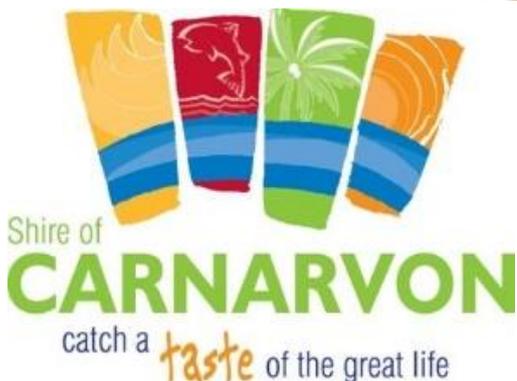


SHIRE OF CARNARVON

**MINUTES OF
ORDINARY MEETING OF
COUNCIL**

**TUESDAY 26th MARCH
2019**

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



CONFIRMATION OF MINUTES

These minutes were confirmed by the
Council on

as a true and accurate record

.....
Chairman

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

INDEX

1.0 ATTENDANCES , APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

2.2 PUBLIC QUESTION TIME

3.0 DECLARATIONS OF INTEREST

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

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

5.0 CONFIRMATION OF MINUTES

5.1 Minutes of Ordinary Meeting of Council held on 26th February 2019

5.2 Minutes of Special Meeting of Council held on 12th March 2019

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

8.1.1	Actions Performed Under Delegated Authority February/March 2019	9
8.1.2	Attendance at Meetings of Council by Instantaneous Communication – Cr Youd.....	24
8.1.3	Local Government Act Review Surveys – Response	26

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1	Accounts for Payment – 28 February 2019	28
8.2.2	Management Report – 28 February 2019.....	30
8.2.3	Investments as at 28 February 2019	33
8.2.4	Gascoyne Off Road Racing – New Lease Request – Lot 356 NWCH	34
8.2.5	Axicom – Renewal of Lease Ptn Lot 559 Carnarvon Airport – Telecom Tower	38
8.2.6	Carnarvon Space Museum - Community Grants Fund	42

8.3 DEVELOPMENT SERVICES

8.3.1 Great Moscow Circus – Lot 1164 Egan Street 45
8.3.2 Patio to Transportable House – Lot 2 Cornish Street 50
8.3.3 Outbuilding & Signage – Lot 1217 Marmion Street 53
8.3.4 Edmund Rice Establishment – Lot 1164/Reserve 1856..... 57
8.3.5 Carnarvon Space & Technology Museum – Water Feature & Wall..... 66

8.4 INFRASTRUCTURE SERVICES

8.4.1 Infrastructure Monthly Report March 2019 70

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 23rd April 2019 commencing at 8.30am.

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

12.1 Tender - RFT 06/2018 – Construction of Minilya River Floodway Crossing Lyndon Road 72
(CONFIDENTIAL)

13.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 26TH MARCH 2019**

The meeting was declared open at 8.30am

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr K Brandenburg	Presiding Member/Shire President
Cr E Garrett	Councillor, Town Ward
Cr K Simpson	Councillor, Coral Bay Ward
Cr E Smith.....	Councillor, Town Ward
Cr K Pinner	Councillor, Town Ward
Cr P Youd.....	Councillor, Town Ward
Cr L Skender	Councillor, Plantation Ward
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Mr D Burton	Acting Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Dr G Ferguson	Acting Executive Manager, Corporate & Community Services
Mr P Lees	Executive Manager, Development Services
Mrs M Games	Executive Development Support Officer
Patricia Ouellette	Support Officer Development Services
Press	0
Observers	7
Leave of Absence	0
Apologies	0

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

Public Question Time commenced at 8.31am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING – 26TH FEBRUARY 2019

The following questions were submitted by Mr Nic Cuthbert of Coral Coast Tourist Park and taken on notice -

Late last year Carnarvon was awarded Top Tourism Town, forward 4 months and our tourist park has been targeted by thieves and vandals on 5 of the last 8 nights leading up to this month's Shire Meeting. The most serious; a prolonged burglary was undertaken by 5 young children at 3pm on Sunday afternoon in full view of horrified guests and visitors to our town. The previous Sunday our motor vehicle was stolen with teenage girls found to be driving it around the district.

Question 1 - In light of these issues described to me by uniformed Police Officers as being "out of control" what is the council doing to prevent otherwise devastating damage to the town's reputation and perception to potential visitors?

Response - The Shire has raised the concern with the new Officer In Charge of the Carnarvon Police Station. He is keen to develop actions to limit the number of incidences like this when he starts in the next few weeks.

The Shire has also recently expanded the network of CCTV in the main street area and will be continuing this program as funding becomes available.

The Shire also has a youth program and is working with PCYC, Edmund Rice and other organization to give the youth activities to engage them and keep them occupied to reduce the number of incidences involving youth. This will be an ongoing project while it can be funded by the Shire and grant funding.

Question 2 - Furthermore is the council prepared for the consequences of a crisis situation that could cause an unprecedented and irreversible reduction in visitor numbers even after all of the great work already performed by Shire Staff and funds spent to promote tourism in the region?

Response - The Shire is working with the community and law enforcement where possible be engaging the youth to reduce the number of incidents and prevent it from becoming an issue or crisis situation and deterring visitors to Carnarvon.

2.2 PUBLIC QUESTION TIME

The following questions are submitted by Mr John Blyth of Carnarvon –

Question 1 – Will the Shire please give this meeting a summary of what has happened in the past year to facilitate Aged Care Services in Carnarvon, and that is likely to happen over the next six to twelve months?

Response: Council has met with the Minister for Health and the Minister for Regional Development for the purpose of supporting the WACHS proposal to develop the Residential High End Aged Care Facility at the Carnarvon Hospital and to seek the return of the withdrawn funding to enable the construction of the planned 38 bed facility as resolved from the Special Meeting of council held on the 20th March 2018.

The aged care facility at the Hospital is controlled by WACHS and State Government, not the Shire of Carnarvon, so we are in the same position as the community and are awaiting information about when something will be happening.

Question 2 – Will the Shire undertake to make at least a three month media release to map any progress made, and to clearly identify what impediments remain to having this vitally important Aged Care Facility finally built?

Response: The construction of the facility is not controlled by the Shire of Carnarvon, so we cannot undertake any commitment towards providing media statements with regards to the progress of the construction. If we are aware of information, we can include it in our newsletters, but it would most likely have been released previously by other sources and be common knowledge.

The following questions are submitted by Mr Roberts Oostyck of Coral Bay –

Question 1- Please advise number of submissions to the advertised LDP received. The implication is that community input & concerns are effectively "shelved" and will not be considered. Comment please.

Response: The advertising of the "Local Development Plan – Bayview Coral Bay" resulted in eight comments from the community (for and against the proposed document).

The request that the assessment and reporting on the document be put on hold was considered as a reasonable request within the context that public consultation (advertising) of the draft Local Planning Scheme 13 was imminent.

Question 2- Is it considered that the above action (withdrawal of LDP and acceptance of a DA) is NOT supportive of the stated aim of "community engagement" and "encouraging involvement", participation and communication between Council and its community members." Comment please.

Response: A full assessment of the matters to be considered in regard to Development Application P47/18, including the advertised Local Development Plan, was undertaken in the report to Council.

Question 3- Were any implications / concerns of this DA, if accepted without amendment, raised by Council Officers? - particularly in regard to –

- Traffic and pedestrian movements- safety
- Positioning of entry/exits in the development and implications of adjacent properties.
- No through road limitations of Sailfish Dve and Bay Lane – no turning areas.

It is recorded in the minutes that the DA application was circulated to the relevant officers within the Shire, including the Executive Manager Infrastructure Services for the comment. Were any issues raised?

Response: As stated in the report the application was referred to the Executive Manager Infrastructure Services for comment. Condition six (6) of the officer's recommendation reflects the requirements of the Executive Manager Infrastructure Services in this matter.

The following questions are submitted by Mrs Julee Westcott Nelson of Carnarvon –

Question 1 – Women's Council for Domestic and Family Violence Services (WA) have rubbish bins stickers for sale at a cost of \$2 per sticker + postage.

Carnarvon Family Support Service Inc have purchased 100 bin stickers and I am requesting if Council could also do the same thing and place them on Council rubbish bins.

This is a strong message that needs to be seen.

Response – The Shire President advised that the question will be taken on notice.

Public Question Time was closed at 8.35am

3.0 DECLARATIONS OF INTEREST

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

President Brandenburg (Impartiality Interest) – Item 12.1 – RFT 06/2018 – Construction of Minilya River Floodway Crossing Lyndon Road

Cr Youd (Impartiality Interest) – Item 8.1.2 – Attendance at Council Meetings by Instantaneous Communication

Cr Youd (Impartiality Interest) – Item 8.2.6 – Carnarvon Space Museum – Community Grants Fund

Cr Youd (Impartiality Interest) – Item 8.3.5 – Carnarvon Space Museum – Water Feature & Wall

David Burton (Impartiality Interest) – Item 8.2.6 – Carnarvon Space Museum – Community Grants Fund

David Burton (Impartiality Interest) – Item 8.3.5 – Carnarvon Space Museum – Water Feature & Wall

Melissa Games (Financial Interest) – Item 12.1 - RFT 06/2018 – Construction of Minilya River Floodway Crossing Lyndon Road

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL – 26TH FEBRUARY 2019

FC 1/3/19

COUNCIL RESOLUTION

Cr Simpson/Cr Garrett

That the minutes of the Ordinary Meeting of Council held on 26TH February 2019 be confirmed as a true record of proceedings.

CARRIED
F8/AO

5.2 SPECIAL MEETING OF COUNCIL – 12TH MARCH 2019

FC 2/3/19

COUNCIL RESOLUTION

Cr Youd/Cr Pinner

That the minutes of the Special Meeting of Council held on 12th March 2019 be confirmed as a true record of proceedings.

CARRIED
F8/AO

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF FEBRUARY/MARCH 2019

Date of Meeting:	26 th March 2019
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report back to Council actions performed under delegated authority for the months February/March 2019.

Description of Proposal:

Refer above.

Background:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals issued
- Building Permits issued;
- Health Approvals issued;
- Affixing of Common Seal

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A
Planning & Development Act 2005 – Part 10 Div. 2
TPS No. 10 – Section 2.4
Shire of Carnarvon Local Government Act Local Laws S.29
Health Act 1911 – S.107; Health Act 1911, Part VI
Health (Public Buildings) Regulations 1992

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

Reporting requirement only.

Community & Strategic Objectives:**Goal 5: Civic****Strong and listening Council.**

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

Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months February/March 2019 and are submitted to Council for information.

COMMON SEAL

Date Affixed	Agreement Details
01.03.19	Morel – Subdivision Clearance – WAPC Ref: 155765 – Lot 33 Robinson Street
18.03.19	Deed of Extension of Lease – Ptn Lot 547 Jame Street – World Fuel Services

DELEGATIONS**ENVIRONMENTAL HEALTH****On-site wastewater management**

Health Act 1911, s.107

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
6/03/2019	HOS19/003	Approval to Use apparatus at 55 Harbour Rd Greys Plain - Road train assembly ablution block	Jason Chaplin	WA Main Roads

Public Buildings

Health Act 1911, Part VI

Health (Public Buildings) Regulations 1992

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26/2/19	HPB19/001	Approval to alter public building – Kingdom Hall of Jehovah's Witnesses, 80 Marmion St, East Carnarvon	Jehovah's Witnesses Congregations	

Caravan parks and camp grounds

Caravan Parks and Camp Grounds Act 1995

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
22/02/2019	HCP19/001	Application for approval to bring park home onto facility - Bayview Coral Bay, Bayview Heights Site 4	Mark Young	David & Julie Watts

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
20/2/19	HAN19/001	Approval to keep large animals (4 horses)—35 Cornish St, East Carnarvon—under the Shire of Carnarvon Health Local Laws 1997	Colin Godden	Jacque Rice (was required to remove her horses)

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/008	ROBERT JAMES WALSHAW & KATHRYN JOY MOORE	LOT 303 MASLEN ST BROCKMAN	CARPORT
B19/009	CARNARVON RACE CLUB INC	LOT 566 CORNISH ST MASSEY BAY	VIEWING PLATFORM WITH ROOF
B19/012	BRIAN JOHN & VICKI GARRIGAN	LOT 2 CORNISH ST EAST CARNARVON	FENCE
B19/013	PERPETUAL TRUSTEES AUSTRALIA LIMITED & PERPETUAL LTD	LOT 50 ROBINSON ST CARNARVON	REFURBISHMENT OF TENANCY 14A
B19/015	WARD TERENCE BAKER & ANNABELLE ELSIE WINDER	LOT 32 FANE CR BROCKMAN	FRONT FENCE
B19/017	ROBERT WILLIAM ALEXANDER	LOT 3 HAMMOND ST SOUTH CARNARVON	FENCE
B19/019	KIMBERLY & MARINA SWEETMAN	LOT 64 ROBINSON ST KINGSFORD	LEAN TO

SHIRE OF CARNARVON STATUS REPORT CURRENT AS AT MARCH 2019

MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
27/11/15	Proposed Engagement – Work for the Dole Program	David Burton	Officers are meeting with ABC Group on a regular basis to identify and progress specific projects. Draft MOU related to the Arboretum has been referred to ABC and the Carnarvon Tree Society for agreement prior to submitting to the Council.	Further discussions with the Tree Society indicate that they wish the original MOU for the Arboretum to remain unaltered. The relationship with the ABC Foundation in this regard is being discussed.
5/4/16	Regional Waste Infrastructure Project	David Nielsen	Bulk bins and lifting gear delivered to site.	June 2019

			Finalising detailed arrangements continues.	
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	Paul Lees	Relates to existing access arrangements over Shire land at the southern end of the site. The matter is on hold pending the progression of the Brockman Park development proposal.	Ongoing
16/8/16	Proposed Carnarvon District Water Management Strategy – Outcomes Report	Paul Lees	The Carnarvon Townsite District Water Management Strategy (DWMS) was presented to the ordinary meeting of Council of 26 February 2019 – the DWMS was adopted by Council and is in the process of being placed on the Shire’s website.	Completed
20/8/16	Public Open Space Strategy	Paul Lees	The draft Public Open Space Strategy document has been completed. Some of the key findings of the document have been included in the face to face community consultation. A project plan for the completion of the strategy is being developed.	March 2019
11/9/16	Carnarvon Community College – Carpark Deed of Agreement	Paul Lees	The draft Deed of Agreement has been finalised by the Department of Education, signed by the Shire’s CEO and referred to the Department for signing.	Timeframe is reliant upon the Department of Education signing and returning the document.
16/9/16	The proposed draft Waste Local Law was presented to Council in September 2016 and requires a review and agency referral prior to resubmitting the final to Council.	Paul Lees Dane Wallace	Officers are currently developing a plan for the review of the Shire’s Local Laws. Consultation with relevant Government departments will be undertaken as part of the overall review process.	March 2019
14/10/16	Local Government Property & Public Places Local Law	Paul Lees	A workshop with key staff was undertaken. A project plan to complete the review will be prepared in early 2019.	March 2019

