

SHIRE OF CARNARVON

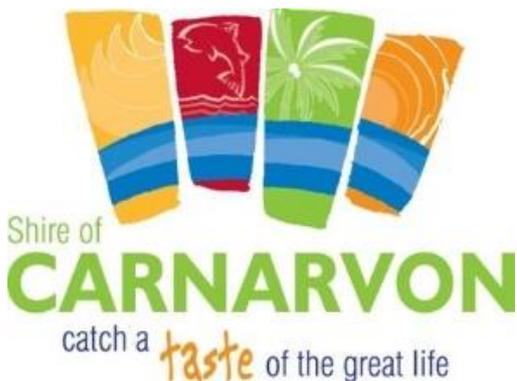
AGENDA PAPERS

ORDINARY MEETING OF

COUNCIL

TUESDAY 27TH AUGUST

2019



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

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon Ordinary Council Meeting

will be held
on Tuesday 27th August 2019
in the Shire Council Chambers,
Stuart Street Carnarvon, commencing at 8.30am



David Burton
CHIEF EXECUTIVE OFFICER

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.

AGENDA

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 RESPONSES TO QUESTIONS TAKEN ON NOTICE

2.2 PUBLIC QUESTION TIME

The following questions have been submitted by Dr Kees Bakker on behalf of the Carnarvon 2020 group as follows -

Question 1 - In 1995 the Shire of Carnarvon signed a Deed of Agreement with the State Government in which the Shire of Carnarvon agreed to take responsibility for the maintenance of The Fascine. The agreement has resulted in a situation where the State Government gets to collect all the revenue from mooring fees and jetty licences while the ratepayers of Carnarvon are liable for all the expenses! The Minister for Transport, the Hon. Rita Saffioti has written to the Carnarvon 2020 group saying that she is open to a review of the 1995 Deed of Agreement. Does the Shire of Carnarvon have any plans to correct the mistake it made in 1995 when it signed this disastrous Deed of Agreement and negotiate a new agreement for The Fascine with the State Government that actually serves the interests of the ratepayers of Carnarvon?

Question 2 - In February and March 2018 the Shire of Carnarvon conducted a community consultation so that council could learn what priorities the community wanted included the Shire's strategic plan. Given that not a single councillor attended the ratepayer funded Carnarvon consultation held on the evening of the 13th March 2018 I would like to ask if councillors are aware that one outcome of the consultation process was that the ratepayers of Carnarvon sent a very strong message that The Fascine needs to be a strategic priority for the Shire of Carnarvon?

Question 3 - In May 2018 the State Government provided the Shire of Carnarvon with funding to carry out a study of the Fascine to provide information that will be vital to making decisions about The Fascine's future. The Carnarvon 2020 group understands that it is only this month, fourteen months after The Shire of Carnarvon recieved the funding to carry out the study that the Shire has got around to advertising for consultants. Given the strong message the ratepayers sent the Shire that the Fascine must be a priority for council how can you justify taking fourteen months to get yourselves organised to advertise for consultants?

3.0 DECLARATIONS OF INTEREST

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

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

5.0 CONFIRMATION OF MINUTES

5.1 Minutes of Ordinary Meeting of Council held on 23 July 2019

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

6.1 Mrs Jennifer Ford

A petition containing 152 signatures, has been received from Mrs Ford as follows –

“I would like to present this petition to the Shire asking the Shire to please consider what solutions might be an option that might enable me to keep my business open and to be able to stay in Carnarvon. I understand the Shire has cancelled the licences of my dogs – I need to know if the solution is to build kennels or am I now forbidden to do this now? My letters to the CEO are not being answered. Sincerely Mrs Jennifer Ford.”

OFFICER'S RECOMMENDATION

That –

- 1. Council receive the petition; and*
- 2. No further action be taken until such time as the outcome of the current SAT hearing has been determined.*

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

8.0 DEPARTMENTAL REPORTS

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9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Tuesday 24th September 2019 commencing at 8.30am.

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

12.1 Response to Draft Inquiry (CONFIDENTIAL)

12.2 Coral Bay Investments – Specified Area Rates (CONFIDENTIAL)

13.0 CLOSURE

8.1.1

ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JULY/AUGUST 2019

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

Summary of Item:

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

Description of Proposal:

Refer above.

Background:

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

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

Consultation:

Nil

Statutory Environment:

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

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

Reporting requirement only.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

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

Comment:

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

COMMON SEAL

Date Affixed	Agreement Details
07.08.2019	Town Planning Scheme No. 10 Amendment No. 77
21.08.19	Lease – Don McLeod Judo Hall – Lot 350 Robinson Street

ENVIRONMENTAL HEALTH

Food

Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26-Jul-19	HF019/006	Amended food business registration – Add Coffee Van	Valeria Lucchitto	Shire of Carnarvon
26-Jul-19	HF019/007	New food business registration – Travels Juices temporary food stall	Camille Hecquet & Antoine Maurin	
2-Aug-19	HF019/008	Registration of food business – Red Bluff Store	Monique Durant	Quobba Station – Sarah & Tim Meecham
2-Aug-19	HF019/009	New Food Business Registration - Merv's Food Van	Jade McRae, Prue Johnson & Emily Kirby	WA Department of Transport

On-site wastewater management

Health Act 1911, s.107

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
14-Aug-2019	HS019/006	Approval to install apparatus – 74 Whitlock St, South Carnarvon	Dean White	Dale & Amanda Podmore

Public Buildings

Health Act 1911, Part VI

Health (Public Buildings) Regulations 1992

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
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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)
NIL	NIL	NIL	NIL	NIL

Shire of Carnarvon Health Amendment Local Laws 2002, Part 4, Division 1

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
9-Aug-19	Docket 17268	Disposal of sewage – 9000L	Coral Coast Plumbing	Shire of Carnarvon
9-Aug-19	Docket 17270	Disposal of sewage – 860L	Coral Coast Plumbing	Shire of Carnarvon
9-Aug-19	Docket 17275	Disposal of sewage – 9000L	Coral Coast Plumbing	Shire of Carnarvon
10-Aug-19	Docket 17281	Disposal of sewage – 1000L	Gascoyne Plumbing Solutions	Shire of Carnarvon
13-Aug-19	Docket 17296	Disposal of sewage – 9000L	Coral Coast Plumbing	Shire of Carnarvon
13-Aug-19	Docket 17299	Disposal of sewage – 9000L	Coral Coast Plumbing	Shire of Carnarvon

