consideration of a Peppercorn~~ leased on an ordinary commercial term….."

LOST
F2/A6

With the amendment to the motion being lost, FC 10/5/21 was put.

CARRIED BY ABSOLUTE MAJORITY

F7/A1

Cr Nelson voted against the motion.

8.3 DEVELOPMENT SERVICES

8.3.1 PROPOSED SHIRE OF CARNARVON DOGS LOCAL LAW

File No:	ADM2087
Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner Trish Ouellette, Development Support Officer
Declaration of Interest:	N/A
Schedules	Schedule 8.3.1 (a) – proposed Shire of Carnarvon Dogs Local Law.pdf

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Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

The Shire is in the process of reviewing its local laws, including the Dogs Local Law. A draft new local law that reflects current provisions of the Dog Act and its associated regulations was adopted by Council at its meeting held on 15 December 2020 for public consultation and feedback. Subject to some minor amendments to reflect suggestions by the WA Department of Local Government, Sport, Cultural Industries the local law may now be made.

Background:

The Shire of Carnarvon Dogs Local Law was made in 1990 and last amended in 1993. A number of activities dealt with by this local law have been affected by changes to other legislation, and in particular changes to the Dog Act 1976 and the Dog Regulations 2013.

A number of activities dealt with by this local law have been affected by changes to other legislation, and in particular changes to the Dog Act 1976 and the Dog Regulations 2013. It is only necessary to make a local law that deals with confinement, the requirement to pick up dog excreta, and kennels. As such, Council adopted a draft new Shire of Carnarvon Dog Local law at its meeting held on 16 December 2020.

In addition, areas where dogs are prohibited and where dogs may be exercised off leash are set by Council resolution and by the giving of local public notice under s31(3A) of the Dog Act and no longer prescribed by local law. This was undertaken in January 2021.

Consultation:

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be sent to the Minister for Local Government.

A copy of the draft local law was sent to the Minister and local public notice duly given. Submissions closed on 25 February 2021.

No comments were received from the public, but the Department of Local Government, Sporting and Cultural Industries made a number of suggestions summarized below, as are the suggested responses:

Comment	Response
1. Boxed notes The draft local law currently contains a large number of boxes containing extracts from other legislation. The Delegated Legislation Committee has raised concerns with this practice in the Committee's 23rd Report. This is because: • •The references have no legal effect in themselves; and • •The references will become misleading if the part of the Act is amended. It is suggested that the boxed references should be deleted from the gazette version of the local law. In the event that the City chooses to maintain a public version of the local law in hard copy or electronic format, the City can choose to retain the references for the benefit of readers.	Agreed. This was noted on the draft version of the local law and is reflected in the recommendation to Council.
2. Commencement clause It is suggested that the local law should include a commencement clause stating the day that the local law will come into operation. The standard format is as follows: 1.5 Commencement 'This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.'	Agreed. The draft local law should be amended.
3. Impoundment of dogs generally The Department notes that the draft local law does not contain any clauses dealing with impoundment. Under the WALGA template for dog local laws, a clause is usually included which sets out:	Not agreed. Procedural matters or issues dealt with by other legislation should not be dealt with by a local law: • Fees are set by Council under s6.19 of the Local Government Act 1995 as part of its

Comment	Response
• The type of fees which the City (sic) can impose in relation to pounds; • Attendance of the pound by a pound keeper; and • The process for recovering an impounded dog, including the evidence which the dog owner must present to the pound keeper. While these clauses are not essential, they might be helpful to readers. The Shire may wish to consider including those clauses.	budget process; • Opening hours or attendance by a 'pound keeper' is a service provision issue that is dealt with by a Council resolution or the CEO; and • Details about recovering a dog such as proof of ownership or authority to collect a dog on behalf of its owner are administrative matters.
4. Offence to excrete Clause 5.2 provides that the unmodified penalty for every offence in the local law is $5000. This penalty will also apply to clause 4.1. This means it is possible for a person to receive a penalty of $5000 if they fail to clean up after their dog. While the Dog Act permits penalties of up to $5000 for an offence, it is suggested that a lower penalty be imposed for clause 4.1. The standard penalties in the WALGA model are $1000 and a modified penalty of $100.	Not agreed. This clause relates to the maximum penalty that could be imposed by a court if the Shire were to prosecute (as opposed to issuing a warning or a modified penalty (an 'on the spot' fine). While it is highly unlikely that the Shire would prosecute a person in charge of a dog for failure to remove dog excrement and even if it did, a magistrate would impose a fine anywhere near the maximum penalty that could be imposed, this reflects the cost of mounting a prosecution.

In addition to the changes recommended above, local laws are also subject to oversight by the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). The committee oversees the making of subsidiary legislation such as regulations on local laws on behalf of Parliament and recently requested another local government making a similar local law to remove the words 'in the opinion of the local government' in clause 3.1(2)(c) of the draft local law, which relates to the variation or cancellation of a kennel licence.
The Department also suggested a number of minor edits in relation to the appearance of the local law, formatting and clause numbers. These, and the changes that are recommended to the draft local law are shown 'marked' on the attached updated version of the local law.

