

SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING TUESDAY 26th MAY 2020

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

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

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING – 28TH APRIL 2020

2.2 PUBLIC QUESTION TIME

3.0 DECLARATIONS OF INTEREST

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

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 26TH MAY 2020**

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

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr K Pinner	Councillor, Town Ward
Cr A Fullarton	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr K Simpson	Councillor, Coral Bay Ward(instantaneous communication)
Cr L Skender	Councillor, Plantation Ward
Mr D Burton	Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Ms J MacKellin	Executive Manager, Community Services
Mr M Werder	Executive Manager, Corporate Services
Mr P Lees	Executive Manager, Development Services
Mrs D Hill	Senior Executive Officer
Observers	5
Leave of Absence	Nil
Apologies	Cr J Nelson, Councillor, Town Ward

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

Public Question Time commenced at 1.00pm

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING – 28TH APRIL 2020

The following questions were raised by Cr Fullarton –

Question – Can I please have a timeframe as to how long the matter will take with the SAT hearing? This is pending the SAT process.

Answer - Based on information received, the Applicant has 21 days to pay for the application, after which SAT Senior Member will determine if matter is to go ahead, be dropped or extend time for payment.

Question 2 – Blowholes Tender Process - Can the staff please obtain assurance from the Department, that the funding will be realised, achieved and spent in full compliance and that we will not lose the funding? Information received from Mr Tym Duncanson concludes.

Answer - Yes there will be little pressure to return the funds to Treasury if they are committed before 30 June 2020. However pressure will increase substantially after that, including as a result of the pressure on the State's balance sheet both to respond to the COVID-19 crisis and then fund stimulus activities next financial year. The fact the work is on the ground will improve the chance of keeping it, that's why DPIRD and GDC are a little sensitive to any messaging that long term studies are included.

The following question was raised by Cr Nelson –

Question - Can the section of road from Carnarvon Road to Johnson Street (next to the old tennis courts) be reopened as this will enable less travel for the Ambulance to access the Hospital?

Answer - The cost of this works would be around \$40,000. Opening up the road to have access to Carnarvon Road may increase traffic past the Hospital and St Mary's School as a negative impact. It would shorten the distance for St John's to do an RFDS transfer, but likely a minimal amount.

2.2 PUBLIC QUESTION TIME

The following questions have been raised by Mrs Jenny Walsh of Carnarvon as follows –

Question 1 - The 2019/2020 Shire Budget under the heading Net Current Assets – receivables (page 14) (which according to the Notes attached to this item is for unpaid rates and service charges and other amounts due from 3rd parties for goods sold and services performed), the total estimated actual amount is shown as \$1,568,679. Can you advise how much of the \$1,568,679 debt has been collected since July 2019 to date?

Answer - The Information in the budget was all debtors including rates and sundry debtors. Currently we have \$1,058,000 approximately outstanding at the current time.

Question 2 -What measures have been taken to collect the receivables of \$1,568,679?

Answer - Council staff are following up with an Outstanding Rates Recovery Plan at this time and will be looking at pursuing action to recover the rates outstanding through various means permitted under the Local Government Act 1995. Several accounts for large amounts are being disputed by the owners and we are working through them. We must also be mindful that as a result of COVID19, recovery action may be more difficult, but must still be pursued.

Question 3 - Is there a detailed list of unpaid rates and services owing as at May 2020?

Answer - Not for the general public.

Question 4 - The Organisation Structure Chart as at June 2018 and an extrapolated list of employees (attached) shows that as at June 2018 there were 83 employees at the Shire which included FOUR Executive Managers as well as the CEO. Can you advise the number of Executive Managers and other employees as at May 2020?

Answer - The numbers still remain similar (4 Executive Managers, 93 positions in total), however some positions are not filled. Since the Corporate Business Plan was adopted, there has only been a few minor changes to the Organisation Chart. As the Council is currently undergoing a restructure, it may be preferable for the new structure to be sent out once completed.

Question 5 - Do any of the Executive Managers or the CEO hold academic qualifications in accounting, business management or other?

Answer - Staff in various positions hold a range of academic qualifications in accounting, engineering, planning, management, law and other areas. Executive Managers and the CEO hold academic qualifications and experience relevant to their positions. Qualifications are included in the Selection Criteria for senior positions at the Shire to ensure staff are qualified.

Question 6 - In view of the effects of coronavirus on the businesses in the community will the Shire be deferring the 6% increase planned for 2020/2021 and or deferring payment of ordinary rates for 2020/2021?

Answer - Council is looking at a "rate freeze" or using the same "rate in the dollar" as last year for the 20/21 Financial year.

The following question was raised by Cr Simpson on behalf of Mr John Farne of Coral Cay –

Question – When will the public toilets and fish cleaning facilities in Coral Bay be reopened bearing in mind that the regional borders will be open this Friday.

Answer - The CEO responded and advised that he would arrange for the facilities to be opened for this weekend.

Public Question Time was closed at 1.09pm

3.0 DECLARATIONS OF INTEREST

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

Cr Fullarton (Impartiality Interest) – Item 8.1.2 – Transfer of RSL Building to Shire of Carnarvon

Cr Skender (Impartiality Interest) – Item 8.1.3 – Tender RFT 07/2020 Documentation Endorsement – Carmarvon Airport Runway

Cr Skender (Impartiality Interest) – Item 8.1.4 – Coral Bay Airstrip Project 2020/2021

Cr Vandeleur (Financial Interest) – Item 8.1.3 – Tender RFT 07/2020 Documentation Endorsement – Carmarvon Airport Runway

Cr Vandeleur (Financial Interest) – Item 8.1.4 – Coral Bay Airstrip Project 2020/2021

Cr Vandeleur (Proximity Interest) – Item 8.3.3 – Horse Stables – Retrospective Approval – 36 Holden Street

Cr Vandeleur (Financial Interest) – Item 12.2 – RFT04/2020 – Commission & Construct Recycled Water Program

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING OF COUNCIL – 28TH APRIL 2020

FC 1/5/20

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That the minutes of the Ordinary Meeting of Council held Tuesday 28th April 2020 be confirmed as a true record of proceedings.

CARRIED
F7/A0

FC 2/5/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

That items 5.2 to 5.4 inclusive be considered en-bloc.

CARRIED
F7/A0

FC 3/5/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Items 5.2 to 5.4 inclusive, be adopted en-bloc -

5.2 SPECIAL MEETING OF COUNCIL – 30TH APRIL 2020

COUNCIL RESOLUTION

That the minutes of the Special Meeting of Council held Thursday 30th April 2020 be confirmed as a true record of proceedings.

5.3 SPECIAL MEETING OF COUNCIL – 7TH MAY 2020

COUNCIL RESOLUTION

That the minutes of the Special Meeting of Council held Thursday 7th May 2020 be confirmed as a true record of proceedings.

5.4 SPECIAL MEETING OF COUNCIL – 21ST MAY 2020

COUNCIL RESOLUTION

That the minutes of the Special Meeting of Council held Thursday 21st May 2020 be confirmed as a true record of proceedings.

CARRIED
F7/A0

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

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

Date of Meeting:	26 th May 2020
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report back to Council actions performed under delegated authority for the months April/May 2020.

Description of Proposal:

Refer above.

Background:

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

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2

TPS No. 10 – Section 2.4

Shire of Carnarvon Local Government Act Local Laws S.29

Health Act 1911 – S.107; Health Act 1911, Part VI

[Health \(Public Buildings\) Regulations 1992](#)

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

Reporting requirement only.

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

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

Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months April/May 2020 and are submitted to Council for information.

DELEGATION REPORTS**ENVIRONMENTAL HEALTH**

Lodging houses

Health Act 1911, Part V, Division 2

Shire of Carnarvon Health Amendment Local Laws 2002, Part 8

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
07/05/2020	HLH20/004	Renewal of a lodging House licence – Carnarvon Beach Canal Retreat, 369 Pelican Point Road, Babbage Island	Philip Haughan	

Caravan parks and camp grounds

Caravan Parks and Camp Grounds Act 1995

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
28/04/2020	HCP20/005	Renewal of caravan park licence – Wooramel Roadhouse, Lot 1, North West Coastal Highway, Wooramel	Neale Hutchinson	
30/04/2020	HCP20/006	Renewal of caravan park licence – Ningaloo Reef Adventure Camps, Lot 46, Robinson Street, Coral Bay	Kane Simpson	

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/097	JOLLYS TYRE SERVICE	LOT 512 (58) ROBINSON ST CARNARVON	SOLAR PANEL INSTALLATION ONTO EXISTING DRIVEWAY CANOPY
B19/125	SUNSWEET INVESTMENTS PTY LTD	LOT 118 (512) NORTH RIVER RD NORTH PLANTATIONS	INSTALL ROOF MOUNT SOLAR SYSTEM ONTO EXISTING SHED
B20/002	MARK WAYNE CAMPBELL	LOT 77 (24) WHELOCK WAY MORGANTOWN	INSTALLATION OF SOLAR PV SYSTEM ON PROPERTY
B20/016	JOHN ROBERT & ILDA JOAN WILLIAMS	LOT 71 (54) GLARIS ST KINGSFORD	INSTALL SOLAR SYSTEM ON SHED
B20/027	MINDA PTY LTD	LOT 16 (412) ROBINSON STREET EAST CARNARVON	SOLAR SYSTEM
B20/028	DAMIAN ROY PICKETT	LOT 680 (293) ROBINSON ST EAST CARNARVON	SOLAR PANEL INSTALLATION ON EXISTING DWELLING
B20/036	GRENVILLE BRIAN & DIANNE FREDIA WOODS	LOT 474 (49) DOUGLAS STREET SOUTH CARNARVON	SOLAR PANELS
B20/037	TAMARA SYLVETTE WHITBY	LOT 92 (42) CLEAVER STREET SOUTH CARNARVON	SOLAR PANEL INSTALLATION ON TO EXISTING DWELLING
B20/041	ROBERT KENNETH & LEACA JAYE SMITH	LOT 670 (28) YARDI QU BROCKMAN	SOLAR PANEL INSTALLATION ONTO EXISTING DWELLING
B20/059	DAVID JAMES DELFANTE	LOT 57 (149) GASCOYNE RD EAST CARNARVON	INSTALLATION OF SOLAR PV SYSTEM ON PROPERTY
B20/067	DAVID ANDREW RUDGE	LOT 748 (19) MCLEOD STREET SOUTH CARNARVON	INSTALL ROOF MOUNT SOLAR PANELS
B20/073	ROBERT STEVEN BASSETT & LISA DENISE BRAUN	LOT 306 (5) GEYER PL BROCKMAN	INSTALL SOLAR PANELS ONTO EXISTING SHED
B20/077	TOM FRANK VAN DONGEN & CLAIRE FAY HIBBEN (VAN DONGEN)	LOT 1245 (45) WILLIAM ST EAST CARNARVON	LEAN TO FOR HORSE SHELTER
B20/078	KYLIE BAUER & JASON SCOTT CHAPLIN	LOT 989 (37) DEMPSTER RD BROCKMAN	REPLACE EXISTING SOLAR PANELS WITH NEW PANELS
B20/080	FORREST & FORREST PTY LTD ATF MSPC TRUST	LOT 415 (217) NORTH WEST COASTAL HWY, INGGARDA	STEEL FRAMED COMMERCIAL SHED CLAD IN PROFILED SHEET METAL
B20/082	STATE OF WA	LOT 62 (45) BANKSIA DR CORAL BAY	UNMANNED FUEL BOWSER FILL POINT, UNDERGROUND FUEL TANK AND FUEL EQUIPMENT, TWO CROSSOVERS, CONCRETE WORKS, STORMWATER

Application No.	Owners Name	Lot & Street	Type of Building Work
			DRAINAGE, SIGNS, LANDSCAPING AND RESURFACING.
B20/084	PATRICIA BERNADETTE OUELLETTE	LOT 158 (1) PRATT CRT MORGANTOWN	GARDEN SHED
B20/085	JUSTIN JOEL BRANDENBURG	LOT 77 (72) SHALLCROSS ST EAST CARNARVON	STEEL FRAME SHED

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

MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
27/11/15	Proposed Engagement – Work for the Dole Program	David Burton	Officers are meeting with ABC Group on a regular basis to identify and progress specific projects. Draft MOU related to the Arboretum has been referred to ABC and the Carnarvon Tree Society for agreement prior to submitting to the Council.	Further discussions with the Tree Society indicate that they wish the original MOU for the Arboretum to remain unaltered. The relationship with the ABC Foundation in this regard is being discussed. We will be trying to progress this in July/August. Program now with Real Futures. We have had our first meeting and it was discussed to get the arboretum up and running as a joint venture before looking at a formal MOU
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	Paul Lees	Relates to existing access arrangements over Shire land at the southern end of the site. While it was recognised in the original Development Approval that the access to the new units needed to transverse Shire land, the matter was never formalised due to consideration of other related matters at the time. Council has advised that it would like the matter to be formalised through the formation of an access easement in favour of GMF. These actions require a “subdivision	The Department of Communities has agreed to proceed with the preparation of a Deposited Plan to be lodged with

			application” to be prepared and lodged with the Department of Planning, Lands and Heritage.	the DPLH to formalise the access arrangement. Shire officers are currently consulting with the Carnarvon Community and Senior Citizens Club about the impacts of the new access arrangements on their current licence.
20/8/16	Public Open Space Strategy	Paul Lees	The <u>draft</u> Public Open Space Strategy was completed by the Shire’s consultant; however, the document requires further Carnarvon-specific actions to make the document meaningful to the local setting. A project plan for the completion of the strategy has been developed and further work has recommenced on the project. The completion of the draft strategy will include further consultation.	Project is being progressed for completion by end of June 2020
16/9/16	The Shire’s Local Laws are overdue for review and do not reflect the current WA State standard for local law format.	Paul Lees	Officers have commenced the engagement of a WA local law specialist to review the Shire’s local laws and commence drafting of new laws consistent with the State template.	It is expected that the review of the local laws will be commenced by June 2020.
23/12/16	Notice of Removal of Houses – Lot 259, 1065 NRR	Paul Lees Dane Wallace	All three (3) buildings on site are of sub-standard construction and need to be removed. Shire officers are in the process of obtaining quotes for the removal of the buildings and the full clean-up of the property (removal of other material and vehicles) and will need to identify a budget for the works. Note that the owner’s permission is not required for the removal of the buildings under the current orders.	Quotes currently being obtained, and the matter will be brought back to Council in June 2020.
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Maurice Werder	The Heritage Group has provided a Project Brief of the Revitalisation of the One Mile Jetty to the Carnarvon Town Tramway. The brief provided requires more work to support an application for a new lease. In 2017, the Carnarvon Heritage Group requested the possibility of reinstating the Lease for the Old Tramway	Timing is in the hands of the Heritage Committee On 19/02/2020 a letter was written to follow up on this.

			located on Babbage Island. The lease expired on 30 June 2016 and Council resolved not to renew the lease until a Business plan was provided.	
16/9/17	Local Planning Scheme No.13	Paul Lees	Submissions received, modifications prepared and supported by Council, with all documentation sent to the Department of Planning, Lands and Heritage who is reviewing the documentation.	The matter is now with the Department & WAPC for finalisation and approval by the Minister.
24/11/17	Bayview Coral Bay – Local Development Plan	Paul Lees	The applicant has requested that the draft Local Development Plan that has been publicly advertised be put on hold while other strategic matters relating to Coral Bay are finalised being the completion of LPS No. 13.	The final decision on LPS13 rests with the Minister.
10/1/18	Proposed Transfer of Management Order – CWA Lot 353	Paul Lees	The Department of Planning, Lands and Heritage have been advised of Council's view (may be prepared to accept the land and buildings as freehold) and further discussions are proceeding.	The matter rests with the Department of Planning, Lands and Heritage.
8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	<p>Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's guideline, and the proposed infrastructure associated with the closure is included in the 2018/19 budget. The report has been finalised and sent to the WAPC for their consideration. The Shire has been advised that Department staff are currently assessing the matter.</p> <p>An alternative acquisition approach has been presented to the Shire by DPLH officers that involves the PAW land area being vested to the Shire of Carnarvon – this would result in the Shire taking over the formal management of the closed PAW area. Due to the ongoing delays with the Department the CEO has requested that an item be prepared for the May 2020 Council meeting outlining this option for Council's consideration, however the Department has recently advised that they have made contact with the adjacent owner who has confirmed that they still wish to proceed with the purchase as proposed.</p>	The timeframe rests with the Department of Planning, Lands and Heritage.
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	On 26 June 2018 Council resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the subdivision application (re-alignment of the boundary to accommodate the extension to Lotteries House,	The DPLH has requested that the current Deposited

			and the amalgamation of Lots 111, 189 and 190). The subdivision application has been approved by WAPC and the Shire has lodged the Deposited Plan with the WAPC, who need to review, accept and issue titles.	Plan be updated to match the details of the current application. Shire officers have engaged the original surveyor to prepare the updated DP.
9/8/18	MOU Amendment – Men’s Shed	Maurice Werder	Awaiting response from Men’s Shed for the approval amended MoU. This matter is in the hands of the Men’s Shed.	MOU with Mens Shed.
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	Shire officers have lodged the subdivision application for the Robinson Street parcel as per Council’s resolution with the WAPC. The WAPC has now provided the Shire with the approval of the subdivision with conditions.	Shire officers have received confirmation on the revised conditions of subdivision and are in the process of engaging a surveyor for the preparation of the Deposited Plan.
28/5/19	Cancellation of Dog Registration under Section 16(3)(A) of the Dog Act 1976	Paul Lees	The matter of the welfare and management of dogs associated with 95 Boor Street have been ongoing, with a number of infringements issued for non-compliance with the Dog Act 1976 over the last two years, and substantial Shire resources allocated to the matter. As an only option going forward the Council has directed the Shire’s authorised officer to cancel the registration of all dogs registered to the said owner. The Notice of Cancellation has been served to the registered owner, who has appealed the matter to the State Administration Tribunal. The registered owner has withdrawn the appeal to SAT in the hope of a negotiated outcome. The alternative motion to Council was unsuccessful and the cancellation of the dog registrations stands.	The property owner has appealed Council’s decision to the SAT with the first directions hearing having been completed.
12/8/19	Café – Carnarvon Airport	Maurice Werder	The applicant has been advised about the approval of the change of business entity running the café and the approval of a portion of the structural maintenance. The applicant has requested to wait with advertising of the lease until further notice.	June 2020

