

SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING 27TH OCTOBER 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

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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11.0 DATE OF NEXT MEETING

| | | |
|------|--|--|
| 11.1 | Next meeting of Council will be held on Tuesday 24 TH November 2020 commencing at 8.30am. | |
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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT BILLS TAVERN, ROBINSON STREET CORAL BAY
ON TUESDAY 27TH OCTOBER 2020**

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

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

| | |
|------------------------|---|
| Cr E Smith..... | Presiding Member/Shire President |
| Cr B Maslen..... | Councillor, Gascoyne/Minilya Ward |
| Cr J Nelson | Councillor, Town Ward |
| Cr K Pinner | Councillor, Town Ward |
| Cr A Fullarton | Councillor, Town Ward |
| Cr K Simpson | Councillor, Coral Bay Ward |
| Cr L Skender | Councillor, Plantation Ward |
| Mr J Attwood | Acting Chief Executive Officer |
| Mr D Nielsen | Executive Manager, Infrastructure Services |
| Ms J MacKellin | Executive Manager, Corporate & Community Services |
| Mr J Meggitt..... | Principal Planning Officer |
| Mrs D Hill | Senior Executive Officer |
| Observers | 5 |
| Leave of Absence | Nil |
| Apologies | Cr Vandeleur |

APPLICATIONS FOR LEAVE OF ABSENCE

FC 1/10/20

COUNCIL RESOLUTION

Cr Maslen/Cr Skender

That Cr Fullarton and Cr Vandeleur be granted leave of absence for the November 2020 Ordinary Meeting of Council.

CARRIED

F7/A0

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

Public Question Time commenced at 10.31am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING
Nil

2.2 PUBLIC QUESTION TIME

Cr Simpson submitted the following question from Emily Kirby of Coral Bay as follows –

Question – I am seeking permission to put a sign up for our mobile trading business, Merv's Food Van. I have noticed the other mobile trading business in town has a permanent sign up for their mobile business and we would like to do the same. Could you please bring this up in the council meeting on Tuesday?

Cr Simpson then followed with the following –

Question- Can the process in applying for a road sign be explained.

Answer – The CEO responded by advising that the application is to be submitted to the Shire of Carnarvon. If the application cannot be approved under delegated authority, it is then referred to Council for a decision.

Question – Are all mobile traders eligible to have a sign provided?

Answer- In the case of itinerant traders this would not apply and would only be considered for those vendors who remain at a permanent site.

Question- Should signs denote whether it is a 'real' service so that it does not cause confusion ie. Australia Post is not an actual Post Office but a mobile service?

Answer- This is a valid point – was also discussed regarding hours of trading on the sign however any signs that are located on road reserves are required to have MRWA approval. Will follow up with Main Roads WA on their regulations regarding signs.

Question – Why is the section of Banksia Drive that has been repaired still closed?

Answer – The Title has not been issued for the road. The BAC can open the section of road but the road is not formally gazetted as a road as yet. Titles should be through soon.

Public Question Time was closed at 10.34am

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 Skender (Impartiality Interest) – 8.2.5 – Regulation 17 Review and Compliance Audit Return

Cr Skender (Impartiality Interest) – 8.2.6 – Carnarvon Youth Strategy – Funding Agreement Budget Variation

Cr Pinner (Financial Interest) – 8.3.1 – Outbuilding Lot 602 Crossland Street, South Carnarvon

Cr Nelson (Impartiality Interest) – 8.3.2 – Mobile Traders Application – Lot 383 Beach Road, MacLeod

President Smith (Impartiality Interest) – 8.3.5 - Mobile Traders Licence Renewal – Itinerant Trading – Taste of Italy by Valeria

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION OF MINUTES

FC 2/10/20

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That Items 5.1 to 5.3 inclusive be considered en-bloc.

CARRIED

F7/A0

FC 3/10/20

COUNCIL RESOLUTION

Cr Maslen/Cr Nelson

That Items 5.1 to 5.3 inclusive be adopted by Council as follows –

5.1 ORDINARY MEETING OF COUNCIL – 22ND SEPTEMBER 2020

That the minutes of the Ordinary Meeting of Council held on 22 September 2020 be confirmed as a true record of proceedings.

5.2 SPECIAL MEETING OF COUNCIL – 24TH SEPTEMBER 2020

That the minutes of the Special Meeting of Council held on 24th September 2020 be confirmed as a true record of proceedings.

5.3 SPECIAL MEETING OF COUNCIL – 9TH OCTOBER 2020

That the minutes of the Special Meeting of Council held on 9th October 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 SEPTEMBER/OCTOBER 2020

| | |
|---------------------------------|---------------------------------------|
| Date of Meeting: | 23 rd June 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 of September/October 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 September/October 2020 and are submitted to Council for information.