23/12/16	Notice of Removal of Houses – Lot 259, 1065 NRR	Dane Wallace	The owner has been convicted for failing to remove the houses, which remain on site. The Shire's solicitor has provided some options to progress this matter, one being that the works will be done in default and the costs charged back to the land. A plan of action is being finalised.	March 2019
17/6/17	Removal of Houses Unfit for Occupation – Lot 39,47 Shallcross Street	Dane Wallace	The Shire has declared two (2) buildings unfit for habitation and under orders one building has been removed. The occupant has refused to cease habitation of the shed; the Shire will need to review further actions in this regard. Most of the accumulated rubbish in the rear of the property has been cleaned up. Shire officers will conduct a further inspection of the general condition of the property to determine if further clean-up is required.	March 2019
4/3/17	Regional Growth Centre Development Planning – MOU	David Burton	MOU signed and submitted. A draft project plan has been submitted to DRD but the Growth Planning Project is on hold pending a decision by the Minister on how the Government wishes to move forward. The current major Strategic Review addresses issues of economic activity and growth.	On hold pending further advice from State Government. Realistically, the RGCD approach is unlikely to be resurrected and this matter should be closed out. Will be having a meeting with DPRID end of March, will raise then.
14/3/17	Signage – Heritage Walking Trail	David Nielsen	Signage installation commenced. Nil quote submissions received for remainder of installations. New quote request forwarded.	April 2019
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Carolien Claassens	The Heritage Group has provided a Project Brief of the Revitalisation of the One Mile Jetty to the	Timing is in the hands of the Heritage Committee

			Carnarvon Town Tramway. The brief provided requires more work to in order for it to support an application for a new lease.	
16/9/17	Local Planning Scheme No.13	Paul Lees	Council has resolved to submit the draft scheme to the WAPC and the Environmental Protection Authority as required by the Regulations; this has occurred. The EPA has advised that no further studies are required, and the Commission has cleared the draft Scheme for advertising.	Draft LPS 13 was advertised on the 13 March 2019 with a 90-day period for public comment (submissions).
16/11/17	Carnarvon Revitalisation Project – Allocation of Earned Interest	Carolien Claassens	The matter is with the Department of Primary Industries and Regional Development for determination. Advice is that a decision on the use of the interest will await the completion of the engineering investigations into the wall.	Subject to the decision of DPIRD
24/11/17	Bayview Coral Bay – Local Development Plan	Paul Lees	The applicant has requested that the draft Local Development Plan that has been publicly advertised put on hold while other strategic matters relating to Coral Bay are finalised; in particular the advertising, public submissions, and completion of LPS No. 13.	On hold at the request of the land owner.
10/1/18	Proposed Transfer of Management Order – CWA Lot 353	Paul Lees	The Department of Planning, Lands and Heritage have been advised of Council's decision and further discussions are proceeding.	Ongoing
8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's guideline, and the proposed infrastructure associated with the	Timeframes are subject to the WAPC

			closure is included in the 2018/19 budget. The report has been finalised and sent to the WAPC for their consideration.	
16/2/18	Application for Exemption – Keeping of 6 Dogs at 95 Boor Street, Kingsford	Paul Lees	Council, at the ordinary meeting of 27 February 2018 resolved to refuse the DA for the keeping of six (6) dogs on the property. The applicant lodged a DA for a kennel establishment, however the land owner did not support the application; the application was withdrawn. The owner of 95 Boor St was advised that any additional dogs on the property after the 30th November 2018 (more than two) would be seized by the Shire due to non-compliance with the Dog Act 1976. Shire rangers seized eleven (11) dogs from the property on 3 December 2018. One (1) dog has been surrendered and was sent to S.A.F.E. to be rehomed and the other dogs have been returned as the owner has registered these dogs at a number of properties across town (two per property). The practice of non-compliance with the Dog Act has however recommenced and Shire officers are undertaking regular inspections, the results of which may lead to further compliance action.	Ongoing
SFC2/3/18	Proposed Carnarvon Residential Aged Care Facility	David Burton	Council resolved to support the WACHS proposal to develop the Residential High End Aged Care facility at the Carnarvon Hospital and seek the return of funding to enable a 38-bed facility to be completed.	On going

			The Ministers for Health and Regional Development have been advised of the Council's position through their relevant officials. A letter has been sent to the Minister for Health asking for an update on progress with the project. There has been no response to date.	
4/4/18	Arboretum – MOU	David Burton	This matter has been referred back to the Tree Society and ABC Foundation to agree on the wording of the proposed MOU. The Tree Society has advised that it does not wish to proceed with an amendment to the MOU. ABC Foundation will discuss further with the CEO.	April 2019
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	Council on 26 June 2018 resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the related subdivision application (re-alignment of the boundary to accommodate the extension to Lotteries House, and the amalgamation of Lots 111, 189 and 190). The subdivision application is currently being prepared and will be submitted to the WAPC.	March 2019
9/7/18	Local Planning Scheme no. 10 – Amendment no. 74	Paul Lees Sian Young	Council, at its meeting of 24 July 2018 resolved to support the proposed amendment, to publicly notify, and to seek the advice of the EPA and the DPLH. The Scheme amendment was again presented to Council at the September 2018 meeting, in which Council resolved to adopt the Scheme amendment.	Timeframes are subject to the WAPC.

			The Scheme Amendment was referred to the WAPC on 20 November 2018 for consideration and referral to the Minister.	
9/8/18	MOU Amendment – Men’s Shed	Miranda Koebrugge	Awaiting response from Men’s Shed for the approval amended MoU. This matter is in the hands of the Men’s Shed.	Ongoing
11/8/18	Baxter Spray Park	Paul Lees	Council, at the meeting of 28 August 2018 resolved to authorize the decommissioning of the existing splash park, making safe and developing the site for a picnic area; and directed the CEO to report to Council the options and costs for (a) the construction of an interactive play facility associated with the toddler’s pool at the Carnarvon Aquatic Centre, and (b) Construction of a stand-alone zero depth water park within the grounds of the Carnarvon Aquatic Centre.	April 2019
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	Council, at the meeting of 28 August 2018 resolved to rescind the previous motion of Council of 28 February 2012; and to (a) write to the Hon. Minister Rita Saffioti Minister for Transport; Planning; Lands on behalf of St. John Ambulance Ltd WA requesting the Minister’s intervention in the matter to allow a land transfer to occur between St John Ambulance WA Ltd and the Shire of Carnarvon, for Lot 924 Rushton Street to be transferred for a portion of Lot 928 Robinson Street (approximately 4724m ²) without the removal of the existing buildings on	March 2019

			<p>lot 924; (2) Instruct the Chief Executive Officer to arrange the survey of the above portion of Lot 928 Robinson Street and lodge an application with the WA Planning Commission for the subdivision and for the lodgement of the deposited plan with Landgate for the creation of a new Certificate of Title; and (3) Approves the funding of all costs relating to the actions outlined in the above item, being Item 2 of recommendation no. 3. A letter of support for the transfer of land has been sent to the Minister, however St John has now advised the CEO that they have written to the Minister asking the Minister is disregard the Shire's letter. Shire officers will prepare the subdivision application for the Robinson Street parcel as per Council's resolution and will lodge with the WAPC.</p>	
15/8/18 15/11/18	24hr Unstaffed Fuel Bowser – Carnarvon Airport	Paul Lees	<p>Council at its November 2018 meeting resolved to approve the application for a 24hr 'unmanned' fuel bowser for World Fuel Services at the Carnarvon Airport.</p>	<p>The Notice of Determination has been sent to the applicant.</p>
14/9/18	Appointment Authorised Persons Bush Fires Act	Paul Lees Matthew Holland	<p>Council at its September 2018 meeting was asked to consider a revocation of all existing Fire Control Officers (FCOs) under the <i>Bush Fires Act 1954</i> as a number of persons were no longer active in the Brigade; Council was also asked to appoint a number of new FCOs. Council resolved to appoint officers as recommended. The FCO</p>	<p>Finalised</p>

			appointments have been published in the local newspaper and DFES (Geraldton) has been advised of the appointments.	
7/10/18	Request for New Lease – BP – Lot 547 Carnarvon Airport	Miranda Koebrugge	A draft of lease was sent to BP late December for approval. Contact has since been made several times to request approval of the draft immediately. A 'rush' has been put on review of the lease by BP. BP has occupied the building since 26 Nov 2018. The commencement date of the lease will reflect this date. The ARO requested urgently if BP could use the lease area asap. The Lease will require registration with Landgate.	March 2019
SCM 1/11/18	Path of Pain Lock Hospital Memorial Project	Gael Ferguson	Sculpture completed and ready for shipment Site preparation completed (basic site only – shade, seating and lighting to be installed after the ceremony). Work underway on preparing a further funding application for next stages. Exploring options within the Working Group as to who might apply for funding.	March 2019 February 2019
-	Review of Corporate & Executive Policies	Gael Ferguson	First tranche of items previously presented to Council will be workshopped at end of March Council meeting. This will include a new Local Purchasing Policy for consideration. Second tranche of policies will be discussed at the CIS meeting.	March/ April 2019

			All policies to come to Council at April meeting.	
9/12/18	Yingarrda Council Aboriginal Corporation – MOP	David Burton	Adopted by Council with CEO delegated to make minor amendments in consultation with Yingarrda. Has been referred to the Corporation for their final approval.	April 2019, few minor changes made, details being confirmed.
14/1/19	Extension of Temporary Road Closure – Gnalaroo Road	David Nielsen	Temporary closure advertised. Letters sent to property owners. Period for comments closes 20 th March.	March 2019
19/1/19	Roads to Recovery Funding	David Nielsen	Letter to <i>Federal Member for Durack</i> drafted.	March 2019
21/1/19	Relocation of Shade, Seat Structure and Barbecue	David Nielsen	Contractor advised to proceed with shelter relocation.	March 2019
6/2/19	New Lease – Coral Coast Helicopters	Carolien Claassens Miranda Koebrugge	The applicant has advised that the business entity running the Café might change. We are awaiting the advice before advertising the Disposal of Property by way of lease. The Shire is looking into the installation of a septic tank for the disposal of grey water from the café.	May 2019
8/2/19	Rates Exemption – Regional Alliance West	Cheryl Walton		Completed
9/2/19	New Lease/Licence Edmund Rice	Carolien Claassens	A formal request has made to the Department of Planning, Lands and Heritage in order to amend the purpose of the reserve to allow for Educational together with the current purpose Recreation. Part of the lease application is the need for a Development Application (DA). We are currently awaiting payment from the applicant Mcleods is currently drafting the lease.	May 2019
11/2/19	Statutory Budget Review	Sa Toomalatai	Review and report to Council	Completed

12/2/19	Community Grants Fund Policy	Gael Ferguson	Review of policy	Completed
13/2/19	DA – Caravan & Camping Area – Lot 9500 Coral Bay	Paul Lees	Development Application P47/18 for caravan and camping activities on Lot 9500 Coral Bay was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
14/2/19	Lot 7 Margaret Row – Sea Container Food Handling	John Meggitt Sian Young	Development Application P01/19 for the development of a sea container for food handling (storage and drying of figs) on Lot 7 Margaret Row was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
15/2/19	Stables – Lot 1060 William Street	John Meggitt Sian Young	Development Application P42/18 for the development of stables (keeping of two (2) horses) on Lot 1060 William Street was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
16/2/19	Proposed Signage – Mens Shed	John Meggitt Sian Young	Development Application P46/18 for the erection of signage advertising the Mens Shed (James Street road reserve) was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions.	The applicant has been provided with the Notice of Determination.

			Council resolved to approve the application.	
17/2/19	Lot 50 Coral Bay – Holiday Accommodation	John Meggitt Sian Young	Development Application P50/18 for the development of a new holiday home on Lot 50 Wahoo Court, Coral Bay was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
18/2/19	Warehouse & Caretakers Dwelling Lot 1256 Boundary Road	John Meggitt Matthew Tallon	Development Application P41/18 for the development of a warehouse and caretakers dwelling on Lot 1256 Boundary Road, East Carnarvon was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
19/2/19	Front Fence Lot 126 Crowther Street	John Meggitt	Development Application P02/19 for the erection of a 1.8m high front fence to the frontage of Lot 126 Crowther Street, South Carnarvon was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
20/2/19	Kickstarters Gascoyne Dash	John Meggitt	Development Application P51/18 for the 2019 Kickstarter Gascoyne Dash was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.

21/2/19	Carnarvon Townsite District Water Management Strategy	John Meggitt	Updated as above	As above – Minute ref. 16/8/16
22/2/19	Subdivision Clearance – Lot 33 Robinson Street	John Meggitt	The request for clearance of subdivision conditions (P48/18) for Lot 33 on HN 486 Robinson Street, Kingsford was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for the clearance of conditions as proposed. Council resolved to support the clearance of the conditions.	The notice of clearance has been referred to the applicant's agent.
23/2/19	Carnarvon Race Club – Extension to Members Area	John Meggitt Matthew Tallon	Development Application P04/19 for the construction of a viewing platform at the Carnarvon Race Club on Lot 566 Cornish Street, Massey Bay was referred to the ordinary meeting of Council held on the 26 February 2019 with a recommendation for approval with conditions. Council resolved to approve the application.	The applicant has been provided with the Notice of Determination.
25/2/19	Disposal of Vehicles & Plant by Tender	David Nielsen	List of items being finalised. Tender to be advertised late March	April 2019
32/2/19	Write off SAR – Coral Bay Investments	David Burton	Seeking information from Insurance services about what is covered.	LGIS currently seeking legal advice through their lawyers.

OFFICER'S RECOMMENDATION

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

FC 3/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Simpson/Cr Garrett

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

CARRIED
F8/AO

8.1.2 ATTENDANCE AT MEETING OF COUNCIL BY MEANS OF INSTANTANEOUS COMMUNICATION – CR P YOUNG

Cr Young declared an Impartiality Interest in this item as the matter refers to himself. He was not required to leave the meeting and could participate and vote on the matter.