Statutory Environment:
Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

Relevant Plans and Policy:
Nil

Financial Implications:
The budget allocation of $35,000 making the new local laws will cover all costs with making, advertising and gazettal of the local laws.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**

Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Out of date local laws that do not reflect current legislative requirements	Low	The local law and associated provisions is bought up to date.
Service disruption	N/A	N/A	N/A
Compliance	Local governments are required to review local laws at least once every 8 years after their Gazettal.	Low	The local law is reviewed.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

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

3.4	Healthy and safe community
3.4.3	Ensure safety and amenity standards are upheld through Ranger Services and Environmental Health Services

Objective 5: Civic
Strong and listening Council.

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

Comment:
The changes to the draft local law adopted by Council in December 2020 are considered minor. The local law can now be made and will come into effect 14 days after publication in the Government Gazette.

OFFICER'S RECOMMENDATION PART ONE
That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Dogs Local Law be made, subject to:

a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.*

OFFICER'S RECOMMENDATION PART TWO
That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

FC 12/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE
Cr Fullarton/Cr Skender

That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Dogs Local Law be made, subject to:
a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.

CARRIED BY ABSOLUTE MAJORITY
F8/AO

FC 13/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO
Cr Vandeleur/Cr Nelson

That Council, by Simple Majority,
1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

CARRIED
F8/A0

8.3.2 PROPOSED SHIRE OF CARNARVON CATS LOCAL LAW

File No:	ADM 2087
Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner Trish Ouellette, Development Support Officer
Declaration of Interest:	N/A
Schedules	Schedule 8.3.2 – proposed Shire of Carnarvon Cats Local Law

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
The Shire is in the process of reviewing its local laws, including the Cats Local Law. A draft new local law that reflects current provisions of the Cat Act and its associated regulations was adopted by Council at its meeting held on 15 December 2020 for public consultation and feedback. Subject to some minor amendments to reflect suggestions by the WA Department of Local Government, Sport, Cultural Industries the local law may now be made.

Background:
It is proposed to replace the *Shire of Carnarvon Cat Control Local Law 1997* with a new local law that reflects legislative changes.

The *Shire of Carnarvon Cat Control Local Law 1997* was published in the Government Gazette on 17 Jun 1997 and amended in the Government Gazette on 17 March 1998.

There have been a significant number of changes in this area of activity, including the introduction of the *Cat Act 2011, the Cats Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013*.

The *Cat Regulations 2012* deals with matters such as:

- Microchipping;
- Registration and registration periods;
- Applications for approval to breed cats;
- Registration fees; and
- Application fees to obtain a permit to breed cats.

In addition, the *Cat (Uniform Local Provisions) Regulations 20*13 operate as if they are local laws. Amongst other things these Regulations provide for:

- Local laws to determine what is the 'standard number' of cats that can be kept, excluding cats under the age of 6 months;
- If a member of a 'cat organisation' is normally resident on the premises, then the number of cats that can be kept on premises to be 3 times the standard number;
- Catteries; and
- Applications to keep additional numbers of cats.

Local laws that deal with cats must comply with the Cat Act and associated Regulations. Remaining items that can be dealt with by local laws are set out in section 79 of the Cat Act.

At its meeting held on 15 December 2020, Council resolved to adopt a draft new Cats Local Law and to advertise for comments from the public. The main objective of the local law is to regulate the number of cats that may be kept on premises (the 'standard number') without a permit. This will deal with most situations where problems are caused by the numbers of cats kept on premises. In this respect the 'standard number' of cats that may be kept at 3 (as is the case under the 1997 local law).

Note that this limit does not apply to a veterinary clinic, a cat management facility operated by the Shire, or to a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*.

The process for a person to keep more than the standard number of cats is set out mainly in the *Cat (Uniform Local Provisions) Regulations 2013*. Clauses 2.3 – 2.6 of the proposed local law set out possible conditions that could be applied, and which must be considered on a case by case basis.

The remainder of the draft local law deals with appeal and enforcement provisions.

Consultation:

Section 3(2) of the Cat Act 2011 provides that words and expressions defined in the Local Government Act 1995 have the same meaning in the Cat Act, unless the contrary intention appears. This also applies to the process to make local laws, and so the process set out in section 3.12(3) of the Local Government Act 1995 is used.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be given to the Minister for Local Government.

A copy of the draft local law was sent to the Minister and local public notice duly given. Submissions closed on 25 February 2021.

No comments were received from the public. The Department of Local Government, Cultural and Sporting Industries suggested a number of minor edits in relation to the appearance of the local law, formatting and clause numbers. These are shown 'marked' on the attached updated version of the local law, are considered minor and the draft local law should amended accordingly.

Statutory Environment:

Local laws are made using the process set out in section 3.12 of the Local Government Act 1995.

Relevant Plans and Policy:

Nil.

Financial Implications:
The budget allocation of $35,000 making the new local laws will cover all costs with making, advertising and gazettal of the local laws.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Out of date local laws that do not reflect current legislative requirements	Low	The local law and associated provisions is bought up to date.
Service disruption	N/A	N/A	N/A
Compliance	Local governments are required to review local laws at least once every 8 years after their Gazettal.	Low	The local law is reviewed.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

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

Objective 5: Civic
Strong and listening Council.

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

Comment:
The changes to the draft local law adopted by Council in December 2020 are considered minor. The local law can now be made and will come into effect 14 days after publication in the Government Gazette.

OFFICER'S RECOMMENDATION PART ONE
That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 the Shire of Carnarvon Cats Local Law be made, subject to:

a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

FC 14/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Skender/Cr Fullarton

That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 the Shire of Carnarvon Cats Local Law be made, subject to:

a. Various minor amendments as 'marked up' on the attachment to the report to Council; and

b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.