COMMON SEAL

| Date Affixed | Agreement Details |
|--------------|--|
| 23.09.20 | Deed of Easement – Gascoyne Memorial Foundation |
| 25.09.20 | Town Planning Scheme No. 13 |
| 22.10.10 | Transfer of Land – Lot 1 Egan Street (DFES to Shire) |
| 22.10.20 | Transfer of Land – Lot 1 Egan Street (Shire to RSL) |

DELEGATIONS

BUILDING

| Application No. | Owners Name | Lot & Street | Type of Building Work |
|-----------------|---|--|---|
| B20/101 | KYLIE BAUER & JASON SCOTT CHAPLIN | LOT 989 (37) DEMPSTER RD BROCKMAN | STEEL FRAMED POST AND RAIL FRONT FENCE |
| B20/139 | DEAN WHITE | LOT 320 (15) MASLEN ST, BROCKMAN | FENCE TO REAR BOUNDARY |
| B20/141 | DEPARTMENT FOR HOUSING | LOT 40 (23) FANE CRES, BROCKMAN | STEEL FRAMED AND METAL CLAD FENCE |
| B20/142 | TAMMY COUSEMACKER | LOT 8 (UNIT A 51) DOUGLAS ST, SOUTH CARNARVON | MASONARY PARAPIT WALL AND STEEL FRAMED PATIO |
| B20/143 | KARL GRAEME BRANDENBURG & DONNA MERIDYTH GREEN | LOT 11 (22) CRAGGS CRT, BROWN RANGE | SOLAR PANELS ATTACHED TO AN EXISTING SHED |
| B20/144 | GABRIEL JACKSON | LOT 19 (5) RIDLEY PL, MORGANTOWN | REMOVAL OF EXISTING PATIO, CONSTRUCTION OF NEW STEEL FRAMED PATIO |
| B20/145 | DEPARTMENT FOR HOUSING | LOT 1095 (57) CAREY STREET, SOUTH CARNARVON | FULL DEMOLITION - DWELLING AND ASSOCIATED STRUCTURES |
| B20/147 | GASCOYNE MEMORIAL FOUNDATION INC | LOT 1000 (UNIT 22, 7-11) GEORGE STREET, BROCKMAN | REFURBISHMENT OF FIRE DAMAGED UNIT |
| B20/148 | ATF THE WALLBANK TRUST RYLINGTON HOLDINGS PTY LTD | LOT 99 (546) ROBINSON ST, KINGSFORD | INSTALLATION OF SOLAR PANELS ON ABLUTION BLOCK |

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

| MINUTE REF | DETAIL | RESPONSIBLE OFFICER | STATUS | ANTICIPATED COMPLETION DATE |
|-------------------|---|-------------------------------|--|---|
| SCM 1/8/16 | Gascoyne Memorial Foundation – Access Arrangements for ILUs | SJ Nixon J Meggitt | Relates to access arrangements over Shire land at the southern end of the site. | The Department of Communities is finalising the lodgement of the easement with Landgate. |
| 20/8/16 | Public Open Space Strategy | John Meggitt David Nielsen | The draft 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. | December 2020 |
| 16/9/16 | Review of Local Laws | John Meggitt | Officers have engaged a WA local law specialist to review the Shire’s local laws and commence drafting of new laws consistent with the State template. | The review is expected to be finalised by the end of 2020. |
| 23/12/16 | Notice of Removal of Houses – Lot 259, 1060 NRR | Dane Wallace | All three (3) buildings on site are of sub-standard construction and need to be removed. Shire officers have obtained quotes for the removal of the buildings and the full clean-up of the property. The owner has indicated a willingness to consent to the works being done and the costs charged to the land, which would result in the Shire incurring the cost until the land is finally sold. Legal advice has been obtained; voluntary clean-up is considered to be the best option going forward. Shire officers are having further discussions with the family. | The matter will be brought to Council if agreement to voluntary clean-up cannot be obtained from the owner. |
| 9/9/17 | Revocation of Motion – Carnarvon Heritage Old Tramway Lease | Sj Nixon | 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 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. | Timing is in the hands of the Heritage Committee. On 19/02/2020 a letter was written to follow up on this to the group chair. Follow up email sent on 9 th July 2020 |

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| | | | | No response received from the heritage committee |
| 16/9/17 | Local Planning Scheme No.13 | John Meggitt | Finalisation of draft LPS 13 requires endorsement by the Minister for Planning and then gazettal. | The WAPC has the draft LPS 13 for signing by the Minister. |
| 24/11/17 | Bayview Coral Bay – Local Development Plan | John Meggitt | 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 LDP will finalised after the gazettal of LPS13. |
| 10/1/18 | Proposed Transfer of Management Order – CWA Lot 353 | John Meggitt | 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 | John Meggitt | Council resolved that the Shire proceed with the process for the closure of the pedestrian accessway. | The DPLH is negotiating with the landowner regarding the sale of the land. |
| 20/6/18 | Lotteries House – Boundary Realignment | John Meggitt | On 26 June 2018 Council resolved to approve the Lotteries House boundary realignment. 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. | The Shire is waiting on the issuing of Certificates of Titles from Landgate. |
| 13-14/8/18 | St John Ambulance – Land Exchange | John Meggitt | Shire officers have lodged the subdivision application for the Robinson Street parcel as per Council's resolution with the WAPC, who have now provided the Shire with the approval of the subdivision with conditions. | The Shire is waiting on the issuing of Certificates of Titles from Landgate. |
| 28/5/19 | Cancellation of Dog Registration under Section 16(3)(A) of the Dog Act 1976 | Jennifer MacKellin | The owner of the dogs has withdrawn their application to SAT and the dogs have been surrendered to the Shire for rehoming. | Completed October 2020 |

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|---------------------|--|--------------|---|--|
| 17/8/19 | Draft Authorised Inquiry Report – DLGSC | John Attwood | Response sent – waiting on final report. | Training being organised to start shortly. Allowance for training to go to September due to COVID19 Training has been arranged. training for staff to be completed and report drafted. |
| 11/9/19 18/11/19 | Notice of Motion – Removal of Blowholes Shacks Assessed as n Dangerous Condition | John Attwood | 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 2020 Way forward has been agreed with |