File No	ADM0041
Date of Meeting:	26 th March 2019
Location/Address:	N/A
Name of Applicant:	Councillor Phil Young
Name of Owner:	N/A
Author/s:	David Burton - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	22 nd May 2018; 18 December 2018

Summary of Item

This report seeks in advance to establish circumstances where Cr Phil Young can be authorised to attend meetings of the Council by instantaneous communication (telephone hook-up).

Description of Proposal

As above.

Background

At the Ordinary Meeting of Council held on 22nd May 2018, Cr Young requested that Council consider granting him approval to attend Council Meetings by instantaneous communication on the occasions that he would not be able to attend in person. At that meeting the officer's recommendation was lost.

At the Ordinary Meeting of Council held on 28th August 2018 Cr Young requested that Council reconsider his request to attend meetings of the Council by instantaneous communication stating –

"I do intend to be at all CEO briefings and Full Shire meetings where ever possible. It is however difficult for me to attend some of the extra meetings....."

At that meeting Council resolved –

" FC 3/8/18 - That Council in accordance with Regulation 14A of the Local Government (Administration) Regulations 1996 under Section 5.25(1)(ba) grant approval for Councillor Phil Young to attending meetings of the Council, or a committee, as the case may be, for the months of September/October 2018, should the need arise by means of instantaneous communication from the following suitable place:

- ***8 Kellett Close, Gwelup"***

Council also requested that a workshop on policies be conducted including the policy relative to instantaneous communication and that it reflect that Council places a high value on all members being present at all Council Meetings as it –

- Facilitates better quality debate;
- Minimises the risk of misunderstandings;
- Promotes a collegial approach; and
- Facilitates informal interactions between Councillors, and between Councillors and senior staff

To this end a revised policy was drafted and submitted to the Ordinary Meeting of Council held on the 18th December 2018 incorporating Council’s position that “it places a high value on all members being present at all Council Meetings”. At the meeting, the revised policy was amended to reflect that the status quo remains,(ie. that Councillors are permitted to attend no more than half of meetings by instantaneous communication in accordance with the Section 5.25(1)(ba) of the Local Government Act, 1995 and Regulations 14A and 14B of the Local Government (Administration) Regulations 1996,) and was adopted FC 9/12/18.

Consultation

Councillors
WA Local Government Association

Statutory Environment

Section 5.25(1)(ba) of the *Local Government Act, 1995*;
Regulations 14A and 14B of the Local Government (Administration) Regulations 1996.
Regulation 10 of the Local Government (Administration) Regulations 1996 (Act s.5.25(1)(e))

Relevant Plans & Policy

Council Policy E056 – Attendance at Council Meetings by Instantaneous Communication adopted by Council 18th December 2018.

Financial Implications

There are no financial implications applicable to this matter.

Risk Assessment

The Local Government (Administration) Regulations provide for the circumstances of attendance at Council Meetings by instantaneous communication. There is no risk associated with acceding to this request.

Community and 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
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.6	The Shire advocates on behalf of its community

Comment

Provisions exist within the Local Government (Administration) Regulations 1996 to support the *Local Government Act 1995 (the Regulations)*, in determining circumstances where an elected member can attend a meeting of the Council by means of instantaneous communication. In order to take advantage of these provisions, the Council needs to approve of the arrangements and also approve of the place from which the elected member will undertake the instantaneous communication.

Councillor Youd is seeking approval to “attend” from time to time meetings of the Council by means of instantaneous communication due to the distance and nature of his business. Provided the ‘suitable place’ put forward by Councillor Youd is deemed to be acceptable, there would appear to be no impediment to a formal resolution of Council under absolute majority to be made to allow Councillor Youd to undertake attendance at Council Meetings by instantaneous communication in those circumstances where it is not practical for him to physically attend such a meeting. In this regard Councillor Youd has specified the ‘suitable place’ as being his residence at:

- 8 Kellett Close, Gwelup

This request is consistent with previous approvals granted to Councillor Kane Simpson and former Councillor Brett Smith.

In accordance with the provisions of Regulation 10 (2)(b) of the Regulations the decision must be by Absolute Majority.

OFFICER'S RECOMMENDATION

That Council in accordance with Regulation 14A of the Local Government (Administration) Regulations 1996 under Section 5.25(1)(ba) grant approval for Councillor Phil Youd to attending no more than half of the meetings of the Council, or a committee, as the case may be, in a financial year by means of instantaneous communication from the following suitable place:

- 8 Kellett Close, Gwelup

FC 4/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Simpson

That Council in accordance with Regulation 14A of the Local Government (Administration) Regulations 1996 under Section 5.25(1)(ba) grant approval for Councillor Phil Youd to attending no more than half of the meetings of the Council, or a committee, as the case may be, in a financial year by means of instantaneous communication from the following suitable place:

- 8 Kellett Close, Gwelup

CARRIED
F8/AO

8.1.3 RESPONSE TO LOCAL GOVERNMENT ACT 1995 REVIEW SURVEYS

File No	ADM0010
Date of Meeting:	26 th March 2019
Location/Address:	N/A
Name of Applicant:	Department Local Government
Name of Owner:	Department Local Government
Author/s:	David Burton - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To consider a response to the Local Government Act 1995 Review surveys on behalf of the Shire of Carnarvon

Description of Proposal:

That the suggested responses for the Local Government Act Review be submitted on behalf of the Shire of Carnarvon.

Background:

As part of the Local Government Act 1995 (The Act) Review, several sections of the Act have been focused on by the Department of Local Government, Sport and Communities (the Department) to seek feedback from Local Government and individuals to consider the changes requested for the sector. As part of this, several surveys of sections of the Act have been provided to focus the attention of the review into specific areas of the Act to be considered.

Consultation:

Staff
Councillors

Statutory Environment:

There is no requirement for a submission, however the outcome of the surveys may determine changes to the Local Government Act 1995.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

No risk identified

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
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

A suggested response to the survey is attached for Council consideration as a response on behalf of the Shire of Carnarvon – refer ***Schedule 8.1.3***

It is also recommended that Members, staff and interested persons may wish to complete the surveys themselves to ensure their consideration.

OFFICER'S RECOMMENDATION

That the responses to the surveys for the Local Government Act 1995 Review be submitted to the Department of Local Government, Sports and Communities on behalf of the Shire of Carnarvon.

FC 5/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Skender

That the responses to the surveys for the Local Government Act 1995 Review be submitted to the Department of Local Government, Sports and Communities on behalf of the Shire of Carnarvon.

FC 6/3/19

COUNCIL RESOLUTION

Cr Maslen/Cr Smith

That Standing Orders Section 13 be suspended at 8.52am to enable further discussion relative to suggested changes to the Local Government Act.

CARRIED

F8/AO

FC 7/3/19

COUNCIL RESOLUTION

Cr Skender/Cr Youd

That Standing Orders Section 13 be resumed at 9.35am.

CARRIED

F8/AO

FC 5/3/19 was put.

CARRIED

F8/AO

(Note to Minute – The CEO noted the Councillors comments in regard to suggested changes within the Local Government Act which will be submitted on behalf of the Shire of Carnarvon.)

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1 ACCOUNTS FOR PAYMENT 28 FEBRUARY 2019

File No:	ADM0186
Date of Meeting:	26 March 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Bianca Ferreira – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

All accounts are paid as per the Shire of Carnarvon’s 2018/19 Budget.

Financial Implications:

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

Community & Strategic Objectives:

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

Comment:

Accounts paid to 28 February 2019 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

OFFICER’S RECOMMENDATION

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$1,336,525.70 as presented for the month of February 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD35918</i>	<i>DD36002</i>	<i>Bank Direct</i>	<i>\$77,370.64</i>
<i>46901</i>	<i>46914</i>	<i>Muni Cheques</i>	<i>\$89,212.04</i>
<i>7407</i>	<i>7409</i>	<i>Trust Cheques</i>	<i>\$438.53</i>
<i>EFT27064</i>	<i>EFT27220</i>	<i>Muni EFT</i>	<i>\$1,167,663.77</i>
<i>EFT27135</i>	<i>EFT27139</i>	<i>Trust EFT</i>	<i>\$1,840.72</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$538.92 as presented.*

- c) *Note Sundry Creditors as at 28 February 2019 \$478,999.73.*

FC 8/3/19

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

Cr Garrett/Cr Youd

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$1,336,525.70 as presented for the month of February 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD35918</i>	<i>DD36002</i>	<i>Bank Direct</i>	<i>\$77,370.64</i>
<i>46901</i>	<i>46914</i>	<i>Muni Cheques</i>	<i>\$89,212.04</i>
<i>7407</i>	<i>7409</i>	<i>Trust Cheques</i>	<i>\$438.53</i>
<i>EFT27064</i>	<i>EFT27220</i>	<i>Muni EFT</i>	<i>\$1,167,663.77</i>
<i>EFT27135</i>	<i>EFT27139</i>	<i>Trust EFT</i>	<i>\$1,840.72</i>

b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$538.92 as presented.

c) Note Sundry Creditors as at 28 February 2019 \$478,999.73.

CARRIED
F8/AO

8.2.2 FINANCIAL ACTIVITY STATEMENT AND BUDGET VARIATIONS 28 FEBRUARY 2019

File No:	ADM0186
Date of Meeting:	26 March 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Sa Toomalatai, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Officer Recommendation 1 - Simple Majority
Voting Requirements:	Officer Recommendation 2 - Absolute Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Also, the regulations require a quarterly review of the budget expenditure, with the opportunity to adjust funding allocations to address financial shortcomings and changing priorities to operations, delivery of services and projects.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Part 6 Financial Management, Division 4 General Financial Provisions, Section 6.8.

Local Government (Financial Management) Regulation 34.

6.8. Expenditure from municipal fund not included in annual budget

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

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

* *Absolute majority required.*

- (1a) In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

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(a)** for consideration is the completed Statement of Financial Activity for the period ended 28 February 2019.

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

Additionally, as mentioned in the background above, there is a need to undertake a number of budget variations, effectively reallocating funding from one section of the budget to the other based on changing priorities. These variations are outlined in **Schedule 8.2.2(b)**.

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 28 February 2019 as per Schedule 8.2.2(a).

OFFICER'S RECOMMENDATION 2

That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the budget variations for the period ended 28 February 2019 as listed within Schedule 8.2.2 (b).

FC 9/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Skender/Cr Simpson

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 28 February 2019 as per Schedule 8.2.2(a).

CARRIED

F8/AO

FC 10/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Skender/Cr Simpson

That Council, in accordance with section 6.8(1)(b) of the Local Government Act, adopt the budget variations for the period ended 28 February 2019 as listed within Schedule 8.2.2 (b).

CARRIED BY ABSOLUTE MAJORITY

F8/A0

8.2.3 INVESTMENTS AS AT 28 FEBRUARY 2019

File No: ADM0186
Date of Meeting: 26 March 2019
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Jodie Anderson, Senior Finance Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority

Summary of Item:

To report the Council details of surplus funds invested to 28 February 2019.

Description of Proposal:

N/A

Background:

Nil.

Consultation:

Takes place with Financial institutions prior to renewal of investments.

Statutory Environment:

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

Relevant Plans and Policy:

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

Financial Implications:

Nil.

Risk Assessment:

No risk identified.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed

ITEM	OUTCOMES AND STRATEGIES
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

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

OFFICER'S RECOMMENDATION

That Council receive the investments report, as at 28 February as per Schedule 8.2.3.

FC 11/3/9

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Youd

That Council receive the investments report, as at 28 February as per Schedule 8.2.3.

CARRIED
F8/AO

**8.2.4 NEW LEASE REQUEST – LOT 356 NORTH WEST COASTAL HIGHWAY
CARNARVON – GASCOYNE OFFROAD RACING CLUB**

File No:	ADM1927
Date of Meeting:	26 th March 2019
Location/Address:	Lot 356 North West Coastal Highway, Carnarvon
Name of Applicant:	Gascoyne Off Road Racing Club Incorporated
Name of Owner:	N/A
Author/s:	Miranda Koebrugge – Strategic Procurement Officer
Declaration of Interest:	Nil
Voting Requirements:	Recommendation 1: Simple Majority Recommendation 2: Absolute Majority
Previous Reports:	Nil

Summary of Item:

This report details a request from Gascoyne Off Road Racing Club Incorporated (GORRC) seeking Council's assistance to lease a portion of Reserve 37127 on Lot 356 North West Coastal Highway Carnarvon.

Description of Proposal:

The proposal is to grant a formal lease of a portion of Lot 356 North West Coastal Highway Carnarvon based on the Shire of Carnarvon Policy C016 – Lease and Licensing Classification – Classification Tier Two: Not-for-profit Sporting or Community Groups.

Background:

GORRC is a not for profit sporting club run by an elected committee. The purpose of GORRC is to hold and promote off-road racing events in the Gascoyne area. The club has been established for almost 20 years. During these years they have been able to oversee the Kickstarters Gascoyne Dash as one of the most recognisable off-road races in Western Australia. The Gascoyne Dash attracts competitors from all over the state and interstate.

The club benefits the community by:

- A highly rated competitor and spectator event
- An economic injection to the community with competitors, crews, officials and race fans coming to Carnarvon for the event
- Community engagement through volunteers who run the event
- Nationally recognised training of local volunteers and officials

The Shire is now in receipt of correspondence from the Club seeking Council’s support in leasing a portion of Reserve 37127, Lot 356 North West Coastal Highway for a period of twenty (20) years for the purpose of constructing a short course race track and use as a Club headquarters. **(See Schedule 8.2.4 (a))** Additionally, Reserve 37127 has been selected as a suitable space for GORRC as it is located adjacent to the clubs existing race track on Brickhouse Station.

The Reserve is located on Lot 356 North West Coastal Highway. A portion, being the northern part of the Reserve, is currently leased by Carnarvon & Districts Shooting Sports Association Inc. (CDSSA), refer to figure 1. GORRC seeks to lease the remaining portion of this land. The Shire has received a supporting letter from CDSSA for the proposed lease for the GORRC, **(See Schedule 8.2.4 (b))**.

Reserve 37127 is vested with the Shire of Carnarvon for the purpose of ‘Recreation’. The proposed purpose by GORCC, organising and promoting off-racing events is considered to be beneficial to this purpose. A consent from the Minister of Lands will be required to formalise the lease.

Prior to the development of the land, which will include an off-road racing track, a club house and associated infrastructure, GORRC has been advised about the requirement to obtain a Development Application through the Shire of Carnarvon.