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/038	FORREST & FORREST PTY LTD ATF MSPC TRUST	LOT 415 CARNARVON- MULLEWA RD INGGARDA	STEEL FRAMED STORAGE/WORKSHOP SHED
B19/047	LUKE RICARD SKENDER & CAROLIEN CECILE PATRICIA CLAASSENS	LOT 73 SHALLCROSS ST EAST CARNARVON	STEEL FRAMED PATIO & DECK
B19/052	DOMENICO ROBERT & HEATHER AVIS CONDO	LOT 601 YARDI QU BROCKMAN	REMOVE EXISTING SECTION OF REAR VERANDAH AND REPLACE WITH PARTIALLY ENCLOSED ALFRESCO AND VERANDAH
B19/053	JUSTIN & TONI YVETTE RADCLIFFE	LOT 203 WILLIAM ST EAST CARNARVON	ATTACHING SOLAR PANELS TO RESIDENTIAL SHED
B19/054	GOVERNMENT REGIONAL OFFICER HOUSING	LOT 115 SKINNER CT BROCKMAN	1.8M HIGH COLORBOND POST & RAIL DIVIDING FENCE
B19/055	TIMOTHY EDWARD SAUNDERS & SIMMONE VAN BUERLE	LOT 125 DOUGLAS ST SOUTH CARNARVON	ALUMINIUM FENCE INFIL AND GATES
B19/056	DEPARTMENT FOR HOUSING	LOT 1116 CRAIG ST SOUTH CARNARVON	1.8M HIGH COLORBOND POST & RAIL FENCE
B19/057	TONI MARIE & RIAAN HIBBERT	LOT 106 SMITH ST EAST CARNARVON	SOLAR PHOTOVOLTAIC PANLE INSTALLATION ONTO EXISTING RESIDENTIAL DWELLING

B19/064	YVON JEAN-CLAUDE & TAMI LESA MAITRE	LOT 808 JAAGA COVE BROCKMAN	PHOTOVOLTAIC SOLAR PANEL INSTALLATION ONTO EXISTING DWELLING
B19/065	BARRY CRAIG & SANDRA GAYLE MASON	LOT 71 NORTH WEST COASTAL HWY KINGSFORD	CONSTRUCTION OF PHOTOVOLTAIC PANLES TO THE ROOF OF THE EXISTING DWELLING

OFFICER'S RECOMMENDATION

That Council accept the reports outlining the actions performed under delegated authority for the months July/August 2019.

File No:	ADM0186
Date of Meeting:	27 August 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Bianca Ferreira – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

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

Financial Implications:

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

Community & Strategic Objectives:

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

Comment:

Accounts paid to 31 July 2019 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

OFFICER'S RECOMMENDATION

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$1,574,329.01 as presented for the month of July 2019 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD36646</i>	<i>DD36765</i>	<i>Bank Direct</i>	<i>\$83,163.46</i>
<i>46985</i>	<i>47000</i>	<i>Muni Cheques</i>	<i>\$82,998.44</i>
<i>7444</i>	<i>7451</i>	<i>Trust Cheques</i>	<i>\$4,396.46</i>
<i>EFT28318</i>	<i>EFT28558</i>	<i>Muni EFT</i>	<i>\$1,365,720.31</i>
<i>EFT28391</i>	<i>EFT28568</i>	<i>Trust EFT</i>	<i>\$38,050.34</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$5,406.06 as presented.*
- c) *Note Sundry Creditors as at 31 July 2019 \$586,237.34.*

File No:	ADM0186
Date of Meeting:	27 August 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Sa Toomalatai, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

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

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

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

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

Community & Strategic Objectives:

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

Comment:

Attached as **Schedule 8.2.2** for consideration is the completed Statement of Financial Activity for the period ended 31 July 2019.

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

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 31 July 2019 as per Schedule 8.2.2.

File No:	ADM0186
Date of Meeting:	27 August 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Jodie Anderson, Senior Finance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report the Council details of surplus funds invested to 31 July 2019.

Description of Proposal:

N/A

Background:

Nil.

Consultation:

Takes place with Financial institutions prior to renewal of investments.

Statutory Environment:

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

Relevant Plans and Policy:

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

Financial Implications:

Nil.

Risk Assessment:

No risk identified.

Community & Strategic Objectives:

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

Comment:

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

OFFICER'S RECOMMENDATION

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

Date of Meeting	27 August 2019
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Carolien Claassens, Manager Governance
Declaration of Interest	Nil
Voting Requirements	Simple Majority
Previous Report	28 May 2019

Summary of Item

In May 2019 Council approved the notification of the proposed C035 Regional Price Preference Policy under Reg. 24F of the Local Government (Functions and General) Regulations 1996. In order to adopt the policy advertising has taken place with the request to provide submissions. The Council is in receipt of one submission.

Description of Proposal

For council to consider the received submission for Policy C035 – Regional Price Preference Policy.

Background

The Regional Price Preference Policy, refer to **schedule 8.2.4a**, approved for notification by Council during the May 2019 council meeting, has been advertised with the request to provide submissions.

The Shire is in receipt of one (1) submission from the Shire of Upper Gascoyne, a copy of the submission can be found in **schedule 8.2.4b**. In this submission, the request has been made to consider including the neighbouring Shires of the Gascoyne Region (Shire of Upper Gascoyne, Shire of Shark Bay and the Shire of Exmouth) within the region. Currently contractors eligible for the Regional Price Preference need to be located within the local government boundary of the Shire of Carnarvon.

In order to understand what is commonly accepted by other Local Governments as the region or regions, a review of other Regional Price Preference Policies has taken place within the State of WA. Throughout the State, Local Governments seem to take a different approach in the description of the region. For example, the Town of Port Hedland and City of Albany include the neighbouring Shires/Cities boundaries within the eligible region. The City of Busselton and City of Kalgoorlie - Boulder define the region as the boundaries of their City.

The intent of expanding the region is to encourage the economic growth within the Gascoyne region. In **schedule 8.2.5a** changes to the policy have been proposed in order to include the neighbouring Shire's boundaries into the eligible regions. The following has been proposed for the description of the region:

'Regional is defined as all business located within the municipal boundary of the Shire of Carnarvon, or in the Gascoyne region where the other local governments have a reciprocal policy which includes the Shire of Carnarvon'.

It is important to mention, the proposed changes in the Policy are considered to be significant. In accordance with Reg. 24E (4) of the Local Government (Functions and General) Regulations 1996,

where a significant change has been made to the proposed policy the Shire is required to give Statewide public notice of the altered proposed regional price preference policy. In this case formal adoption of the policy will be taking place after the closing date of this public notice

Consultation

Consultation has taken place with the CEO – David Burton.

Statutory Environment

The Council’s role in determining the Shire’s policies is provided for by Section 2.7(2)(b) of the Local Government Act 1995.