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| | | | | changes to Management Plan. Meeting with DPLH scheduled to start discussions. |
| 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. | This road closure is being progressed by the DPLH. |
| 15/12/19 | Fascine Wall Structural Analysis | David Nielsen | Wall thickness testing report completed. Pile integrity testing cannot be completed – technique not viable, alternate beyond available budget. Tie rod exposure planned for October. Fencing works to be sent for design and construct quotations. | December 2020 |
| 10/1/20 | Lot 300 Olivia Tce – Progress Report | John Meggitt | Resolved that State Government to demolish buildings and remediate the site with possible purchase by Shire in the future. | Demolition application to be considered at the 27 October 20 Council meeting. |
| 16/2/20 | Australia Post – Mobile Trading Licence | John Meggitt | On 25 Aug 2020 Council approved a 6-month extension to the activity. | Approval expires 14 March 2021. |
| 17/2/20 | Review of Shire Tourism Strategy & Action Plan | Jennifer Mackellin | 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. September 2020 - Shire officers will bring the matter back to Council after considering the emerging matters and actions relating to the Covid-19 crisis/ border closures. Currently Visitors Centre staff are very busy providing advice to tourists and tourism operators. | No further updates |
| 22/2/20 | Road Asset Information – Budget Variation | David Nielsen | Report received. Under review. | October 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 15/06/2020 – Working with tourism on signage. July 2020 – No further updates August 2020 – Due to other priorities this has not progressed October 2020 – Tourism is working on signage but other priorities have taken precedence | December 2020 |
| 17/3/20 | Carnarvon Speedway Remediation Works - Lot 1297 Speedway Road | David Nielsen John Meggitt | Remedial works to be completed by November 2020 and inspected by the EMIS. | November 2020 |
| 8/4/20 | RSL Building Purchase | John Attwood | | Documents signed and returned to DFES Item to Council this month for transfer to RSL Currently waiting for DFES has sign documents. Documents for transfer from Shire to RSL now being drafted. |
| SCM2 – 2/5/20 | Tender 03/2020 – Design & Construct Tourism Development Blowholes | David Nielsen Carolien Claassens | Preliminary designs lodged by contractor. Steering group convened. Contact made with traditional owners. Carpark works expected to commence October 2020. | December 2020 |
| 8/5/20 | Transfer of RSL Building | John Attwood | | Seeking Market Value for advertising transfer to RSL. |

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|---------|--|-------------------------------------|---|---|
| | | | | Item to Council this July. See above item. |
| 11/5/20 | Tender – RFT 07/2/20 – Carnarvon Airport | David Nielsen Carolien Claassens | Variation & extension of the funding agreement from both funding bodies has been received. The Project Manager will be requested to vary the Tender Document in accordance to the amended scope of works of the project | April 2021 |
| 14/5/20 | Coral Bay Airstrip | David Nielsen | Soil testing for materials completed. Tender document being prepared. Extension of Time will be required. | February 2020 |
| 37/5/20 | 34 Francis Street - Removal Notice | Dane Wallace | The Notice for Removal has been sent to the property owner and a demolition permit has been issued. | July 2020 |
| 4/6/20 | Blowholes Reserve Management Plan - Amendments | John Attwood | | Staff to arrange meeting with DPLH |
| 5/6/20 | Council Property Considered for Disposal | John Attwood | | Have begun discussions with Department of Transport. Letter to Transport for Airport and information to DG Transport for Fascine. |
| 18/7/20 | Carnarvon Tennis Club Building Works | David Nielsen | Work program submitted to LRCI for approval. | December 2020 |
| 19/7/20 | Private Works – DPAW | David Nielsen | DPAW advised of Council decision. Works delayed due to resourcing. | January 2020 |
| 4/8/20 | Blowholes Committee Schedule | John Attwood | Once a path for development has been accepted by DPLH, meetings will resume. | |
| 4/8/20 | Blowholes Management Arrangements | John Attwood | As above | |
| 5/8/20 | Blowholes Reserve – Caretaker Role | John Attwood | Discussions with Blowholes Progress Association. | Ongoing |
| 6/8/20 | Coral Bay Toilet & Fish Table | John Attwood | | |

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|---------|---|----------------------|---|---|
| 9/8/20 | Lease – Carnarvon Airport – Global Navigation System | SJ Nixon | Council resolved to lease the property at 50% of the market value. This has been communicated to Geoscience Australia with a request to advice on how they wish to proceed. | Timing is in the hand of the applicant. |
| 24/8/20 | OTC Dish Structural Inspection Report | David Nielsen | No action to date. Working group to be convened. | |
| 25/8/20 | Blowholes Road Fencing and Grids | David Nielsen | Property owners advised. No further action required at this stage. | December 2020 |
| 28/8/20 | Local Roads & Community Infrastructure Program Project Nominations | David Nielsen | Project nomination lodgements commenced. | June 2021 |
| 30/8/20 | Building Better Regions Fund – Execution of Grant Funding Agreement | David Nielsen | Revised submission lodged with BBRF delegate for approval. | October 2020 |
| 34/8/20 | Request for Road Reserve widening Banksia Drive | CEO David Nielsen | To be discussed with DPLH. | |
| 7/9/20 | Code of Conduct Review | CEO | Review and endorsed at September Council Meeting. | Completed |
| 9/9/20 | Strategic Community Plan & Corporate Business Plan | CEO | | |
| 15/9/20 | Extension of Temporary Road Closure – Gnaraloo Track | David Nielsen | Joint Management Board advised of Councils decision. Operational matters for installation of signage progressing. | Completed. |
| 19/9/20 | Permission to use Warroora – Gnaraloo Coastal Track | David Nielsen | Variety Club advised of Councils decision. No further Action | Completed |
| 22/9/20 | Lot 308 Banksia Drive – Road Infrastructure | David Nielsen | Dept of Communities and DPIRD advised of acceptance of road infrastructure. | Completed |
| 23/9/20 | Town Oval Usage Request – Cyclones Rugby Team | David Nielsen | Club advised of Council decision. Cricket pitch removed by Club without incident. No further action. | Completed |