15/8/19	Main Street Pathway and Parking Rearrangement	David Nielsen	On hold. Garden maintenance and tree planting works will continue.	June 2020
17/8/19	Draft Authorised Inquiry Report – DLGSC	David Burton	Response sent – waiting on final report.	Training being organised to start shortly. Allowance for training to go to September due to COVID19
11/9/19 18/11/19	Notice of Motion – Removal of Blowholes Shacks Assessed as n Dangerous Condition	David Burton Paul Lees	Approved by Council in September 2019 however Council has passed a new motion in 2019 to: revoke Motion FC11/9/19 – Removal of Blowholes Shacks assessed as being in a dangerous condition; the establishment of a committee to address the current condition of shacks and to resolve a development plan acceptable to all parties and stakeholders; that Council request the CEO to investigate the outcomes of the Blowholes workshop which requested clarification on State Planning Policy 2.6 (Coastal Planning); and Council instruct the CEO to re-issue leases to the registered shack owners commencing 1 July 2020 at the rate of \$1,000 per annum.	The committee is required to report back to Council within 8 months of the date of the resolution. Meetings as required by Council have commenced. Items for Blowholes development to go to Tender early March with return to Council for April/May 2020. Working with Committee to go ahead with program. Tender for works issued Thursday 21 May
12/11/19	Health Studio Lot 56 Cleaver St – Retrospective Approval	John Meggitt	The application was approved with conditions by Council at the November 2019 Council meeting.	The owner has advised gym users of the need to comply

				with the restricted hours of operation.
8/12/19	Permanent Road Closure – Lot 12 NWCH	John Meggitt	The application was supported at the December 2019 Council meeting and the Shire has advised the Minister accordingly.	Timeframes for completion of the road closure rest with the Department.
15/12/19	Fascine Wall Structural Analysis	David Nielsen	Order placed for investigation works. Quotations called for fencing works.	June 2020 subject to COVID-19 travel restrictions
16/12/19	Community Growth Fund Applications	Jennifer MacKellin	February round completed. Applications for Iconic Events being received 18/05/2020 – Applications for Iconic Events have been received. They will be sent to the Committee, who will meet again on the 2 nd June 2020.	Committee meeting on 2 nd June 2020.
18/12/19	Recording & Web Streaming of Council Meetings	Maurice Werder	Resolution FC 18/12/19 resolved to investigate the recording & web streaming of council meetings. Investigations into how other councils do it and decide on a model by Council resolution. Plan to incorporate into the 2020/2021 Budget. The decision to include in the 2020/2021 budget has not been made. A procedure for this operation will be needed before implementation.	To be researched in preparation of the Budget 2020/2021. A quote for a full system for around \$50,000 has been received
17/12/19	Quarterly Budget Reports	Maurice Werder	Resolution FC 17/12/19 resolved that a Budget Management Report be presented to Council on a Quarterly basis. Management plan is to present a COA / Job Variance Report as used by staff on an ongoing basis for expenditure monitoring, MYR, and Budget Planning.	YTD report to be presented for each Quarter going forward. The April agenda had a current quarterly report.
20/12/19	Building Better Regions Fund Grant Application	Jennifer MacKellin	Application submitted. Awaiting outcome. The State is now contributing \$291k, which reduces our reliance on this grant to \$222k. 18/05/2020 -No further information to update	June 2020
21/12/19	Review of D001 Mobile Traders Policy	Paul Lees John Meggitt	Resolution FC 21/12/19 resolved to review and update the current Mobile Traders Policy with reference to similar Shires.	Development Services staff are currently preparing a

				revised draft Mobile Traders Policy in line with previous Council advice.
22/12/19	Budget Variation Club Development Project	Jennifer MacKellin Maurice Werder	Resolution FC 22/12/19 resolved to adopt the budget variations for matching expense and revenue for the Regional Every Club Funding Program.	Adopted by Council and to be actioned by Community Services.
4/1/20	Renewal of Lease – Lions Club	Maurice Werder Gloria Quinn	Resolved to lease the building to the Lions Club for a 1 year lease only	In communication with Lions Club about Deed of amendment
10/1/20	Lot 300 Olivia Tce – Progress Report	David Burton	Resolved that State Government to demolish buildings and remediate the site with possible purchase by Shire in the future.	Letter to be sent for resolution. Waiting for response. Advised by State that they are procuring a demolition.
24/1/20	Blowholes Conceptual Projects	Paul Lees	Council supports preparation of design concepts being developed. Concepts were presented at a Council workshop and were modified to maximise community benefit. Open days have been held at the Shire offices for community input into the development concepts – considered as part of the Tender preparation.	Documentation from tenderers has been received and evaluated, with a report prepared for the Council's consideration.
8/2/20	Response to Differential Rate Query with Department Local Government	Maurice Werder SJ Nixon	Motion Lapsed. Received directions in a letter from the Minister of Local Government. Application DR 72 of 2020 lodged with State Administrative Tribunal 16 April 2020, Application fee paid.	Directions Hearing held on 15 th May. Decisions Hearing to be on 22 nd May
16/2/20	Australia Post – Mobile Trading Licence	John Meggitt	Council at the 25 February 2020 meeting resolved (i) "That Council resolve to work with the applicant Lisa Eveson, the local community and stakeholders, to find a suitable, safe vehicular friendly, compliant mobile trading site to operate the Australia Post service from. With special consideration given to operating at the Shire road reserve to the south of Baiyungu Aboriginal Corporation Village	The CEO has approved a mobile trader's licence (under delegation) for the Australia Post

			(BACV) workers accommodation Lot 308 and to the north of Lot 307 Coral Bay”; and (ii) “CEO be directed to establish the hard stand area south of the BACV for the use by mobile traders as a matter of priority to be completed on or before end of March 2020”.	contractor within the road reserve of Banksia Drive (north-eastern location) south of the BACV. The all-weather area has been established for trading.
17/2/20	Review of Shire Tourism Strategy & Action Plan	Paul Lees	Council at the 25 February 2020 meeting agreed to “the release of the RFQ Brief Shire of Carnarvon Tourism Strategy and Action Plan and to the engagement of a suitably qualified expert to undertake the review of the August 2012 Addendum & Action Plan, noting that the RV Friendly Plan will be developed after the completion of the tourism strategy.	Shire officers will bring the matter back to Council after considering the emerging matters and actions relating to the Covid-19 crisis/ border closures.
22/2/20	Road Asset Information – Budget Variation	David Nielsen	Field survey work completed. RAMM road database update underway.	June 2020
27/2/20	Street Art – Request for Signage	Jennifer MacKellin	Meeting held with Sabrina Dowling Giudici Quotes for small plaques still to be obtained. Discussion held with Ingarrda 13/03/2020, who supported progress on this matter and gave feedback. 20/03/2020 – Email sent by Paquita Boston to Council. Due to the timing, COVID-19 activities and response on behalf of the Shire have taken a priority. 18/05/2020 – No further updates	30 June 2020
17/3/20	Carnarvon Speedway Remediation Works - Lot 1297 Speedway Road	Paul Lees	A Development Application for remedial works was lodged by the Carnarvon Speedway Association. The application proposes to remediate the site by removing loose building material, scrap metal and car bodies, and consolidating/covering the exposed bank. The application was referred to the March 2020 Council meeting – Council resolved “That the matter lay on the table and be referred to the April 2020 Ordinary Meeting of Council.” Council requested that further consideration be given in regard to costs.	Further clarification on resources associated with the proposed remedial works and associated costs was prepared for Councillors to consider at the April

				2020 Council meeting.
25/3/20	Extension of Temporary Road Closure – Gnaraloo Coastal Track	David Nielsen	Objection to closure by Gnaraloo Station received. Item to May meeting of Council to consider.	May 2020
35/3/20 36/3/20 SCM 11/4/20	Regional Express	Jennifer MacKellin	April 2020 - Regional Express (REX) are now providing 2 flights per week. They have failed to meet their contractual obligations to the Shire, and have not made monthly payments since January 2020. 18/05/2020 – Legal advice being sought. Separate report to be prepared.	June 2020
43/4/20	Ordinary Council Meetings – Time Change	Dannielle Hill	Council Approval – April OCM – Advertised in local newspaper Wednesday 8 th May, Council's website and facebook	Completed
4/4/20	Change of Coral Bay Meetings – May	Dannielle Hill	Council Approval – April OCM – Advertised in local newspaper Wednesday 8 th May and Council's website, facebook.	Completed
8/4/20	RSL Building Purchase	David Burton		Item in May Meeting
FC 10/4/20	Budget Surplus in Rate Setting Statement	Maurice Werder	In accordance with advice from the DLGSCI and our Auditors, the expected early receipt of FAGs grants have been removed from the 2019/2020 Budget. The potential early receipt of FAGs grants have not been recognised in the 2020/2021 proposed Budget.	Completed
11/4/20	Budget Variation Approval April 2020	Maurice Werder	The budget variations to support the Golf Club works and the capital works on the DFES funded SES site have been applied.	Completed
14/4/20	Purchasing Policy C002 – Amendment Tender Threshold	SJ Nixon Carolien Claassens	The updating of Local Government (Functions and General) Regulations 1996, Clause 11A and 11 reflect all the requirements for the increasing of the tender threshold from \$150,000 to \$250,000 as a permanent change.	To got to council for adoption
FC 17/4/20 SFC	Intention to Impose Differential Rates for 2020/21	Maurice Werder	Advertisement in Midwest time and on websites. Comment period closing on 26 th May 2020. Upon review of comments the application will be sent to the department for Ministerial approval.	May 2020
18/4/20	Speedway Remediation Works	Paul Lees John Meggitt	Further clarification on resources associated with the proposed remedial works and associated costs have been provided to Council who have approved the Development Application with conditions.	Shire officers have provided the Notice of Determination to the applicant.

19/4/20	Community Growth Funding Application – Carnarfin	Jennifer MacKellin		Completed
23/4/20 24/4/20	RFT 01-2020 – Construction of Minilya River Floodway Crossing (CONFIDENTIAL)	David Nielsen	Contract executed. Works to commence May/June.	August 2020
25/4/20 26/4/20	RFT 02-2020 – Blowholes Road Shoulder Repair & Widening (CONFIDENTIAL)	David Nielsen	Contract executed. Site visit completed by contractors. Shoulder preparation work by Shire underway. Contract works to commence mid-June	July 2020
28/4/20	Tender Documentation Endorsement for Advertising – RFT 07-2020 – Carnarvon Airport Apron & Runway Enrichment Sealing (CONFIDENTIAL)	David Nielsen	Item to May Council meeting.	
21/4/20	Report from Paul Omodei (CONFIDENTIAL)	David Burton		Training being instigated
22/4/20	Banding Level Change – Shire of Carnarvon (CONFIDENTIAL)	David Burton		No further action. Completed

SCM 4/4/20	Fascine Opening Options	David Nielsen	DOT Dredge coming to site early June. Teggs channel to be dredged first. Fascine entrance option 1a likely to be dredged August. Spoil site on beach north of Pelican Point nominated. Advice being sought on spoil site.	September 2020
SCM 7/4/20	Waiver of Tip Fees	David Burton		In place until 30 th June.

OFFICER'S RECOMMENDATION

That Council accept the reports outlining the actions performed under delegated authority for the months April/May 2020.

FC 4/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Vandeleur

That Council accept the reports outlining the actions performed under delegated authority for the months April/May 2020.

CARRIED
F7/A0

8.1.2 TRANSFER OF FIRE BRIGADE PROPERTY TO SHIRE OF CARNARVON

1.14pm – Cr Fullarton declared an Impartiality Interest in this item due to an ongoing unresolved personal conflict with the Sub Branch. Cr Fullarton was not required to leave the meeting but did so of his own accord and did not participate or vote on the matter.

Date of Meeting:	28 th April 2020.
Location/Address:	Egan Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Department of Fire and Emergency Services
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To consider the purchase of the Old Fire Brigade building for the purpose of the Carnarvon Returned Services League (RSL) Centre.

Description of Proposal:

The RSL has requested that the Shire of Carnarvon take ownership of the former Department of Fire and Emergency Services (DFES) building and lease it to the RSL. This will assist them in applying for a liquor license to allow the Club to be sustainable.

DFES have agreed to the transfer of the land to the Shire of Carnarvon for the sum of \$1.

Background:

Many years ago, the Shire of Carnarvon transferred the old Fire Brigade building to DFES free of charge for the purpose of housing the Local Fire Brigade.

After the new DFES facility was constructed, the building was used by the local RSL as a clubhouse. The facility is ideally placed close to the War Memorial which makes it ideal for this purpose.

Recently, the RSL has looked at the possibility of getting a Liquor License to assist in making the Club sustainable, but as the ownership of the property was with DFES, approval was not obtainable. As such, a request was made for the Shire to take ownership of the property to assist.

Consultation:

Carnarvon RSL
DFES

Statutory Environment:

Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

The cost of the transfer of land is only \$1. The current budget does have an allocation for War Memorial which could be used to cover this cost.

Ongoing maintenance of the building and facilities would be a condition of the lease agreement with the RSL.

As the land may have contaminants (being an old fire building) there may be some costs associated with the cleaning of the property if it was ever cleared for redevelopment.

As the Shire will be taking on the building, it will also become a Shire asset and as such will have other implications for the Shires financials going forward including depreciation and revaluation, etc.

Risk Assessment:

As previously noted, the property was previously used as a fire depot. There is the possibility of contaminants remaining on the land which would have to be removed should the property be cleared for developments. The cost of such a clean up is unknown until it occurs.

If the Shire does allow for a liquor license for the Premises, there may be some liabilities for the Shire. This will be assessed and addressed as part of the lease agreement with the RSL to reduce the liability of the Shire.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

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

Comment:

The location of the building close to the War Memorial makes it ideal as a location for the RSL as it is in easy walking distance so that people attending services can attend the RSL after the events and socialize.

The RSL has struggled to remain sustainable in recent years as their inability to obtain a liquor license has made it difficult for them to easily raise funds. If the Shire takes over the facility and does allow a liquor license, then it is more likely that the RSL will be sustainable into the future.

Due to the age of the building and that it already has a use, the consideration of the transfer back to the Shire for the sum of \$1 could be considered as providing a community service and allowing the RSL to remain. This would also be assisted by the Pilbara Regiment now being located in Carnarvon.

The Shire may consider to transfer of the ownership of the property entirely to the RSL once it is sustainable to reduce the ongoing financial impacts at a later stage. This would reduce the financial impacts for the Shire with regards to maintaining assets and renewal of assets.

It is also recommended that a Property Condition Report be completed on the property and a lease agreement drafted to lease the building to the RSL as soon as possible.

Additional Information

Advice has been received from DFES that they must transfer the property back to the Shire as the original transaction was with the Shire of Carnarvon. The property cannot be transferred to a third party.

The Carnarvon RSL have indicated that they would be interested in taking over the building once it has been established as to what the ongoing costs would be. This would also require a legal agreement that if in the future the RSL is to no longer require the building, that the building and land be transferred back to the Shire of Carnarvon. This can be investigated as part of the transfer to the RSL at a later date.

As the Shire is exempt from Stamp Duty, the transfer of the land to the Shire would be minimal and kept to legal lodgment fees.

OFFICER'S RECOMMENDATION

That:

1. The President and Chief Executive Officer sign the Offer and Acceptance for Lot 1 Egan Street for \$1; and
2. The Chief Executive Officer negotiate and draft a lease agreement for the property to the Carnarvon Returned Services League on a rental agreement as per policy.

FC 5/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That the President and Chief Executive Officer sign the Offer and Acceptance for Lot 1 Egan Street for \$1 and organise a simultaneous settlement to transfer from the Shire to the RSL for the sum of \$1.

FC 6/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Standing Orders Section 13 be suspended at 1.22pm to enable further discussion in relation to the implications of the transfer.

CARRIED

F6/A0

FC 7/5/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Pinner

That Standing Orders Section 13 be resumed at 1.27pm

CARRIED

F6/A0

FC 8/5/20

AMENDMENT TO MOTION FC 5/5/20

Cr Maslen/Cr Vandeleur

The President and Chief Executive Officer sign the Offer and Acceptance for Lot 1 Egan Street for \$1 and the CEO initiate the process for the disposal of Lot 1 Egan Street to the RSL for the sum of \$1.