Part 4a of the LG Reg. Functions & General (F&G) 1996 provides guidance regarding the Regional Price Policy and the requirements to advertise.

Financial Implications

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

Risk Assessment

Including all the Gascoyne Shire’s within the boundaries of the Regional Price Preference policy will encourage the others to include the Shire of Carnarvon. Carnarvon, being the largest town with probably the largest number of contractors will benefit most of a collective Regional Price Preference Policy in particular when tendering for works for any of the other councils.

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

If Council would resolve to accept the existing policy, as approved for notification in the May 2019 Council meeting, the Council should adopt the policy C035 **Regional Price Preference Policy** in its original format. Policy C035 will then form part of the Shire of Carnarvon Policy Manual.

In this case absolute majority will be required. If the Council wishes to extend the area of the **Regional Price Preference Policy** to the full Gascoyne Region, the Officer’s Recommendation would apply.

OFFICER'S RECOMMENDATION

That Council in accordance with 24E (4) and 24F (1) - Part 4A Regional Price Preference of the Local Government (Functions and General) Regulations 1996:

Approve notification of the proposed changes following policy under the S24F of the Local Government (Functions and General) Regulations 1996.

Policy No.	Policy
C035	Regional Price Preference Policy

File No:	ADM1960
Date of Meeting:	27 August 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	Sarah Berson – Governance Officer David Nielsen – Executive Manager Infrastructure
Declaration of Interest:	Nil
Voting Requirements:	Officer Recommendation 1 - Simple Majority Officer Recommendation 2 - Absolute Majority
Previous Report:	N/A

Summary of Item:

This report details the tender process undertaken for Request for Tender RFT04/2019 – Vegetation Management Services and seeks Council endorsement to accept the tender submission from Westerly Contractors.

Description of Proposal:

The Shire of Carnarvon sought an experienced and qualified contractor for the provision of a high standard of Vegetation Management Services.

The services required under this Contract includes but is not limited to the pruning, trimming, maintenance and removal of trees and other vegetation within the Shire of Carnarvon local government area.

Trees and other vegetation the subject of this Contract shall generally be located:

- on roads and streets within road reserves; or
- within parks or reserves managed by the Shire; or
- within other property owned or managed by the Shire of Carnarvon.

The service includes maintenance of trees and vegetation located under or adjacent to Horizon Power overhead electrical services which requires specialist qualifications, experience and work methods.

Background:

Westerly Contractors has been the Shire's Contractor for the provision of Tree Pruning services for the past 16 years. The most recent contract was a 5-year term beginning in 2011, with an additional 3-year term, expiring on 30 June 2019. Currently the Shire has been requesting quotations for works in the absence of a contract.

The Recommendation Report, **Confidential Schedule 8.2.5(a)** provides a comprehensive summary of the tender process undertaken, the submissions received and the tender evaluation.

The Shire received two submissions:

1. Westerly Contractors
2. Entire Fire Management

The Entire Fire Management submission was simply an advice to the Shire of Carnarvon that their specialist service does not meet the scope of works for RFT04/2019 Vegetation Management Services, therefore no assessment of their submission was necessary.

Westerly Contractors demonstrated a clear understanding of what is required to deliver and administer the

Vegetation Management Services for the Shire of Carnarvon. Their qualifications, experience, as well as quality and safety standards have been proven both within the submission and through previous contract work with the Shire.

Consultation:

Internal consultation occurred relating to the preparation of the tender documentation, and with the Evaluation Panel.

Statutory Environment:

Section 3.57 of the *Local Government Act, 1995* applies.

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Division 2 of the Local Government (Functions and General) Regulations, 1996 regarding requirements for tendering applies.

Section 5.42 of the Local Government Act 1995 also applies.

5.42. Delegation of some powers and duties to CEO

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

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy applies.

Policy C002 – Purchasing Policy applies.

Delegation No 3030 – Tendering for Goods and Services

Financial Implications:

Provision of vegetation management across various line items is provided in the draft budget. Vegetation Management is core Shire business.

The tendered prices were mostly unchanged from Westerly's pricing schedule provided to the Shire in 2016. The labour hire rates, palm/tree cleaning, travel and general works rates were all unchanged with only small differences seen in the plant and equipment rates.

Westerly Contractors used a critical assumption to advise their equipment was not available for dry hire; all equipment required a qualified Westerly Contractors Operator. A grouped works schedule has also been provided, as well as advice that bulk tree pruning discounts would also be applicable.

Risk Assessment:

The Shire must ensure the vegetation is maintained for the safety of the community and maintenance of the Shire's Parks & Gardens. Due to the specialist nature of the works, safety requirements and specialised equipment, outsourcing the works is required.

Vegetation presents various safety risks to the community including falling branches and coconuts, jagged branches, overgrowth and weeds which not only pose a threat to individuals and vehicles but also risk affecting nearby power lines. We must minimise the risk of injury or accident, by ensuring the maintenance of vegetation is done to a high standard.

Similarly, Horizon Power also have this requirement and if the Shire lapse on maintenance of vegetation surrounding the power lines, Horizon Power will conduct the work, invoicing the Shire, resulting in the Shire still bearing the cost without control of the works.

Westerly Contractors are a known reliable and professional contractor with all the qualifications and equipment required to ensure possible vegetation risks are minimised. They are a well-established local contractor and we see no apparent risk by engaging them.

Community & Strategic Objectives:

Objective 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.3	Town footpaths and verges are appropriately managed according to their need and use
2.6.4	Parks, gardens and open space appropriately managed according to their need and use
2.6.6	Maintain town centre, fascine and town beach for enjoyment of locals and visitors, that the community can take pride in

Comment:

The evaluation panel recommends that Westerly Contractors be awarded the Contract resulting from RFT 04/2019 Vegetation Management Services, in accordance with the Terms and Conditions detailed within the Tender document.

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 Westerly Contractors for Tender RFT 04/2019 – Vegetation Management Services

(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 Westerly Contractors for Tender RFT 04/2019 – Vegetation Management Services

(Absolute Majority Required)

8.2.6 REQUEST FOR AMENDMENT TO MEMORANDUM OF UNDERSTANDING – CARNARVON COMMUNITY MEN’S SHED

File No: ADM0255
Date of Meeting: 27 August 2019
Location/Address: Airport Compound – Lot 547 Carnarvon Airport
Name of Applicant: Carnarvon Community Men’s Shed – Paul Dryden
Name of Owner: Shire of Carnarvon
Author/s: Sarah Berson, Governance Officer
Declaration of Interest: None
Voting Requirements: Officer’s recommendation 1: Simple Majority
Officer’s recommendation 2 & 3: Absolute Majority
Previous Report: 26 September 2017 and 28 August 2018

Summary of Item:

This report details a request received from the Carnarvon Community Men’s Shed seeking approval for an amendment to the current MoU to include the neighbouring shed to their current premises, as per the agreed terms set out in the current Memorandum of Understanding (MoU) between the Shire of Carnarvon and Carnarvon Community Men’s Shed (Men’s Shed).