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|---------|---|--------------------|---|--------------|
| 24/9/20 | Community Growth Fund Policy Review | Jennifer MacKellin | An application form for the Rates Donation for Community Groups for 2020/21 has been send to the groups which received the rates donation up until the previous financial year. The Committee will be requested to review the submissions with the final acceptance of the submission to be completed by Council during the November council meeting. | Completed |
| 26/9/20 | RFT 8/2020 – Water Pipeline Stage C and D | David Nielsen | Awaiting formal execution of BBRF funding agreement to award contract to successful tenderer. | October 2020 |
| 31/9/20 | RFQ – Legal Advisors – CEO Contract | Carolien Claassens | A legal practitioner has been appointed in line with the resolution of Council. | Completed |

OFFICER'S RECOMMENDATION

That Council accept the Status Report and the reports outlining the actions performed under delegated authority for the months September/October 2020.

FC 4/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Maslen

That Council accept the Status Report and the reports outlining the actions performed under delegated authority for the months September/October 2020.

CARRIED
F7/A0

| | |
|---------------------------------|---|
| Date of Meeting: | 27 th October 2020 |
| Location/Address: | Shire of Carnarvon |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | Shire of Carnarvon |
| Author/s: | John Attwood – Acting Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Report | 22 nd September 2020 |

Summary of Item:

To consider the use of consultants for the updating of the Shire of Carnarvon Strategic Community Plan and Corporate Business Plan.

Description of Proposal:

The Shire was due to do a minor review of the Corporate Business Plan to update the information earlier this year, as it was seen that there had been a significant change in the community, the Strategic Community Plan would be required to be reviewed as well. This action was delayed as a result of COVID19 and that community engagement required for the review could not take place.

Now that meetings are available to be used for community engagement, now it is time to get back into the process of reviewing the Strategic Community Plan and Corporate Business Plan.

Given that the administration staff have been reduced due to the restructure, to get the Strategic Plans done in a timely manner will require the engagements of contractors to complete some of the works.

Background:

This matter was considered at the September 2020 Ordinary Meeting of Council wherein Council resolved that the matter be referred to the October 2020 Ordinary Meeting of Council for consideration due to its complexity.

The Shire of Carnarvon discussed the review of the Strategic Community Plan and Corporate Business Plan earlier this year as it was seen that there had been significant changes in the community to alter the Strategic Community Plan. The Shire was looking at trying to conduct the review inhouse. This was stopped as a result of the COVID19 outbreak and that public meetings (for community engagement) could not be held. This was further delayed as the Shire worked through the Organisational Restructure to reduce costs to the general ratepayer.

With COVID19 still a consideration, the ability to have meetings is now open again and it is recommended that the Shire use this time to complete the engagement of the community before the event of a second wave happens.

Initially, the Shire was looking at doing the consultancy and review of the plan 'in-house' using available staffing resources to collate information and attend community forums. With the completion of the Organisational Restructure, the Shire administration simply does not have the capacity to complete this work in a timely manner and as such, we are seeking to use a contractor for the works.

Consultation:

Staff.

Statutory Environment:

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government Administration Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
[Regulation 19DA inserted: Gazette 26 Aug 2011 p. 3484-5.]

Relevant Plans and Policy:

Strategic Community Plan
Corporate Business Plan

Financial Implications:

Funding is available in the Contractor/Consultancy budget account for the current financial year. It is estimated that staff can assist in some of the leg work which will reduce the cost of the contractor.

Risk Assessment:

The Strategic Community Plan and Corporate Business Plan are essential documents to lead the Shire into the Future. Having these documents being outdated or not aligned with the considerations from the public may lead the Shire into an area where it is not delivering to the public. This is a reputational risk for Council.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

| ITEM | OUTCOMES AND STRATEGIES |
|-------|--|
| 5.2.5 | Continual improvement in implementation of the Integrated Planning and Reporting (IPR) cycle |
| 5.2.6 | Compliance with the Local Government Act 1995 and all other relevant legislation and regulations |

Comment:

The Strategic Community Plan and Corporate Business Plan are extremely important documents in that they will establish the direct of the Shire of Carnarvon based on the wishes of the Community.

As a result of COVID19 and the changing economic situation in the Shire of Carnarvon, it is highly likely that the Strategic Community Plan will have a different focus than the previous Plan which will see the Shire moving in a different direction to previous. As a result of this change, while it is possible that the COVID19 will influence the response of local, it is also seen as an opportunity to align the Strategic Community Plan with the desires of the community.

Once the Strategic Community Plan has been completed, the Corporate Business Plan will need to be updated as to how the Shire will delivery against the community's desires. Once again, these documents are critical for the Shire to be able to establish a direction for Council and the staff.