CARRIED BY ABSOLUTE MAJORITY

F8/A0

FC 15/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Skender/Cr Fullarton

That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

CARRIED

F8/A0

8.3.3 PROPOSED SHIRE OF CARNARVON HEALTH AMENDMENT LOCAL LAW

File No:	ADM2087
Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	John Meggitt, Principal Planner Trish Ouellette, Development Support Officer
Declaration of Interest:	N/A
Schedules	Schedule 8.3.3 - Shire of Carnarvon Health Amendment Local Law

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Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

An amendment to the *Shire of Carnarvon Health Local Laws 1997* to restrict the release of pigeons in the district was adopted by Council in December 2020 and advertised for public comment.

There were no comments from the public. Subject to some minor amendments to reflect suggestions by the WA Department of Local Government, Sport, Cultural Industries the local law may now be made.

Background:

It is proposed to make a Health Amendment Local Law to the effect that a person who is not an owner or occupier of property in the district may not release pigeons in the district.

Clauses 69 – 75 of the Health Local Laws 1997 deal with the keeping of pigeons and poultry in the district. The Shire is experiencing problems associated with homing pigeons released outside the district that become lost, feral and nest in the Carnarvon district.

At its meeting held on 15 December 2020 Council resolved to amend the *Shire of Carnarvon Health Local Laws 1997* to:

- the effect that a person who is not an owner or occupier of property in the district may not release pigeons in the district; and
- correct an error in clause 70(3) of the local law which has had the effect of reversing its intent. The clause should have the word 'not' inserted in an appropriate place.

Consultation:
A local government may make local laws about health using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be given to the Minister for Local Government.

A copy of the draft local law was sent to the Minister and local public notice duly given. Submissions closed on 25 February 2021.

No comments were received from the public. The Department of Local Government, Cultural and Sporting Industries suggested a number of edits in relation to the appearance of the local law, formatting and clause numbers. These are shown 'marked' on the attached updated version of the local law, are considered minor and the draft Amendment local law should be amended accordingly.

Statutory Environment:
The Shire of Carnarvon Health Bylaws were made under *the Health Act 1911* which was substantially replaced by the *Public Health Act 2016*. The 2016 Act had the effect of transferring local law making powers to the *Local Government Act 1995*, and which are made using the process set out in section 3.12.

Relevant Plans and Policy:
Nil.

Financial Implications:
The budget allocation of $35,000 making the new local laws will cover all costs with making, advertising and gazettal of the local laws.

Risk Assessment:					Description	Rating (Consequence x likelihood)	Mitigating Action/s
		STEP 3 – Risk Tolerance Ch					
Consequence →		Insignificant 1	Minor 2	Major 3			
Likelihood ↓							
Almost certain	A	High	High	Extreme			
Likely	B	Moderate	High	High			
Possible	C	Low	Moderate	High			
Unlikely	D	Low	Low	Moderate			
Rare	E	Low	Low	Moderate			
isk Category							
Financial					N/A	N/A	N/A
Health & Safety					N/A	N/A	N/A
Reputation					Out of date local laws that do not reflect current legislative requirements	Low	The local law and associated provisions is brought up to date.

Service disruption	N/A	N/A	N/A
Compliance	Local governments are required to review local laws at least once every 8 years after their Gazettal.	Low	The local law is reviewed.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

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

3.4	Healthy and safe community
3.4.3	Ensure safety and amenity standards are upheld through Ranger Services and Environmental Health Services

Objective 5: Civic
Strong and listening Council.

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

Comment:
The changes to the draft Health Amendment local law adopted by Council in December 2020 are considered minor. The local law can now be made and will come into effect 14 days after publication in the Government Gazette.

OFFICER'S RECOMMENDATION PART ONE
That Council by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Health Amendment Local Law be made, subject to:

a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.*

OFFICER'S RECOMMENDATION PART TWO
That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

FC 16/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE
Cr Skender/Cr Nelson

That Council by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Health Amendment Local Law be made, subject to:

a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.*

CARRIED BY ABSOLUTE MAJORITY
F8/A0

FC 17/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO
Cr Nelson/Cr Pinner

That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

CARRIED
F8/A0

8.3.4 PROPOSED SHIRE OF CARNARVON PARKING LOCAL LAW

File No: ADM2087
Date of Meeting: 25 May 2021
Location/Address: Shire of Carnarvon
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: John Meggitt, Principal Planner
Trish Ouellette, Development Support Officer
Declaration of Interest: N/A
Schedules: Schedule 8.3.4 – proposed Shire of Carnarvon Parking Local Law
Previous Reports: 15 December 2020.

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

The Shire is in the process of reviewing its local laws including its Parking Local Law. A draft new Parking local law that reflects current provisions of the Road Traffic Code was adopted by Council, as a draft for the purpose of public consultation and feedback, at its meeting held on 15 December 2020.

Subject to some minor amendments to reflect suggestions by the WA Department of Local Government, Sport, Cultural Industries the local law may now be made and that is the recommendation by the officer for Council. ***Refer Schedule 8.3.4 – proposed Shire of Carnarvon Parking Local Law.***

Background:

It is proposed to replace provisions of the *Shire of Carnarvon Local Laws Relating to Local Government Act Local Laws 1998* which relate to regulation of parking with a standalone Parking Local Law.