CARRIED

F6/A0

The amendment to motion FC 5/5/20 then became the substantive motion and reads –

FC 5/5/20

COUNCIL RESOLUTION WITH AMENDMENT

Cr Maslen/Cr Vandeleur

That the President and Chief Executive Officer sign the Offer and Acceptance for Lot 1 Egan Street for \$1 and the CEO initiate the process for the disposal of Lot 1 Egan Street to the RSL for the sum of \$1.

1.28pm – Cr Fullarton returned to the meeting and was advised of Council’s decision on the matter.

8.1.3 CARNARVON AIRPORT PROJECT AND FUNDING OBLIGATIONS

1.28pm – Cr Vandeleur declared a Financial Interest in this item as he is the Director/Owner of a construction company which will be supplying materials for the tender. Cr Vandeleur also declared a Financial Interest in Item 8.1.4 and therefore advised that he would remain out of the meeting for this discussion also. He therefore left the meeting and did not participate or vote on the matter.

1.28pm – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of this report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No:	ADM1872 / ADM1873
Date of Meeting:	26 May 2020
Location/Address:	Carnarvon Airport
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens Manager Governance David Nielsen Executive Manager Infrastructure Services Jenny Mackellin Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	November 2018 and April 2020

Summary of Item:

A Council decision is required to enable progress of obligations under two existing airport funding programs. A reduced scope of works for funded Carnarvon Airport upgrades works is recommended to Council.

Description of Proposal:

To inform Council of Carnarvon airport operational and maintenance requirements and propose an alternate reduced scope works to utilise existing approved funding to address priority requirements.

Background

In 2019 external funding from Department of Transport – Regional Airports Development Scheme 2019-21 (RADS) and Department of Industry, Innovation and Science – Remote Airstrip Upgrade Program 2019-20 (RAUP) was secured for Carnarvon Airport upgrade works. The funded works consists of the following:

Part 1 – Reconstruction of the Carnarvon Airport Northern Apron

Part 2 – An enrichment seal and surface corrections on runway 18/36 and Taxiway Bravo

The total estimated project cost of \$592,260 is included in the approved 19/20 budget including a total Council contribution of one third being \$197,420.

In April, the audit committee then Council were presented with tender documentation RFT07/2020 where approval was sought for tender advertising to complete this work. At the meeting of Council, the, “motion lapsed for want of a Mover’ (FC 29/4/20)

At the present time therefore, Council have obligations under two funding agreements to either:

- Proceed with the funded works as approved; or
- Seek approval for a variation to the scope of works and if approved, proceed with that scope; or
- Seek cancellation of the funding agreements and return any funds in accordance with the terms and conditions of the funding agreement.

At present, Council is contractually obligated to proceed with the approved funded works. However, Council approval to advertise a tender for that works has not been given.

To resolve the impasse, a decision is required from Council to enable it to meet, progress and resolve its contractual obligations under the funding agreements.

The following background summarises key issues associated with the proposed works.

Aerodrome Management Services Pty LTD (AMS) completed the 2019 Aerodrome Technical Inspection in September 2019. The proposed works (excluding the enrichment seal) are identified in that report as corrective actions that are *“a matter of safety or compliance and should be attended to.”*

The report executive summary states, *“At present, the northern GA (General Aviation) apron is deteriorating rapidly. A full reconstruction is required to ensure compliance is met as there is significant ponding occurring. The seal is failing with the pavement visible in sections.”*

The report further identifies the need to, *“Commence planning to reseal runway 18/36 within two years as the seal is becoming aged and brittle.”*

A copy of the AMS report is provided in **Schedule 8.1.3(a)**

Figure 1 shows main operational features of Carnarvon Airport summarised as follows:

Runway 04/22 is considered the “Main” runway.

Issues requiring attention include:

- Uneven braking surface – requires over seal to create even homogenous surface
- Runway lighting circuit Low Insulation Resistance – Requires full sectionalised testing.
- Secondary IWDI (windsock) at 22 threshold not compliant – requires upgrade

04/22 is used by Regular Public Transport (RPT) aircraft, currently Regional Express, and general aviation aircraft for day and night operations.

Condition: Fair

Runway 18/36 is seen as a secondary runway with issues including:

- Deteriorating surface
- Surface rutting
- Water ponding

18/36 is used by General Aviation aircraft including RFDS for landings and take offs in southerly wind conditions. The runway forms part of Taxiway Bravo with lead in lines to Bay 2 (RPT) and Bay 3 (Jet A1)

Condition: Poor

Schedule 8.1.3(b) displays a summary extract of existing runway usage data, a second view of the apron areas with aircraft included for a sense of scale and provides an extract from the New Airport Plan regarding runway orientation and useability. This notes that safeguarding of a 1,200 m cross runway alignment on a new airport is desirable to cater for light aircraft and air ambulance operations in cross wind conditions in the future. Two accessible runways are also a useful contingency during any temporary runway closure. Although an uncommon requirement, when major works is required on 04/22 in the future, lack of a secondary runway is likely to cause some level of RPT service interruption.

Taxiway Alpha provides access to the apron area from runway 04/22 with lead in lines to Bay 1. A concrete crossing on the runway is not compliant with current standards however rectification is not mandatory at present.

Condition: Fair

Taxiway Bravo provides access to the apron from Runway 18/36 with lead in lines to bays 2 and 3. Runway 18/36 is part of Taxiway Bravo used to access these bays from Runway 04/22. This section is lit for night operations.

There is a water ponding issue at the intersection of runway 18/36 and taxiway bravo. Correction of this defect was included in the tender documents recently presented to Council.

Condition: Fair with exception of ponding area.

Southern Apron contains Bay 1, three tie down areas and the AirBP Avgas fuel bowser. Bay 1 is used by:

- aircraft above 5700kg Maximum Take Off Weight (MTOW) requiring a designated parking bay;
- other charter flights; and
- night lay overs such as Borderforce.

General Aviation including Shine Aviation, Derby Helicopters and Coral Coast Helicopters access their facilities via this apron and park on this apron. General aviation accesses the 24hr Av Gas bowser.

Condition: Good

Main (RPT) Apron consisting of Bay 2, the closest bay to the terminal, and Bay 3, the Jet A1 fuel bowser. This is the central area of operation for RPT flights. Bay 3 is used by refuelling turbine/jet aircraft (including RFDS) on a 24-hour basis.

On occasions, strong wind conditions require RPT aircraft to park on Bay 3 (nose into the wind). AirBP access this apron to provide airside refuelling.

The apron suffers from bitumen flushing/bleeding.

Condition: Fair

Northern Apron provides access to privately owned hangars and the fuel service provider World Fuels. The hanger and fuel services land are leased to these tenants by the Shire. The leases expire in 2023 and 2024.

The northern apron also provides an alternative parking bay for disabled aircraft allowing the main apron to remain operational.

The apron also includes a tie down area used by general aviation aircraft including helicopters.

World Fuels have approval from Council to install a 24hour AvGas bowser and access airside for refuelling aircraft via this apron.

The existing surface is non-compliant due to surface break up and its uneven surface profile causing water ponding and drainage issues. Reconstruction of this apron to correct these defects was included in the tender documents recently presented to Council.

Condition: Very Poor

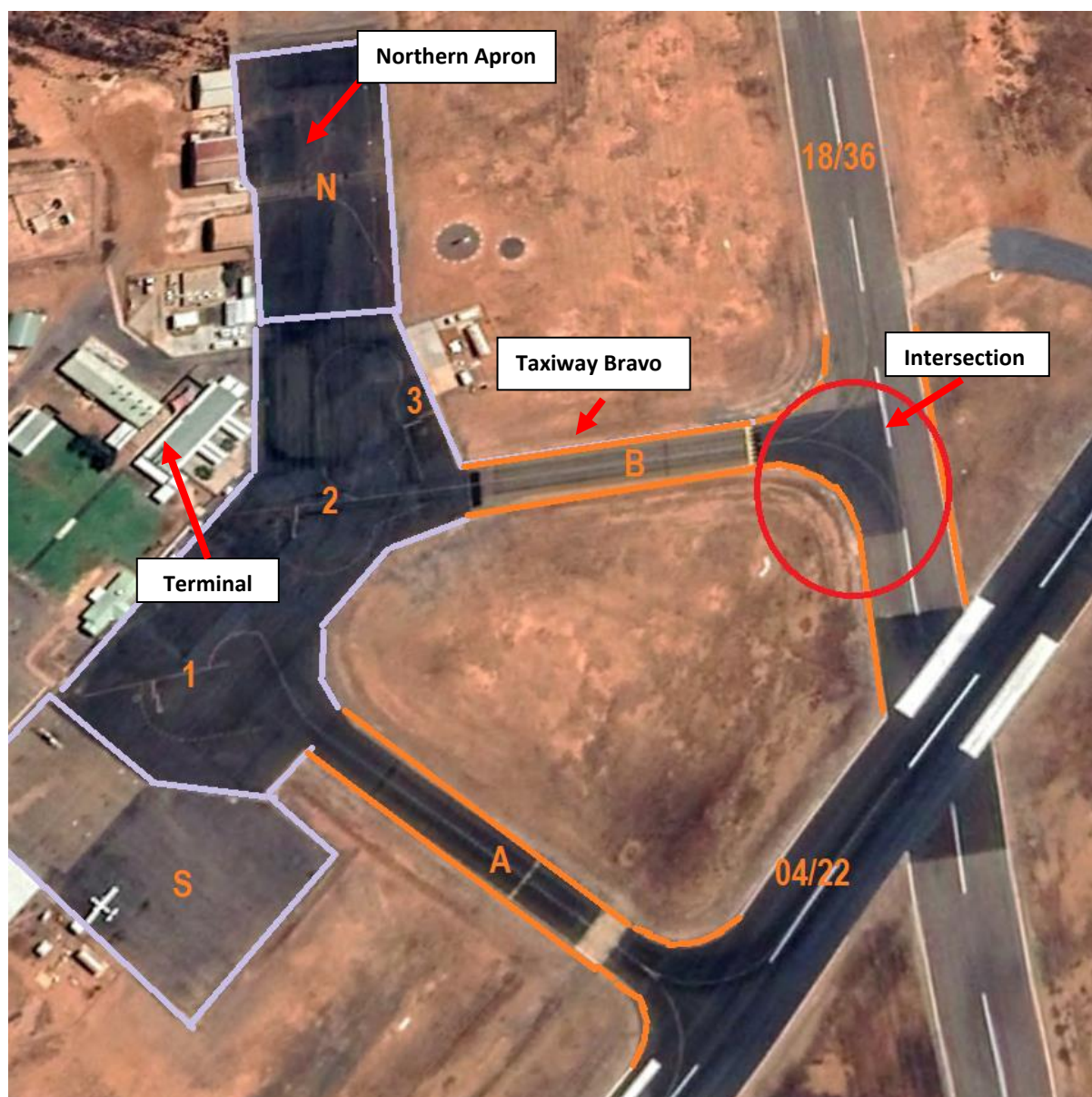


Figure 1: Sketch of the Carnarvon airport

It was initially proposed to carry out a micro-surfacing treatment to correct surface defects on the northern apron. Soil testing revealed however that the pavement and subgrade were sub standard and full reconstruction is necessary to achieve a durable apron.

The executed funding agreements require the project to have been completed in May 2020. Requests for extensions have been lodged with both funding bodies for a project completion in September 2020.

The Shire has received extension approval from RAUP. In conversations with Department of Transport, RADS funding extensions of time are generally not accepted. Due to the unusual circumstances created by the COVID-19 pandemic however, the Department are considering several similar requests for extensions of time. September was the limit of extension recommended by the Department.

Consultation:

- Department of Transport – RADS & Department of Industry, Innovation and Science - RAUP to discuss the need for an extension of the funding agreements.
- Chief Executive Officer – David Burton
- Airport Manager – Geoff Carberry
- Consultation with Greenfields Technical Services who prepared the technical specification documentation has been conducted via email and telephone.

Statutory Environment

Regulations 14 and 15 of the Local Government (Functions and General) Regulations 1996 apply:

14. Publicly inviting tenders, requirements for

- (1) When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.

15. Minimum time to be allowed for submitting tenders

- (1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State.

Relevant Plans and Policy:

Policy C002 Purchasing Policy

Policy C013 Tender Selection Criteria

Policy C034 Tenders Management Policy

Financial Implications:

The 19/20 adopted budget of \$592,260 is based upon the approved grant application, prepared by GHD in November 2018.

The following estimates are approved for the project:

Task	Estimated Cost	Shire Contribution	RADS	RAUP
Establishment	\$50,000	\$16,667	\$16,667	\$16,667
Reconstruction of Northern Apron and Micro-surfacing inc. minor rut correction - of Taxiway Bravo	\$159,120	\$53,040	\$53,040	\$53,040
SEST Treatment - Runway 18/36 & Taxiway Bravo	\$283,140	\$94,380	\$94,380	\$94,380
Line Marking	\$100,000	\$33,333	\$33,333	\$33,333
Total	\$592,260	\$197,420	\$197,420	\$197,420

The scope of works reduction recommended by this report is budget estimated as follows. Note that detailed estimates have not been conducted:

Task	Estimated Cost	Shire Contribution	RADS	RAUP
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Establishment	\$50,000	\$16,667	\$16,667	\$16,667
Reconstruction of Northern Apron and rut correction of Taxiway Bravo	\$160,000	\$53,333	\$53,333	\$53,333
Reprofile 04/22 edges, drain and RESA	\$55,000	\$18,333	\$18,333	\$18,333
Line Marking	\$35,000	\$11,667	\$11,667	\$11,667
Total	\$300,000	\$100,000	\$100,000	\$100,000

Expenditure to Date – Actual and Committed

Project funding is conditional upon engagement of an external 'Project Manager'. Greenfields Technical Services has been appointed to this role.

Project expenditure to date is \$32,579.34 including:

- surveys;
- soil testing;
- design; and
- preparation of design report and tender specification documentation.

Committed funding for the remainder of their project management and contract supervision works totals approximately \$30,530.

Income to Date

RAUP funding is paid in milestones. The first milestone payment of \$59,226 has been received. Not proceeding with the project will result in a requirement to return that milestone payment.

RADS funding is paid upon completion of works.

Risk Assessment:

Financial risk – Carnarvon Airport is dependent on external funding for renewal/replacement of primary assets (e.g. runways, taxiways, aprons, lighting, windsocks etc). Since 2009/10 the Shire has received \$2,300,000 of funding from RADS for Carnarvon Airport. Refer to **Schedule 8.1.3(c)**.

The Department has cautioned the Shire that handing back RADS funding may compromise the success likelihood of future grant funding applications. Note also that Minister R. Saffiotti visited the Shire of Carnarvon on 30th of April 2019 to publicly announce the Shire's RADS 2019/21 grant applications approval.

Operational Safety Risk – Items identified in the Aerodrome Technical Inspection Report addressed through the proposed revised scope of works as recommended by this report are matters *"of safety or compliance and should be attended to."* Failure to address these issues in a timely manner are therefore a safety and airport compliance risk.

Contractual Liabilities – Land for the hangers adjacent to the northern apron is leased by the Shire. An unserviceable and/or closed northern apron risks claims from lessees that the Shire is not meeting its lessor obligations. In addition, World Fuels are understood to be proceeding with installation of their approved fuel bowser. Aircraft accessing that bowser will require use of part of the northern apron. An unserviceable and/or closed northern apron may create a liability for the Shire failing to provide access enabling World Fuels to conduct their Shire approved refuelling business.

Community & Strategic Objectives:

Goal 1: Economic

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

ITEM	OUTCOMES AND STRATEGIES
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay

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:

Council's concerns regarding the longer-term sustainability of operating a second runway at Carnarvon have been noted. Re-examination of proposed works priorities has therefore been undertaken.

The surface enrichment seal proposed for runway 18/36 is not the reseal indicated in the AMS report as an approaching maintenance requirement. An enrichment seal will not remove the need for a reseal treatment at some point in the future if Council choose to retain 18/36 as a second runway.

The enrichment seal was proposed to defer the substantially higher cost of a reseal (approx. \$1.3M) which is unable to be accommodated even if 2/3 funded. An enrichment seal effectively buys Council time of five to seven years to source funding for a full reseal if it wishes to retain a second runway into the longer term. Not completing the enrichment seal at this time is unlikely to mean runway 18/36 will require closure due to serviceability requirements for at least two years.

Corrective items also identified in the AMS report associated with the main runway include:

- Repair the runway strip of 04/22 so the first 3m from the edge of the seal does not slope downwards at greater than 5%;
- Repair the open drain in the runway strip of 04/22 so a comfortable ride can be achieved in any direction at 50km/hr; and
- Carry out minor earthworks to ensure the slope on the RESA at the northern end of 04/22 has slopes no greater than 5% with a smooth change between grades.

This work is not complex in nature and essentially requires accurate level grading, watering and rolling and additional materials placement which is within existing capabilities of internal and/or locally available services.

A reduced project scope is therefore proposed to:

- direct funding value for money toward the main 04/22 runway;
- address identified immediate technical aerodrome defects;
- reduce Council expenditure during an uncertain economic period; and
- limit risk associated with not proceeding with approved funding.