Due to the recent Organisational Restructure, staffing levels have been dropped to reduce the cost impact on the local residents. Due to vacancies and new staff starting, it is likely that for the Shire to complete the

strategic documents 'in-house' would not be able to be completed in a timely manner or without diverting staff from other areas which will create additional issues. The delays in completing these reports may be a frustration to the Council and residents.

Other documents feeding into the Strategic Planning documents will need to be updated as well. This will include the Long Term Financial Plan, which will establish the future financial impacts for the Shire, and the Workforce Planning to be updated as a result of the Restructure.

OFFICER'S RECOMMENDATION

That the Acting Chief Executive Officer seek quotes as per purchasing policy and engages a contractor for the Strategic Community Plan and Corporate Business Plan Review.

FC 5/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Pinner

That the Acting Chief Executive Officer seek quotes as per purchasing policy and engages a contractor for the Strategic Community Plan and Corporate Business Plan Review.

CARRIED
F7/A0

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1 ACCOUNTS FOR PAYMENT 30 SEPTEMBER 2020

| | |
|--------------------------|---|
| File No: | ADM0186 |
| Date of Meeting: | 26 th , 27 th of September 2020 |
| Location/Address: | Shire of Carnarvon |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | Shire of Carnarvon |
| Author/s: | Dallas Wood Harris – 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:

Relevant Plans and Policy:

All accounts are paid as per the Shire of Carnarvon's 2020/2021 Budget.

Financial Implications:

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

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 September 2020 are listed in *Schedules 8.2.1.(a)*. Which includes a credit card payment of \$4,800.45 for the months of July and August. Details of expenditure have been provided in agenda for the Ordinary Council meeting in September 2020.

During the month of September a total expenditure of \$4,541.30 has been incurred on corporate credit cards.

OFFICER'S RECOMMENDATION

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totaling \$2,381,908.62 as presented for the month of September 2020 incorporating.*

| <i>Payment Reference from:</i> | <i>Payment Reference to:</i> | <i>Payment Type</i> | <i>Payment Amount</i> |
|--------------------------------|------------------------------|----------------------|-----------------------|
| <i>DD38121</i> | <i>DD38156</i> | <i>Bank Direct</i> | <i>\$77,932.09</i> |
| <i>47188</i> | <i>47193</i> | <i>Muni Cheques</i> | <i>\$1,304.65</i> |
| <i>7524</i> | <i>7524</i> | <i>Trust Cheques</i> | <i>\$946.26</i> |
| <i>EFT31326</i> | <i>EFT31568</i> | <i>Muni EFT</i> | <i>\$2,243,883.02</i> |
| <i>EFT31450</i> | <i>EFT31474</i> | <i>Trust EFT</i> | <i>\$57,842.60</i> |
| <i>Total</i> | | | <i>\$2,381,908.62</i> |

- b) *Note Sundry Creditors as of 30 September 2020 \$ 635,917.05*

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$2,381,908.62 as presented for the month of September 2020 incorporating.

| <i>Payment Reference from:</i> | <i>Payment Reference to:</i> | <i>Payment Type</i> | <i>Payment Amount</i> |
|--------------------------------|------------------------------|---------------------|-----------------------|
| DD38121 | DD38156 | Bank Direct | \$77,932.09 |
| 47188 | 47193 | Muni Cheques | \$1,304.65 |
| 7524 | 7524 | Trust Cheques | \$946.26 |
| EFT31326 | EFT31568 | Muni EFT | \$2,243,883.02 |
| EFT31450 | EFT31474 | Trust EFT | \$57,842.60 |
| Total | | | \$2,381,908.62 |

- b) Note Sundry Creditors as of 30 September 2020 \$ 635,917.05

CARRIED
F7/A0

NOTE**ITEM 8.2.2 - THERE IS NO MANAGEMENT REPORT FOR SEPTEMBER 2020****ITEM 8.2.3 – THERE IS NO INVESTMENTS REPORT FOR SEPTEMBER 2020**

8.2.4 REQUEST FOR NEW LEASE – CARNARVON HORSE AND PONY CLUB – PORTION OF LOTS 415 & 648 CARNARVON, WA 6701

| | |
|---------------------------------|--|
| File No: | ADM0265 |
| Date of Meeting: | 27 th October 2020 |
| Location/Address: | portion of Lots 415 & 648, Carnarvon, WA 6701 |
| Name of Applicant: | Carnarvon Horse and Pony Club |
| Name of Owner: | Crown Grant in trust to the Shire of Carnarvon |
| Author/s: | Sj Nixon – Coordinator Governance |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |

Summary of Item:

This report details a request from the Carnarvon Horse and pony club seeking the Council's approval to renew their existing lease which is due to expire 30th November 2020. The Officers recommendation detailed for this report advocates support for the Club's request for a new lease to facilitate the continuity of the club activities on the current site.

Description of Proposal:

N/A

Background:

The Carnarvon horse and pony club are a popular local club who have held the lease at lot 415 & 648 Carnarvon for approximately 20 years, which commenced in November 2000 (structured as two ten (10) year terms). The lease expires at the end of November 2020 with no further terms available therefore a resolution is required from the council to allow any further leases.