Part 28 of the *Shire of Carnarvon Local Laws Relating to Local Government Act Local Laws 1998* published in the Government Gazette on 26 February 1998 deal with parking in the district.

Since then, a large number of changes to other legislation associated with parking regulation such as the Road Traffic Code and regulations that deal with parking by persons with a disability have been made, to the extent where it is cheaper and easier to make a new one local law that deals specifically with parking.

In addition, most local governments have standalone local law regulating parking. This makes it easier in the long term to ensure they comply with the Road Traffic Code in particular.

In this regard Council adopted (for the purpose of public consultation) a draft new *Shire of Carnarvon Parking Local Law* at its meeting held on 15 December 2020 which would apply to the whole district, including the Carnarvon airport when it comes into effect. The local law draws heavily on the provisions of the Road Traffic Code, particular with respect to how certain matters are defined and applied in thoroughfares (roads).

Note that the draft contains text boxes which are for explanatory purposes only and will be deleted from the official version published in the Government Gazette. In addition, the draft contains provisions which relate to paid parking. This does not mean the Shire must establish aid parking or metered zones; simply that it has the ability to do so in future.

Consultation:

Legislation requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be given to the Minister for Local Government.

A copy of the draft local law was sent to the Minister and local public notice duly given. Submissions closed on 25 February 2021.

No comments were received from the public. The Department of Local Government, Cultural and Sporting Industries made a number of comments as shown in the table below.

Comment	Recommended response
Changes in legislation The Department has been advised that amendments have occurred in relation to traffic and taxi legislation regarding the definition of a taxi. Presuming the Shire hasn't done so already, it would be prudent to check this legislation and ensure the changed definitions won't make the Shire's local law operate in a way the Shire didn't intend.	Noted. The text boxes under the definition of 'taxi' in clause 1.4 include references to the amendments made to the Code and S4(1) of the *Transport (Road Passenger Services) Act 2018* that deal with ride sharing services.
Reference to Australian Standards The Department notes that in clause 1.4, the definition of ***symbol*** includes a reference to Australian Standards. The Department's standard advice on the use of Standards is as follows: • The Shire should ensure that the citations for these standards are complete, accurate and up to date. The Parliament's Delegated Legislation Committee has expressed concerns about local laws containing Standards, since many of these Standards are not freely accessible. When the Shire makes the local law and provides its supporting material to the Committee, the Shire should include information on where the Shire's residents can view the relevant Standards or obtain technical advice on how these Standards can be complied with. For example, if the Shire keeps a copy of the Standards at its office or library, this should be mentioned.	A text box has been added under the definition of 'symbol' in clause 1.4 to the effect that a copy of the Standard can be referred to at the Shire office.

The Department suggested a number of edits in relation to the appearance of the local law, formatting and clause numbers. These are shown 'marked' on the attached updated version of the local law, are considered minor and the draft local law should amended accordingly.

Statutory Environment:
Local laws are made using the process set out in section 3.12 of the Local Government Act 1995. The process followed by the Shire in making this Local Law is compliant with these requirements.

Relevant Plans and Policy:
Nil.

Financial Implications:
The budget allocation of $35,000 making the new local laws will cover all costs with making, advertising and gazettal of the local laws.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	The Local Law does not reflect community requirements.	Low	The local law has been advertised in draft format for public notice and no comments were received from the public.
Service disruption	N/A	N/A	N/A
Compliance	Out of date local laws that do not reflect current legislative requirements. Local governments are required to review local laws at least once every 8 years after their Gazettal.	Low	The process of review and making of this local law has ensured the Shire is compliant with requirements.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

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

3.4	Healthy and safe community
3.4.3	Ensure safety and amenity standards are upheld through Ranger Services and Environmental Health Services

Objective 5: Civic
Strong and listening Council.

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

Comment:
The changes to the draft Shire of Carnarvon Parking Local Law adopted by Council in December 2020 for the purpose of public consultation are considered minor. The officer's recommendation is that the local law can now be made and will come into effect 14 days after publication in the Government Gazette.

OFFICER'S RECOMMENDATION PART ONE
That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Parking Local Law be made, subject to:
a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.

OFFICER'S RECOMMENDATION PART TWO
That Council, by Simple Majority,
1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*
2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*
3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

FC 18/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE
Cr Pinner/Cr Skender

That Council, by Absolute Majority, pursuant to section 3.12(4) of the Local Government Act 1995 resolves that the Shire of Carnarvon Parking Local Law be made, subject to:
a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.

CARRIED BY ABSOLUTE MAJORITY
F8/A0

FC 19/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Pinner/Cr Skender

That Council, by Simple Majority,

1. *Pursuant to s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government.*

2. *Pursuant to s3.12(6) of the Local Government Act 1995, resolves that after Gazettal local public notice be given:*
    a. *Stating the title of the local law;*
    b. *Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
    c. *Advising that copies of the local law is available on the Shire of Carnarvon's official website and may be inspected or obtained from the Shire offices.*

3. *Pursuant to the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

CARRIED
F8/A0

8.3.5 CORAL BAY BEACH HOUSE ESTATE LOCAL DEVELOPMENT PLAN - LOT 50 SAILFISH DRIVE CORAL BAY

11.15am – Cr Simpson declared a Proximity Interest in this item as he holds a lease on the property adjacent to Lot 50 Sailfish Drive. Cr Simpson left the meeting and did not participate or vote on the matter.