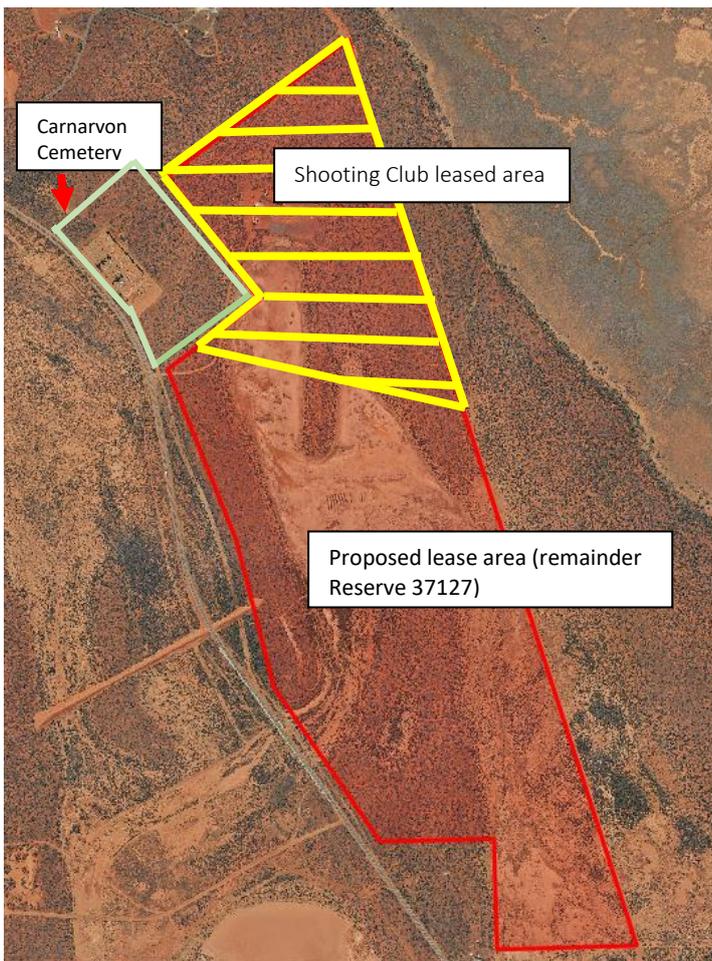


Figure 1 – Reserve 37127, Lot 356 North West Coastal Highway

Consultation:

Consultation undertaken with:

- Matthew Tallon – Planning Officer
- Ted Schultz – President Gascoyne Off Road Racing Club
- Carnarvon Districts Shooting Sports Association

Statutory Environment:

Section 3.58 (3) of the *Local Government Act, 1995* states:

3.58. Disposing of property

(1) In this section —

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

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

Part 6 of the Local Government (Functions and General) Regulation, 1996 states:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Relevant Plans and Policy:

Policy C016 Lease and Licensing Classification

Delegation No: 1034 Executing and Affixing of Common Seal to Documents.

Financial Implications:

As per Policy C016 – Lease and Licensing Classification the lessee pays for lease preparation, utilities and maintenance and receives a discounted rent of \$300 per year. GORRC will be responsible for the cost of the Development Applications and any improvements to the land.

Risk Assessment:

Due to the location of proposed lease, being close to the Carnarvon cemetery, there is a possibility of noise disturbance. Should Council grant this lease, the club will need to consult with the cemetery to minimise the noise, especially at times of a service on the cemetery (this would likely be on a Saturday morning). The GORRC has indicated there is one (1) regular event scheduled each year, and there will also be ad hoc usage by club members for practice, training and social events.

Beside noise disturbance, possible environmental contamination, caused as a result of use of the land by the GORRC will need to be minimised.

In order to manage the risk of noise and possible environmental contamination the lease could include the need for a Noise & Environmental Contamination Management Plan, to be approved by the Shire.

Note: There is currently no issues with noise disturbance from the nearby CDSSA.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region

1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

Comment:

As a robust and active sporting club with strong membership it is appropriate the Council continue to support the Club's existence through the grant of a new lease.

OFFICER'S RECOMMENDATION

That Council:

1. *Grant a formal lease to Gascoyne Off Road Racing Club Incorporated for Twenty (20) years. This in accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995 and in consideration of Section 30(b) of the Local Government (Functions and General) Regulations, 1996.*
2. *The Proposed lease is to be structure upon the Shire of Carnarvon Policy C016 Lease and Licensing Classification – Classification Tier Two including:*
 - (a) A twenty (20) year lease period;*
 - (b) An annual lease payment of \$300 (excluding GST) with annual CPI increases;*
 - (c) Lessee to be responsible for the cost of the lease preparation, utilities, all maintenance and improvements to the land including any associated Development Applications.*

(Simple Majority Required)
3. *Authorise the Shire President and the Chief Executive Officer to execute the relevant lease agreement and affix the common seal of the Shire of Carnarvon on the relevant documentation as specified in point 1 above.*
(Absolute Majority Required)

FC 12/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Smith/Cr Skender

That Council:

1. *Grant a formal lease to Gascoyne Off Road Racing Club Incorporated for Twenty (20) years. This in accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995 and in consideration of Section 30(b) of the Local Government (Functions and General) Regulations, 1996.*
2. *The Proposed lease is to be structure upon the Shire of Carnarvon Policy C016 Lease and Licensing Classification – Classification Tier Two including:*
 - (d) A twenty (20) year lease period;*
 - (e) An annual lease payment of \$300 (excluding GST) with annual CPI increases;*
 - (f) Lessee to be responsible for the cost of the lease preparation, utilities, all maintenance and improvements to the land including any associated Development Applications.*

Authorise the Shire President and the Chief Executive Officer to execute the relevant lease agreement and affix the common seal of the Shire of Carnarvon on the relevant documentation as specified in point 1 above.

CARRIED BY ABSOLUTE MAJORITY

F8/A0

8.2.5 RENEWAL OF LEASE – PORTION OF LOT 559 CARNARVON AIRPORT 'TELECOMMUNICATION TOWER- AXICOM PTY LTD

File No:	ADM0225
Date of Meeting:	26 th March 2019
Location/Address:	Portion of Lot 559 Carnarvon Airport
Name of Applicant:	Axicom Pty Ltd
Name of Owner:	Shire of Carnarvon
Author/s:	Miranda Koebrugge – Strategic Procurement Officer
Declaration of Interest:	None
Voting Requirements:	Recommendation 1: Simple Majority Recommendation 2: Absolute Majority
Previous Reports:	Nil

Summary of Item:

This report details a request from Axicom Pty Ltd (previously Crown Castle - Optus Mobile Pty Ltd) seeking Council's assistance to lease a portion of Lot 559 Carnarvon Airport for ongoing operations of its telecommunication tower.

Description of Proposal:

Grant a formal lease of a portion of Lot 559, Carnarvon Airport based on the Shire of Carnarvon Policy C016 – Lease and Licensing Classification – Tier Three: Commercial lease.

Background:

In November 1998 the Shire of Carnarvon received a request from Optus Communications seeking Council approval to lease a portion of lot 559 at the Carnarvon Airport. The leased area was required to construct a 45-metre guyed mast with three omni antennas to provide digital mobile telephone coverage in the Carnarvon area.

Council resolved to accept the lease request for a total of 4161m², commencing 12 July 1999 for 5 years and an annual rent of \$3,000 with annual adjustment for CPI. The permitted use of the lease included the construction, maintenance and operation of a telecommunications network and telecommunications service. Refer to figure 1, 2 and 3 for further detail regarding the lease site.

During the Ordinary Council Meeting in October 2000 Council resolved to assign the Optus Mobil lease to Crown Castle Australia. (A small portion of the leased area, being 25m², was subleased back to Optus Mobile. Evidence has shown that the sub-lease is still in place. During the years the sub-lessee has changed to Vodafone Network Pty Ltd).

Every 5 years a new lease was granted to Optus Mobile (Crown Castle). The annual rent increased with the commencement of each new lease. The current lease, which commenced in July 2014 included an annual rent of \$6,236.79 adjusted annually for CPI.

Section 3.58 ‘Disposing of Property’ of the Local Government Act details that a Local Government can dispose of property if, before agreeing to dispose of the property, it gives local public notice. The public notice must provide details of the proposed disposition including the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

A Market Rental Valuation for the premises has taken place which included comprehensive costing research data calculations and thorough market analysis of the asset. The Market Rental Value for the proposed subject lease has been determined based on comparable rental evidence, taking into consideration the site, type of leases area, zoning, current use, quality of the improvements and the location.

The market rental valuation report (**Schedule 8.2.5**) prepared in March 2019 by Griffin Valuation Advisory provides an in-depth market rental analysis and comparison with other phone antennae tower sites. It also gives a comprehensive industry analysis of market forces affecting Rental valuations. The Market Rental value includes \$ 11,000 per annum (Ex. GST) which is calculated at \$2.75 p/m².

Consultation:

Consultation undertaken with:

- Jeff Madgwick – Axicom
- John Harvey – Griffin Valuation Advisory
- David Burton – Shire of Carnarvon CEO

Statutory Environment:

As for a lease agreement Section 3.58 (3) of the *Local Government Act, 1995* states:

3.58 Disposing of property

(1) *In this section —*

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

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

And

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Relevant Plans and Policy:

C016 – Lease and Licensing Classification – Tier Three

Delegation No: 1034 Executing and Affixing of Common Seal to Documents

Financial Implications:

In accordance with Policy C016 ‘Lease and Licensing Classification’, the cost of preparation of the lease, valuations, utilities and all maintenance will be paid by the Lessee. The lease proposal will guarantee and set income through an annual lease charge of \$11,000 (ex GST) to be paid by the lessee based on the market rental value set out in the valuation.

In the market valuation report a specific valuation comment has been made by the valuer about the annual rent increase;

‘During our investigations into the mobile phone tower rental market it was evident that the average lease term was between 10 and 20 years with annual rental increase between 4 to 5% per annum.’

Telstra leases a portion of Lot 559 for a similar purpose as Axicom. This lease includes a rent increase of 5% per annum. It seems reasonable to include a similar adjustment of the annual rent for the lease with Axicom instead of CPI. In comparison with the CPI, currently the CPI for Perth December 2018 quarter is 1.3%.

Axicom has request a lease term of 5 years with an option to extend the lease for 3 x 5 years (a total of 20 years). The current Telstra lease includes a lease term of 10 years and the option of a further 10 years. In the market valuation report evidence is found that a 10-year lease with the option to extent for a further 10 years is rather common for this type of leases.

Risk Assessment:

The revenue from commercial leases at the Airport are an important part of income for the Shire. Not granting a renewal of the lease will have impact on the income for the airport. Additionally, if the lease was not granted, it could have an impact on the reputation of the Shire due to a possible disturbance in the mobile telephone coverage in Carnarvon.

Also, the Lessee is likely to incur substantial financial losses due to the current investment of the antennas on the site.

Community & Strategic Objectives:

1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay
1.3.2	Develop industry and logistics precincts around the airports
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

OFFICER’S RECOMMENDATION

That Council:

1. *Renew the lease with Axicom Pty Ltd for a Portion of Lot 559 Carnarvon Airport, in accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995.*
2. *The proposed lease to be structure upon Policy C016 Lease and Licensing Classification – Classification Tier Three including:*
 - (a) *An initial ten (10) year lease period, plus an option of a 10-year extension at the Council’s discretion;*
 - (b) *A lease payment based on the Fair Market Rental Valuation with annual 5% rent increase*
 - (c) *Lessee to be responsible for the cost of lease preparation (including the cost of the valuation), utilities and all maintenance;*

3. Advertise the intention to renew the lease to Axicom Pty Ltd for a portion of the land of Lot 559 Carnarvon Airport land of Hangar 139, for period of 21 days;
(Simple Majority Required)
4. Subject to no objections being received to the Public Notice for the proposed Disposal of Property upon the completion of advertising of at least 21 days, delegate execution of the lease and affix the common seal of the Shire of Carnarvon by the Shire President and the Chief Executive Officer to the relevant documentation as specified in point 1 above as per Delegation no. 1034 'Executing and Affixing of Common Seal to documents'.
(Absolute Majority Required)

FC 14/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Maslen/Cr Garrett

That Council:

1. Renew the lease with Axicom Pty Ltd for a Portion of Lot 559 Carnarvon Airport, in accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995.
2. The proposed lease to be structure upon Policy C016 Lease and Licensing Classification – Classification Tier Three including:
 - (d) An initial ten (10) year lease period, plus an option of a 10-year extension at the Council's discretion;
 - (e) A lease payment based on the Fair Market Rental Valuation with annual 5% rent increase
 - (f) Lessee to be responsible for the cost of lease preparation (including the cost of the valuation), utilities and all maintenance;
3. Advertise the intention to renew the lease to Axicom Pty Ltd for a portion of the land of Lot 559 Carnarvon Airport land of Hangar 139, for period of 21 days;

CARRIED

F8/AO

FC 15/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Garrett/Cr Skender

Subject to no objections being received to the Public Notice for the proposed Disposal of Property upon the completion of advertising of at least 21 days, delegate execution of the lease and affix the common seal of the Shire of Carnarvon by the Shire President and the Chief Executive Officer to the relevant documentation as specified in point 1 above as per Delegation no. 1034 'Executing and Affixing of Common Seal to documents'.

CARRIED BY ABSOLUTE MAJORITY

F8/AO

8.2.6 COMMUNITY GRANT FUND APPLICATION - MARCH 2019

Cr Youd declared an Impartiality Interest in this item as he is the Chairman of the Space Musuem. Cr Youd was not required to leave the meeting and could participate and vote on the matter.

Mr David Burton (CEO) declared an Impartiality Interest in this item as he is a member of the Space Museum. Mr Burton was note required to leave the meeting.

File No:

Date of Meeting: 29th January 2019

Location/Address: N/A

Name of Applicants: Carnarvon Space and Technology Museum

Name of Owner: N/A

Author/s: Gael Ferguson, Acting Executive Manager, Community Services

Declaration of Interest: Nil
Voting Requirements: Simple Majority

Summary of Item:

This report relates to a requests for funding from community organisations from the Community Support Grants category (up to \$5000 in cash or kind) of the Community Growth Grants Fund.

This report differs from those previously provided for applications in that it presents all three applications under one report. This enables Councillors to consider their preferred approach across the available funding. It is proposed that this approach be adopted in the future, given that the new Community Grants Fund Policy provides for quarterly application rounds. Or, if Councillors wish individual reports can be provided for each grant application in the future.

Description of Proposals:

The Carnarvon Space and Technology Museum has a planned festival of events for the 20-21 July 2019 commemorating the 50 years since the first moon landing. They are seeking \$5000 contribution towards the event. The detailed application for funding is attached.