This reduced scope is as follows:

1. Proceed with the full reconstruction of the failing northern apron;
2. Proceed with surface correction works on taxiway bravo;
3. Reprofile runway 04/22 edges, drain and RESA to meet slope limits in accordance with the AMS Aerodrome Technical Inspection report recommendations.

OFFICER'S RECOMMENDATION

That Council:

- a) directs the CEO to seek approval from the RADS and RAUP funding programs to revise the funded project scope of works as follows:
 - i. Proceed with the full reconstruction of the failing northern apron;
 - ii. Proceed with surface correction works on taxiway bravo;
 - iii. Reprofile runway 04/22 edges, drain and RESA to meet slope limits in accordance with the AMS Aerodrome Technical Inspection report recommendations.
- b) Subject to RADS/RAUP approval for the revised scope of works, carries over an allocation of \$100,000 from the 19/20 as its contribution toward the project.
- c) Directs the CEO to advertise a tender for the amended scope of works as a matter of priority.

FC 9/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Skender

That Standing Orders Section 13 be suspended at 1.31pm to enable informed discussion on the proposed scope of works.

CARRIED

F6/AO

FC 10/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That Standing Orders Section be resumed at 1.39pm

CARRIED

F6/AO

FC 11/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

That Council:

- a) directs the CEO to seek approval from the RADS and RAUP funding programs to revise the funded project scope of works as follows:
 - i. Proceed with the full reconstruction of the failing northern apron;
 - ii. Proceed with surface correction works on taxiway bravo;
 - iii. Reprofile runway 04/22 edges, drain and RESA to meet slope limits in accordance with the AMS Aerodrome Technical Inspection report recommendations.
- b) Subject to RADS/RAUP approval for the revised scope of works, carries over an allocation of \$100,000 from the 19/20 as its contribution toward the project.
- c) Directs the CEO to advertise a tender for the amended scope of works as a matter of priority.

FC 12/5/20

AMENDMENT 1 TO MOTION 11/5/20

COUNCIL RESOLUTION

Cr Fullarton

That Part (ii) of Resolution FC 11/5/20 be removed.

MOTION LAPSED FOR WANT OF A SECONDER

FC 13/5/20

AMENDMENT 2 TO MOTION 11/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That Part (iii) of Resolution FC 11/5/20 be removed and replaced with –

(iii) Remediate the low insulation resistance of Runway 04/22 lighting circuit or consider replacing primary cables and ensure that the IWDI lighting is to the current MOS Standards, and install a secondary IWDI that is compliant.

CARRIED

F6/A0

Motion FC 11/5/20 with amendment was put as follows –

FC 11/5/20

COUNCIL RESOLUTION WITH AMENDMENT

Cr Maslen/Cr Fullarton

That Council:

- a) directs the CEO to seek approval from the RADS and RAUP funding programs to revise the funded project scope of works as follows:
 - i. Proceed with the full reconstruction of the failing northern apron;*
 - ii. Proceed with surface correction works on taxiway bravo;*
 - iii. Remediate the low insulation resistance of Runway 04/22 lighting circuit or consider replacing primary cables and ensure that the IWDI lighting is to the current MOS Standards, and install a secondary IWDI that is compliant.**
- b) Subject to RADS/RAUP approval for the revised scope of works, carries over an allocation of \$100,000 from the 19/20 as its contribution toward the project.*
- c) Directs the CEO to advertise a tender for the amended scope of works as a matter of priority.*

CARRIED

F6/A0

8.1.4 ACCEPTANCE OF ADDITIONAL CORAL BAY AIRSTRIP UPGRADE PROJECT FUNDING 2020/21

Cr Vandeleur declared a Financial Interest in this item as he is the Director/Owner of a construction company which will be supplying materials for the tender. Cr Vandeleur had already left the meeting at 1.28pm prior to discussion on Item 8.1.3.

File No:	ADM2001 / ADM2032
Date of Meeting:	26 May 2020
Location/Address:	Coral Bay Airport
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens Manager Governance David Nielsen Executive Manager Infrastructure Services Jenny Mackellin
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	November 2018

Summary of Item:

The Shire has been successful securing additional external funding for Coral Bay airstrip upgrade works. This will result in a reduction of Shire project contribution from 50% to 33^{1/3}% of the total project cost. Acceptance of this additional funding is recommended.

Description of Proposal:

For Council to accept additional funding awarded under the Remote Airstrip Upgrade Program 2020-21 (RAUP) for Coral Bay airstrip upgrade works to commence in 2020/21.

Background

Funded works completed at Coral Bay airstrip in 2018/19 included runway and apron lighting, runway and apron widening, toilet and shelter facilities, fencing and other minor improvements. These works improved amenity of the airstrip to meet RFDS service standards.

Coral Bay Airstrip project works proposed includes a runway pavement lift, vertical alignment correction and re-sheeting.

The Shire secured funding from Department of Transport – Regional Airports Development Scheme 2019-21 (RADS) for this upgrade works. (Refer Minute FC 20/11/18).

In May 2020, advice was received from the Federal Department of Industry, Innovation and Science – Remote Airstrip Upgrade Program 2020-21 (RAUP) of success in gaining additional project funding.

The table below shows project funding with and without this additional funding.

	Existing	With additional RAUP Funding	Saving
Shire Contribution	\$214,655	\$143,103	\$71,552
RADS Contribution	\$214,655	\$143,103	\$71,552
RAUP Contribution	\$0	\$143,103	N/A
Total	\$429,310	\$429,310	

Being in a claypan, useability of Coral Bay airstrip may be compromised during and after rain events. Lifting the pavement and gravel resheeting works will improve airstrip drainage, serviceability and amenity.

The airstrip is an essential service to Coral Bay. During winter months and New Year, the temporary population of Coral Bay increases significantly typically resulting in increased RFDS patient transfers.

A Public Tender process will be required for the works once surveys, designs and specifications are completed. In accordance with the funding agreement, Greenfields Technical Services has been appointed for a total of \$38,440 to act as Project Manager. Their work includes preparation of the technical specifications, assistance with the Tender process, onsite superintendence and acting as an independent technical assessor to approve works are completed to all CASA standards.

The project is planned for commencement after 1 July 2020. Works are required to be completed by June 2021.

Consultation:

CEO – David Burton

Statutory Environment

Not applicable

Relevant Plans and Policy:

Financial Implications:

The estimated project cost of \$429,310 is based upon quotes received during the grant application process. This includes the commitment of \$38,440 for Project Management by Greenfields. The remaining \$390,870 will be required for the construction works.

With the additional RAUP funding, the total Shire contribution has been reduced to \$143,103, a 20/21 budget saving of \$71,552.

Risk Assessment:

Community Safety Risk – The airstrip facilitates an essential RFDS medical service to the Coral Bay community. Increasing visitor numbers to Coral Bay is likely to increase RFDS patient transfers. Anecdotally, this has been occurring. Visitor activities such as diving, snorkelling, trail riding etc typical to the isolated Coral Bay destination carry inherent risks. Coupled with an aging visitor demographic, patient transfer numbers are likely to continue to increase.

Asset Maintenance Risk - Recent airstrip maintenance grading revealed pavement depths are reduced to minimum levels at some locations. The most recent resheeting works was completed in 2017/18. The unsealed runway is exposed to high wind conditions for much of the year stripping materials from the surface. The works includes pavement stabilising materials to minimise pavement wind loss mitigating this risk.

Financial risk – The Coral Bay airstrip does not generate income. Commercial use of the airstrip is minimal. The project contribution from Council will impact on the overall Shire budget. Acceptance of this additional funding minimises that impact.

Ongoing Coral Bay Airstrip maintenance and upgrades will be depend on external funding, particularly RADS and RAUP funding. In 2018/19 the Shire received almost \$100,000 of RADS funding for the Coral Bay Airstrip upgrade works described previously. In discussions with the Department, Shire officers have been cautioned that handing back RADS funding may compromise future grant funding requests. Accepting this funding and proceeding with the project will mitigate this risk. Council may also recall that Minister R. Saffiotti visited the Shire of Carnarvon on 30th of April 2019 to publicly announce the Shire's RADS 2019/21 grant applications approval.

Community & Strategic Objectives:

Goal 1: Economic

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

ITEM	OUTCOMES AND STRATEGIES
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay

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:

RAUP funding was approved by the Department in May 2020. Funding agreement execution and preliminary project works such as survey and design will follow Council's acceptance of the additional funding.

OFFICER'S RECOMMENDATION

That Council:

- a. in accordance with Council Policy C030, accepts the additional RAUP 20/21 funding offered for Coral Bay Airstrip upgrade works to commence in 2020/21*
- b. includes an allocation of one third of the total project cost being \$143,103 in its Draft 20/21 budget.*
- c. requests the Shire President to formally thank the Federal Minister for Industry, Innovation and Science on behalf of Council for continued Federal support for the remote North West and the Shire of Carnarvon community.*
- d. directs the Chief Executive Officer to execute the funding agreement for the project.*

(Simple Majority)

FC 14/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

That Council:

- a. in accordance with Council Policy C030, accepts the additional RAUP 20/21 funding offered for Coral Bay Airstrip upgrade works to commence in 2020/21*
- b. includes an allocation of one third of the total project cost being \$143,103 in its Draft 20/21 budget.*
- c. requests the Shire President to formally thank the Federal Minister for Industry, Innovation and Science on behalf of Council for continued Federal support for the remote North West and the Shire of Carnarvon community.*
- d. directs the Chief Executive Officer to execute the funding agreement for the project*

CARRIED
F6/A0

2.02pm – Cr Vandeleur returned to the meeting and was advised of Council's decision in relation to Items 8.1.3 and 8.1.4.

LATE ITEM

Shire President advised that there is a late item relative to Delegation 1005 that has been submitted and seeking Council's endorsement to consider the matter. President accepted the late item for consideration.

2.02pm – Cr Pinner left the meeting.

2.03pm – Cr Pinner returned to the meeting.

Date of Meeting:	26 th May 2020
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

To consider additional clauses for the use of Delegated Authority 1005 for the issuing of Hawkers, Stall Holders and Street Traders Licenses

Description of Proposal:

Due to the unique nature of Coral Bay and the current process of updating the Shire's Policy for Mobile Traders, consideration is given for restricting the delegated authority to issue mobile trading permits for Coral Bay until a suitable area can be established and a formal policy adopted by Council.

Background:

While mobile traders is accepted as a way to bring additional trading in the region for Carnarvon and Coral Bay, the unique nature of Coral Bay as a Tourist Node has shown that there is a possibility of unrestricted mobile traders in the node can create issues. These issues relate to the movement of people and traffic along the main street of Coral Bay in a safe manner for all involved, especially during the peak tourist season.

Mobile trading in Coral Bay is also an issue with the limited workers accommodation in the node. It can be questioned as to where the workers for the mobile trader will be housed while in Coral Bay.

At this current time, staff are developing policies for Mobile Traders to give the Shire greater controls over where trade can be conducted. A separate policy is being developed for Carnarvon and Coral Bay.

Given the current concerns from the general public of Coral Bay for mobile trading, it may be preferential for applications to be made to Council rather than the authority being delegated out to staff. As a Council Item, it will be more open and available for public information.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and

- (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

Relevant Plans and Policy:

Mobile Traders Policy currently under review.

Financial Implications:

Nil.

Risk Assessment:

Given the consideration of mobile trading in Coral Bay and the concerns raised by the general public, there is an associated reputations risk for the Shire if controls are not put in place and an open and accountable process followed.

Community & Strategic Objectives:

Comment:

Due to the level of concerns raised about mobile trading in Coral Bay and the current review being undertaken for the Policy for mobile trading, Council may look at two possible options for ensuring controls are in place and that applications are following an open process that does allow public consideration:

- 1) Revoke the Delegated Authority of the CEO to authorise a mobile trading permit; or
- 2) Add a condition to the Delegated Authority restricting authorization for mobile trading in Coral Bay.

To revoke the Delegated Authority in total would mean that all mobile trading applications will have to come before Council. This may not be suitable for the occasional mobile traders of Carnarvon that only want to stay in town for a day or two which need access to quick approvals.

To restrict the Delegated Authority to areas outside of the Coral Bay Tourist Node may be a preferred option as this will retain the authority with Council allowing for an open process, while not restricting occasional use in Carnarvon. It will restrict occasional use in Coral Bay, but as previously noted, there can be an issue with other factors and people movements in Coral Bay.

Delegation No: 1005		Hawkers, Stall Holders and Street Traders Licences	
Date Adopted:	27 May 2014	Delegate:	CEO
Date Last Reviewed:	25 July 2017 18 December 2018	Sub-Delegated:	Yes
Policy Reference:	N/A	Chief Executive Instruction/Procedure:	Nil
Legal (Parent): 1. Local Government Act 1995 – Section 5.42.		Legal (Subsidiary): 1. Shire of Carnarvon Local Government Act Gazetted Local Laws 1998.	

In accordance with section 5.42 of the Local Government Act 1995, Council delegates to the Chief Executive Officer the administration of section 29 of the Shire of Carnarvon Local Government Act Local Laws relating to hawkers, traders and stall holders, subject to the following conditions–

1. Where higher risk activities are proposed to be undertaken, and the risks can be appropriately managed, the applicant must be required to produce evidence of public liability insurance covering

the activity to the value of at least \$10 million. Without limiting the discretion of the delegate in particular circumstances, the following should be regarded as higher risk:

- a) activities conducted from a vehicle from a road; or
- b) activities involving large temporary structures (e.g. large commercial grade marquees) that the public will be on or under; or
- c) activities involving daring stunts, physical feats or fire, e.g. acrobatics, fire-twirling; or
- d) any other activities deemed by the delegate to represent a higher risk to the public.

2. For other activities, the delegate should provide advice to the applicant recommending that public liability insurance covering the activity be obtained. Other activities will include basic stall setups including tables and or fold up marquees as determined by the delegate.

OFFICER'S RECOMMENDATION

That an additional clause be added to Delegated Authority 1005 to include:

- (3) *Delegated Authority is not to extend to areas within the Coral Bay Tourist Node Settlement*

FC 15/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Simpson

That an additional clause be added to Delegated Authority 1005 to include:

- (3) *Delegated Authority is not to extend to areas within the Coral Bay Tourist Node Settlement*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.2 CORPORATE SERVICES

FC 16/5/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That Items 8.2.1 to 8.2.3 inclusive be considered en-bloc.

CARRIED

F7/A0

FC 17/5/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Pinner

That Items 8.2.1 to 8.2.3 inclusive be adopted as follows –

File No:	ADM0186
Date of Meeting:	26 May 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Dallas Wood Harris – Relieving Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

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

Financial Implications:

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

Community & Strategic Objectives:

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

Comment:

Accounts paid to 30 April 2020 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

OFFICER'S RECOMMENDATION

That Council

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

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
DD37715	DD37812	Bank Direct	\$131,950.01
47145	47158	Muni Cheques	\$68,371.94
7500	7505	Trust Cheques	\$6,216.50
EFT30434	EFT30595	Muni EFT	\$797,582.92
EFT30484	EFT30528	Trust EFT	\$8,659.46

- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$5,131.86 as presented.
- c) Note Sundry Creditors as at 30 April 2020 \$420,117.19

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council

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

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
DD37715	DD37812	Bank Direct	\$131,950.01
47145	47158	Muni Cheques	\$68,371.94
7500	7505	Trust Cheques	\$6,216.50
EFT30434	EFT30595	Muni EFT	\$797,582.92
EFT30484	EFT30528	Trust EFT	\$8,659.46

- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$5,131.86 as presented.
- c) Note Sundry Creditors as at 30 April 2020 \$420,117.19

8.2.2 FINANCIAL ACTIVITY STATEMENT 31 MARCH 2020

File No: ADM0186
Date of Meeting: 26 May 2020
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Kim Chua Manager Finance
Declaration of Interest: Nil
Voting Requirements: Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

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

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

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

Community & Strategic Objectives:

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

Comment:

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

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

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 30 April 2020 as per Schedule 8.2.2.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 30 April 2020 as per Schedule 8.2.2.

8.2.3 INVESTMENTS AS AT 30 APRIL 2020

File No: ADM0186
 Date of Meeting: 26 May 2020
 Location/Address: Shire of Carnarvon
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: 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 30 April 2020.

Description of Proposal:

N/A

Background:

Nil.

Consultation:

Takes place with Financial institutions prior to renewal of investments.

Statutory Environment:

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

Relevant Plans and Policy:

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

Financial Implications:

Nil.

Risk Assessment:

No risk identified.

Community & Strategic Objectives:

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

Comment:

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

OFFICER'S RECOMMENDATION

That Council receive the investments report, as at 30 April 2020 as per Schedule 8.2.3.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council receive the investments report, as at 30 April 2020 as per Schedule 8.2.3.