File No:	A3980
Date of Meeting:	25 May 2021
Location/Address:	Lot 50 Sailfish Drive, Coral Bay
Name of Applicant:	West Coast Plan
Name of Owner:	Coral Bay Beach House Estate
Author/s:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Schedules:	Schedule 8.3.5 – Coral Bay Beach House Estate Local Development Plan
Previous Report:	N/A

Authority / Discretion:

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
✓	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.

	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
This report relates to a proposed Local Development Plan (LDP) for the Coral Bay Beach House Estate, Lot 50 Sailfish Drive, Coral Bay. The Shire of Carnarvon received an application for a local development plan to facilitate the development of Lot 50 for the purpose of tourist related accommodation. Lot 50 is located within the settlement of Coral Bay and is under the ownership of Coral Bay Amalgamated Holdings Pty Ltd. See Schedule 8.3.5 – Coral Bay Beach House Estate LDP.

The land is zoned Tourism under Local Planning Scheme 13 (LPS13). Under LPS13 the site has a Restricted Use provision (R2) limiting the lot to the use of 'holiday houses'.

The purpose of the Local Development Plan is to provide guidance as to the future development of the strata lots (Nos. 1-26) within Lot 50. A local development plan can be described as a mechanism to coordinate and assist in achieving better built form outcomes by linking lot design to future development.

The Shire of Carnarvon is to have due regard to an approved LDP when determining development applications on land subject to an LDP.

It is considered that the LDP has been prepared in a manner and form to accord with Schedule 2, Part 6, clause 48(1) of the Regulations. It is recommended that Council resolve to adopt the Local Development Plan.

The Local Development Plan is to provide guidance on the following matters when considering future development applications:

- Holiday house numbers;
- Site development requirements; and
- Design features.

Background:
LPS13 anticipates the preparation of a LDP and the landowners have prepared the LDP as a precursor to future modifications to the houses or to houses being demolished and replaced. The LDP was lodged on behalf of Coral Bay Amalgamated Holdings Pty Ltd by West Coast Plan.

Lot 50 contains 26 lots of which 24 contain holiday houses (Lot 22 contains two attached dwellings). The dwellings are located on the strata lots in an irregular fashion which has provided further need for the LDP. See Schedule 8.3.5 – Coral Bay Beach House Estate LDP.

Stakeholder and Public Consultation:
Following the lodgment of the LDP and amendments being undertaken, the documents were referred to the Department of Planning, Lands and Heritage for comment. The Department made a number of minor suggestions which were subsequently taken up with the proponent.

Notwithstanding an adoption of the Local Development Plan development applications will be required to be lodged for holiday houses within Lot 50. This will include a requirement for Bushfire Attack Level (BAL) reports.

The proponent has provided written confirmation from all landowners within Lot 50 confirming that they endorse the draft LDP. No further advertising of the LDP has been undertaken as per s50.(3) of the Regulations which allows a local government to not to advertise the LDP if it is satisfied that the plan is not likely to adversely affect any owners or occupiers within the plan or an adjoining area.

Notwithstanding an adoption of the LDP the development of the holiday houses with Lot 50 must conform to the controls set out in LPS13, the Coral Bay Settlement Structure Plan and the Residential Design Codes.

Statutory Environment:
Planning and Development (Local Planning Schemes) Regulations 2015

Local Development Plans undergo a statutory process in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to approve the Local Development Plan with or without conditions.

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.

Relevant Plans and Policy:
State Planning Policy No. 6.3 – Ningaloo Coast (SPP 6.3)
SPP 6.3 provides guidance regarding acceptable and sustainable development on the Ningaloo coast.

Local Planning Scheme 13
Lot 50 is identified as Tourism zone under LPS13 and Restricted Use provisions apply to the site. These provisions state that:

1. *Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply.*
2. *No workforce accommodation is permitted, other than for a manager/caretaker for all the holiday houses located on the parent lot.*
3. *The number of overnight visitors is restricted to 208.*

Coral Bay Settlement Structure Plan (2014)
The CBSSP provides the non-statutory strategic guidance to land use and development within the CBSSP area. Any Local Development Plans prepared within the CBSSP area shall generally accord with the provisions, standards and requirements of the CBSSP.

The CBSSP indicates that lots within Lot 50 should be developed to a density of R20, with a bed cap of 208 dwellings.

Ningaloo Coast Regional Strategy
The proposal generally accords with the Ningaloo Coast Regional Strategy.

State Planning Policy 7.3 Residential Design Codes
The R Codes provide a comprehensive basis for the control of residential development throughout WA. Lot 50 does not have an R Coding however the CBSSP indicates that the Residential R20 should be used as a guide when assessing development applications.

Financial Implications:
There are no financial implications related to this application.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	Removes ambiguity on development potential. LPS13 provides for the adoption of the LDP.	Low	The LDP will clarify development the standards set out in LPS13 and assist the DA assessment process.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:
The matter accords with the following desired outcomes as expressed in the Carnarvon Strategic Community Plan 2018-2028.

Objective 1: Economic
A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	Outcomes and Strategies
1.2	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
2.7.2	Adopt appropriate land use planning and building regulation practices

Objective 5: Civic
Strong and listening Council.