Background:

The historic role of Carnarvon in space exploration is an important one and the site contains very significant heritage structures. The site has an international profile and capacity to grow further as a tourism destination.

It should be noted that the Shire has recently being approached, along with the Space Museum, by the City of Cape Canaveral USA, enquiring about there was interest in developing a sister city relationship. The US Consul General in Perth has also written to offer support in building the relationship. The initial contact information about this opportunity is also provided here as an example of how the Museum presents opportunities for wider relationships and development. The consideration of a sister city relationship will be reported formally to Council, with the goal of a report being prepared for the April meeting.

Consultation:

No consultation outside the groups applying.

Statutory Environment:

The Council has approved the allocation of up to 4% of the gross rates income for the Community Growth Fund on an annual basis. The process of approval for this funding occurs under the requirements of the Local Government Act 1995.

Relevant Plans and Policy:

The recently approved Community Growth Fund Policy provides for applications for Community Support Grants of up to \$5,000 (cash or in kind) for events and activities that contribute to advancing the objectives of the Strategic Community Plan.

Financial Implications:

The available funding for the remainder of this financial year is set out in the table below. A proportion of this funding has been set aside for Iconic events. Three applications have been received this funding round and if approved would have the following impact on the available funds:

2018/19 Available Funds	\$75,000	
	Spent to date	Remaining Funds
Allocation to Iconic Events 2018/19	\$20,000	\$55,000
Other Grants made to date	\$12,760	\$42,240
Impact of March Applications	\$5,000	\$37,240

Note: an allocation of \$10,000 for waivers from this fund is also noted in the 2018/19 budget. This category will be dispensed with from 2019/20 and waivers must be applied for as part of normal applications for projects.

Risk Assessment

The Carnarvon Space and Technology Museum event organisers have addressed weather risks for the event as part of their planning.

Community & Strategic Objectives:

The Strategic Community Plan has the following objectives relevant to this application

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon

ITEM	OUTCOMES AND STRATEGIES
3.2	Strong community identity and spirit through arts, culture and events
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants

Comment:

The Carnarvon Space and Technology Museum and the role of Carnarvon in the space program is an important part of the town's history. It has an existing role in tourism activities and significant potential for future tourism development. The proposed 50th anniversary events for 1969 moon landing is an important marker in world and local history.

It is recommended that Council consider funding to the full amount requested.

OFFICER'S RECOMMENDATION

That Council approve funding of \$_____ as a contribution to the Carnarvon Space and Technology Museum 50th Anniversary Moon Landing event.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Skender

That Council approve funding of \$5,000 as a contribution to the Carnarvon Space and Technology Museum 50th Anniversary Moon Landing event.

CARRIED
F8/AO

8.3 DEVELOPMENT SERVICES**8.3.1 LOT 1164 (7) EGAN STREET CARNARVON – GREAT MOSCOW CIRCUS EXTREME – P10/19**

File No:	ADM1925; P10/19
Date of Meeting:	26 March 2019
Location/Address:	Lot 1164 (7) Egan Street, Carnarvon
Name of Applicant:	Loritz Circus
Name of Owner:	Shire of Carnarvon
Author/s:	Sian Young, Planning Officer John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This report requests that Council consider the approval of a proposed circus to be held at the Town Oval being Lot 1164 (7) Egan Street, Carnarvon. The event will be held from Thursday 2nd May to Sunday 5th May 2019. The circus will arrive on site on Monday 29th April 2019 and will be dismantled on Monday 6th May 2019.

The applicant is seeking the use of Shire reserve land for the public event (circus) at the Town Oval.

Description of Proposal:

The applicant first approached the Shire with the intention of hosting the event at the Town Oval for four days in May 2019. The public liability insurance provided by the applicant can be found as Schedule 8.3.1(a).

The circus outfit will include four (4) semi-trailers, twenty-two (22) caravans, one (1) tea cup ride, eight (8) miniature ponies and a 32m main tent with seating. The applicant has requested access to power on site and access to water.

The Development Application and the Risk Management Plan can be found as Schedule 8.3.1(b).

Background:

The event will be held over four (4) days as follows:

- 29 & 30 April 2019, 1 May 2019 - Bump In (setup)
- 2 May 2019 - Opening Night (7:00am – 9:30pm)
- 3 May 2019 - 1 performance (7:00am – 9:30am)
- 4 May 2019 - 2 performances (3:00pm – 5:30pm & 7:00pm – 09:30pm)
- 5 May 2019 - 1 performance (11:00am – 1:30pm)
- 6 May 2019 - Bump Out (pull down).

The applicant has provided further information about the setup and operations. The event is mostly self-sufficient apart from the requirement (request) for potable water to service the event staff. It should be noted that the Shire has made a commitment to provide water for event personal.

The applicant will provide eight (8) toilets and one (1) accessible toilet. The facilities will be cleaned and serviced by the applicant. The applicant has requested access to power on site. Infrastructure Services have agreed to the request and will be on-site to provide power via the site switchboard.

The site plan setup can be seen as Schedule 8.3.1(c). The plan provides an approximate location of final set up arrangements. The event operator is not proposing to establish a boundary fence. Caravans and trucks will be placed around the central tent (big top) as a barrier to restrict public access. Event staff will be “camped” on the oval for the duration of the event.

The eight (8) miniature ponies kept on site will be tended by event personal. Animal waste is proposed to be collected three (3) times a day and disposed of into a waste bin. The horses will be corralled by an electric fence when not performing.

Event organisers have advised that they will contact emergency management staff prior to set-up, will always maintain a designated emergency access to be kept clear at all times. Shire officers have provided contact details for St. Johns Ambulance, Police, Carnarvon District Hospital and Fire and Emergency Services.

The applicant has provided the Shire with evidence of Public Liability Insurance and an engineers’ certificate for the tent and amusement rides. Environmental Health Officers will inspect the tent once erected for Public Building approval under the *Health Act 1911*.

The applicant has made application to the Shire for the registration of a food business under the *Food Act 2008*. Environmental Health Officers will inspect the food premises to issue a food licence if satisfied with the food preparation areas.

Consultation:

Shire planning officers have referred the application to the relevant Shire departments for comment including Environmental Health, Infrastructure Services, and Corporate and Community services. Internal advice received informed the assessment of the application and the officer recommendation. The assessment of the application can be found as Schedule 8.3.1(d).

Statutory Environment:

Shire of Carnarvon Local Planning Scheme No. 10

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

Shire of Carnarvon Draft Local Planning Scheme No. 13

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

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

Relevant Plans and Policy:

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

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

Local Planning Policy Statement No. 19 – Event Guide

The policy statement was provided to the applicant and the application responds to the information and forms provided.

Risk Management Plan:

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

Public Liability Insurance:

Loritz Circus as The Great Moscow Circus Extreme has provided a certificate of currency for Public Liability Insurance for Australia-wide with a maximum liability cover of \$20 million.

Event set up and Shire staff involvement:

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

Financial Implications:

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

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 1: Economic

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

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

Comment:

Generally, circus troupes visit the Shire’s district each year. These events provide a positive contribution to the community in the form of entertainment. The liability and risks have been appropriately considered within the Risk Management Plan, and Public Liability Insurance will protect the Shire in the event of injury.

It is recommended that Council approve the application subject to the conditions recommended below.

OFFICER'S RECOMMENDATION

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

Advice Notes:

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

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Youd/Cr Pinner

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

Advice Notes:

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

CARRIED
F8/AO

File No: A780; P06/19
 Date of Meeting: 26 March 2019
 Location/Address: Lot 2 (74) Cornish Street, Carnarvon
 Name of Applicant: Brian Garrigan
 Name of Owner: Brian Garrigan
 Author/s: Matthew Tallon, Planning Officer
 John Meggitt, Principal Planner
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: Nil

Summary of Item:

This item relates to an application for development approval for the erection of a patio that forms an extension to an approved ‘Office’ on site. The office is related to the industrial transport business at Lot 2 (74) Cornish Street, East Carnarvon. Please note that this application is being referred to Council for determination because Councillor(s) have determined that the delegation to Shire officers should be revoked in this instance.

Description of Proposal:

The applicant is seeking approval for the development of a patio to an existing and approved transportable office. The application can be viewed as Schedule 8.3.2(a) (see Figure 1 below):

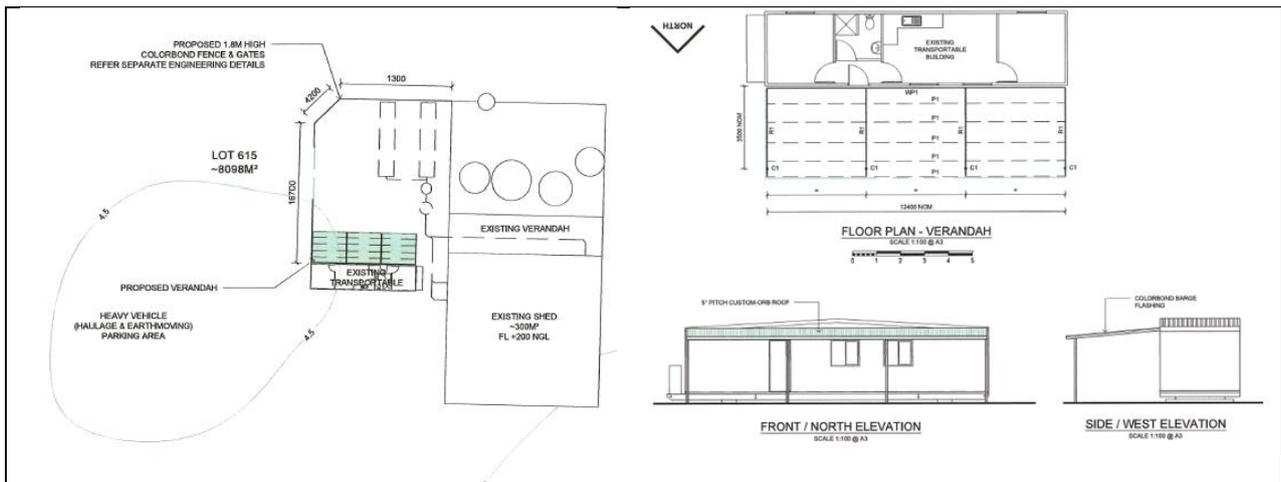


Figure 1 Site plan lodged with application

Background:

The subject site is approximately 8090m² and is zoned *General Industry* under the Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10). The application includes the erection of internal fencing on the plans. There are no requirements for internal fencing to be subject to a development approval, and therefore the proposed fencing does not form part of this application.

A detailed assessment of the application can be found as Schedule 8.3.2(b).

Consultation:

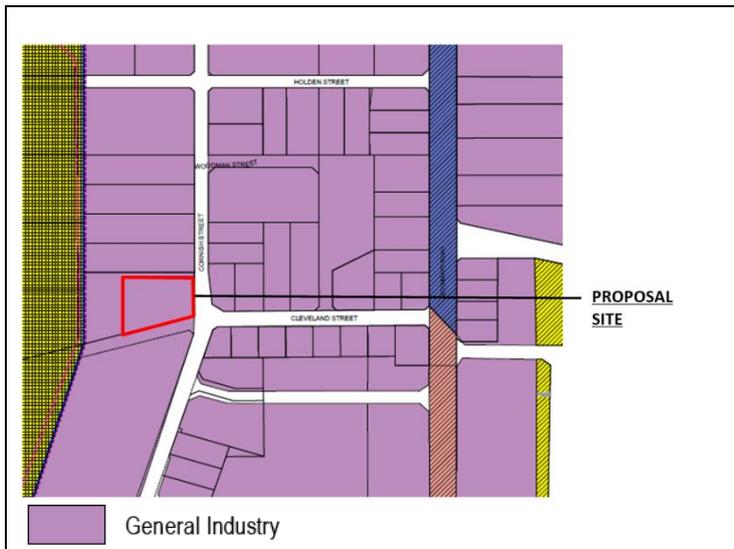
No consultation is required under the Shire of Carnarvon Local Planning Scheme No. 10.

Statutory Environment:

Planning and Development (Local Planning Scheme) Regulations 2015
 Part 9 – Procedure for dealing with applications for development approval
 Clause 67. Matters to be considered by local government

Shire of Carnarvon Local Planning Scheme No. 10

Lot 2 (74) Cornish Street, East Carnarvon is zoned 'General Industry', see the LPS 10 scheme map in Figure 2 below:



The proposal is consistent with LPS 10 and in particular, the development requirements listed in Table 2. These details can be seen in the assessment found at Schedule 8.3.2 (b).

Draft Local Planning Scheme No. 13

Section 67(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 recognise the following consideration to be made by local government:

“the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;”

Lot 2 (74) Cornish Street is proposed to be zoned under Draft LPS 13 as 'General Industry' with the following objectives:

- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- To accommodate industry that would not otherwise comply with the performance standards of light industry.
- Seek to manage impacts such as noise, dust and odour within the zone.

Relevant Plans and Policy:

Policy Statement No. 2 – Control of development in Commercial and Industrial areas.

The proposal is consistent with the policy as addressed in the assessment found at Schedule 8.3.2 (b).

Financial Implications:

The proposal does not create any financial implication for the Shire of Carnarvon

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 2: Natural and built environment

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

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

Comment:

The proposed patio has been assessed against the provisions of LPS 10. The proposal is not considered to adversely affect the amenity of the area and the 'Office' is an existing approved use. It is recommended that the application be approved with the following conditions.

OFFICER'S RECOMMENDATION

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P06/19 for development of land at Lot 2 (74) Cornish Street, Carnarvon for development of a 'patio' subject to the following conditions:

1. *The development is to be undertaken in accordance with the approved plans 'Proposed Patio & Fence, Drawing No. A1.1 & A2.1' dated 6 February 2019 as lodged with the application.*

Advice Notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- III. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.*

FC 18/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P06/19 for development of land at Lot 2 (74) Cornish Street, Carnarvon for development of a 'patio' subject to the following conditions:

1. *The development is to be undertaken in accordance with the approved plans 'Proposed Patio & Fence, Drawing No. A1.1 & A2.1' dated 6 February 2019 as lodged with the application.*

Advice Notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*

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

CARRIED
F8/A0

8.3.3 LOT 1217 (80) MARMION ST, EAST CARNARVON - OUTBUILDING AND SIGNAGE

File No: A2523; P03/19
 Date of Meeting: 26 March 2019
 Location/Address: Lot 1217 (80) Marmion Street, East Carnarvon WA 6701
 Name of Applicant: Kingdom Hall of Jehovah’s Witnesses Carnarvon
 Name of Owner: Kingdom Hall of Jehovah’s Witnesses Carnarvon
 Author/s: Matthew Tallon, Planning Officer
 John Meggitt, Principal Planner
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: Nil

Summary of Item:

This report relates to an application for development approval for the erection of a pylon sign and outbuilding at the Kingdom Hall of Jehovah’s Witnesses; Lot 1217 (80) Marmion Street, East Carnarvon. Please note that this application is being referred to Council for determination because Councillor(s) have determined that the delegation to Shire officers has been revoked in this instance.