Description of Proposal:

The report proposes the granting of permission from Council to amend the (MoU) to include the neighbouring shed on portion of Lot 547, Carnarvon Airport for the Men’s Shed to be able to accommodate the storage of equipment, projects, timber and other items that need to be out of the weather.

Background:

In September 2017 Council granted the MoU to the Men’s Shed for the use of a building in the Airport Compound on James Street for the purpose of supporting activities and projects to improve men’s health and wellbeing. Approval was granted based on a set of ‘Agreed terms’ as set out in the draft MoU which included hours of operation. In August 2018, an amendment was made to the initial operating hours by Council, to include Sunday’s for those who worked Monday to Friday.

On 29 of July 2019 the Shire received a letter from the Men’s Shed with the request to use the neighboring shed, refer to *Schedule 8.2.6* and highlighted in *figure 1*, below.



The Men's Shed is in need of more space. They have been approached by the Carnarvon Hospital, to assist in the rehabilitation of some clients with disabilities. With the intent to support them to a smooth transition back into the community. The main shed is currently an unsafe work environment with the accumulation of timber, projects and equipment causing trip hazards. With the use of the shed next door, they will be able to store the equipment there, allowing the main shed to become fit for the rehabilitation service.

The building is currently being used as an unrecognized storage space by the Shire, the process of reviewing and disposing of the contents is underway and is expected to be suitable for use by the Men's Shed in September 2019.

Consultation:

Consultation undertaken with:

1. Paul Dryden – Men's Shed
2. Geoff Carberry - Airport Manager
3. Jenny MacKellin - Executive Manager Community Services
4. Carolien Claassens - Manager Governance

Statutory Environment:

For a Disposal of Property Section 3.58 (3) of the *Local Government Act, 1995* states:

3.58. Disposing of property

(1) *In this section —*

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

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

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

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

(i) *describing the property concerned; and*

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

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

Section 30. (6) of the Local Government (Functions and General) Regulations 1996 states:

30. Dispositions of property excluded from Act s. 3.58

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*

(i) *its market value is less than \$5 000; and*

(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or

(b) *the land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions*

Relevant Plans and Policy:

Policy E019 – Use of Common Seal

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

Financial Implications:

The inclusion of the neighbouring shed is not expected to have any financial implications for the Shire of Carnarvon. The Men’s Shed will continue to be responsible for the cost of electricity and maintenance to both buildings.

Risk Assessment:

The Men’s Shed plays an important role in improving in particular men’s health and wellbeing. The Men’s Shed host activities like creating arts, craft and technical skills. Moving forward the Men’s Shed has been approached to work with the rehabilitation of people having disabilities. It is expected that Council’s reputation is likely to be enhanced further by allowing the Men’s Shed to occupy the neighbouring shed, in order to accommodate the rehabilitation of members with disabilities, who otherwise would not have been able to attend.

Community & Strategic Objectives:**Objective 3: Social***Healthy, safe and resilient community, where everyone belongs.*

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.3	Caring, self-reliant community
3.4	Healthy and safe community
3.4.2	Collaborate with other agencies to provide a safe community

Objective 5: Civic*Strong and listening Council.*

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

Comment:

N/A

OFFICER’S RECOMMENDATION***That Council:***

- In accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995, grant the amendment to the Memorandum of Understanding to Carnarvon Community Men’s Shed to include the neighbouring shed.***

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

Absolute Majority

3. *Authorise the Chief Executive Officer to make any minor operational amendments to this Memorandum of Understanding*

Absolute Majority

8.2.7 REQUEST CHANGE OF BUSINESS ENTITY & REQUEST FOR WORKS ON BUILDING – LEASE CAFÉ AT CARNARVON AIRPORT, PORTION OF BUILDING 103 ‘OLD TERMINAL’, LOT 547

Date of Meeting:	27 August 2019
Location/Address:	Portion of Building 103, ‘Old Terminal’, Lot 547 Carnarvon Airport
Name of Applicant:	Wings Coffee Club Pty Ltd – Jodie Anderson
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens, Manager Governance
Declaration of Interest:	None
Voting Requirements:	Officer’s recommendation 1: Simple Majority
Previous Report:	26 February 2019

Summary of Item:

This report details a request not to progress the Lease, for the establishment of a Café at the Carnarvon Airport, to Coral Coast Helicopters Pty Ltd (CCHS) but instead progress the Lease to Wings Coffee Club Pty Ltd (Wings Coffee Club).

The applicant also requested Council’s consideration to make a contribution to the fit out of the building.

Description of Proposal:

For Council to approve not to progress the Lease, to CCHS but instead to the Wings Coffee Club for the establishment of a Café on the same terms and conditions.

The Shire also received a request for Council to consider a contribution to the fit out of the building. In particular anything the applicant couldn’t remove after expiry of the lease.

Background:

During the February 2019 Council meeting Council resolved to lease a portion of the Old Terminal building to CCHS for the establishment of a small café. After the meeting the Shire was advised by the applicant that CCHS would not be running the café but another independent business unit. On 19th of June 2019 the Shire received an email with the details about the new business entity being ‘Wings Coffee Club Pty Ltd’ (ABN: 58 634 110 508).

On 9th July the Shire received the request from the applicant if the Council would consider to fund some parts of the fit out of the building. In particular the items which cannot be removed after the lease will expire, refer to **schedule 8.2.7**.

The applicant has been in contact with the Shire’s Environmental Health Officer. The officer provided a list of recommendations for the fit-out of a café in this building. Based on these recommendations the applicant has requested if the Council would consider to fund the following items:

- Suitable impervious flooring;
- Dedicated sole-purpose hand wash basin of adequate size for washing hands, with warm water and a flick mixer tap. 11 L is generally the minimum size basin;
- One other sink - **There is currently no plumbing to this space, hot water is also not available currently in this building. Our kitchenette in the CCHS office doesn’t have hot water plumbed.**
- New door to the building.
- Repair the current space and ensure the space be vermin free before we moved in. There are holes in the ceiling and previously there have been vermin under the floors

Based on the above, the following items are considered to be reasonable for the Council to install, repair, replace, as the current state is poor and not meeting requirements:

1. Installation of an electric instant hot water system to allow access to warm water;
2. Repairs or replacement of the external door;
3. Repairs to ceiling and flooring to encourage the space to be vermin free.