CARRIED
F7/A0

8.2.4 POLICY REVIEW C002 - PURCHASING – AMENDMENT TO TENDER THRESHOLD

Date of Meeting	26 th May 2020
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
	SJ Nixon, A/Manager Governance
Declaration of Interest	Nil
Voting Requirements	Recommendation 1: Simple Majority Recommendations 2 & 3: Absolute Majority

Summary of Item

This report presents:

An update to the *Corporate Policy C002 – Purchasing* to include the legislative amendment to the Local Government (Functions and General) Regulations 1996 Part 4. clause 11. (1) ‘when tenders have to be publicly invited’ in which the tender threshold has been increased from \$150,000 to \$250,000

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) has made an amendment to the above-mentioned regulation due to the COVID-19 outbreak. This amendment included an increase to the tender threshold to \$250,000 (Clause 11. (1)) and removing the requirement to publicly invite tenders during a state of emergency for:

- The supply of goods or services associated with a state of emergency (Clause 11 (2) (aa) and;
- A contract renewal or extension of no more than 12 months when the original contract is to expire within three months (Clause 11 (2) (ja).

Description of Amended Policies

In the amended policy, allowance has been made for the new Tender threshold from \$150,000 and above to \$250,000 and above to publicly invite tenders. Therefore, the threshold to conduct a formal Request for Quotation (RFQ) has to be amended to \$50,001 to \$249,999. Refer to ***Schedule 8.2.4 Policy Review*** for the complete amended Policy C002 – Purchasing.

The amendment to the above-mentioned regulation included a change to the regulatory exemptions. These changes have been included in Clause 15 of the Policy C002 Purchasing. Refer to ***Schedule 8.2.4 Policy review***.

Consultation

Consultation has taken with the Executive Manager of Corporate Services, Maurice Werder.

Statutory Environment

The amendments to the Policy C002 – Purchasing have been endorsed in the reviewed Local Government (Functions and General) Regulations 1996 Part 4 Provision of Goods and Services.

Local Government (Functions and General) Regulations 1996, Clause 11A.

Part 4 — Provision of goods and services

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.

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

2.7. Role of council

- (2) Without limiting subsection (1), the council is to —
 - (b) determine the local government’s policies.

Financial Implications

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

Risk Assessment

A regular review and update of the Shire Policies avoids the risk of the documents becoming outdated. Any adverse issues from policy use, application, interpretation or changing circumstances will be brought back to Council for review.

The Hansard from the Western Australian Parliament’s assembly on 15th April 2020 noted that these changes have been made to assist council to focus on more important and pressing business whilst ensuring that local government can continue to procure goods and services. particularly where they need to respond to a declared state of emergency. Given the above, any risk that these changes may pose to the local government is nullified by the mandatory implication of an amendment to the legislation.

Given the concerns following the council meeting on 28th April 2020, clarification was sought for WALGA in relation to the implication of these amendments particularly in relation to the contradiction between clause 11 and clause 11a of the *Local Government (Functions and General) Regulations 1996*. The following advice was provided;

- a) These changes do not govern solely matters relating to COVID-19 or a state of emergency declaration.
- b) Clause 11A has been amended to a tender threshold of \$250,000 following the 5th May 2020 parliamentary sitting.
- c) Other local councils have adopted these changes into their policy in line with the legislative amendment
- d) Given the present financial climate, the cost/ benefit analysis for undertaking a request to tender versus undertaking a request for a quote provides further impetus to implement this legislative change.

Community & Strategic Objectives:

Objective 5: Civic

Strong and listening Council

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

Comment

There will need to be an amendment to the *Delegation 3030 Tendering for Goods and Services* to enable the CEO to carry out the functions as defined in the Delegation 3030 document. See ***schedule 8.2.4 B Delegation 3030 Tendering for Goods and Services***. Advice from a senior WALGA officer states: **The amendment to increase the tender threshold to \$250,000 is unrelated to a state of emergency declaration and will remain after the declaration period ends (hence the need to amend Reg 11A).**

OFFICER'S RECOMMENDATION 1

That Council note the changes into the Local Government (Functions and General) Regulations 1996, in particular Part 4 Provision of Goods and Services clause 11 and clause 11A.

OFFICER'S RECOMMENDATION 2

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

Adopt the following Corporate policy as listed in Table 1 below and as presented in the attached 'Schedule 8.2.4 Policy Review – C002 – Purchasing' to this report, that will then form part of the Shire of Carnarvon Policy Manual:

TABLE 1:

Policy No. - Policy
Corporate:
C002 - Purchasing

OFFICER'S RECOMMENDATION 3

That Council approves the amendment to Delegation 3030 Tendering for Goods and Services to change all references of \$150,000 to \$250,000 to enable the CEO to carry out the functions as defined in Delegation 3030 Tendering for Goods and Services.

FC 18/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Skender

That Council note the changes into the Local Government (Functions and General) Regulations 1996, in particular Part 4 Provision of Goods and Services clause 11 and clause 11A.

CARRIED

F7/A0

FC 19/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Skender

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

Adopt the following Corporate policy as listed in Table 1 below and as presented in the attached 'Schedule 8.2.4 Policy Review – C002 – Purchasing' to this report, that will then form part of the Shire of Carnarvon Policy Manual:

TABLE 1:

Policy No. - Policy
Corporate:
C002 - Purchasing

LOST

F4/A3

ABSOLUTE MAJORITY REQUIRED

Cr Fullarton voted for the motion

As the previous motion was lost, the following recommendation is void.

OFFICER'S RECOMMENDATION

That Council approves the amendment to Delegation 3030 Tendering for Goods and Services to change all references of \$150,000 to \$250,000 to enable the CEO to carry out the functions as defined in Delegation 3030 Tendering for Goods and Services.

8.3 DEVELOPMENT SERVICES

8.3.1 GASCOYNE GROWERS MARKET – APPROVAL FOR RELOCATION TO ROBINSON STREET

File No:	ADM0201
Date of Meeting:	26 May 2020
Location/Address:	Robinson Street
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Authors:	John Meggitt, Principal Planner Stephanie Leca, Coordinator Carnarvon Visitor Centre
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

It is understood that the Gascoyne Growers Markets Association is considering a possible relocation for the markets from the rear of the Civic Centre to the Robinson Street road reserve on the Civic Centre frontage. The relocation would require the partial closure of Robinson Street during the period when the markets are operating, being each Saturday morning over an approximately six (6) month period.

The relocation option responds to the current need for more space as a result of the Covid-19 social distancing requirements and to the desired objectives of increased activation of Robinson Street during the months that the markets are active – normal peak tourism season. Refer to Figure 1 for a plan of the proposed markets location and road closure option.

Description of Proposal:

The market operations are managed by the Gascoyne Growers Markets Association through the Shire's Visitors Centre; it operates every Saturday morning from 8:00am to 11:30am May until October each year. The markets provide a local retail outlet for the district's primary producers. The markets usually operate in conjunction with the arts and craft markets; however, the current Covid-19 restrictions have not permitted the reopening of general market yet, however food markets are permissible provided there is adherence to the prescribed restrictions.

As the proposal is to locate stalls within the Robinson Street road reserve, and noting that the footpaths and vehicle parking areas are within the gazetted road reserve, the closure will require an approved "Traffic Management Plan" and the management of the road closure every Saturday morning by suitably qualified persons.

The Shire is currently responsible for the provision of electricity to the stalls that require a power supply, and for assistance with set-up and cleanup at the end of each market event. It is proposed that the Shire will continue to provide these services.

Background:

Tourism is a key industry for Carnarvon; it has strong linkages to other commercial activities and is a major source of income and employment for many people. The tourism industry has been significantly impacted by the eastern summer bushfires and the COVID-19 pandemic. The markets are a significant tourism attraction and an important food resource for the travelling public. The markets also provide an opportunity for the Carnarvon community to come together on a Saturday morning, with the overall event providing visitors with an insight into the Carnarvon community and associated lifestyle. The markets bring people into town who would otherwise pass by.

The hatched area on Figure 1 below illustrates the area of Robinson Street that will need to be closed to accommodate the proposed market relocation and the required traffic management arrangements.



Figure 1. – Site for the relocation of the markets and traffic management measures.

Consultation:

Shire staff have visited potentially affected business owners along Robinson Street and the response has been positive towards the proposal. The only concern raised by a single retailer was that the stalls will be more exposed to adverse weather conditions. Stallholders may need to take additional measures to ensure that they are not adversely impacted by wind and have adequate shade cover.

It is understood that some Councillors have had discussions with representatives of the Gascoyne Growers Markets Association, and Shire staff have had several meetings with the Association's President. Arrangements are currently being made for the temporary relocation of the markets to the front of the Civic Centre; the relocation as proposed in this report is outside of these interim arrangements and should be seen as a possible long term solution for the markets.

This report recommends that should Council agree to approve the alternate location on Robinson Street; the existing license approvals should stand to allow the markets to relocate back to the existing approved site should the need arise.

Statutory Environment:

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

The local law provides guidance on the method and information required for applications, license assessment considerations, grounds for refusing, renewing or granting licenses, license conditions, additional conditions that can be included in licenses; grounds for revoking licenses; and fee and license transfer management.

The Visitors Centre in conjunction with the Gascoyne Growers Markets Association will be responsible for the management of the stallholders and the issuing of licenses within the parameters of the s.29 Hawkers, Traders & Stall Holders Local Law.

Relevant Plans and Policy:

Carnarvon Strategic Community Plan

The plan encourages tourism promotion of district, cultural tourism and improved visitor information with the objective of lifting visitor numbers and growing the recognition of the Coral Coast region as a national and international tourism destination. A thriving tourism industry is seen as an integral part of the a strong and growing local economy with a thriving regional centre, and abundant business opportunities and jobs.

Financial Implications:

The Shire of Carnarvon currently supports the markets with market setup, post market clean-up, and the provision of electricity to stall holders who require electricity. The options for electricity supply include the use of the Shire's diesel generator or the installation of a power board at the Robinson Street frontage. These matters need to be further investigated and will be brought back to Council should it be found that a budget allocation needs to be included in the 2020-21 budget.

Risk Assessment:

There are no risks associated with this proposal; there are no permanent changes proposed to Robinson Street.

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
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

Comment:

Relocating the markets to Robinson Street will provide sufficient space for the achievement of the Covid-19 required social distancing, give the market experience greater prominence, and providing additional activation to Robinson Street during the tourism season.

It is recommended that Council agrees to the proposed relocation to enable new traders' licenses to be issued to the market stall holders by the Shire's Chief Executive Officer.

To enable the proposed Robinson Street road reserve area to be closed for market operations, the Gascoyne Growers Markets Association will need to take responsibility for the road closure by preparing a 'Traffic Management Plan' for the closure, and employing suitably qualified persons to manage the weekly road closure.

It is proposed that this approval, if provided by Council, does not revoke the existing market license approvals.

OFFICER'S RECOMMENDATION

That Council:

1. Approves the relocation of the Gascoyne Growers Markets Association markets to the Robinson Street road reserve adjacent to the Civic Centre and agrees to the ongoing provision of electricity to market operators as required.
2. Gives authority to the Shire's Chief Executive Officer to issue licenses to current market operators at the new location.
3. Requires the Gascoyne Growers Markets Association to prepare and lodge with the Executive Manager Infrastructure Services an acceptable 'Traffic Management Plan' and to engage/employ suitably qualified persons to staff the road closure operations for the duration of the markets. Note that the Shire could provide the appropriate road closure signage on loan at no cost to the Growers Association for the duration of the weekly road closure.

NOTE: This approval provides an alternative location for the 'Growers Markets' and does not revoke the existing approval, noting that both sites cannot operate at the same time.

FC 20/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

That Council:

1. Approves the relocation of the Gascoyne Growers Markets Association markets to the Robinson Street road reserve adjacent to the Civic Centre and agrees to the ongoing provision of electricity to market operators as required.
2. Gives authority to the Shire's Chief Executive Officer to issue licenses to current market operators at the new location.
3. Requires the Gascoyne Growers Markets Association to prepare and lodge with the Executive Manager Infrastructure Services an acceptable 'Traffic Management Plan' and to engage/employ suitably qualified persons to staff the road closure operations for the duration of the markets. Note that the Shire could provide the appropriate road closure signage on loan at no cost to the Growers Association for the duration of the weekly road closure.

NOTE: This approval provides an alternative location for the 'Growers Markets' and does not revoke the existing approval, noting that both sites cannot operate at the same time.

CARRIED
F7/AO

8.3.2 HOME BUSINESS (BEAUTY SALON) – LOT 911 (HN 12) MCNISH STREET, SOUTH CARNARVON

File No:	A380, P10/20
Date of Meeting:	26 May 2020
Location/Address:	Lot 911 (HN 12) McNish Street, South Carnarvon
Name of Applicant:	Sinead Allen and Jarrad Allen
Name of Owner:	Sinead Allen and Jarrad Allen
Author/s:	Andrew Karagoglou, Planning Officer John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item relates to a development application seeking approval for a home business (beauty salon) to be contained within a shipping container on Lot 911 (HN 12) McNish Street, South Carnarvon. See Schedule 8.3.2(a) for the site plan. The subject lot is zoned residential; a home business is a 'SA' use within this zone meaning that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions.

The application was advertised by way of a sign on the site, letters to affected neighbours and a notice on the Shire's website. The Shire received three (3) submissions on the proposal, two supporting and one indifferent. The officer's recommendation is that the application be refused as it is not consistent with the requirements of the Shire's Policy Statement No. 16 Shipping (Sea) Containers. See Schedule 8.3.2(b) for the policy.

Description of Proposal:

The beauty salon is proposed to be operated from a painted sea container situated at the rear of the property. The proposed salon has an area of 14m². The homeowner will be the sole employee of the business and clients will be limited to one person at a time.

The image of the sea container provided by the applicant which is included as Schedule 8.3.2(a) is not considered to be an accurate representation as the applicant is proposing simply to paint the exterior and not install exterior cladding as per the image provided.

Background:

Provisions exist in Local Planning Scheme 10 (LPS 10) for a home business to be established in a residential area. As with most planning schemes this provision allows persons to operate small scale businesses without the overheads associated with a rented commercial property.

Provision exists for home businesses to operate from a separate structure from the dwelling at the owner's property. However, the Shire has an approved Shipping (Sea) Container Policy which seeks to avoid the proliferation of sea containers within residential areas.

The applicant is proposing to locate the sea container at the rear of the property/driveway. The exterior is proposed to be painted, the interior renovated, power and water is proposed to be provided, and a sloping roof added. A sliding door will be fitted but there will be no other openings. While these modifications will improve the appearance of the structure, it will still present as a sea container.

The Shipping (Sea) Container Policy recognises that these structures can have a role for general storage or workshop purposes however it states that they are not to be used for residential or office accommodation. It is considered that while the proposed beauty salon use is not specifically identified in the Shipping (Sea) Container Policy it is clear that the proposed home business use does not correlate with the approved use of general storage or workshop.

Draft Local Planning Scheme No. 13 (LPS 13) has been advertised and is currently being considered by the Department of Planning, Lands and Heritage; it is therefore deemed a '*seriously entertained planning proposal*'. LPS 13 identifies sea containers as falling within the land use definition of 'storage' and only permits their location within Residential zones on a temporary basis. This reinforces the expectation that sea containers are not considered to be desirable as permanent structures from which to operate a small business within residential areas.

Consultation:



Figure 2: Lot 911 McNish Street showing public consultation

The application was advertised in accordance with clause 64 of the deemed provisions of the *Planning and Development (LPS) Regulations 2015* with the advertising period being from 30 April 2020 - 14 May 2020 in the form of a sign on the property, letters to affected neighbours, and a notice on the Shire's website. The directly affected properties are identified on Figure 2 above.

The Shire received three submissions on the development, two supporting and one indifferent; no adverse comments were provided.

Statutory Environment:

Planning and Development Act 2005

As defined under the Act 'Development' means the *development or use of any land*; the development and use of this land in this instance being works to establish a sea container for the use of a home business. The proposal is not exempt from the requirement for development approval under the *Planning and Development Act 2005*.

Planning and Development (Local Planning Scheme) Regulation 2015

Schedule 2, clause 67 of the deemed provisions:

67. Matters to be considered by government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*

The Regulations provide a framework within which LPS 10 and the Shire's Planning Policies have been formulated. In this case they provide specific guidance on the use of sea containers and have informed the recommendation contained in this report.

Local Planning Scheme 10 (LPS 10)

The site is zoned Residential R12.5. Under LPS 10 a beauty salon is classed as a 'home business' which is defined as:

a business, service or profession carried out in a dwelling or on land around a dwelling which:

- (a) does not employ more than two people not members of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50m²;*
- (d) does not entail the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone."*

A home business is a 'SA' use within this zone. 'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 64 of the Deemed Provisions. The use is considered to be an acceptable activity within this zone.

Draft Local Planning Scheme 13

It is expected that LPS 13 will be gazetted within the next 4 months, as such, it is deemed a "seriously entertained planning proposal" as such the Council is obliged to have due regard to this document.

Under draft LPS 13 14.1 All sea containers fall within the land use definition 'storage' and shall not be placed on any lot zoned Regional Centre or Residential unless a temporary development approval under clause 72 of the deemed provisions has been granted.

Under draft LPS 13 a home business is a 'D' use meaning that the Council has the discretion to approve the use. Sea containers can only be approved if a planning condition limiting the period of approval is applied. Shipping containers are typically used for onsite storage and can have a negative visual impact on the surrounding area; this explains the requirement for a time limitation.