Description of Proposal:

The applicant is proposing to replace an existing sign with a 2.8m² pylon sign at the front of the property and to establish a secure storage shed with an area of 8.5m² at the rear of the property. The development is incidental to the existing land use being a *Place of Public Worship*.

The full application can be found at Schedule 8.3.3 (a). Figure 1 and Figure 2 below shows the site plan and sign elevation:

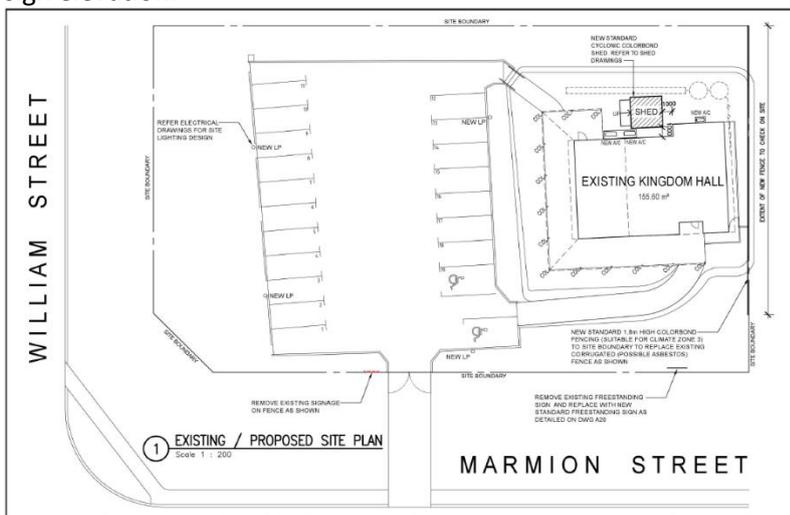


Figure 2 P03/19 Site plan

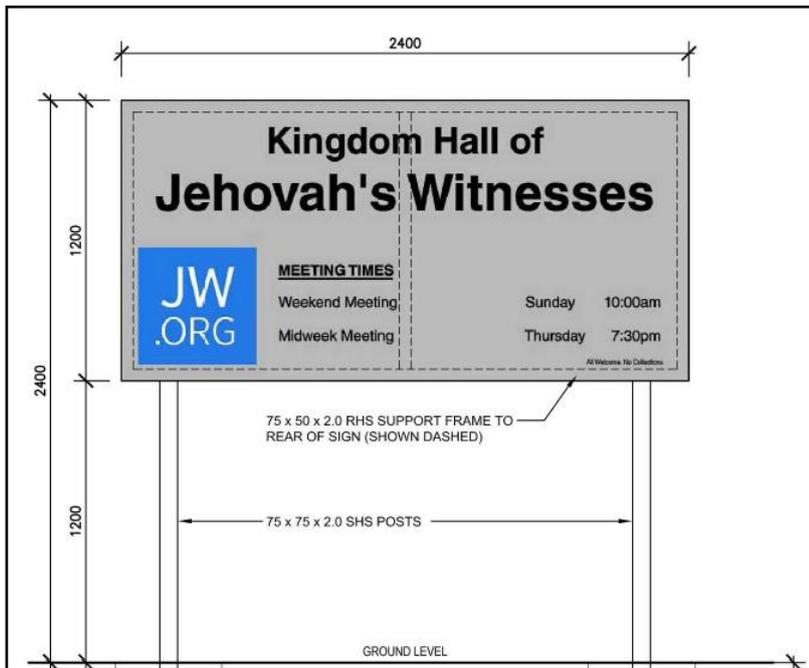


Figure 3 P03/19 Sign elevation and detail plan

Background:

The Kingdom Hall of Jehovah’s Witnesses is an existing approved place of public worship; this proposal relates to works associated with this existing established use.

Consultation:

The application is compliant with the relevant sections of the Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10) and Policy Statement No. 18 Advertising and Signage. The application was not required to be advertised.

Statutory Environment:

Planning and Development Act 2005

As defined under the Act, ‘development’ means the development or use of any land. The development and use of the land in this instance being the works to erect an outbuilding and signage incidental to the existing use as a *Place of Public Worship*. The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

Planning and Development (Local Planning Schemes) Regulations 2015

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

Clause 67. Matters to be considered by local government.

Shire of Carnarvon Local Planning Scheme No. 10

Lot 1217 (80) Marmion Street, East Carnarvon is zoned “*Private Clubs and Recreation – Church*’ in the Scheme, that affords the following definition to the use:

‘includes buildings used primarily for the religious activities of a church, but does not include an institute for primary, secondary or higher education, or a residential training institution’.

As the works are consistent with and incidental to a ‘*Place of Public Worship*’ the proposal is considered a ‘*P*’ use which means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the local government in granting planning consent;

Figure 3 below illustrates the location of the subject land:

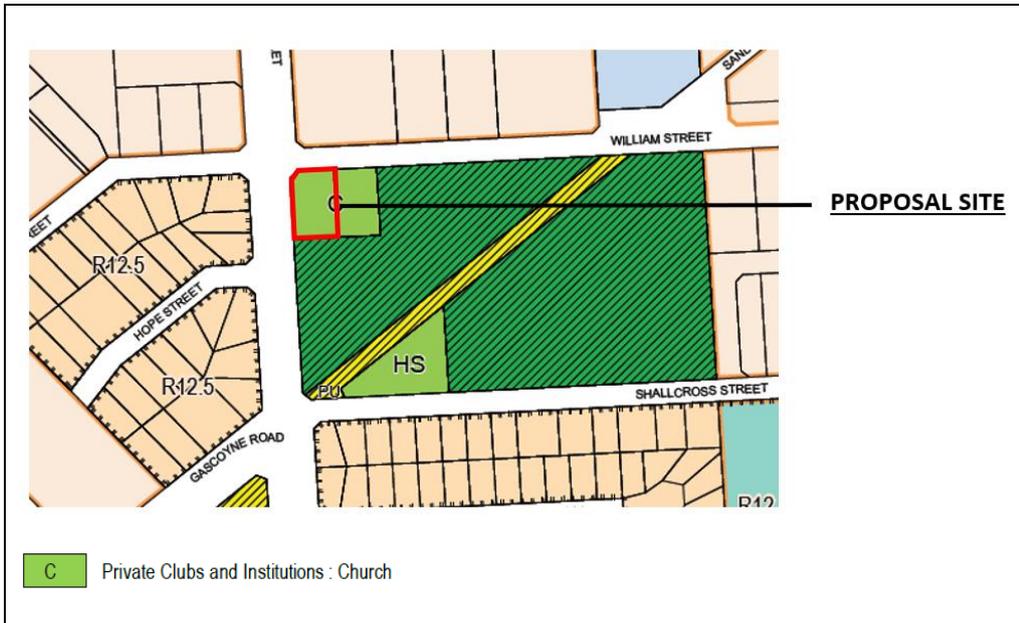


Figure 4 LPS 10 zoning map with subject site

Shire of Carnarvon Draft Local Planning Scheme No. 13

Section 67 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the following consideration to be made by local government:

“the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving”.

Lot 1217 (80) Marmion Street is proposed to be zoned ‘Reserve – Civic and Community’. The objectives of the Reserve are:

- To provide for a range of community facilities which are compatible with surrounding development.
- To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

Relevant Plans and Policy:

Policy Statement No. 18 – Advertising and Signage

The proposal is consistent with the policy for a pylon sign regarding dimensions and location as addressed in the assessment found at Schedule 8.3.3 (b).

Financial Implications:

There are no identified financial implications for the Shire of Carnarvon relating to the officer’s recommendation.

Risk Assessment:

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

Community & Strategic Objectives:

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
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2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

Comment:

The proposed works are consistent with LPS 10 and the Shire’s Advertising and Signage Policy. The existing approved use – ‘Place of Public Worship’ is a ‘P’ use. The proposed sign is appropriate to the land use and streetscape environment. The proposed shed is consistent with the requirements of the Scheme and of an appropriate scale. It is therefore recommended that the application be approved subject to the following conditions:

OFFICER’S RECOMMENDATION

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P03/19 for the development of an outbuilding and signage at Lot 1217 (80) Marmion Street, East Carnarvon subject to the following conditions:

1. *The development is to be undertaken in accordance with the approved plans DWG No A03 (Site plan), DW no A02 (Signage elevation and detail), and DWG No A23 (Outbuilding floor and elevation plan) as lodged with the application.*

Advice notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- III. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

FC 19/3/19

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

Cr Pinner/Cr Skender

That Council -

Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P03/19 for the development of an outbuilding and signage at Lot 1217 (80) Marmion Street, East Carnarvon subject to the following conditions:

1. *The development is to be undertaken in accordance with the approved plans DWG No A03 (Site plan), DW no A02 (Signage elevation and detail), and DWG No A23 (Outbuilding floor and elevation plan) as lodged with the application.*

Advice notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- III. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

CARRIED
F8/AO

8.3.4 EDMUND RICE EDUCATION ESTABLISHMENT

File No:	ADM1939, P11/19
Date of Meeting:	26 March 2019
Location/Address:	Lot 1164/ Reserve 1856
Name of Applicant:	Shire of Carnarvon/Edmund Rice Education Australia
Name of Owner:	Shire of Carnarvon/State of WA
Author/s:	Paul Lees, Executive Manager Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	26 February 2019

Summary of Item:

This report relates to a land use application for the establishment and operation of a flexible learning centre to be operated by Edmund Rice Education Australia (Edmund Rice), within a portion of the Jim Richards Pavilion on Reserve 1856 / Lot 1167 (7) Egan Street, Carnarvon (refer to Council item and resolution of 26 February 2019 regarding the proposed lease area and shared spaces).

The officer's recommendation is that Council approve the application subject to conditions.

Description of Proposal:

As noted above the matter of formal tenure for the use of a portion of the building has been considered by Council at the Ordinary Meeting of Council of 26 February 2019. The Council item and resulting resolutions provide the underlying tenure arrangements necessary for Edmund Rice to make the necessary financial and human resource investments required for the establishment of the new flexible learning centre.

The intent is for Edmund Rice to operate a flexible learning centre as a co-located activity within the Jim Richards Pavilion; the other use being the established youth outreach activities undertaken in the building by the Shire of Carnarvon.

As can be seen from the aerial photograph below (Figure 1) the Jim Richards Pavilion is located to the north-west of the Town Oval, and adjacent to the Hill Street designated long vehicle parking area (contains an associated public waste dump point and water supply at the north-eastern edge of the car park). Whilst the car park is used by some visiting caravaners, history has shown that the area is not well used for long vehicle parking due to the distance from, and route to, the town's major supermarket.

In regard to the use of the oval by the community, it is recognised that the area is used informally by community members; there is no formal sports use of the oval. Formal recreation activities have been re-located to the “Festival Grounds” north of the Carnarvon town centre. Access to the pavilion is from the path at the south-west edge of the building, and from the adjoining Hill Street car park.

The oval, due to its association with the pavilion, receives some informal use by young people attending the Shire’s outreach activities and will also receive some use by students attending the Edmund Rice learning centre; it is not anticipated that this use will exclude informal use by other members of the community during school hours. The oval is also used occasionally for community events such as visiting circus/ carnival events; it is expected that these events, which are usually night time events or weekend activities, will continue to be held at the oval.

The application documentation advises that Edmund Rice intend to use the building from Monday to Friday inclusive, within the hours of 8:00 am to 7:30 pm each day, and occasionally on weekends during daylight hours. It is proposed that the centre will employ two (2) teachers and two (2) youth workers and will have capacity for a maximum of fifty (50) students aged between twelve (12) and eighteen (18) years. Edmund Rice propose to use a bus to pick up and drop off students, servicing the subject land from the Hill Street car parking area.

Edmund Rice have requested the use of four (4) car parking spaces for staff and youth worker parking. The Shire’s Executive Manager Infrastructure Services has advised that, due to the low use of the area by long vehicles, two long-vehicle bays can be converted to four long-stay parking sites for use by Edmund Rice staff. It should be noted that Egan Street has twenty-one (21) diagonal parking bays available to the public and therefore any additional demand (special events and open days) for parking can be accommodated within this area without any significant effect on current users. The application can be found at Schedule 8.3.4(a).



Figure 1 – Jim Richards Pavilion (marked with red star)

Background:

As noted above the matter of a new lease/licence for Edmund Rice was referred to Council at the Ordinary Meeting of Council of 26 February 2019. The item recommended the following scenario for the use of the

Jim Richards Pavilion – note the areas designated as leased areas, and the areas to be used under licence during the times that the principal activity is occurring within the building. (see Figure 2)

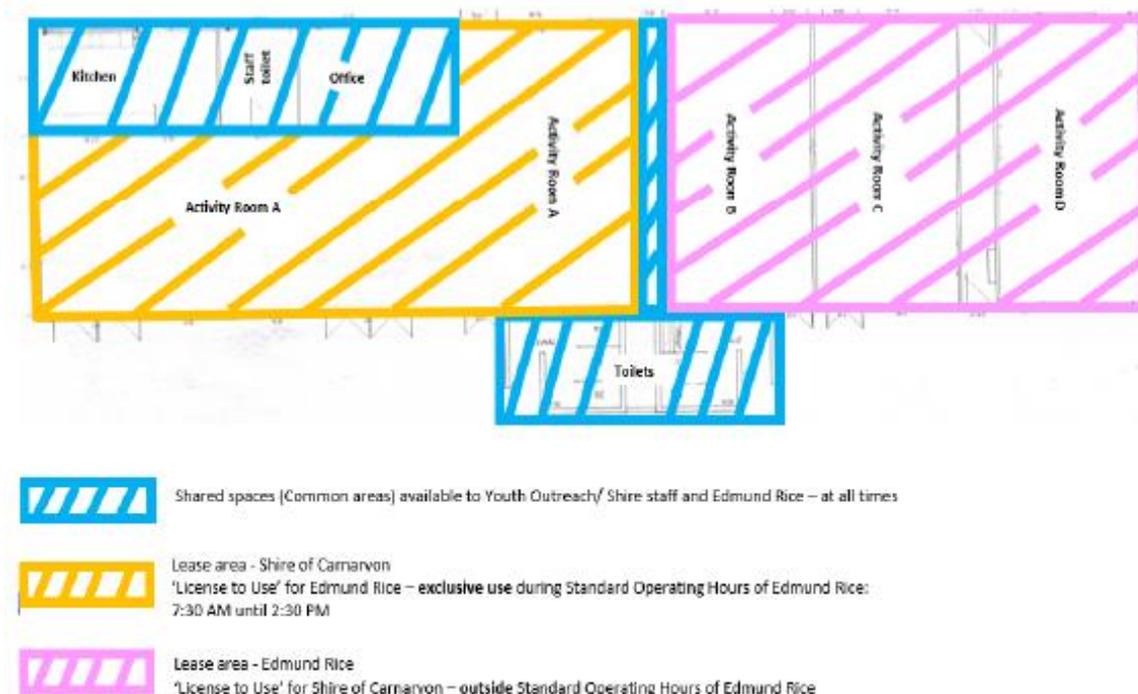


Figure 2: Proposed Lease and Licence to use structure for Edmund rice and the Shire of Carnarvon

The report states the intent of the proposed arrangement is as follows:

“The intent of the proposed structure is to make sure both Youth Outreach Team and Edmund Rice are able to access the required space at the appropriate times. In order to make sure the proposed ‘Lease & Licence to Use’ meets the requirements for both parties, the proposal has been discussed between Edmund Rice & the Shire’s solicitors.”