5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors

Comment:
The Local Development Plan has been submitted to the Shire for the purpose of facilitating and guiding future development within Lot 50 Sailfish Drive, Coral Bay. Any future development on Lot 50 will require the lodgement of a development application. All applications will be assessed against the Local and State Planning frameworks. The LDP will guide landowners and decision makers when assessing development applications.

It is recommended that Council approve the Coral Bay Beach House Estate Local Development Plan.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves:

1. *That pursuant to 52(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the Coral Bay Beach House Estate Local Development Plan No. 86-17-V2 dated 21/12/2020 and*
2. *To Publish the approved Local Development Plan on the Shire website.*

Advice Note

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.*

FC 20/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Vandeleur

That Council, by Simple Majority, resolves:

1. *That pursuant to 52(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the Coral Bay Beach House Estate Local Development Plan No. 86-17-V2 dated 21/12/2020 and*
2. *To Publish the approved Local Development Plan on the Shire website.*

Advice Note

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.*

CARRIED
F7/A0

8.3.6 SCHEME AMENDMENT NO. 1 LOCAL PLANNING SCHEME NO. 13 – HOLIDAY ACCOMMODATION

Cr Simpson declared a Proximity Interest in this matter as he holds a lease on a property adjacent to Lot 308.

File No:	ADM1757
Date of Meeting:	25 May 2021
Location/Address:	Lot 308 (19) Banksia Drive, Coral Bay
Name of Applicant:	Harley Dykstra Planning Consultants
Name of Owner	Baiyungu Aboriginal Corporation
Author/s:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Schedules:	Schedule 8.3.6 – Flowchart for a Basic Scheme Amendment
Date of Previous Report:	N/A

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.

	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:
The Shire has received an application from Harley Dykstra planning consultants on behalf of BAC Village Pty Ltd. Village for a 'basic' scheme amendment to Local Planning Scheme No. 13 (LPS13). The amendment seeks to substitute the term 'holiday houses' with the term 'holiday accommodation' as it applies to Lot 308 Coral Bay. The Lot is owned by the Baiyungu Aboriginal Corporation (BAC).

Currently under LPS13 Landuses within Lot 308 are restricted to 'holiday houses' and 'workforce accommodation'. The definition of the term 'holiday house' under LPS13 limits development to a single dwelling per lot. The strict application of this definition would be that for each 4,000m^2 superlot permitted within Lot 308 only a single holiday dwelling could be built. The amendment seeks to address this anomaly.

This report recommends that Council resolves to adopt the proposed 'basic' amendment.

Background:
Specifically, Harley Dykstra has requested the Shire:

> *initiate a Basic Scheme Amendment to amend Schedule 3 by replacing existing references to 'Holiday Houses' with 'Holiday Accommodation' which would enable two or more dwellings on a lot.*

The definition of the terms *holiday house* and *holiday accommodation* under LPS13 are:

> *Holiday house means single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast;*
>
> *Holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;*

It is recognised that the holiday house definition, if strictly applied, would mean that only one dwelling could be built on a 'freehold' or 'green title' lot as opposed to a one dwelling per strata title lot. The proposed 'basic' scheme amendment seeks to amend Schedule No. 3 – Restricted Uses for Land in Scheme Area by substituting the term 'holiday houses' with the term 'holiday accommodation'.

The applicant has indicated that the amendment has come about due to their intention to:

> *investigate the planning requirements associated with progressing a Local Development Plan (LDP) for Lot 308 Banksia Drive, Coral Bay, to provide for future development of the site.*

Lot 308 is included in Schedule 3 – 'Restricted uses for land in Scheme area' under LPS13. Restricted Use No. 3 applies to Lot 308 and is subject to 7 conditions. The applicant is of the opinion that the current scheme text:

> *will prejudice the orderly and proper planning for the site and undermine the planning intent for Lot 308 as otherwise provided for in LPS13 and the Coral Bay Settlement Structure Plan.*

The applicant has raised the following concerns:

- *The only land uses permitted on Lot 308 are holiday houses and workforce accommodation.*
- *A holiday house is defined as:*

*'a single dwelling on one **lot** used to provide short-term accommodation but does not include a bed and breakfast'.*

(bold emphasis added)

- *The definition of a 'lot' is derived from the Planning and Development Act 2005 (WA), which, in effect, means a freehold lot and excludes a 'lot' as defined under the Strata Titles Act 1985 (WA) being a 'lot in a survey-strata scheme'.*
- *Therefore, under the current definition of a 'holiday house', it appears that only one dwelling could be accommodated on any 4000m2 freehold lot.*
- *This (presumably) unintentional outcome is inconsistent with condition 3 where subdivision of the 'superlots' shall be limited to built or survey strata subdivision. Under the current wording of LPS13, built strata or survey strata subdivision could only be approved where workforce accommodation is proposed, as there is no restriction on the number of workforce accommodation dwellings that may be approved on a superlot (other than the overall total of 400 on Lot 308).*
- *Further, the effect of the holiday house definition is incongruous with condition 6, which otherwise provides for up to 520 overnight visitors to be accommodated in holiday houses on Lot 308.*

The proponent identifies the amendment as being a 'basic amendment' and requests that Council classify it as such. It is considered that the proposed amendment meets the test for a basic amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015.* Specifically 34.(a and b):

(a) an amendment to correct an administrative error;

(b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;

The Model Scheme Provisions cl. 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 uses the definitions for holiday house and holiday accommodation as contained in LPS13. It is considered that the use of the term 'holiday houses' is in error as subdivision within Lot 308 is limited to a minimum lot size of 4,000m^2 however it was not intended that each 4,000m^2 lot would only contain one holiday house.