Relevant Plans and Policy:

Policy Statement 16 Shipping (Sea) Containers

Policy Statement No. 16 – Shipping (Sea) Containers, has been considered. The policy states that a sea container shall:

- a) be used for general storage or workshop purposes only subject to full compliance with relevant legislation, including the Building Code of Australia and Food Act 2008, if applicable.*
- b) not be used for residential or office accommodation.*
- c) directly relate to, and be ancillary to, the predominant use of the property.*
- d) not exceed the maximum dimensions of 6.0m in length, 2.4m in width, and 2.6m in height.*
- e) not be located over septic tanks, leach drains or utilities.*
- f) not fall into disrepair, or become unsightly, where should this occur the Shire may direct the structure be upgraded or removed.*

The Policy clarifies that sea containers can only be used for general storage and workshop purposes and prohibits their use for residential or office accommodation. The use of a sea container for a home business is not a use which is identified as being permitted under the policy.

Financial Implications:

There may be financial implications relating to a possible appeal to the SAT should Council decide to refuse this application as per the officer's recommendation.

Risk Assessment:

The approval of this application is likely to encourage other landowners to establish small commercial businesses within residential areas within sea containers. The approval could therefore establish a possible precedent and undermine the effectiveness of the Shire's policy that seeks to restrict the proliferation of sea containers within residential areas.

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.1	Local business growth

Objective 2: Natural and built environment

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

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

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.1	A well engaged and informed community and a high standard of customer service
5.1.1	Community members have access to information on their community through a range of different media
5.1.2	The community is engaged in planning for the future and other matters that affect them
5.2	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:

Following advertising three submissions on the proposal were received, two in support and one indifferent; as such it is considered that the adjoining owners do not object to the proposed home business and the associated structure. Provision exists for home businesses to operate from a separate structure to the dwelling at the owner's property however the Shire's Policy Statement No. 16 – Shipping (Sea) Containers seeks to avoid the proliferation of sea containers within residential areas because of the potential impact on amenity. This is reinforced by draft LPS 13 which anticipates that sea containers may only be located in residential areas for the purpose of temporary storage.

Despite the proposed improvements, which include exterior painting and a modified roof, the structure will still present as a sea container and as such the proposal does not conform with Policy Statement 16. The officer's recommendation is that the home business (beauty salon) and associated sea container be refused.

OFFICER'S RECOMMENDATION

1. That Council refuse to grant development approval for the home business (beauty salon) within a sea container and for the location of a sea container on Lot 911 (HN 12) McNish Street, South Carnarvon as outlined in Development Application P10/20 for that purpose. Reason for the refusal: The proposed use of the sea container is not consistent with Policy Statement No. 16 - Sea (Shipping) Containers.

Advice Notes

- i. *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.*

FC 21/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

1. *That Council refuse to grant development approval for the home business (beauty salon) within a sea container and for the location of a sea container on Lot 911 (HN 12) McNish Street, South Carnarvon as outlined in Development Application P10/20 for that purpose. Reason for the refusal: The proposed use of the sea container is not consistent with Policy Statement No. 16 - Sea (Shipping) Containers.*

Advice Notes

- 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.*

Further debate amended Motion FC 21/5/20 with the approval of the Mover and Seconder with the amended motion becoming the Substantive Motion.

FC 21/5/20

COUNCIL RESOLUTION & AMENDED MOTION

Cr Maslen/Cr Pinner

That Council grant development approval (subject to the external appearance being modified to an appropriate level to eliminate the appearance of the sea container to the CEO's satisfaction) for the home business (beauty salon) on Lot 911 (HN 12) McNish Street, South Carnarvon as outlined in Development Application P10/20 for that purpose.

CARRIED

F7/AO

(Note to Minute – Council were of the view that previous approvals have been given for the use of sea containers and therefore approved this application subject to conditions on the final appearance of the container on the property being modified.)

8.3.3

RETROSPECTIVE APPROVAL FOR HORSE STABLES – LOT 1 (HN 36) HOLDEN STREET, EAST CARNARVON

2.25pm - Cr Vandeleur declared a Proximity Interest in this item as he leases property behind Lot 1 Holden Street. Cr Vandeleur left the meeting and did not participate or vote on the matter.

File No:	A873, P07/20
Date of Meeting:	26 May 2020
Location/Address:	Lot 1 (HN 36) Holden Street, East Carnarvon
Name of Applicant:	Norman Ryan
Name of Owner:	Norman Ryan
Author/s:	John Meggitt, Principal Planner Andrew Karagoglou, Planning Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This report relates to an application for retrospective approval for the construction of stables for the keeping of five (5) horses on Lot 1 (HN 36) Holden Street, East Carnarvon. The current owner of the horses is a separate party to the applicant/owner of the land. The subject land is located within a 'General Industrial' zone in which the keeping of horses may be permitted following advertising of the proposed use.

The application was advertised by way of a sign on the land, letters to six (6) nearby landowners and a notice was placed on the Shire's website. The Shire received one submission opposing the use and development from a nearby landowner/resident caretaker, raising concerns about odour, dust and flies. The applicant has provided eight (8) responses from other neighbours raising no objection to the proposal.

The horses have been on the subject land since early 2019; they were relocated from a site opposite the subject land due to complaints over the nuisance effects of odour, dust, and flies at the previous site.

It should be noted that a previous development approval for horse yards and stables for the keeping of seven (7) horses on the subject land was approved in 2004, however the stables were not constructed, and the approval therefore lapsed as they did not substantially commence the development.

The officer's recommendation is for the application to be refused based on the following:

- the likelihood of adverse impacts from odour, dust, and flies; and mosquitoes breeding in stagnant water troughs,
- the proximity of the site to a sensitive land use being an adjacent caretakers dwelling, and
- the consideration of draft Local Planning Scheme No. 13 - the stabling of horses cannot be approved within 'General Industrial' zone of the draft scheme as "stables" are an 'X' use within this zone.

It should be noted that while LPS 13 has not yet been gazetted the deemed provisions and planning case law requires that any draft planning scheme that has been endorsed by Council and advertised should be "seriously considered" by the decision maker in the assessment of development proposals.

Description of Proposal:

The application seeks approval for the use of the subject land for stables restricted to the keeping of five (5) horses. The subject land is generally vacant, however three small sheds and the horses occupy the northern area of the lot. Figure 1. illustrates the subject land and the area for the keeping of the horses. A copy of the site plan and the plan for the stables is included as **Schedule 8.3.3(a)**.

The Site:

The subject land has an area of 4,049m² and contains three small sheds but no major buildings, a large tree is located centrally on the site. Much of the site has been denuded of vegetation and dust is generated from the movement of the horses and from the prevailing southerly winds.

The site adjoins a residential property to the west and other land used for industrial storage to the east. The land to the south is used for the storage of building materials. To the north on the opposite side of Holden Street is a demolition contractor that contains a caretakers dwelling.

Located to the north-west on Holden Street is a lot that is used for industrial storage; it also contains a caretakers dwelling. Approval was granted in July 2018 on this lot for the keeping of four horses.

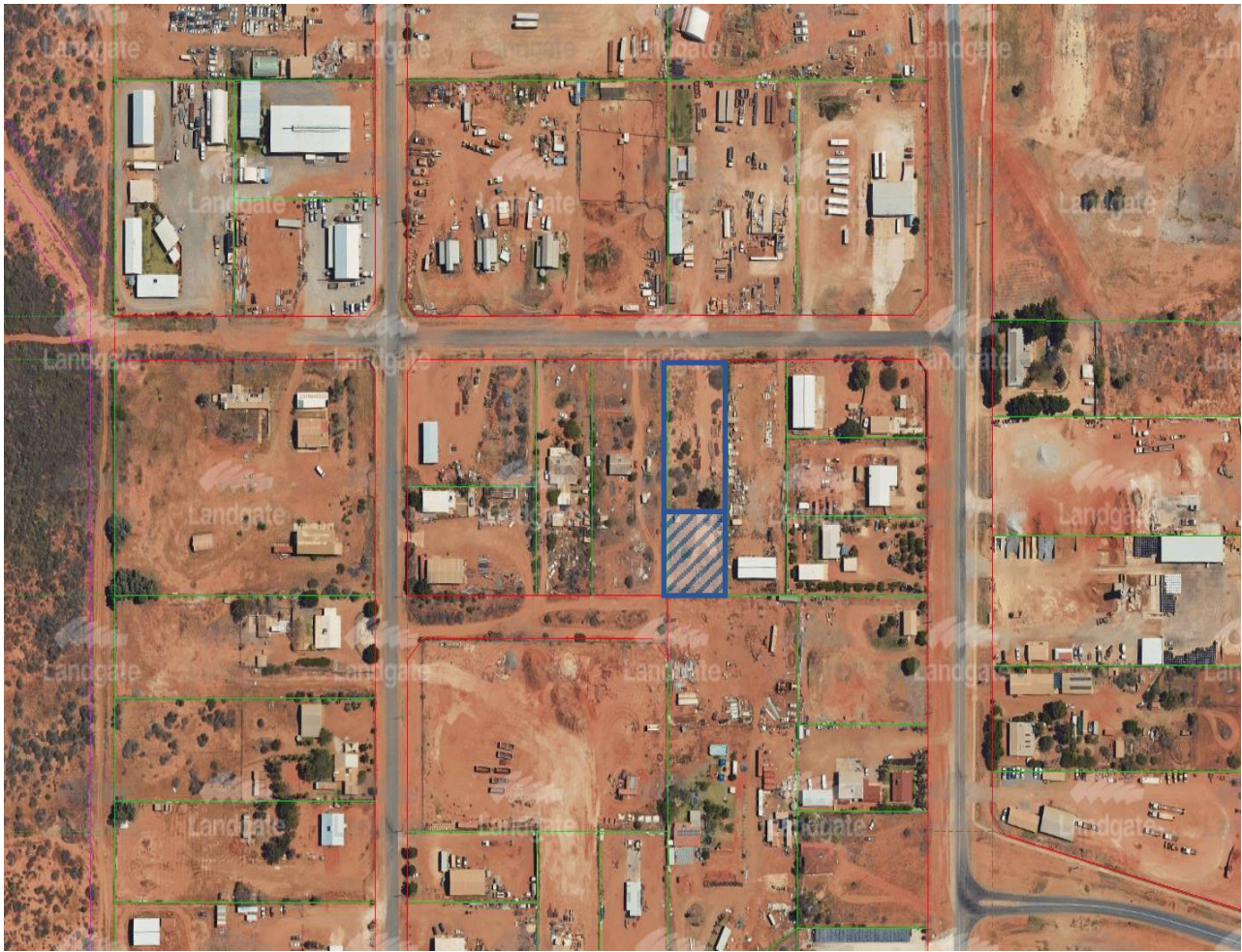


Figure 1. Lot 1. Holden Street with the area at the rear to be used for the keeping of horses highlighted.

Background:

Council records indicate that the subject land has been used at various times for the keeping of horses since 1979, however this has not been continuous.

Several complaints have been received over the past year about odour and dust from the keeping of horses on the land. It should be noted that no complaints have been received in the past 12 months about the keeping of horses on Lot 399 (opposite the site) where the measures set out in the management plan are being effectively applied. It is therefore evident that the level of impacts associated with the keeping of horses relies on the effective management of the site as specified by a comprehensive Management Plan.

The horses currently located on the subject land were relocated from Lot 399 in Holden Street approximately 12 months ago. Whilst primarily this application must be considered as a new activity on the land, the fact that the applicant is seeking a retrospective approval allows the decision maker to consider the effects (evidence) of current and past management practices for the period the horses have been on the land, and the effects of these practices on the surrounding land owners and occupants as outlined in the Deemed Provisions of the Regulations.

This is pertinent as the owner of the horses is aware of the issues/complaints about the horses when they were kept on Lot 399 as these matters were addressed at a meeting held at the Shire offices on 22 February 2019. As such it is expected that the owner of the horses would have endeavoured to apply appropriate management measures to ensure that amenity of the area would not be adversely impacted.

The appropriate management measures for the proposed use would need to include the use of river sand to minimise dust, the periodic removal and replacement of sand, the daily removal of manure, the covering of manure storage facilities, and the regular changing of water to avoid mosquito breeding. However, none of these actions have been implemented at the subject land prior to the advertising period. Following inspections undertaken during the advertising some of these measures have been undertaken which include the partial removal of waste and the covering and relocation of a manure storage trailer to the rear of the property. It is noted that the owner of the horses continues to keep a miniature horse separate from the other horses in a fenced area outside of the area indicated in the application.

A management plan has been submitted by the applicant demonstrating how it is intended that the various issues associated with the keeping of the horses will be addressed including manure and urine management, dust control, and rodent/fly control. The management plan can be found at **Schedule 8.3.3(b)**. Should Council decide to approve the application it is recommended that the management plan be a mandatory condition of approval.

The Shire's Environmental Health Officer (EHO) has undertaken an inspection of the property and completed an assessment which identified:

- Two trailers of manure were being stored towards the front of the property, one partially covered with a tarp, the other uncovered; manure was spilt around the trailers. On 30 April 2020, the trailers had been removed but there were significant amounts of manure left on the ground where the trailers had been.
- The main horse yard had very little manure on the ground, however the miniature horse enclosure contained a considerable amount of manure.
- A wheelbarrow of manure left in the open.
- On two non-windy days, the odour was acrid when standing at the horse fence, smelling like urine-soaked earth (ammonia) and manure.
- Flies were particularly bad near the horse enclosure compared to at the street area. The use of fly traps was not evident.
- The main horse yard had a fine dust surface with no sand covering resulting in dust generation from horse movement.
- The horse water contained mosquito larvae.
- The horse fencing was makeshift and, in some locations, too low to be effective.

The EHO report states that the current management is of a low standard when assessed against the *Health Local Laws 1997* and *Environmental Guidelines for Horses and Facilities and Activities 2002*.

A copy of the EHO's report is located in **Schedule 8.3.3(c) CONFIDENTIAL**.

In Local Planning Scheme 10 (LPS 10) stables in an "industrial" zone are identified as an 'SA' use which allows for a local government to approve the use subsequent to the proposal being advertised.

The State's planning regulations consider draft Local Planning Scheme 13 (LPS 13) to be a '*seriously entertained planning proposal*'. As such the Council is obliged to have due regard to the provisions of the draft scheme in its consideration of the application.

Consultation:

The Shire of Carnarvon Local Planning Scheme No. 10 identifies 'Stables' as an 'SA' use. The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A sign was placed at the property frontage for a period of 14 days, letters were sent to surrounding landowners and a notice was placed on the Shire's website. Refer to Figure 2 for potentially affected properties.

The owner of the subject land has provided eight (8) standard responses in support from landowners in the general area. The Shire has received one submission opposing the development from a property owner opposite and upwind of the subject land stating:

"I STRONGLY disagree with the submission application for the proposal to accommodate five (5) horses at 36 Holden Street, Carnarvon. As per my recent complaints over the past 12 months for continuing odours and dust that come from this property directly to our office and yard is very unpleasant for clients and workers. As for the plans there are no pens in front of the stables, so the horses will continue to do what they do at present, which is stand under a tree, urinate and dump their manure in one spot which causes a major stench and attracting flies for breeding. This is an industrial area NOT a Rural Zone".



- Letter sent to landowner advising of the proposal.
- Letter of objection received.
- Support for proposal received.

Figure 2. Lot 1. Holden Street showing detail of public consultation.

Statutory Environment:

Planning and Development Act 2005

As defined under the Act, 'development' means the development or use of any land. The use of the land in this instance being the keeping of horses and associated stables for hobby purposes. Therefore, approval for the development is not exempt in this instance.

Planning and Development (Local Planning Schemes) Regulations 2015

The deemed provisions require that:

Part 8 cl. 64(1) (e) outlines the provisions of advertising applications for development approval:

- (1) *An application for development approval must be advertised under this clause if the proposed development –*
 - (e) *is of a type that this Scheme requires to be advertised.*

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating*

within the Scheme area;

- (b) 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;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;*
- (zb) any other planning consideration the local government considers appropriate.*

Shire of Carnarvon Local Planning Scheme No. 10

The Shire of Carnarvon Local Planning Scheme No. 10 guides development within the Carnarvon townsite. The scheme identifies the zoning of the site as 'General Industry'. The Scheme defines 'General Industry' as: *"any industry other than a hazardous, light, noxious, rural extractive or service industry"*.

The Shire of Carnarvon Local Planning Scheme No. 10 defines 'Stables' as: *"premises used for the keeping, breeding and rearing of horses and ponies involving the erection of buildings, corrals and compounds and their use for those purposes, except that the expression shall not include land used solely for agistment of horses"*.

As 'stables' is a 'SA' use under the scheme it is required that the matter be advertised prior to it being brought to Council for determination, as outlined previously in this report.

Draft Local Planning Scheme No. 13

The *Planning and Development (Local Planning Schemes) Regulations 2015*, Part 9 cl. 67 refers to matters to be considered by local government. When considering an application for development approval the local government is to have due regard to the requirements of orderly and proper planning, including any proposed local planning scheme.

LPS 13, which will replace LPS 10, is expected to be gazetted before the end of August 2020 and has reached a stage where it is a *'seriously entertained planning proposal'* as recognised by the deemed provisions. As such the Council is to have due regard to the provisions of the draft scheme in its consideration of the application.

Under draft LPS 13 the lot is zoned 'General Industry'. Stables falls within the use class defined as *Rural Pursuit/Hobby Farm*, which means any premises used for "agriculture – extensive" or "agriculture – intensive", that are used by an occupier of the premises to carry out certain activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household. These activities include the rearing, agistment, stabling or training of animals.