Council accepted the arrangement as a suitable lease/licence arrangement and agreed with the officer’s recommendation as follows:

“FC 9/2/19 - COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION 1

Cr Garrett/Cr Youd

That Council:

1. Upon, approval of the amendment to the purpose of the Vesting Order for Reserve 1856 from the Department of Planning, Lands and Heritage, in accordance with s3.58 (Disposing of Property) of the Local Government Act 1995, grant a formal Lease & Licence to Use to Edmund Rice Education Australia for a portion of the Jim Richard Pavilion for a Flexible Learning Centre;
2. Notes that the proposed lease is to be structured upon the Shire of Carnarvon Policy C016 Lease and Licensing Classification – Classification Tier One:
 - (a) An initial ten (10) year lease period, plus an option of a ten (10)-year extension at the Council’s discretion;
 - (b) A peppercorn rent;
 - (c) Lessee to be responsible for a reasonable portion of the cost of utilities (water, electricity and gas) and cleaning;

CARRIED

F8/A0

FC 10/2/19 - COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION 2

Cr Youd/Cr Garrett

Authorise execution of the 'Lease & Licence to Use and affix the common seal of the Shire of Carnarvon by the Shire President and the Chief Executive Officer to the relevant documentation as specified in point 1 above as per Delegation no. 1034 'Executing and Affixing of Common Seal to documents'

CARRIED BY ABSOLUTE MAJORITY

F8/A0".

In regard to the proposed tenure arrangements, the following matters were included in the above Council item to inform Councillors of the background of use/tenure of the site and the proposed arrangements going forward:

"Purpose of Reserve 1856

The Jim Richard Pavilion is located on Reserve 1856, with a purpose of 'Recreation'. The Shire holds a Vesting Order over the Reserve. Under the conditions of the Reserve the Shire has the power to lease this reserve for a term not exceeding 21 years, subject to the consent of the Minister of Lands.

In order to receive the consent, the purpose of the Reserve will need to include 'Educational purposes' in order to accommodate the Edmund Rice FLC. On the Shire's request, the Shire's solicitors have made an urgent request to the Department of Planning, Lands and Heritage to review the Vesting order's purpose. We are currently waiting for an 'in principal' approval of the 'Educational Purpose' of Reserve 1856. The approval of the lease can be given, subject to the final vesting order approval. This will give Edmund Rice enough certainty to proceed with recruitment".

Consultation:

The following consultation was outlined in the February 2019 Council item:

"Consultation:

Consultation has taken place with:

- *External Stakeholders:*
- *Dale Murray – Director Edmund Rice Education Australia Youth+*
- *McInnes Wilson Lawyers (Edmund Rice) and McLeods Lawyers (Shire of Carnarvon): Refer to Schedule 8.2.6 for an email between both Solicitors regarding the proposed structure of the 'Lease & Licence to Use'*
- *Department of Planning, Lands and Heritage*

Council:

- *Since early 2018 the Council received regular updates regarding the intent, progress and the use of the Jim Richard Pavilion by Edmund Rice during the monthly Corporate Sessions.*

Shire Staff:

- *Mark Dacombe – Previous A/CEO*
- *David Burton - CEO*
- *Gael Ferguson – A/ Executive Manager Corporate & Community Services*
- *Michael Lymn – Co-ordinator Youth".*

Additional to the above the Shire's Executive Manager Infrastructure Services Mr. David Nielsen has been consulted regarding the proposed parking arrangements. Mr. Nielsen supports the proposed arrangement for the allocation of two (2) of the long vehicle bays to be marked as four (4) car parking bays for staff of Edmund Rice.

Statutory Environment:

Planning and Development Act 2005

Part 5, Local Planning Schemes is in force under this Act and has the objective of making suitable provision for improvement, development, and use of the land as described in the local planning scheme area.

Relevant Plans and Policy:

Planning and Development (Local Planning Scheme) Regulations 2015
Part 9 – Procedure for dealing with applications for development approval
Clause 67 Matters to be considered by local government

Shire of Carnarvon Local Planning Scheme No. 10

The Shire of Carnarvon Local Planning Scheme No. 10 provides the following in regard to Reserved land (excerpt from Scheme text):

PART II - RESERVED LAND

2.1 Parts of the Scheme Area are included in reserves as set out hereunder:

Parks and Recreation Reserves,
Public Purpose Reserves,
Communication Reserves.

2.2 (a) Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map.

(b) Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, including the erection of a boundary fence, without firstly applying for and obtaining from the Local Government a development approval pursuant to Part 7 and Part 9 of the deemed provisions. AMD 76 GG 20/07/18

The Jim Richards Pavilion and associated oval is designated as “Parks and Recreation Reserve” in Local Planning Scheme 10 as illustrated by the Scheme map and text below:

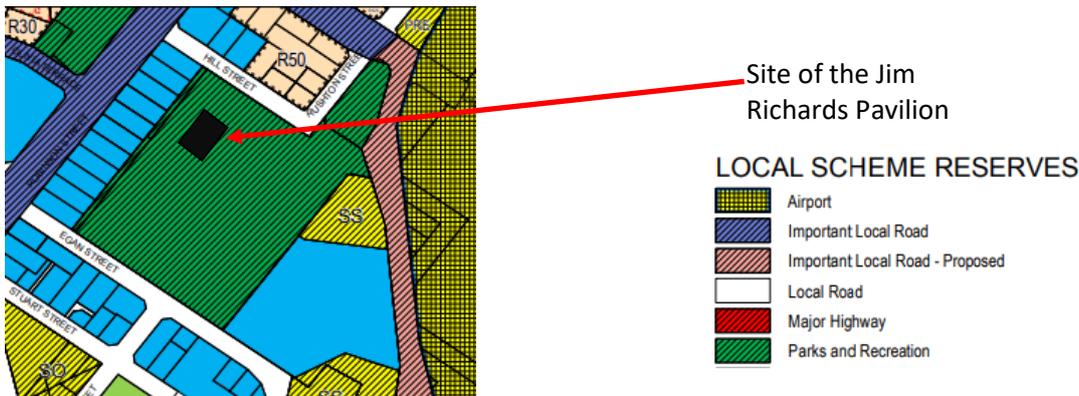


Figure 3 – “Parks and Recreation Reserve”
Scheme Definition

Appendix 1 – Interpretations:

“Educational Establishment” - means a school, college, university, technical institute, academy, or other educational centre, or a lecture hall but does not include a reformative institution or institutional home.

Comments:

It is noted that a significant amount of consultation has occurred regarding the proposed issue of a lease for Edmund Rice, including consultation with the WA State government (Department of Planning, Lands and Heritage). With the lease arrangements as proposed it is recognised that the use will not exclude the Shire’s current youth activities within the building and may provide for some synergies to the total youth activities within the building, with the oval providing opportunities for informal and formal play during times when the reserve is unused by others of the community.

Shire of Carnarvon Local Planning Scheme No. 13

In consideration of policy matters relevant to the proposal, s67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* require a local government to have due regard to “any other proposed planning instrument that the local government is seriously considering adopting or approving”.

The Shire of Carnarvon Draft Local Planning Scheme 13 proposes the subject land to be “Reserve – Public Open Space”.

Draft Local Planning Scheme no. 13 states the following regarding the objectives for reserve areas:

<i>Reserve Name</i>	<i>Objective</i>
<i>Public Open Space</i>	<i>To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.</i>
	<i>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</i>

The designation as Public Open Space reserve is consistent with the current reserve status under Local Planning Scheme 10 and reflects the State’s Model Scheme requirements (text and “zoning” requirements of the Deemed Provisions).

The draft Scheme map and legend is illustrated below at Figure 3:

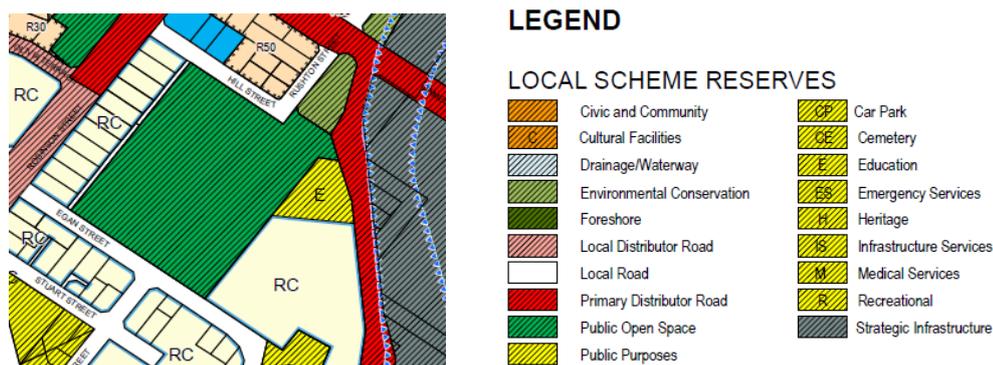


Figure 3 – “Public Open Space Reserve”

Comments:

As noted above it is considered that the proposed use will not exclude the current recreational youth activities undertaken by the Shire and may collectively add value to the youth activities undertaken in the existing building.

Financial Implications:

The approval of this proposal does not create any additional financial implications over and above the matters considered and resolved by Council under item 8.2.6 of the Ordinary Meeting of Council of Tuesday 26 February 2019.

Risk Assessment:

With conditions as proposed, there are no identified risks to the Shire from the approval of this proposal.

Community & Strategic Objectives:

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

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2	Strong community identity and spirit through arts, culture and events
3.2.1	Provide and promote visual arts facilities and exhibitions/activities
3.2.2	Provide and promote performing arts and entertainment facilities and performances/activities
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.2.4	Support the delivery of public art initiatives
3.2.5	Provide accessible literature and life-long learning resources through library and information services
3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants
3.3.2	Facilitate volunteering opportunities within the Shire
3.3.3	Recognition and acknowledgement of community leaders and volunteers
3.4	Healthy and safe community
3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education
3.4.2	Collaborate with other agencies to provide a safe community

The establishment of a flexible learning centre providing an alternative educational model within Carnarvon and utilising an existing building in collaboration with the Shire's youth activities, and the use of the existing oval, is considered to be consistent with the above objectives of the Shire's *Community Strategic Plan 2018-2028*.

Summary comment:

It is noted that a significant amount of consultation has occurred regarding the proposed issue of a lease/licence to Edmund Rice for "Educational Establishment" activities, including consultation with the WA State government (Department of Planning, Lands and Heritage).

The lease/licence arrangements are a key consideration in the assessment of this proposal when considered against the recreational objectives of the overall area. It is recognised that these arrangements allow for the shared use of a building that was designed to provide change room/toilet facilities associated with the Town Oval; this is no longer the case with the communities formal sporting functions moving to the "Festival Grounds".

As proposed, the use of the building for educational activities under a lease/licence arrangement, and the use of the building by the Shire (leased area with licence to use the Edmund Rice lease area outside standard operating hours) provides for the efficient use of a building that was previously underutilised. The co-use also provides opportunities for better use of the oval during normal school hours and does not exclude the use of the area by others, therefore the recreational values of the area are not diminished.

It is recognised that the oval is used at times for visiting circus/carnival events, and any impacts of the short-term co-location of uses can be dealt with in conditions of use for such activities, noting that any event exceeding 48hrs requires a development approval, and all events exempt from a development approval require the approval of Council for such a use.

In regard to any possible off-site impacts, it is noted that all Edmund Rice flexible learning centres are managed through the development of a Student Management Plan that provides the framework for agreed management practices, including student management.

Overall it is considered that the co-location of the proposed activity within the Jim Richards Pavilion along with the Shire's youth activities, is incidental to the overall use of the pavilion and consistent with the recreational values of the overall area of reserved land. The proposal does not undermine the use of the reserve for recreational purposes and is considered to represent the sustainable use of the pavilion.

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

OFFICER'S RECOMMENDATION

1. Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P11/19 for use of part of the Jim Richards pavilion for an educational establishment under the management and operation of Edmund Rice Education Australia subject to the following conditions:
 - a) The proposed educational use shall be consistent with the details of the application as lodged by Edmund Rice Education Australia on 12 March 2019;
 - b) The two (2) most eastern long vehicle parking bays accessed/egressed off Hill Street shall be marked accordingly to provide for four (4) car parks designated for use by Edmund Rice Education Australia staff;
 - c) The premises (lease and licence area within the Jim Richards Pavilion) shall only be used from Monday to Friday inclusive, within the hours of 8:00 am to 7:30 pm each day; occasional informal weekend use is also permitted with the prior approval of the Shire's Chief Executive Officer;
 - d) The flexible learning centre shall accommodate a maximum of fifty (50) students.

Advice notes:

- I. If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- II. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.