These items are considered to be part of the structural repairs, maintenance and improvement of the building.

Any structural repairs, maintenance, replacement relating to particular use or occupancy of the building, e.g. the fit out of a café, are considered to be the responsibility of the applicant (lessee). For example, the installation of impervious flooring.

Important to mention; The space for the café, has been leased to CCHS in the past. During the April 2016 Council meeting, Council resolved to lease this portion of the building for the use of an office. At the time the state of the building was poor. In order to turn this building into an office the Shire made significant improvements to the building including new floor coverings, an air conditioner and indoor painting.

In December 2017, Council resolved to accept CCHS leasing a bigger office space within the Old Terminal building, which came available after the Airport Staff office moved into the Terminal. CCHS is still leasing this space for their office.

Consultation:

Consultation undertaken with:

- WALGA, Lyn Fogg
- David Nielsen, Executive Manager Infrastructure Services
- Michael Arthur, Asset Co-Ordinator

Statutory Environment:

For a Disposal of Property Section 3.58 (3) of the *Local Government Act, 1995* states:

3.58. Disposing of property

(1) *In this section —*

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

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

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

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

(i) *describing the property concerned; and*

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

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

Relevant Plans and Policy:

C016 – Lease and Licensing Classification Policy

Financial Implications:

Depending on the amount of works required to the door, floor and ceiling an estimate of \$3,000 has been provided to complete the works related to the three items listed above. In case the Council would consider to

fund the other items the Shire will need to request further quotes to indicate the cost.

The cost of the works proposed will be offset against the annual lease payments by the applicant of \$7,350 ex GST.

Risk Assessment:

Economic Risk: Supporting 'local business growth' is listed in the objective, 'Economic', as per the Shire's Strategic Community Plan. Supporting the Wings Coffee Club in taking the risk of starting a new business requires support from the Council. The proposed items for the Shire to replace, repair, install have been considered with this in mind. The Shire has the obligation to look after its assets and needs to encourage existing and new business to thrive.

Reputational Risk: When Council receives a request from a (commercial) business to make a (financial) contribution in the development of their business it is important to keep in mind not to overstep the boundaries of unfair competition and also the need to consider the ability to provide the same support to other businesses.

For this reason, it seems unreasonable for the Council to fund any of the items that are not required for the structural repairs and/ or maintenance of the building. The items not recommended to be funded by the Council are required for the specific fit out for the purpose of a café. The Lessee will need to be responsible for these works.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon
1.3	Transport hubs that support a thriving region

Comment:

Advice from WALGA was sought if the original resolution from February 2019 needs to be revoked in order to grant the lease to the new established Wings Coffee Club. WALGA's advised that a revocation of Council's decision is not required. The officer recommendation, as per below would be sufficient.

WALGA included the following – *'This is not a revocation of Council's Feb 2019 decision as the Administration has undertaken work to implement the Feb 2019 council decision to lease to Coral Coast Helicopters' and it is only through this work that it has become apparent that the lease needs to be assigned to the new entity'.*

OFFICER'S RECOMMENDATION

That Council:

1. In accordance with Section 3.58 (Disposing of Property) of the Local Government Act, 1995, not progress any further with a lease with Coral Coast Helicopters Pty Ltd and instead grant a formal Lease to Wings Coffee Club Pty Ltd on the same conditions as approved by Council in February 2019 (FC 6/2/19 and FC 7/2/19);
2. Approves to fund works, in respect of structural repair, maintenance of replacement of the leased Premises;
3. Not approves to fund any works related to the particular use or occupancy of the leased Premises.

8.3.1 OPTUS TELECOMMUNICATIONS TOWER

File No:	A1732; P26/19
Date of Meeting:	27 August 2019
Location/Address:	Lot 36 Diagram 56640, (No. 161) North River Road, North Plantations
Name of Applicant:	Catalyst ONE Pty Limited
Name of Owner	Ante Durmanich
Author/s:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Date of Previous Report:	24 July 2018

Summary of Item:

This report relates to a Development Application lodged with the Shire for the installation of an Optus telecommunications tower on Lot 36 (161) North River Road, North Plantations. Under the Federal Government's Mobile Black Spot Program, Optus is contracted to deliver mobile, voice, and high-speed wireless data.

Prior to this application being submitted the Shire undertook Local Planning Scheme 10 Amendment 74 to provide for telecommunication facilities to be established on a portion of the subject lot. On 8 April 2019 the Shire was advised that the amendment was approved by the Minister for Planning.

Catalyst ONE Pty Ltd acting on behalf of Ante Durmanich, the landowner of the subject site, has lodged the current development application for a Radio/TV Installation – Mobile Phone Base Station (telecommunications tower) within the area subject to the scheme amendment. The application has been advertised for a period of two weeks; no submissions have been received.

The proposal is consistent with objectives of the Scheme amendment and the general provisions of LPS 10, and as such it is recommended that the proposal be supported.

Description of Proposal:

The site is located approximately 12km north-east of the Carnarvon town centre. The subject lot has an area of 14.12ha and is zoned 'Intensive Horticulture'; within this lot an area of 5,335 m² allows for a Radio/Television installation as an 'SA' use. The application is therefore required to Council for a determination. The subject site is located within the area highlighted in Figure 1 below.



Figure 1: Subject Site

The site for the proposed tower abuts the Gascoyne River; and Durmanich Road runs along the north-eastern boundary. The plans included with the application can be found at Schedule 8.3.1(a).

The development proposal consists of a 43m tall lattice telecommunications tower topped with parabolic antennas and an aircraft warning light and associated base station. The tower and ground infrastructure will be located within a 140 m² fenced compound.

Background:

The proponent Catalyst ONE Pty Ltd acts on behalf of the landowner of the subject site. The landowner has been approached by Optus to lease a portion of Lot 36 for the purposes of constructing the telecommunications facility.

Previously Table 1 – Zoning Table lists ‘Radio/ Television Installation’ as an “X” use within the Intensive Horticulture zone, “X” identifying uses that are not permitted under the Scheme. However, Amendment 74 provided for Appendix III to be amended allowing for property A5 (the subject site) ‘Radio/ Television Installation’ to be an additional “SA” use on the subject land.

The proponent has identified that the infrastructure is part of a broader telecommunications network which will support the plantation areas. The telecommunications tower is located within an enclosed compound with sufficient land to accommodate the tower structure and ancillary ground infrastructure, as well as providing for vehicle access.

Consultation:

As required for an “SA” use, the application was advertised for a period of 14 days with a sign on site and a notice placed in the Shire’s website. No submissions have been received as a result of the public notification of this proposal.