Under draft LPS 13 the lot is zoned 'General Industry' and stables, which fall under the classification of *Rural Pursuit/Hobby Farm* is an 'X' use within this zone, meaning that an application for stables lodged subsequent to LPS13 being gazetted cannot be approved within this zone.

The 'X' use designation is consistent with the model scheme text and it is considered that the model scheme considers that "stables/keeping of horses" is incompatible with industrial activities. This may be due to the

potential adverse amenity impacts associated with the keeping of horses, and to protect land designated for industrial activities from “lower order uses” (to ensure land is available for current and future industrial uses).

Shire of Carnarvon Health Local Laws 1997

The Shire of Carnarvon Health Local Laws have been prepared in accordance with the Health Act 1911:

Division 3 – Keeping of Large Animals:

Division 3 of the Shire of Carnarvon Health Local Laws 1997 governs the standard for stables and the keeping of horses. The Local Laws controls to be considered for the keeping of horses (including buffer zones) are the control of stench, insects and pests, and the requirement for general cleanliness. A copy of the Local Law can be found at **Schedule 8.3.3(d)**.

Relevant Plans and Policy:

Environmental Guidelines for Horse Facilities and Activities 2002

The guidelines apply to all horse activities in Western Australia. The guidelines ensure the protection of land quality and water resources. The document recommends best environmental management practices and procedures for horse related activities.

Financial Implications:

The refusal of the application by Council may result in financial implications relating to staff attending SAT should the applicant decide to appeal the decision. Conversely, the approval of the application by Council will most likely have financial implications relating to compliance action.

Risk Assessment:

There are no risk implications related to the refusal of this application.

Community & Strategic Objectives:

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

Objective 2: Natural and built environment

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

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

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
	The Shire has an Asset Management Plan in place for each asset class

Comment:

This application relates to the proposed use of Lot 1 (HN 36) Holden Street for the use of the land for ‘stables’ for the keeping of a maximum of five (5) horses. The site is zoned ‘General Industry’ under LPS 10 and stables are a ‘SA’ use meaning that the development may be permitted by local government after the proposal has been advertised.

The applicant has provided eight (8) standard responses in support of the proposal from surrounding landowners and one (1) submission has been received at the Shire opposing the application.

The horses located on the subject land were relocated from Lot 399 in Holden Street approximately 12 months ago; no approval was given for the use on the subject land at the time of the relocation - the current application is therefore considered to be a retrospective approval.

The applicant has put forward a management plan that if adhered to could mitigate the adverse impacts of horses on the subject land, however the current evidence of use and management is that the area is not adequately managed, and the impacts from having horses on the land are creating unacceptable outcomes for some neighbors.

The *Planning and Development (Local Planning Schemes) Regulations 2015* Part 9 cl. 67 refers to matters to be considered by local government in considering an application for development approval stating that the local government is to have due regard to the requirements of orderly and proper planning, including any proposed local planning scheme.

Consideration of the merits of this application needs to be balanced against the provisions contained in draft LPS 13 under its status as a 'seriously entertained planning proposal'. LPS13 identifies a *Rural Pursuit/Hobby Farm* is an inappropriate use within a 'General Industrial' zone defining it as an 'X' use.

Therefore, considering all of the above matters as a whole, it is recommended that the application be refused.

OFFICER'S RECOMMENDATION

1. *That Council refuse to grant development approval for the land use and development of 'Stables' proposed in Development Application P07/20 on Lot 1 (No. 36) Holden Street, East Carnarvon on the basis that:*
 - a) *the proposed use has the potential to have an adverse impact on the adjoining area;*
 - b) *The use is an 'X' use under draft Local Planning Scheme 13, a 'seriously entertained planning proposal'; and*
 - c) *It is considered that approval of the use would not be in the interests of orderly and proper planning.*

Advice Notes

- i. *If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

FC 22/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Maslen

1. *That Council refuse to grant development approval for the land use and development of 'Stables' proposed in Development Application P07/20 on Lot 1 (No. 36) Holden Street, East Carnarvon on the basis that:*
 - d) *the proposed use has the potential to have an adverse impact on the adjoining area;*
 - e) *The use is an 'X' use under draft Local Planning Scheme 13, a 'seriously entertained planning proposal'; and*
 - f) *It is considered that approval of the use would not be in the interests of orderly and proper planning.*

Advice Notes

- i. *If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

CARRIED
F6/AO

2.30pm – Cr Vandeleur returned to the meeting and was advised of Council’s decision on this matter.

8.3.4

COMMUNITY STEWARDSHIP GRANT APPLICATION

File No:	ADM2066
Date of Meeting:	26 May 2020
Location/Address:	Shire of Carnarvon
Name of Applicants:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This report informs the Council of the proposed intention to apply for funding from the Natural Resource Management (NRM) Community Stewardship Grants 2020 for the Carnarvon Environmental Restoration and Sustainability Project. The grant is being overseen by the Department of Primary Industries and Regional Development.

Grants of up to the value of \$450,000 are available for large projects through the program, the Shire will not be expected to directly contribute funds towards this project. Shire involvement will entail in kind support through staff input and resources towards achieving the project outcomes.

The State NRM Program is an initiative of the WA Government. It is designed to conserve and sustainably manage the State’s natural resources by supporting local community groups to undertake stewardship of natural resources in their local area. A key feature of the State NRM Program is the Community Stewardship Grants.

Community Stewardship Grants are available for community-based projects that help conserve, restore, rehabilitate or enhance a local natural area, conserve WA’s biodiversity and maintain or build the capability of NRM community groups across the State.

It is proposed that the Shire lodges a funding application for a program of environmental improvements within the Carnarvon townsite. The works would involve the cleanup of household waste, dumped green waste, whitegoods, building materials, car bodies, contaminants such as asbestos and the removal of the mesquite.

Description of Proposal:

It is proposed that the project will integrate with, and reinforce, a number of current programs undertaken by the Shire and other agencies to improve the appearance, health and biodiversity of the town and make it a more attractive place for residents and tourists.

The project is envisaged as dovetailing with a range of other existing Shire programs and services including:

- The Gascoyne River cleanup program;
- The Carnarvon illegal dumping cleanup project;
- Tourism associated development;
- Public open space planning; and
- Coastal restoration.

Specific elements of the Carnarvon project would involve the following:

- Identifying the scale and nature of the issues within specific precincts of the townsite.

- Research on best practice across the country in dealing with similar issues to identify an approach that suits the Carnarvon environment.
- Engaging with community groups, state agencies and other key stakeholders to address the issues.
- Developing a program, timetable, budget and required resources and stakeholder inputs for the progressive cleanup and public awareness of the proposed works.
- A staged undertaking of the works in accordance with the agreed program.

Possible practical measures to deal with the above matters may include the following:

- The cleanup along riverside areas of waste materials such as waste plastic reticulation, old farm machinery, fruit handling equipment and other discarded materials associated with the agricultural activities.
- The removal and control of the mesquite invasive species.
- A public education and information program to raise awareness of the problems associated with unlawful waste disposal, the impact that it has for the local community and environment.
- Integration with Carnarvon's tourism campaign through improving the appearance of the town, encouraging tourists to visit riverside areas and coastal fringe areas.
- Introducing measures to ensure that improvements are maintained over time. These may include measures to monitor dumping hotspots, compliance actions and penalties.

Consultation:

Letters of support for this application will be sought from by agencies active in Carnarvon and community groups. These may include:

- Carnarvon Growers Association.
- Carnarvon Research Facility.
- Gascoyne Water.
- Gascoyne Development Commission.
- The Ladies of the River.

Statutory Environment:

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Relevant Plans and Policy:

External Grants – Procurement and Management C030

Financial Implications:

The Shire of Carnarvon is not expected to directly contribute funds towards this project. However, the program will involve in kind support through the utilisation of Shire staff and resources towards achieving the project outcomes.

Risk Assessment:

Failure to address the ongoing illegal dumping and land degradation within the townsite will continue to have deleterious effects on the social, natural and economic environment of the district.

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
2.1	Valued natural environment, for use and enjoyment by current and future generations
2.1.1	Work with other government and non-government organisations to control weeds and pests, and undertake other conservation measures

2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay
2.4.3	Provide education on waste reduction and reuse, and opportunities for reuse
2.4.4	Recover and dispose of car bodies in Carnarvon and Coral Bay
2.6	Shire assets and facilities that support services and meet community need
2.6.4	Parks, gardens and open space appropriately managed according to their need and use

Comment:

The community-based NRM Program is required to be directed and driven by local needs and priorities and recognises the value of local knowledge, volunteer efforts and strong partnerships. Grants up to the value of \$450,000 are available for strategic, complex projects for up to 36 months duration. Grant applications must be lodged by 15 June 2020.

OFFICER'S RECOMMENDATION

For the reasons outlined above the support of Council is sought for the CEO to direct staff to prepare and lodge the Community Stewardship grant application and if successful undertake full project planning followed by project commencement through to completion.

FC 23/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Maslen

For the reasons outlined above the support of Council is sought for the CEO to direct staff to prepare and lodge the Community Stewardship grant application and if successful undertake full project planning followed by project commencement through to completion.

CARRIED
F7/AO

8.4 INFRASTRUCTURE SERVICES

8.4.1 EXTENSION OF TEMPORARY ROAD CLOSURE - GNARALOO COASTAL TRACK

Date of Meeting:	26 May 2020
Location/Address:	Part Gnaraloo Road from Gnaraloo Bay to Southern Boundary of Warroora
Name of Applicant:	Department of Biodiversity, Conservation and Attractions
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Recommendation 1 - Simple Majority Recommendation 2 - Absolute Majority Recommendation 3 - Simple Majority
Previous Report:	Council Report 8.4.2 – March 2020

Summary of Item:

A submission opposing the proposed extension to the temporary closure of Gnaraloo Road from Gnaraloo Bay to the Southern Boundary of Warroora has been received from Gnaraloo Station. It is recommended that Council considers and notes the reasons for the opposition but that it proceeds with the temporary closure.

Description of Proposal:

At its March Ordinary Meeting, Council resolved as follows:

FC 25/3/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

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

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

CARRIED

F5/A1

Cr Fullarton voted against the motion

(Note to Minute – Councillors agreed that 1 year only be agreed upon for the extension of the temporary Closure until such time as DBCA has decided upon a long term plan.)

FC 26/3/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Maslen/Cr Vandeleur

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure subject to there being either nil submissions received, or nil submissions received objecting to the proposal.

CARRIED BY ABSOLUTE MAJORITY

F5/A1

Cr Fullarton voted against the motion

FC 27/3/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 3

Cr Nelson/Cr Fullarton

That Council directs the CEO to write to the Department of Biodiversity, Conservation and Attractions requesting a workshop to discuss the long-term strategic aims for the road.

CARRIED

F6/A0

The March meeting report is provided in **Schedule 8.4.1(a)** for reference.

As an objection to the proposal has been received, the matter has been referred to Council for decision.

Background:

The Parks and Wildlife Service (Department of Biodiversity, Conservation and Attractions) requested extension of the temporary closure of Gnaraloo Road from Gnaraloo Bay to the Southern Boundary of Warroora. The proposal was advertised in accordance with Section 3.50 of the Local Government Act 1995 and affected pastoral leases were advised by written notice.

One objection was received within the objection period from Gnaraloo Station. A copy of the objection letter is provided in **Schedule 8.4.1(b)**.

Consultation:

Advertising the closure was completed by public notice required under the provisions of the Local Government Act 1995.

Submissions were invited from the owners of Quobba, Gnarlaloo and Warroora Stations. Consultation with DBCA has been undertaken regarding clarification of legal access by Gnarlaloo to areas north of Gnarlaloo Bay.

Statutory Environment:

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

3.50. Closing certain thoroughfares to vehicles

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

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

[(3) deleted]

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

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

(b) give written notice to each person who —

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

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

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

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

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

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

There are no financial implications associated with the recommendation.

Risk Assessment:

Environmental Degradation Risk – Uncontrolled vehicular access to this section of road may increase risk of some or all the following:

- Erosion. In particular, coastal dune erosion;
- Track proliferation;
- Disturbance of cultural heritage sites;
- Feral animal and plant incursion; and
- Rubbish and litter.

Community & Strategic Objectives:

Goal 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.1	Valued natural environment, for use and enjoyment by current and future generations
2.1.1	Work with other government and non-government organisations to control weeds and pests, and undertake other conservation measures

Comment:

In accordance with the Act, Council must “consider any submissions made” regarding the proposed temporary closure. The objections raised in the Gnaraloo Station submission are as follows with comment provided for Councils consideration.

Objection 1

This section of the Gnaraloo Road is a public gazetted road.

Not considered an objection but a statement of fact. Section 3.50 of the Local Government Act 1995 provides the mechanism for a local government, by public notice, to close a thoroughfare it manages wholly or partially for periods exceeding 4 weeks.

Objection 2

This section of road is the only accessible thoroughfare from Gnaraloo Bay north and in future may be the equivalent of the Indian Ocean Drive between Lancelin and Dongara.

The road has been closed to all traffic for several years. Upgrade of this road to highway standard is speculative at best and no proposals to undertake preliminary planning for such a project are known to the author.

Objection 3

Use could initially be restricted to managed groups for example Variety Club, Tag a long 4WD tours and serviced walking, hiking and mountain biking groups.

Section 3.50 (2) of the Act states, “The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.”

The ability to permit uses raised in the objection may therefore be accommodated upon receipt of an application to conduct such an activity. In March 2020, the Variety club was granted conditional approval by Council to conduct such an activity. That activity was unfortunately cancelled due to COVID19.

Objection 4

The area surrounding the road is now managed by the DBCA and creates no responsibility or liability on the Shire of Carnarvon for management.

The intent of this objection is unclear and may be a statement of fact. A road surrounded by land under non-Shire ownership or management responsibility is typical, not unusual. The Shire is under no obligation to maintain or upgrade any road reserve to a certain standard regardless of the surrounding tenure or ownership. That decision and maintenance standard is typically driven by community need and established levels of service and not adjacent tenure arrangements.

Objection 5

This is the only North/South Access for pastoral activities on Gnaraloo Station and by it (sic) closure would sterilise pastoral activity on 60% of the Gnaraloo lease.

DBCA were contacted for comment regarding the above point raised by Gnaraloo Station. Their full response is provided in Schedule 8.4.1(c) for reference. In summary, the claim by Gnaraloo is not consistent with the information provided by DBCA.

Mr Richardson has previously voiced concern that the underlying DBCA intent is to permanently close the road restricting all public access. No such indication of that intent has been received or communicated to Shire officers by DBCA.

The intent communicated by the DBCA to the Shire has consistently been to close the road to allow time for appropriate land management and access arrangements to be established in proposed coastal reserve areas accessed by the road due to their high conservation and cultural values.

Focus of the DBCA has to date been directed to coastal areas north around Warroora Station. Unrestricted access here is necessitating preventative and remedial management actions. The temporary road closure effectively allows DBCA time to deal with these immediate higher priority management issues before proceeding to address potential management of areas accessed by the road. Whilst the road remains temporarily closed, impacts to these areas remain limited.

The noted points of opposition are therefore considered insufficient grounds for Council to not proceed with the proposed 12-month temporary closure of the road as previously approved.

OFFICER'S RECOMMENDATION

*That Council, pursuant to Section 3.50 of the Local Government Act (1995) has noted and considered objections by Gnaraloo Station as per Schedule 8.4.1(b) to the temporary road closure however Council directs the CEO to execute the temporary road closure effective 1 June 2020 for a period of 12 months.
(Simple Majority)*

FC 24/5/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

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

CARRIED
F7/AO

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

8.5 COMMUNITY SERVICES

8.5.1 NATIONAL REDRESS SCHEME (PARTICIPATION OF LOCAL GOVERNMENTS)

Date of Meeting:	26 May 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Jennifer MacKellin – Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

This item is for the Shire of Carnarvon to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme (Scheme);

- Note the key considerations and administrative arrangements for the Shire of Carnarvon to participate in the National Redress Scheme;
- Formally endorse the Shire of Carnarvon's participation as part of the WA Government's declaration in the National Redress Scheme; and Grant authority to the CEO to execute a service agreement with the State, if a Redress application is received.

Description of Proposal:

Following extensive consultation, in December 2019 the State Government:

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to survivors; and
- Agreed to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivors including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivors;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivors if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State, will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivors circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and

Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Carnarvon's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Carnarvon formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Carnarvon will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Carnarvon to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Carnarvon formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Carnarvon include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Carnarvon having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivors would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Carnarvon.

Background:

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse.

The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Carnarvon) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019. Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Consultation:

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most concerned about the:

¹ Section 111 (1) (b) .

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivors, has taken into account the feedback provided by local governments during the consultation detailed above.

Statutory Environment:

The Shire of Carnarvon in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Relevant Plans and Policy:

N/A

Financial Implications:

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivors;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivors if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivors. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivors circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating

organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

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

Risk Assessment:

Should Council vote not to be a part of the National Redress Scheme, the Shire of Carnarvon could be liable for significant financial and legal costs associated with any claims. This may result in a failure to manage the distribution of funds to meet the needs of the Shire Strategic Community Plan, Corporate Business plan, Long term financial plan and our Annual budget.