This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of develop

FC 20/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Pinner

1. Pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Carnarvon Local Planning Scheme 10, grant development approval for application P11/19 for use of part of the Jim Richards pavilion for an educational establishment under the management and operation of Edmund Rice Education Australia subject to the following conditions:
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 - b) The two (2) most eastern long vehicle parking bays accessed/egressed off Hill Street shall be marked accordingly to provide for four (4) car parks designated for use by Edmund Rice Education Australia staff;
 - c) The premises (lease and licence area within the Jim Richards Pavilion) shall only be used from Monday to Friday inclusive, within the hours of 8:00 am to 7:30 pm each day; occasional informal

- weekend use is also permitted with the prior approval of the Shire's Chief Executive Officer;*
- d) *The flexible learning centre shall accommodate a maximum of fifty (50) students.*

Advice notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- III. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development.*

CARRIED
F8/AO

8.3.5 LOT 2 (35) MAHONY AVE - WATER FEATURE AND WALL AT CARNARVON SPACE AND TECHNOLOGY MUSEUM

Cr Youd declared an Impartiality Interest in this item as he is the applicant in this matter. He was not required to leave the meeting and could participate and vote on the matter.

Mr David Burton (CEO) declared an Impartiality Interest in this item as he is a member of the Space Museum. Mr Burton was not required to leave the meeting.

File No:	A3924; P07/19
Date of Meeting:	26 March 2019
Location/Address:	Lot 2 (35) Mahony Avenue, Brown Range WA 6701
Name of Applicant:	Phil Youd, President Carnarvon Space and Technology Museum
Name of Owner:	Shire of Carnarvon
Author/s:	Matthew Tallon, Planning Officer John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This item relates to an application for development approval for the erection of a water feature and wall at the visitors' entrance to the Overseas Telecommunication Centre (OTC) Satellite Earth Station at 35 Mahony Avenue, Brown Range. The development seeks to replicate the structures that were present at the Carnarvon NASA Tracking Station when operational; located approximately 4.5km south of the Museum.

Description of Proposal:

The proposed works consist of 2m high wall (V shaped – 7 l/m per side) adjacent to a sun dial water feature. The sun dial water feature has a diameter of 2.9m and a height of 1.9m. The site plan provided with the application illustrates the location and elevations of the wall and fountain and can be found at Schedule 8.3.5 (a).

Background:

The proposed water feature and wall is a replica of the original 1960’s structure that was removed when the tracking station ceased operation. The original water feature was relocated to the Carnarvon Civic Centre and then removed at a later date (location now unknown).

Consultation:

The proposal was referred to the Western Australian State Heritage Council for comment; the Council’s comments can be found at Schedule 8.3.5 (b). No further consultation is required under Local Planning Scheme No. 10 (LPS 10).

Statutory Environment:

Planning and Development Act 2005

As defined under the Act, ‘Development’ means *the development or use of any land*. The development and use of this land in this instance being the works to erect a water feature and wall at the Museum. The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

Planning and Development (Local Planning Schemes) Regulations 2015

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

Heritage of Western Australia Act 1990

The OTC Satellite Earth Station is recognised on the State Heritage Register for exceptional significance. The main heritage structures of the Satellite Earth Station are the Parabolic Dish, Casshorn Dish, and the Administration Building. The works do not alter or affect the significant structures or their historic importance. In regard to the *Heritage of Western Australia Act 1990* the following should be noted:

Section 78 (a) of the *Heritage of Western Australia Act 1990*:

Where any land is entered in the Register all applications for approval under section 135, 136 or 162, or approvals for the purposes of section 147, of the Planning and Development Act 2005; then before a decision-making authority in respect of that land shall, except in so far as the Council may otherwise in writing agree with the decision-making authority, not be further proceeded with until the application in question has been referred by the decision-making authority to the Council and the advice of the Council received.

To comply with the requirements of the Act it was necessary to refer the application to the Western Australian State Heritage Council. The Heritage Council supports the application subject to the following condition:

“Interpretation of the original location of the water feature and wall at the former Carnarvon Space Tracking Station is provided.”

The Heritage Council’s response can be found at Schedule 8.3.5 (b).

Local Planning Scheme No. 10

The Scheme references part Lot 30 Mahony Avenue as a Special Use site for the Primary use of *OTC Earth Station Tourist Precinct*. Lot 30 Mahony Ave is now Lot 2 Mahony Ave. There are two zones related to the single lot being Special Use and residential as seen below in Figure 1.

		Special use: Telecommunications , NBN Satellite Earth Station and
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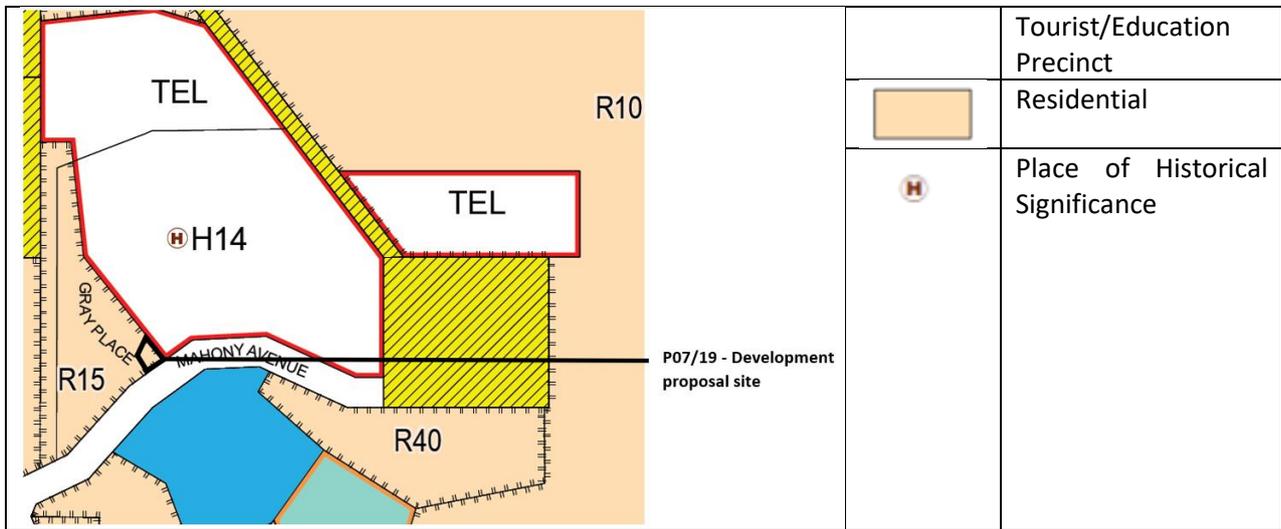


Figure 5 LPS 10 zoning

The residential zoning of the land is not indicative of the actual use of the site as the site forms part of the heritage precinct. Lot 2 contains two zones with the museum identified as Special use. The works which are proposed within the residential zone relate to the Museum use. Therefore, the proposal is ancillary to the Museum. The inherent heritage values have been considered during the assessment of this application as noted above. The assessment of the application can be found at Schedule 8.3.5 (c).

Shire of Carnarvon Draft Local Planning Scheme No. 13

Section 67 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recognise the following consideration to be made by local government:

“the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;”

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

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

Relevant Plans and Policy:

Shire of Carnarvon Municipal Heritage Inventory 2015

The OTC Satellite Earth Station is recognised on the Shire of Carnarvon’s Municipal Heritage Inventory for exceptional significance as well as being included on the State’s heritage list as noted above. This document specifically references the Parabolic and Casshorn dishes as well as the administration building (now the museum) and powerhouse. The works subject to this application do not adversely affect the heritage values of the site. The historical significance will be enhanced through the reinstatement of the structures that were present during the station’s operation.

Financial Implications:

There are no identified financial implications for the Shire of Carnarvon to consider related to the officer’s recommendations.

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
2.7.2	Adopt appropriate land use planning and building regulation practices

Objective 2: Natural and built environment

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

ITEM	Outcomes and Strategies
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices
2.8	Preservation of local heritage buildings and places of interest
2.8.2	Heritage buildings and places of interest are preserved and maintained through effective planning controls

Comment:

The water feature and wall represent important heritage elements related to the Carnarvon NASA Tracking Station. Therefore, the representation of these elements at the OTC Satellite Earth Station (now the Carnarvon Space and Technology Museum) is appropriate. The proposal will enhance the heritage values of the area and the visitor experience. It is therefore recommended that the application be approved subject to the following conditions.

OFFICER'S RECOMMENDATION

Pursuant to clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P07/19 for the erection of a NASA themed feature wall and water fountain on Lot 2 Mahony Avenue 'Carnarvon Space and Technology Museum' subject to the following conditions:

1. *The development is to be in accordance with the site plan, water feature assembly plans, and the wall site and elevation plan as lodged with the application.*
2. *As required by the Director Heritage Development Heritage Services, the Carnarvon Space and Technology Museum Inc. shall ensure that information is available (through appropriate media) to all visitors informing them of the original location of the water feature and wall that formed part of the original NASA tracking station.*

Advice notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*

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

FC 21/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Skender

Pursuant to clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P07/19 for the erection of a NASA themed feature wall and water fountain on Lot 2 Mahony Avenue 'Carnarvon Space and Technology Museum' subject to the following conditions:

1. *The development is to be in accordance with the site plan, water feature assembly plans, and the wall site and elevation plan as lodged with the application.*
2. *As required by the Director Heritage Development Heritage Services, the Carnarvon Space and Technology Museum Inc. shall ensure that information is available (through appropriate media) to all visitors informing them of the original location of the water feature and wall that formed part of the original NASA tracking station.*

Advice notes:

- I. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- II. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- III. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*

CARRIED
F8/AO

8.4 INFRASTRUCTURE SERVICES

8.4.1

INFRASTRUCTURE MONTHLY REPORT – MARCH 2019

File No:	ADM1667
Date of Meeting:	26 March 2019
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Wayne Sanderson – Infrastructure Operations Manager Gloria Quinn – Assets Co-ordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple majority

Previous Report:

Summary of Item:

For Council to receive information on projects and activities undertaken by the Infrastructure section via the 'Infrastructure Monthly Report' attached at **Schedule 8.4.1**.

Description of Proposal:

The Infrastructure Monthly Report provides information on the major activities of the Infrastructure section for the previous month.

Background:

Recurrent report.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

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

Comment:

N/A

OFFICER'S RECOMMENDATION

That Council receive the Infrastructure Monthly Report for March 2019.

FC 22/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Garrett/Cr Skender

That Council receive the Infrastructure Monthly Report for March 2019.

CARRIED
F8/A0

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 23rd April 2019 commencing at 8.30am

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

FC 23/3/19

COUNCIL RESOLUTION

Cr Simpson/Cr Youd

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/AO

12.1 CONSTRUCTION OF MINILYA RIVER FLOODWAY CROSSING, LYNDON RD – REQUEST FOR TENDER (RFT) 01/2019

10.00am – Melissa Games declared a Financial Interest in this matter due to her ownership of a business that had quoted on a portion of the works. Melissa left the meeting and did not return.

10.00am – President Brandenburg declared an Impartiality Interest in this matter due to a legal issue relating to himself and one of the tenderers. President Brandenburg was not required to leave the meeting and could participate and vote on the matter.

File No: ADM1897
Date of Meeting: 26 March 2019
Location/Address: Shire Administration Office and Carnarvon Airport
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: Miranda Koebrugge – Governance Officer
David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: **Officer Recommendation 1** - Simple Majority
Officer Recommendation 2 - Absolute Majority
Previous Report: 12 March 2019/A

OFFICER'S RECOMMENDATION 1

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission from Red Dust Holdings for Tender RFT01/2019 – Construction of Minilya River Floodway Crossing – Lyndon Rd for separable portions A, B and for winning of gravel and rock material for the total tendered amount of \$1,111,925 (Excl GST).

OFFICER'S RECOMMENDATION 2

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Red Dust Holdings for Tender RFT 01/2019 – Construction of Minilya River Floodway Crossing – Lyndon Road.

FC 24/3/19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Garrett/Cr Simpson

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission from Red Dust Holdings for Tender RFT01/2019 – Construction of Minilya River Floodway Crossing – Lyndon Rd for separable portions A, B and for winning of gravel and rock material for the total tendered amount of \$1,111,925 (Excl GST).

AMENDMENT TO MOTION

FC 25/3/19

COUNCIL RESOLUTION

Cr Smith/Cr Pinner

That an amendment to Motion FC 22/3/19 be considered by Council as follows –

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission from Tremor Earthmoving for Tender RFT01/2019 – Construction of Minilya River Floodway Crossing – Lyndon Rd for \$766,000.

FC 26/3/19

COUNCIL RESOLUTION

Cr Brandenburg/Cr Skender

That Standing Orders Section 13 be suspended at 10.05am in order that further discussion and clarification can be sought relative to the tender process.

CARRIED

F8/A0

FC 27/3/19

COUNCIL RESOLUTION

Cr Simpson/Cr Garrett

That Standing Orders Section 13 be resumed at 10.32am.

CARRIED

F8/A0

Amendment to Motion FC 25/3/19 was put.

LOST

F3/A5

FORESHADOWED MOTION

Cr Brandenburg

That –

1. That the tenders for works on the Minilya River Crossing not be accepted.
2. The works be considered in the 2019/2020 Annual Budget with sufficient funding; and
3. Available Roads to Recovery and Regional Road Group funding be applied to the following jobs as required –
 - (i) Blowholes Road resealing works;
 - (ii) Junction Road resealing works;
 - (iii) Quobba/Gnaraloo resheeting works; and
 - (iv) Minilya/Lyndon Road resheeting works.

Motion FC 24/3/19 was put.

LOST

F0/A8

The Foreshadowed Motion then became the Substantive Motion.

FC 28/3/19

COUNCIL RESOLUTION

Cr Brandenburg/Cr Garrett

That –

1. That the tenders for works on the Minilya River Crossing not be accepted.
2. The works be considered in the 2019/2020 Annual Budget with sufficient funding; and
3. Available Roads to Recovery and Regional Road Group funding be applied to the following jobs as required –
 - (i) Blowholes Road resealing works;
 - (ii) Junction Road resealing works;
 - (iii) Quobba/Gnaraloo resheeting works; and
 - (iv) Minilya/Lyndon Road resheeting works.

CARRIED

F5/A3

Crs' Smith, Pinner and Maslen voted against the motion

(Notes to Minute – After lengthy discussion, debate and legal advice, it was the view of some Councillors that no tender be accepted and the funds be redirected as per Council Resolution FC 28/3/19. Also to be noted is that Officer's Recommendation 2 became superfluous due to Officer's Recommendation 1 being voted down by Council.)

FC 29/3/19

COUNCIL RESOLUTION

Cr Garrett/Cr Simpson

That the meeting be reopened to the public at 10.46am.

CARRIED

F8/A0

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 10.46am.