For reference purposes the Club is located at portion of lot 415 & 648, Carnarvon, as shown in **Figure 1** below:



Figure 1 lot 415 & 648 Carnarvon, WA, 6701

By way of background, Lot 415 and 648 form part of land granted to the Shire of Carnarvon in trust by the Grant with the only condition that the State Energy Commission of WA may enter to access mineral resources (gas). This lot has been leased to the Horse and Pony club since it's relocation from the festival grounds with grant funds provided by the Shire.

The existing lease for the Horse and Pony Club was for a twenty (20) year tenure at an annual charge of pepper corn) together with the payment of rates to the Shire of Carnarvon and all outgoings, such as rubbish charges and utilities. The club is also responsible for maintenance, repair, and painting. It is worth noting the club has been in receipt of discounted council rates for the duration of its lease and have recently submitted a further application for a rate reduction.

The club has requested that the Council grant a further lease term for twenty (20) years (structured as 10 years, with an option to renew for 10 years)

Consultation:

Carnarvon Horse and Pony Club

Statutory Environment:

The Council may entertain a formal lease pursuant to Section 3.58 'Disposing of Property' of the *Local Government Act 1995*.

However, with this acknowledged, the *Local Government (Functions and General) Regulations 1996* regulation 30(2)(b) provides an exemption where the proposed disposition is for charitable purpose, which is deemed applicable in this situation.

Relevant Plans and Policy:**Lease and Licensing Classification Policy (C016)**

It is considered appropriate to classify the proposed lease arrangement as a Tier Two lease according to the Policy. This states:

- Discounted rent \$300/year
- Not-for-profit sporting or community groups:
- Use approved by Council;
- Lessee pays for lease preparation, utilities and all maintenance;
- Has revenue raising capacity or receives external funding assistance (e.g. has a Sale of Liquor licence or receives some funding from State Government or from its members).

Financial Implications:

The lease should yield annual recurrent rates and charges as per the tier two (2) classification in the Council's Lease and Licensing Classification Policy (C016). In this regard an annual lease fee should continue to be payable at a rate of \$300 per annum. The Horse and Pony club will be liable for cost of legal fees for the lease preparation.

Risk Assessment:

There is reputational risk to the Shire should further lease not be granted given the horse and pony club is a significant sporting club with strong support and patronage within the community.

There is, limited but present, financial risk attached to not re-issuing a further lease term. Namely, \$300 per annum for (estimated) 20-year term.

Community & Strategic Objectives:

Outcome 3.1 Carnarvon is a proud community and is a desirable place to live, invest and visit.

3.1.5

Provide opportunities for community participation to promote a sense of belonging.

Outcome 3.4 Improved passive and active leisure and recreation facilities.

3.4.3

Encourage residents to lead healthy lifestyles through participation in passive and active recreational pursuits.

Comment:

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

OFFICER'S RECOMMENDATION 1

That Council:

In accordance with Local Government (Functions and General) Regulations 1996 regulation 30(2)(b) grant in favour of the Carnarvon Horse and Pony Club a new lease over a Portion of Lot 415 & 648, Carnarvon with the new lease document structured around:

(a) A twenty (20) year lease period;

- (b) An annual lease payment of \$300 (excluding GST) and payment of annual rates against the lease portion of land;
- (c) A CPI rent review clause; and
- (d) Lessee to be responsible for the cost of lease preparation, utilities and all maintenance.

Simple majority required

OFFICER'S RECOMMENDATION 2

That the Council delegate authority to the Shire President and the Chief Executive Officer to execute the relevant lease agreement and affix the common seal of the Shire of Carnarvon on the lease documentation.

Absolute majority required

FC 7/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Nelson

That Council:

In accordance with Local Government (Functions and General) Regulations 1996 regulation 30(2)(b) grant in favour of the Carnarvon Horse and Pony Club a new lease over a Portion of Lot 415 & 648, Carnarvon with the new lease document structured around:

- (a) A twenty (20) year lease period;***
- (b) An annual lease payment of \$300 (excluding GST) and payment of annual rates against the lease portion of land;***
- (c) A CPI rent review clause; and***
- (d) Lessee to be responsible for the cost of lease preparation, utilities and all maintenance.***

CARRIED

F7/A0

FC 8/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Nelson

That the Council delegate authority to the Shire President and the Chief Executive Officer to execute the relevant lease agreement and affix the common seal of the Shire of Carnarvon on the lease documentation.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.2.5

REGULATION 17 REVIEW AND COMPLIANCE AUDIT RETURN 2020

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

| | |
|---------------------------------|--|
| Date of Meeting: | 27 th October 2020 |
| Location/Address: | Shire of Carnarvon |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | N/A |
| Author/s: | Carolien Claassens, Operations Manager Corporate & Community |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Previous Report: | Audit Committee Meeting 11 March 2020 |

Summary of Item:

This report relates to a request for Council to-

1. Authorise the CEO to approve the procurement of an independent compliance officer to conduct the review of the appropriateness and effectiveness of the Shire risk management, internal control and legislative compliance (Regulation 17 review); and
2. authorise expenditure in advance for the engagement of the independent compliance officer for the Regulation 17 review.

Description of Proposal:

Section 17 of the Local Government Audit Regulations 1996 identifies the Regulation 17 review to take place once every 3 financial years. The last Regulation 17 was completed in December 2017, which has prompted the Shire to request quotes for an independent compliance officer to conduct the review.

The current adopted budget has insufficient funds to engage an external 'compliance officer' to conduct both the Regulation 17 review and the Compliance Audit Return (CAR) for 2020. During the Audit Committee Meeting, held on 11th March 2020, the committee resolved to appoint an independent compliance officer to complete the CAR 2020.