It is also considered that the use of the term 'holiday houses' introduces an inconsistency within the Scheme as the lot size restriction only applies to 'holiday houses' and not 'workforce accommodation' for which there is no similar restriction.

Furthermore, the amendment will not have an impact on permissibilities as in the 'tourism' zone both Holiday House and Holiday Accommodation are 'P' (permitted) uses.

Currently under LPS13 the location for holiday houses or holiday accommodation within Lot 308 is not defined. The scheme amendment would facilitate either the future development of a new site for holiday accommodation within Lot 308 and or a future application for a change of use of the 32 existing workforce accommodation dwellings to holiday accommodation.

Consultation:

The scheme amendment proposal, once initiated, will be forwarded to the Environmental Protection Authority (EPA) in accordance with s. 81 of the *Planning and Development Act 2005*. The application is then required to be advertised for a period of 42 days. As soon as practical at the end of the consideration period the local government must pass a resolution to either:

- support the amendment without modification; or
- support the amendment with proposed modifications; or
- not support the proposed amendment.

Within 21 days of resolution the amendment must be submitted to the Western Australian Planning Commission (WAPC).

Statutory Environment:

Planning and Development (Local Planning Schemes) Regulations 2015

The Scheme amendment is required to be prepared pursuant to Section 75 of the *Planning and Development Act 2005*, with the process to amend the scheme enacted under the *Planning and Development (Local Planning Schemes Regulations) 2015*.

Shire of Carnarvon Local Planning Scheme No. 13

Under the Scheme Lot 308 is zoned 'Tourism' and Restricted use R3 applies to the Lot. The restricted uses are Holiday Houses and Workforce Accommodation, no other uses are permitted. There is no restriction under the zone as to where either of these uses may be developed.

Special Control Area 5. (SCA5) applies to Coral Bay. SCA 5 aims to protect the Ningaloo Reef and values of the Ningaloo Coast by ensuring that development is of a nature that will not have an adverse environmental impact.

Schedule 6. addresses additional requirements that apply to land covered by a structure plan. The Coral Bay Settlement Structure Plan applies to the subject land. The following requirement applies:

1. *The local government shall not support any proposed development, subdivision or rezoning of land covered by the Coral Bay Settlement Structure Plan (2014) that may prejudice the overall development potential of the area as reflected in the structure plan.*

It is not considered that the proposed amendment would prejudice the development potential of the area.

Relevant Plans and Policy:

Coral Bay Settlement Structure Plan (2014)

Under the CBSSP the development of both holiday homes and workforce accommodation is anticipated within Lot 308. It states:

> *At a local planning scheme amendment or local planning scheme review stage, the landowner of Lot 308 has the responsibility to indicate to the Local Government how the land is to be designated respectively for 'Holiday Homes' and 'Workers' Accommodation'. If this is not achieved, then Lot 308 shall remain for 'Workers' Accommodation' only as provided for in DZS 11.*

LPS13 does not specifically designate parts of Lot 308 for holiday homes and workforce accommodation. Instead, LPS13 anticipates that the designation will be achieved via a future Local Development Plan.

This policy must be considered in the context of the above State Planning Policies and associated discussion. It is considered that the intent of the structure plan is met.

Financial Implications:

The proponent has paid the appropriate fee for the lodgment of the Scheme amendment which will cover costs associated with staff time. There are no other financial implications associated with the proposal.

Strategic Implications:

The request to amend Local Planning Scheme No. 13 also generally accords with the following Shire desired outcome as expressed in the Strategic Community Plan 2018 – 2028.

Objective 2: Natural and built environment

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

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

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence →		**Insignificant 1**	**Minor 2**	**Major 3**	**Critical 4**	**Extreme 5**
Likelihood ↓						
Almost certain	**A**	**High**	**High**	**Extreme**	**Extreme**	**Extreme**
Likely	**B**	**Moderate**	**High**	**High**	**Extreme**	**Extreme**
Possible	**C**	**Low**	**Moderate**	**High**	**Extreme**	**Extreme**
Unlikely	**D**	**Low**	**Low**	**Moderate**	**High**	**Extreme**
Rare	**E**	**Low**	**Low**	**Moderate**	**High**	**High**

isk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	The landowner's ability to development holiday accommodation within Lot 308 is constrained by current terminology in the Scheme.	Low	The scheme amendment will remove any confusion about the permissibility of the use of the subject land for both workforce accommodation and holiday accommodation.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Comment:
In summary, Amendment No. 1 proposes a 'basic' Scheme Amendment No. 1 to Local Planning Scheme No. 13 seeks to amend Schedule No. 3 – Restricted Uses for Land in Scheme Area to substitute the term 'holiday houses' with the term 'holiday accommodation'.

Currently under LPS13 the location for holiday houses or holiday accommodation within Lot 308 is not defined. The scheme amendment would facilitate either the future development of a new site for holiday accommodation within Lot 308 or a future application for a change of use of the 32 existing workforce accommodation dwellings to holiday accommodation.
It is recommended that Council support the proposal as a 'basic' amendment as outlined below.