Statutory Environment:

Planning and Development (Local Planning Schemes) Regulations 2015

The application has been advertised in accordance with cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Shire of Carnarvon Town Planning Scheme No. 10

Scheme No. 10 provides the statutory framework for the planned future development of land within Carnarvon. ‘Table 1 – Zoning Table’ identifies ‘Radio/Television Installation’ as an ‘x’ use within the ‘Intensive Horticulture zone’. However, Scheme amendment No. 74 provided for Appendix III to be amended allowing for property A5 (the subject land) to accommodate ‘Radio/ Television Installation’ as an additional use, being determined to be an “SA” use.

Draft Shire of Carnarvon Town Planning Scheme No. 13

Under the draft Scheme telecommunications infrastructure is identified as an “A” use within ‘Priority Agricultural’ areas. As such the use is not permitted unless the local government has exercised its discretion by granting development approval after the proposal has been advertised. (Note that identifiers have been changed under the State’s model scheme text).

State Planning Policy 5.2 - Telecommunications Infrastructure

The policy aims to balance the need for effective telecommunications services with the community interest in protecting the visual character of local areas. The policy objectives include:

- a) *facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
- b) *manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*
- c) *ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,*

- d) *promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.*

When considering development applications for telecommunications, the policy guides the decision maker when assessing applications. It should be noted that while Local Planning Scheme No. 10 has been amended to reflect the requirements of the 'deemed provisions', the underlying policy within the Scheme predates *State Planning Policy 5.2 - Telecommunications Infrastructure*.

State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to preserve rural land assets in the State. The policy objectives relative to this application include:

- a) *support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- b) *provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- e) *avoid and minimise land use conflicts;*
- f) *promote sustainable settlement in, and adjacent to, existing urban areas; and*
- g) *protect and sustainably manage environmental, landscape and water resource assets.*

The policy measures seek to protect and preserve rural land for rural productive purposes. At face value it would appear that Policy 2.5 and Policy 5.2 are inconsistent with each other, however it is recognized that telecommunications facilities do not generally result in the "sterilization" of significant areas of land. In this instance the proposal does not designate a significant area of land for removal from cropping when considering the overall land production area.

That said, 'Clause 5.8 Intensive Agriculture' identifies Carnarvon as one of several localities within the State that are important contributors to the State's economy by way of intensive agricultural products being sold to domestic and export markets. The policy regarding intensive agriculture is that sites of State significance should be protected from encroachment, and intensive agriculture is generally supported and encouraged on rural land, and environmental impacts are to be effectively managed.

It is therefore an important consideration that telecommunications facilities within plantation areas do not result in the loss of significant areas of cropable land.

In summary of the above, in this instance the area lost to crop production is relatively small in area and the telecommunication networks increased capability will benefit the agricultural producers in the locality and the wider Carnarvon community.

Telecommunications Act 1997

The installation and operation of telecommunications infrastructure is regulated by the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. The Code of Practice requires carriers to comply with the Communications Alliance Industry Code C564:2011 - Mobile Phone Base Station Deployment (the Code). The Code imposes site specific obligations on carriers, including the requirement to have regard to guidelines established within the Code to take a Precautionary Approach to site selection and infrastructure design. In accordance with the conditions of its license, Optus in selection of the subject site and design of the proposed infrastructure, has applied the Precautionary Approach mandated by Sections 4.1 and 4.2 of the Code.

The proposed infrastructure will operate in compliance with the Australian Communication and Media Authority (ACMA) Electromagnetic Emissions (EME) regulatory arrangements. The summary report of the predicted Radiofrequency EME Levels for the proposed facility has been undertaken in accordance with the ARPANSA prediction methodology and report format. The assessment confirms that the proposed installation operating at full power complies with the Radiocommunications (Electromagnetic Radiation- Human Exposure) Standard 2003.

Relevant Plans and Policy:

Shire of Carnarvon Policy Statement No. 1 – Intensive Horticulture & Plantations

The policy encompasses all land within the Intensive Horticulture Zone. The policy objective aims to preserve and maintain land within the horticulture zone:

‘To preserve and maintain the effected land as viable units for horticulture and plantation which will include resistance, by recommendation for refusal, to proposals for subdivision and refusal of any land use or development proposals which would operate in conflict with this objective’.

This policy must be considered in the context of the above State Planning Policies and associated discussion.

Financial Implications:

There are no identified financial implications associated with the proposed Scheme amendment.

Risk Assessment:

Any public risk associated with the proposed Scheme amendment was addressed through a radio frequency electromagnetic energy environmental (EME) report, a copy of which is located in Appendix 8.3.1(b). The report states that the maximum EME level calculated for the proposed systems at this site is 1.62V/m; equivalent to 6.96 mW/m² or 0.18% of the public exposure limit.

Community & Strategic Objectives:

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

Objective 1: Economic

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

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

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

Voting Requirements

Simple majority

Comment:

In summary, the proposal is consistent with Scheme Amendment No. 74 which provides for telecommunication facilities to be accommodated on the subject land. The amendment was approved by the Minister for Planning in April 2019. The development of the telecommunications tower is consistent with the zoning of the site and will provide for the capacity of existing telecommunications network to be improved to the benefit of the Carnarvon community.

OFFICER'S RECOMMENDATION

That Council,

Pursuant to Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 68 of the Shire of Carnarvon Local Planning Scheme No. 10 Deemed Provisions grant development

approval for application P26/19 for development of land at Lot 36 (161) North River Road, North Plantations, Carnarvon for the use Radio/TV Installation – Mobile Phone Base Station subject to the following conditions:

- 1. The development is to be in accordance with plans P8217-G1, P8217-G2, P8217-G3 and P8217-G4 all dated 8 May 2019 (as attached at Schedule 8.3.1 (a)) as submitted to Council and lodged with the application, and approved by this decision, except as modified by conditions of approval.**

Advice Notes:

- a) If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- b) 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.**
- c) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.**

File No:	ADM0061
Date of Meeting:	Tuesday 27 th August
Location/Address:	Baxter Park, Cleaver Street, Carnarvon, Reserve R41756
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of WA
Author/s:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	N/A
Voting Requirements:	Simple Majority

Summary of Item:

This report requests Council approval for installation of a new nature style playground in Baxter Park.

Description of Proposal:

A concept nature style playground is proposed for installation in Baxter Park.

There are four primary elements associated with the proposal, all of which are indicated on the site plan in **Schedule 8.4.1(a)**:

1. Demolish and remove the existing Baxter Water Park facility.
2. Demolish and remove an existing play structure.
3. Install a nature style play area facility.
4. Replace existing exercise structures.