Background:*Regulation 17 Review:*

Section 17 of the Local Government Audit Regulation 1996 requires the CEO to review the appropriateness and effectiveness of a local governments system and procedures relating to risk management, internal control and legislative compliance. This review is required to be completed once in every three (3) financial years and was last completed in December 2017 by AMD chartered accountants.

Engaging an external compliance officer (auditor) will provide significant benefits to the Shire. In particular the experience of auditors conducting a Regulation 17 review. The Shire received quotes from five (5) WALGA Preferred suppliers. The preferred quote indicates significant experience with Local Government auditing and the provision of the Regulation 17 review. It provides details of well-developed tools, templates & methodology to perform an in-depth review. Their knowledge of Local Government will be useful to understand the complexity of the Shire and provide valuable reporting, advice and guidance to the staff and Audit Committee.

Compliance Audit Return (CAR) 2020:

During the Audit Committee Meeting, held on 11th March 2020, the committee resolved to appoint an independent compliance officer to complete the CAR for 2020. Section 14 of the Audit Regulations requires the Shire to complete an annual CAR which represents an audit of the Shire's compliance in the period 1 January until 31 December. The CAR includes topics in relation to Delegation of Power, Disclosure of Interest, Disposal of Property, Finance, Integrated Planning and Reporting, Official Conduct and Tenders. In previous years relevant staff conducted the CAR by way of a 'self-audit' with the results being presented to the Audit Committee.

The Audit Committee identified it is good practise to engage an independent compliance officer every few years to ensure the Shire is meeting its statutory requirements.

The completed CAR 2020 is required to be presented to the Minister of Local Government by the 31 March 2021.

Consultation:

Consultation has taken place between the A/CEO, the Executive Manager & Operations Manager of Corporate & Community, Senior Executive Officer and the Coordinator of Governance.

Statutory Environment:

- Local Government Audit Regulations 1996, section 14 and 17
- Local Government Act 1995, Part 6 section 6.8 Expenditure from municipal fund not included in annual budget.

Relevant Plans and Policy:

Policy C002 - Purchasing

Financial Implications:

In the 2020/21 budget \$65,000 has been allocated to annual finance audits which includes a contingency for other audits as required. The Office of Auditor General has quoted \$53,000 for the 2019/20 Financial Audit (interim and final audit combined). Taking into account committed expenditure for auditing of grant funding and reporting for the ATO, insufficient funds (current remaining budget; \$8,000) are available to engage an independent compliance officer.

The Shire is in receipt of 4 quotes for the provision of the CAR 2020 and 5 quotes for the Regulation 17 review. An evaluation of the quotes has taken place with the preferred provider quoting a total cost of \$18,900 for the CAR 2020 & Regulation 17 Review combined.

Note: This excludes the cost of disbursements. It is preferred to invite the independent compliance officer on-site. It is expected the cost of disbursement (flights & accommodation) to be between \$3,000 and \$4,000.
The quotes and further detail regarding pricing can be provided upon request.

With the deadline of the Regulation 17 review fast approaching the Shire would like to engage the independent compliance officer asap. A resolution from Council will be required to approve the expenditure refer to:

Local Government Act 1995, Part 6 section -

6.8 'Expenditure from municipal fund **not** included in annual budget':

- 1) A local government is not to incur expenditure from its municipal funds for an additional purpose except where the expenditure –
(a) is incurred in a financial year before the adoption of the annual budget by the local government; or
(b) is authorised in advance by resolution*

** Absolute majority required*

Risk Assessment:

Sufficient funds are available to engage an auditor to complete the CAR 2020. No allowances have been made in the budget to engage an auditor for the Regulation 17 review. With the deadline to complete the Regulation 17 review fast approaching it is important to appoint an auditor asap.

The review could be completed by staff. The Shire has identified that due to the current staffing issues, particularly in the Corporate Department, staff would not have capacity to perform the review without external help. Relevant staff aiding an experienced external auditor ensures better accountability and transparency in reporting.

Community & Strategic Objectives:

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

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

Comment:

Not applicable

OFFICER'S RECOMMENDATION

1. *That Council authorises the A/CEO to procure the services of an independent compliance officer to conduct the review of the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 1. *Risk Management; and*
 2. *Internal Control; and*
 3. *Legislative Compliance*

In accordance with the Local Government (Audit) Regulations 1996.
2. *That Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995, authorises in advance the expenditure for the engagement of an external independent compliance officer to complete the review.*

FC 9/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

1. *That Council authorises the A/CEO to procure the services of an independent compliance officer to conduct the review of the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 1. *Risk Management; and*
 2. *Internal Control; and*
 3. *Legislative Compliance*

In accordance with the Local Government (Audit) Regulations 1996.
2. *That Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995, authorises in advance the expenditure for the engagement of an external independent compliance officer to complete the review.*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.2.6

CARNARVON YOUTH STRATEGY - FUNDING AGREEMENT BUDGET VARIATION

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

| | |
|---------------------------------|---|
| Date of Meeting: | 27 th October 2020 |
| Location/Address: | Shire of Carnarvon |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | N/A |
| Author/s: | Carolien Claassens – Operations Manager Corporate & Community |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Previous Report: | - |

Summary of Item:

This report relates to a request for Council to-

1. Provide retrospective approval for the acceptance of funding from Department of Local Government, Sport and Cultural Industries (DLGSC) to develop a 3-year Youth Strategy for Carnarvon.
2. Approve a budget variation under the existing 2020/21 budget, for the benefit of the Youth Strategy Project.