Community & Strategic Objectives:

5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

Detailed below is a list of considerations for the Shire of Carnarvon to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Carnarvon will receive a Redress application. A Service Agreement will only be executed if the Shire of Carnarvon receives a Redress application. Shire of Carnarvon needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Carnarvon will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records

that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Carnarvon's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.

5. Redress Decisions

The Shire of Carnarvon should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Carnarvon do not have any influence on the decision made and there is no right of appeal.

OFFICER'S RECOMMENDATION

That Council:

- 1) *Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2) *Notes that the Shire of Carnarvon will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Carnarvon makes a specific and formal decision to the be included;*
- 3) *Endorses the participation of the Shire of Carnarvon in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;*
- 4) *Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;*
- 5) *Notes that a de-identified confidential report will be provided if a Redress application is received by the Shire of Carnarvon;*

FC 25/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Maslen

That Council:

- 1) *Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2) *Notes that the Shire of Carnarvon will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Carnarvon makes a specific and formal decision to the be included;*
- 3) *Endorses the participation of the Shire of Carnarvon in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;*
- 4) *Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;*
- 5) *Notes that a de-identified confidential report will be provided if a Redress application is received by the Shire of Carnarvon;*

CARRIED
F7/A0

Date of Meeting:	26 May 2020
Location/Address:	Robinson Street, Carnarvon
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Jennifer MacKellin – Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

This report is to request a budget variation for the acceptance of a \$15,000 grant from Gascoyne Development Commission (GDC) and to provide a recommendation for Council to determine how this grant will be used.

Description of Proposal:

The GDC Board approved \$15,000 (ex GST) funding to each of the 4 Gascoyne Local Governments for immediate COVID-19 responses to facilitate:

1. *Improved public information about how businesses are changing their service offerings in response to COVID-19.*
2. *Improved public information about where labour shortages are and aren't, reducing the need for people to move around the community and reduce 'door knocking'.*
3. *Initiatives that keep the workforce and their families active and engaged whilst keeping distant e.g. social and sporting groups voluntarily taking on outdoor clean up duties for cash.*

The above three areas of COVID-19 responses have been addressed by the Shire through the additional work it has undertaken. Some of the activities that relate to these areas include:

- Provision of public information/resources to the Community through various medium including face-to-face, handouts, posters, newsletters and social media.
- Communication with GDC and other agencies in relation to anticipated labour shortages for plantation work.
- Gathering information relating to backpackers who remained in Carnarvon through March/April.
- Redeployment of staff to enable a more cohesive response to COVID-19.
- Visiting businesses in Carnarvon and Coral Bay to provide information.
- Increased cleaning of community surfaces.

The Shire has expended in excess of \$42,000 through activities in response to COVID-19. GDC have advised that some of these costs, such as casual wages, resources, travel to Coral Bay, may be approved for offset with the \$15,000 grant.

Consultation was undertaken with several stakeholders, seeking input as to other considerations for use of the grant. It was following this consultation that it was identified that the enhancement of Carnarvon's main street, through additional landscape works, may be preferred by some members of the business community.

It is proposed that Council adopt a recommendation for the grant to be used for the beautification of Robinson Street, bordered by Olivia Terrace at either end. It is proposed that this work will support local businesses through improving the landscape and appeal of Carnarvon's main street, with locally purchased plants and landscaping materials, thereby supporting the local economy.

As this grant is additional to revenue identified in the 2019/20 Council budget and, in accordance with Policy C030, a formal Council resolution is required to accept the grant. This resolution will then require a budget variation to be accepted by Council.

It is proposed that Council accept a variation to the 2019/20 budget as follows:

1. Income – Parks and Gardens – Grants – Other COA 3443 \$15,000
2. Expenditure – Parks and Gardens COA 3242 \$15,000

Background:

A State of Emergency was declared on 15 March 2020 in response to a coronavirus pandemic (COVID-19). Since this date, community concern for the economic impact that COVID-19 was having on businesses was consistently a very high priority.

The Shire of Carnarvon has been in regular communication with community members and striving to work with the business community to support economic recovery. The loss of tourism within the Shire, during what is normally seen as the peak of the tourist season, has had a significant impact on local businesses.

Increasing the visual appeal of the town whilst purchasing plants and landscaping materials from local businesses through this grant will support the local economy.

Consultation:

- Carnarvon Chamber of Commerce and Industry
- Visitors Centre
- GDC
- Community members
- Shire of Carnarvon staff and Council Members

Relevant Plans and Policy:

C030 External Grants – Procurement and Management

Financial Implications:

This grant would be fully utilised for the expenses to be incurred. There would be no co-contribution required by Council.

Risk Assessment:

There is no significant risk for the Shire in the Officer's Recommendations.

Community & Strategic Objectives:

1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
2.6	Shire assets and facilities that support services and meet community need
2.6.6	Maintain town centre, fascine and town beach for enjoyment of locals and visitors, that the community can take pride in
5.1	A well engaged and informed community and a high standard of customer service
5.1.1	Community members have access to information on their community through a range of different media
5.1.2	The community is engaged in planning for the future and other matters that affect them

Comment:

The support of the GDC Board is acknowledged and greatly appreciated. The grant could potentially be used to offset the costs incurred by the Shire through COVID-19 and this was given serious consideration. It is with consideration of feedback from local businesses and community members that the officer's recommendation is made to utilise this grant in a way that will provide a direct benefit to local businesses, through purchasing of plants and landscaping materials, with an additional benefit to local businesses by increasing the visual appeal of the main street.

OFFICER'S RECOMMENDATION

1. That Council accepts a grant of \$15,000 from Gascoyne Development Commission
2. That Council approves a budget variation of \$15,000 income at COA 3443; and
3. That Council approves a budget variation of \$15,000 expenditure at COA 3242.
4. The Council approves the \$15,000 grant provided by Gascoyne Development Commission to be used to purchase plants and landscaping materials for use in the Robinson Street main shopping precinct, bordered by Olivia Terrace at either end.

FC 26/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Pinner

That Standing Orders Section 13 be suspended at 2.44pm to enable Council to give further consideration to where the funding should be spent.

CARRIED
F7/AO

FC 27/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That Standing Orders Section 13 be resumed at 2.54pm.

CARRIED
F7/AO

FC 28/5/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

1. That Council accepts a grant of \$15,000 from Gascoyne Development Commission
2. That Council approves a budget variation of \$15,000 income from an appropriate COA; and
3. That Council approves a budget variation of \$15,000 expenditure from an appropriate COA
4. The Council approves the \$15,000 grant provided by Gascoyne Development Commission to be used in development of the electronic resources eg. "Gascoyne Local APP" designed to promote the adventure hub marketing strategy and signage where possible.

CARRIED
F7/AO

Date of Meeting:	26 May 2020
Location/Address:	Cornish Street, Massey Bay
Name of Applicant:	Carnarvon Race Club
Author/s:	Jennifer MacKellin – Executive Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

This report is to inform Council of the opportunity provided to the Carnarvon Race Club, to commence their race season and promote Carnarvon globally. A recommendation is made for Council to demonstrate support for Carnarvon Race Club and, to promote Carnarvon, supporting the purchase of a sign to be displayed inner trackside.

Description of Proposal:

A proposal to order and purchase a flexible sign (18m x 3.9m) complete with reinforcing at hold down points. The cost of this sign, including freight, is \$2,860 as advised by Tom Day of Carnarvon Race Club and confirmed by the Shire President in an email on 7 May 2020.

Background:

On 25 March 2020, following State Government directions in response to COVID-19, Carnarvon Race Club advised the community that the start of the 2020 race season had been deferred. It was planned that the first two meetings for the season would be transferred to Geraldton, with the remaining season meetings to be reassessed.

The Shire of Carnarvon President held discussions with the Carnarvon Race Club, where he was advised that the remaining season could be held at Carnarvon albeit without spectators.

Racing and Wagering W.A. reported on 1 May 2020: *The Geraldton Turf Club will close for track renovations following the race meeting scheduled for Friday 5 June 2020. The Carnarvon Race Club will then conduct 11 race meetings commencing on Friday 12 June 2020 to Friday 18 September 2020. Whilst the State Government intrastate travel restrictions are in place, Carnarvon race meetings will be restricted to only horses located within the Midwest and Gascoyne regions. Full race programmes will be available on the CRIS website early next week. The revised full season Carnarvon dates are below:*

1. Friday 12 June 2020
2. Sunday 21 June 2020
3. Friday 3 July 2020
4. Sunday 12 July 2020
5. Friday 24 July 2020
6. Sunday 2 August 2020
7. Friday 14 August 2020
8. Friday 21 August 2020
9. Sunday 30 August 2020
10. Friday 11 September 2020
11. Friday 18 September 2020

The Shire President was advised that these races would be televised throughout the world. The officer has contacted the Carnarvon Race Club who have confirmed that the races will be televised by SKY Racing 1 & 2, which broadcast internationally.

A request was made for a sign to be purchased and displayed during races. This sign would be part of the televised meetings and therefore seen globally.

Consultation:

- Shire President
- Shire Staff
- Glen Gregory – Operations Manager, Carnarvon Race Club

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Financial Implications:

This sign will cost the Shire of Carnarvon \$2,860. The funds will be made available through existing budget allocations.

Risk Assessment:

There is no significant risk for the Shire should Council endorse this recommendation.

Community & Strategic Objectives:

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

Comment:

The officer recommends Council support for the purchase of this sign to be used by Carnarvon Race Club. The officer is unaware of where this sign is to be purchased from, but it would be suggested that consideration be given by the Carnarvon Race Club to being able to purchase this locally if possible should Council adopt the recommendation for approval.

OFFICER'S RECOMMENDATION

That Council approve a grant of \$2,860 to Carnarvon Race Club for the purchase of a flexible sign (18m x 3.9m) to be displayed inner trackside during races.

FC 29/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

That Council approve a grant of \$2,860 to Carnarvon Race Club for the purchase of a flexible sign (18m x 3.9m) to be displayed inner trackside during races.

CARRIED
F7/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 June 2020 commencing at 1.00pm.

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

FC 30/5/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting be closed to the public in accordance with –

1. *Section 5.23 (2) (c) as Items 12.1 and 12.2 relate to contracts entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
2. *Section 5.23 (2) (b) as Item 12.3 relates to a matter which may reveal the personal affairs of any person.*

CARRIED
F7/A0

12.1 PROVISION OF CLEANING SERVICES- PUBLIC TOILETS CARNARVON – REQUEST FOR TENDER (RFT) 06/2020

File No: ADM2058
Date of Meeting: 26th May 2020
Location/Address: Public Toilets Carnarvon
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: SJ Nixon – A/Governance Officer
David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: Officer Recommendation 1 - Simple Majority
Officer Recommendation 2 - Absolute Majority
Officer Recommendation 3 - Simple Majority
Previous Report: N/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 Kleenit Pty Ltd to supply public toilet cleaning services in accordance with the requirements of Tender RFT 06/2020 Provision of Cleaning Services- Public Toilets Carnarvon for the total tendered amount of \$57,340 which excludes Rotary Park Toilet cleaning. (Simple Majority)

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 Kleenit PTY LTD for Tender RFT 06/2020 Provision of Cleaning Services- Public Toilets Carnarvon. (Absolute Majority Required)

OFFICER'S RECOMMENDATION 3

*That Council directs the CEO to permanently close the Rotary Park public Toilet facility and make any necessary arrangement for its demolition and removal.
(Simple Majority)*

FC 31/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Maslen

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 Kleenit Pty Ltd to supply public toilet cleaning services in accordance with the requirements of Tender RFT 06/2020 Provision of Cleaning Services- Public Toilets Carnarvon for the total tendered amount of \$57,340 which excludes Rotary Park Toilet cleaning.

CARRIED
F7/A0

FC 32/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Vandeleur

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 Kleenit PTY LTD for Tender RFT 06/2020 Provision of Cleaning Services- Public Toilets Carnarvon.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

FC 33/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Pinner

That Council directs the CEO to permanently close the Rotary Park public Toilet facility and make any necessary arrangement for its demolition and removal.

CARRIED

F7/A0

12.2 CONSTRUCT AND COMMISSION RECYCLED WATER PIPELINE RFT 04/2020

3.03pm – Cr Vandeleur declared a Financial Interest in this item as he is the Director/Owner of a construction company which will be supplying materials for the tender. Cr Vandeleur left the meeting and did not participate or vote on the matter.

File No: ADM2062
Date of Meeting: 26th May 2020
Location/Address: Brockman, Northwater, Town Beach, Van Dongen Park and Town Oval Park
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: SJ Nixon – A/Governance Officer
David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: **Officer Recommendation 1** - Simple Majority
Officer Recommendation 2 - Absolute Majority
Officer Recommendation 3 - Absolute Majority
Previous Report: N/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 BLS Unit Trust T/A Cobey Industries to commission and construct recycled water pipeline in accordance with the requirements of Tender RFT 04/2020 Commission and Construct Recycled Water Program for the total tendered amount of \$301,355.30(Simple Majority)

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 BLS Unit Trust T/A Cobey Industries for Tender RFT 04/2020 Commission and Construct Recycled Water Pipeline.(Absolute Majority Required)

OFFICER'S RECOMMENDATION 3

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to exercise the option to renew the contract for Stages SP C and/or SP-D Commission and Construct Recycled Water Pipeline works subject to meeting the conditions defined in Clause 3.4 of the Conditions of Contract.
(Absolute Majority Required)*

FC 34/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Maslen/Cr Skender

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 BLS Unit Trust T/A Cobey Industries to commission and construct recycled water pipeline in accordance with the requirements of Tender RFT 04/2020 Commission and Construct Recycled Water Program for the total tendered amount of \$301,355.30.

CARRIED

F7/A0

FC 35/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Maslen/Cr Pinner

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 BLS Unit Trust T/A Cobey Industries for Tender RFT 04/2020 Commission and Construct Recycled Water Pipeline

CARRIED BY ABSOLUTE MAJORITY

F7/A0

FC 36/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 3

Cr Fullarton/Cr Maslen

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to exercise the option to renew the contract for Stages SP C and/or SP-D Commission and Construct Recycled Water Pipeline works subject to meeting the conditions defined in Clause 3.4 of the Conditions of Contract.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

3.04pm – Cr Vandeleur returned to the meeting and was advised of Council's decision on the matter.

File No:	ADM0182
Date of Meeting:	26 May 2020
Location/Address:	34 Francis St, Carnarvon
Name of Applicant:	N/A
Name of Owner:	Geoffrey Rodier
Author/s:	Dane Wallace, Environmental Health Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple majority – Recommendation 1 Absolute Majority – Recommendation 2
Previous Report:	N/A

OFFICER'S RECOMMENDATION 1

That Council serve notice on the owner of 34 Francis St, Carnarvon, under section 137 of the Health (Miscellaneous Provisions) Act 1911 to take down and remove the house on the said piece of land within 6 weeks of the date of the notice.

**Simple Majority Required*

OFFICER'S RECOMMENDATION 2

- 1. In order to expedite the outcome of the above-mentioned notice, that Council delegate to the Chief Executive Officer the power—under s.140(1)—to carry out the terms of the said notice if it is not complied with by the due date and the power—under section 140(2)—to require the disconnection of services if required when carrying out the terms of the notice, provided that the carrying out of the terms of the said notice is subject to the owner of the land providing prior written consent to have the full cost of the works charged to the land.*
- 2. That Council agree to allocate \$34,100 in the 2020-2021 annual budget to enable—in the event that the above-mentioned notice is not complied with—the carrying out of the terms of the said notice (and minor additional clean-up works) as represented in Schedule 12.3(1) Request for Quotes (Option 2 – full clean-up) and Schedule 12.3(3) Quote to remove house with additional clean-up.*

**Absolute Majority Required*

FC 37/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Maslen/Cr Pinner

That Council serve notice on the owner of 34 Francis St, Carnarvon, under section 137 of the Health (Miscellaneous Provisions) Act 1911 to take down and remove the house on the said piece of land within 6 weeks of the date of the notice.

FC 38/5/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Pinner

That Standing Orders Section 13 be suspended at 3.07pm to discuss a strategy on the demolition process of the property.

CARRIED
F7/AO

FC 39/5/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That Standing Orders Section 13 be resumed at 3.09pm.

CARRIED

F7/AO

FC 37/5/20 was put.

CARRIED

F7/AO

FC 40/5/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Motion lapsed for want of a mover.

1. *In order to expedite the outcome of the above-mentioned notice, that Council delegate to the Chief Executive Officer the power—under s.140(1)—to carry out the terms of the said notice if it is not complied with by the due date and the power—under section 140(2)—to require the disconnection of services if required when carrying out the terms of the notice, provided that the carrying out of the terms of the said notice is subject to the owner of the land providing prior written consent to have the full cost of the works charged to the land.*
2. *That Council agree to allocate \$34,100 in the 2020-2021 annual budget to enable—in the event that the above-mentioned notice is not complied with—the carrying out of the terms of the said notice (and minor additional clean-up works) as represented in Schedule 12.3(1) Request for Quotes (Option 2 – full clean-up) and Schedule 12.3(3) Quote to remove house with additional clean-up.*

(Note to Minute – Council agreed that no further action be taken until the 6 weeks notice had expired.)

FC 41/5/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be reopened to the public at 3.13pm

CARRIED

F7/AO

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 3.13pm