Background:

The maintenance of Baxter Water Park facility has been problematic and expensive. Inability to provide cost effective site supervision and monitoring and the harsh marine environment are contributing factors and the park has been decommissioning since mid-2017. Repair and recommissioning of the facility in this location is not considered economically viable. If funding becomes available, the intent is to install a smaller type of splash facility at the Carnarvon aquatic centre.

Nature style play areas are increasing in popularity throughout the country. Nature style play areas bring elements to play where children exercise imagination, adventure, judgement and coordination. Learning type experiences can also be incorporated into these style of play areas

An architect was engaged to prepare nature style play “element” plans. These elements can be grouped together to form a single nature play park. This modular concept allows additional elements to be added at later dates as demand and funds allow and allows a mix and match type of approach to the development/redevelopment of existing play facilities. The architect was also requested to provide an overall concept for the combination of elements at Baxter Park. This concept is provided in **Schedule 8.4.1(b)**.

The proposed Baxter Park facility is the first such proposal to be developed by the Shire of Carnarvon. It is hoped this modest proposal will give valuable experience into the development and implementation of more of these styles of play facility in Carnarvon.

The basic brief provided to the architect along with imagery and designs from other successfully nature play parks was as follows:

- Eliminate expensive and low life cycle manufactured playground equipment;
- Use robust easily available (preferably locally available) materials with an emphasis on corrosion and vandal resistance;
- Eliminate the need for costly rubberised soft fall using low fall heights and if soft fall was necessary,

- use screened sand as alternative material;
- Develop an initial suite of up to five simple, robust play elements for implementation at a site within Baxter Park;
- Elements to be simple and able to be constructed without the need for specialist trades, skills or equipment;
- Designs to be inherently safe focused on good safe design principles such as low fall heights, good finishes, no sharp edges, no points of potential entrapment etc;
- Minimise or eliminate moving parts and if an element has moving parts it is to be robust and fail safe;
- Design elements and features that allow children to use their imagination rather than trying to dazzle with complex and expensive structural features; and
- Incorporate landscape and plant species suitable for the local arid environment.

The intent is to eventually develop a full suite of 15 – 20 elements after trailing of the concept at Baxter Park. The second intended site for nature play development is located in the median area of Tonkin Crescent.

Consultation:

Consultation with the Shire's Development Services department was undertaken. They advised that as the development is public works and is being conducted for and on behalf of a local authority, a development permit for the works is not required as per section 6 of the Planning and Development Act (2005).

Consultation was also undertaken with Cairns Regional Council who recently installed a major award-winning nature style play area at their Centenary Lakes facility in Cairns. The Council generously provided concept design and layout plans for their facility at nil cost.

Statutory Environment:

Nil applicable.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

The draft 19/20 budget contains an allowance of \$35,000 for the purchase of new playground equipment and materials. Total cost of materials required is estimated to not exceed \$20,000. Due to the simple nature of the design, Shire day labour will be utilised to the greatest extent possible for the actual works.

The Carnarvon Heritage Group has been approached for the provision of salvage materials able to be used in the playground such as pole sections and timber sections. An offer was made on the basis that the Shire would aid clean up and tidy of areas at and adjacent to the one-mile jetty subject to the shire having access to any materials salvaged from the clean up and access to other materials identified as surplus to their requirements.

Negotiations are continuing however it appears initially that the proposal was not supported by the group.

Risk Assessment:

Reputational Risk – Baxter water park has been the subject of public criticism. Removal of other play equipment that had reached the end of economic life has also been subject to public criticism. Simply removing the decommissioned feature and removing more play equipment represents a further reputational risk. Combining removal of these facilities with replacement with a new nature style play facility is likely to mitigate this risk.

Public Safety Risk – The play feature at Baxter Park and the exercise equipment planned for removal has reached the end of its economic life. Inspections of playgrounds are now carried out routinely and regularly. Significant corrosion on these play features increases the risk of failure and possible injury. Temporary

repairs continue to be made to maintain the structures to reduce this risk however removal will eliminate this risk.

Vandalism Risk of new facility – Carnarvon suffers from vandalism damage in many areas. The nature of the proposed development is designed to minimise the likelihood of significant vandalism.

Community & Strategic Objectives:

Objective 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.4	Parks and gardens and open spaces are appropriately managed according to their need and use

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities

Comment:

The work plan for the play area development is generally as follows:

- Source/secure, stockpile and prepare all material elements associated with the nature play area;
- Public notification and information on the proposed works;
- Demolition and removal of the water park;
- Demolition and removal of the exercise facilities;
- Construction and installation of the nature play area;
- Installation of new exercise facilities;
- Demolition and removal of the existing playground equipment;
- Landscaping and planting.

OFFICER'S RECOMMENDATION

That Council approves construction of the Baxter Park nature play development generally in accordance with Schedule 8.4.1(a) and (b).

File No:	
Date of Meeting:	Tuesday 27 th August
Location/Address:	Robinson Street Median Areas, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of WA
Author/s:	David Nielsen
Declaration of Interest:	N/A
Voting Requirements:	Simple Majority

Summary of Item:

Council approval is sought for implementation of a work plan to rearrange centre median parking in the main street. The proposed works includes removal of the faux timber boardwalks, installation of precast concrete wheel stops in the centre angle parking embayments and garden renewals.

Description of Proposal:

A progressive plan is proposed to:

- remove existing faux timber boardwalks from the median area;
- rearrange irrigation reticulation and electricity services currently located under this boardwalk;
- install turf in all areas where boardwalks are removed;
- install concrete precast wheel stops in all centre median parking bays;
- install low profile regulatory signage in grassed areas unprotected by wheel stops; and
- continue progressive upgrade of main street gardens and street trees.

Background:

Parking behaviour in the main street is causing ongoing and costly asset maintenance and parking compliance issues. Vehicles are frequently:

- parking on grassed median areas;
- driving across grassed median areas to access the other side of the street;
- parking with wheels on the boardwalk style footpaths.

It is understood one of the design intents of the previous main street redevelopment was to keep the streetscape as free as possible from ground level and signage obstructions. Wheel stops in all parking bays were however part of that original streetscape. These wheel stops were black rubber/plastic with incorporated reflective "cats eyes." These stops prevented vehicles from driving across grassed median areas.

To the author's knowledge, at least one personal injury claim was lodged against the Shire for a trip and/or fall associated with these wheel stops. Subsequent to that claim being lodged, all wheel stops were removed from the main street. This claim has been settled by the Shires insurers.