OFFICER'S RECOMMENDATION
That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to initiate the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by amending Schedule No. 3 – Restricted Uses for Land in Scheme Area by inserting the following:

No.	Description of Land	Restricted Use	Conditions
3.	Parent Lot 308 Coral Bay	Holiday accommodation Workforce accommodation	1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply. 2. Subdivision of the whole of the land holding (Parent Lot 308) shall be limited to 'superlots' with a minimum size of 4000m2. 3. Subdivision of the 'superlots' shall be limited to built or survey strata subdivision. No subdivision of lots in fee simple of less than 4000m2 will be approved. 4. At 'superlot' subdivision stage, use restrictions shall be imposed to limit the use to workforce accommodation or holiday accommodation. 5. For all survey-strata lots or lease areas identified for the use 'workforce accommodation' on an approved Local Development Plan, the number of workers is restricted to a maximum of 400 (including dependent family). 6. The number of overnight visitors to be accommodated in holiday accommodation is restricted to 520. 7. For survey-strata lots or lease areas identified for the use 'holiday accommodation' on an approved Local Development Plan, no workforce accommodation is permitted, other than for a manager/caretaker for the identified area.

1. *Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 1 is a basic scheme amendment on the basis that it is:*
    a. *An amendment to correct an administrative error. Being the incorrect use of a term 'holiday houses'.*
    b. *An amendment to the scheme so that it is consistent with another provision of the local planning scheme. Being that the amendment will provide for the development of holiday accommodation commensurate with the development of workforce accommodation within Lot 308.*
2. *Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
3. *Pursuant to Regulation 58 of The Regulations, resolves to forward the proposal to the Western Australian Planning Commission.*
4. *Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer to the Local Planning Scheme No. 13 Amendment No. 1 to the Environmental Protection Authority.*

FC 21/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Nelson

That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to initiate the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by amending Schedule No. 3 – Restricted Uses for Land in Scheme Area by inserting the following:

No.	Description of Land	Restricted Use	Conditions
3.	Parent Lot 308 Coral Bay	Holiday accommodation Workforce accommodation	8. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R- Code is designated, in which case the requirements of the Residential Design Codes shall apply. 9. Subdivision of the whole of the land holding (Parent Lot 308) shall be limited to 'superlots' with a minimum size of 4000m2. 10. Subdivision of the 'superlots' shall be limited to built or survey strata subdivision. No subdivision of lots in fee simple of less than 4000m2 will be approved. 11. At 'superlot' subdivision stage, use restrictions shall be imposed to limit the use to workforce accommodation or holiday accommodation. 12. For all survey-strata lots or lease areas identified for the use 'workforce accommodation' on an approved Local Development Plan, the number of workers is restricted to a maximum of 400 (including dependent family). 13. The number of overnight visitors to be accommodated in holiday accommodation is restricted to 520. 14. For survey-strata lots or lease areas identified for the use 'holiday accommodation' on an approved Local Development Plan, no workforce accommodation is permitted, other than for a manager/caretaker for the identified area.

1. *Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 1 is a basic scheme amendment on the basis that it is:*
    a. *An amendment to correct an administrative error. Being the incorrect use of a term 'holiday houses'.*
    b. *An amendment to the scheme so that it is consistent with another provision of the local planning scheme. Being that the amendment will provide for the development of holiday accommodation commensurate with the development of workforce accommodation within Lot 308.*
2. *Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
3. *Pursuant to Regulation 58 of The Regulations, resolves to forward the proposal to the Western Australian Planning Commission.*
4. *Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer to the Local Planning Scheme No. 13 Amendment No. 1 to the Environmental Protection Authority.*

CARRIED BY ABSOLUTE MAJORITY
F7/A0

11.18am – Cr Simpson returned to the meeting and was advised of Council's decision in regard to Items 8.3.5 and 8.3.6.

8.4 INFRASTRUCTURE SERVICES

No Report

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 22nd June 2021 commencing at 1.00pm

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

FC 22/5/21
COUNCIL RESOLUTION
Cr Fullarton/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
F8/A0

11.20am – The Public Gallery left the meeting.

12.1 PROPOSED WRITE OFFS – SUNDRY DEBTORS

File No:
Date of Meeting: 25 May 2021
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Ed Piper - Consultant
Declaration of Interest: Nil
Schedules: Nil
Previous Reports: Nil

OFFICER'S RECOMMENDATION
That Council, by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debts listed below as they are considered unrecoverable :

	Name	*Debtor Code*	*Amount*
1.	*Taylor's Carnival*	*TAYCAR*	*$1,199.00*
2.	*Tim Roberts*	*TIMROB*	*$1,021.85*
3.	*Clay Jones*	*CLAJON*	*$1,020.00*
4.	*Vivienne Tonga*	*36*	*$685.37*

FC 23/5/21
COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION
Cr Vandeleur/Cr Skender
That Council, by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debts listed below as they are considered unrecoverable :

	Name	*Debtor Code*	*Amount*
1.	*Taylor's Carnival*	*TAYCAR*	*$1,199.00*
2.	*Tim Roberts*	*TIMROB*	*$1,021.85*
3.	*Clay Jones*	*CLAJON*	*$1,020.00*
4.	*Vivienne Tonga*	*36*	*$685.37*

CARRIED
F8/A0

FC 24/5/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Skender

That the meeting be reopened to the public at 11.25am.

CARRIED
F8/A0

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 11.25am.