It is also understood that the main street redevelopment caused considerable disruption to the CBD and its associated businesses. The work plan proposed takes this into consideration limiting works to small areas at any one time and proceeding as quickly as possible to complete these areas. Breaks between areas are also included to minimise disruption and allow normal scheduled works to continue. The work plan also incorporates rejuvenation of garden areas so the net effect to the main street will be one of both removal and improvement.

Consultation:

Consultation with the Shire's Development Services department was undertaken. They advised that as the development is public works and is being conducted for and on behalf of a local authority, a development

permit for the works is not required as per section 6 of the Planning and Development Act (2005).

Shire Rangers were consulted. They provided the table below indicating infringements issued for parking on the grassed areas of the main street.

YEAR	INFRINGEMENTS ISSUED
2019 (YTD)	17
2018	37

Rangers further advised that:

- verbal warnings and move orders are typically issued in greater numbers than actual infringements;
- they are frequently the subject of abuse from offenders and general comments (particularly from visitors) are commonly made that they will not return to Carnarvon and will be telling others not to come to Carnarvon;
- many infringements are either ignored or are formally requested to be withdrawn;
- processing requests for infringement withdrawal and infringement debt recovery action takes time away from active patrol activities.

Consultation was undertaken with the Shires Insurers, LGIS. They advised the key issue leading to settlement on the Shires behalf of the personal injury claim was not the presence of wheel stops but that the black wheel stops were not visible enough against the black asphalt roadway.

Insurers suggested installation of bollards at the head of each parking bay would be an appropriate solution however they also indicated that wheel stops are an appropriate solution provided they are clearly visible from the background surface.

Statutory Environment:

Nil applicable.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

Irrigation reticulation repair expenses in the main street totalled \$32,948 in the 18/19 financial year. This figure does not necessarily represent all damage caused by vehicles infringing on grassed median areas however it is considered that most repairs are associated with vehicle damage.

The draft 19/20 budget contains a total parks and gardens allocation of some \$1.872M. The proposed works plan can be accommodated within that existing allocation as most works can be completed by the day labour force over an extended period with limited materials and contracted services being required.

Precast concrete wheel stops have been quoted at approximately \$100 each and a total estimated cost for their supply and delivery is likely to be in the order of \$8000.

The most significant likely materials/contractor cost will be the relocation of electrical cabling currently located under the boardwalk. It appears this cabling has not been installed to the minimum depth necessary in accordance with the wiring standards and its installation at the required depth will be required now that this detail has come to light. Cost of these electrical service relocations is estimated to be in the order of \$15,000 to \$20,000.

Costs on the project will be closely tracked at each progressive step in the works and if necessary, the complete project could be staged into the next financial year.

Risk Assessment:

Asset Damage Risk - Damage to reticulation and grassed areas will continue to incur repair expenses under the current configuration. Physically preventing vehicles from driving onto these areas is the most practical solution to minimise asset damage risk.

Reputational Risk – It is understood that the previous main street redevelopment caused significant disruption and inconvenience to the CBD resulting in damage the Shire’s reputation. Working in this area is likely to initiate public comment and draw attention to the works and its impact.

Every effort therefore must be made to minimise disruption and inconvenience to the CBD using a deliberately staged program to start and complete works in one limited area at a time.

Another reputational risk is continuance of the existing situation with visitors being fined for parking infringements. The placement of many regulatory parking signage to cover all grassed areas will devalue a welcoming streetscape aesthetic and experience has shown that signage is regularly ignored. Physical barriers to prevent undesired behaviour is considered a better solution.

Public Safety Risk – The existing boardwalk has bowed in the middle from the weight of vehicles resulting in board edges rising creating trip hazards. Boards are one sided and cannot be turned over to correct the bowing. If the boards are not removed, replacement will be required.

At least one pedestrian trip on these boards has been recently reported. **Schedule 8.4.2** includes photos of trip hazards currently present. Replacing the boards with level turf will eliminate this risk.

Community & Strategic Objectives:

Objective 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use
2.6.3	Town footpaths and verges are appropriately managed according to their need and use
2.6.4	Parks and gardens and open spaces are appropriately managed according to their need and use
2.6.6	Maintain town centre, Fascine and town beach for enjoyment of locals and visitors, that the commun

Comment:

Time was spent observing CCTV footage of the median boardwalk between Woolworths and Barry Evans on weekdays and weekends. Minimal pedestrian use of the boardwalk was observed.

Drivers exiting vehicles parked in the median tended to cross the road directly to the side footpaths. Similar crossing behaviour was observed on return to parked vehicles. More pedestrians were observed walking directly on the grassed areas than on the boardwalk. No pedestrian were observed pushing shopping trolleys on the boardwalk.

Four factors probably combine to contribute to this behaviour.

- 1 . Traffic volumes in the main street are low. With only one direction of traffic to be crossed, wait times are

low for crossing pedestrians. Pedestrians typically take the shortest route possible to their destination.

- 2 . With no wheel stops in place, parked vehicles tend to overhang the boardwalk obstructing the pedestrian path.
- 3 . The faux timber boardwalk has bowed and the surface is uneven. Pushing a trolley or walking on this surface may not be preferred by pedestrians.
- 4 . Less than 50% of the boardwalks lead pedestrian to a more formalised crossing site limiting their real pedestrian movement value.

It is considered therefore that removal of the boardwalk will not significantly impact upon pedestrian movement.

The draft work plan for the rearrangement is therefore proposed generally as follows and as indicated in **Schedule 8.4.2**.

- Source/secure, stockpile and prepare all material elements associated with the work;
- Public notification and information on the proposed works;
- Commencing at the fascine end of the main street, remove the faux boardwalk, adjust reticulation and electrical services, install turf and install wheel stops on one parking embayment area at a time.
- Commencing at the Woolworths end of the street, commence with upgrades to dilapidated garden beds, removing road base and bitumen sub surface material, renew reticulation, place garden bed soil, plantings and mulch.
- Install low profile regulatory signage in grassed areas not protected by wheel stops. Signage to be placed on low height heritage style timber posts.
- Roads to be always kept open unless short term closure is unavoidable. Works to be limited to the minimum area necessary.
- Allow a minimum of two to three weeks after completing one area before recommencing works on the next parking embayment/garden bed area to minimise disruption and inconvenience.
- Alternate between each end of the main street so that the general pattern of rearrangement is to complete both boardwalk removal and garden upgrades equally in each section of the main street.

This proposed draft work plan will require refinement and adjustment as experience is gained during the works however the general principles of this plan are expected to be maintained.

A series of potholing excavations have already taken place to determine the extent of reticulation and electrical services relocation works required.

OFFICER'S RECOMMENDATION

That Council approves proposed works to rearrange parking and median areas of Robinson Street generally in accordance with the draft work plan indicated in Schedule 8.4.2.