Description of Proposal:

In collaboration with DLGSC the Shire has been able to secure \$10,000 in grant funding to produce a Carnarvon Youth Strategy. The funding agreement has been signed by both parties (late August 2020). Whilst the project is included in the Corporate Business Plan, Council approval should have been requested before signing of the funding, in accordance with Policy C030 External Grants – Procurement and Management.

The 2020/21 Budget was adopted on 31 August 2020. With the funding being made available in late August, the Shire has missed the opportunity to include the Youth Strategy funding in the 2020/21 budget. In order to proceed with the procurement of an external consultant, to prepare the Youth Strategy a budget variation will be required.

Background:

The opportunity to develop a Youth Strategy has been identified in the objective of the Community Strategy Plan 2018-2018. Shire staff is working closely with the DLGSC (and other parties within the community) to activate Youth related activities. A Youth Strategy will provide the following benefits:

- Increased effective collaboration between youth service providers;
- Increased coordination and strategic allocation of resources;
- Sustainable, accessible, and relevant services/programs for youth;
- Provision of a variety of services, programs and activities and new opportunities to engage youth;
- Reduction in youth crime and antisocial behaviour;
- Establishment of a Carnarvon Youth Agency Network or Reference Group to assist with the implementation of recommendations within the strategy; and
- Establishment of a Carnarvon Youth Advisory Committee

During the Corporate Information Session on 20th of October, Council was provided information regarding the funding for the Youth Strategy.

In accordance with the Policy C002 – Purchasing the Shire has received three written quotes from qualified consultants. The preferred consultant has significant experience in community engagement as a former Commander of the WA Police Force and the former CEO of the WA PCYC. Depending on Councils approval, the Shire will appoint the preferred consultant with the project to be completed no later than the 30th of June 2021.

Consultation:

Consultation has taken place with Benita Donda & Richard Malacari from DLGSC, the Coordinator for Youth, the Executive Manager & Operations Manager for Corporate & Community.

Statutory Environment:

Section 34 of the Local Government (Financial Management) Regulations 1996
Section 6.8 (1) (b) of the Local Government Act 1995

Relevant Plans and Policy:

Policy C030 – External Grants – Procurement and Management
Policy C002- Purchasing

The funding agreement, for a cash contribution of \$10,000 has been signed. No cash contributions from the Shire are required. Whilst staff involvement is required with the delivery and implementation of the Youth Strategy there is no in-kind contribution from the Shire included in the funding agreement.

The following budget variation to the original budget since budget adoption is proposed:

| Program & Sub-Program | GL Account Code | Description | Classification | Original Budget | Decrease in Available budget | Current Budget |
|---|-----------------|-------------------|-----------------------|-----------------|------------------------------|----------------|
| 06 - Education and Welfare & 19- Youth Development Strategy | 1343 | Grants Others | Operating income | 0.00 | n/a | - \$10,000 |
| | 6702 | Youth Grant (EXP) | Operating Expenditure | 0.00 | n/a | \$10,000 |

Table 1: Budget variation

Note: The quote of the preferred supplier is within the proposed budget.

Risk Assessment:

Reputational risk should be considered not approving the funding. Development of a Youth Strategy will be an important milestone for Youth Services in Carnarvon.

The Shire works together with a broad range of community groups (e.g. CTAC, PCYC, ABC Foundation, Ngala, WA Police, Stephen Michaels Foundation and several sporting clubs). To ensure achievable outcomes reflecting the actual current and progressive needs of youth, the strategy will be focusing on further collaboration and inclusiveness of all youth and community groups. With the contribution from DLGSC the Shire will be able to engage a well experienced consultant to deliver the Youth Strategy. This will include engagement with youth and guidance to the staff in respect to the implementation of the strategy.

The financial risk of the project is minimal. Beside the involvement of staff there is no financial contribution required from the Shire.

Community & Strategic Objectives:

| | |
|------------|---|
| 3.3 | Caring, self-reliant community |
| 3.3.1 | Support groups to deliver community-led initiatives and activities through liaison and grants |
| 3.3.3 | Recognition and acknowledgement of community leaders and volunteers |
| 3.5 | Engaged young people |
| 3.5.3 | Advocate for young people and collaborate with other agencies to engage young people |

Comment:

Internal compliance with Shire's policies, the Act and its regulations are important. Approval from Council as to whether the funding should be accepted should have been requested before accepting the funding. The Shire has been approached by DLGSC to deliver the Youth Strategy and was not required to provide an application, which has resulted in an oversight not requesting Council's approval prior.

OFFICER'S RECOMMENDATION

1. That Council, in accordance with Policy C030 – External Grants – Procurement and Management retrospectively approves the acceptance of funding from Department of Local Government, Sport and Cultural Industries for \$10,000 to develop a three-year Youth Strategy for Carnarvon, and delegates to the CEO the signing of the relevant funding agreement.

2. That Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995 and Regulation 33A (3) of the Local Government (Financial Management) Regulations 1996, adopt the budget review and variations as in table 1 in agenda item 8.2.6.

FC 10/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Nelson

1. That Council, in accordance with Policy C030 – External Grants – Procurement and Management retrospectively approves the acceptance of funding from Department of Local Government, Sport and Cultural Industries for \$10,000 to develop a three-year Youth Strategy for Carnarvon, and delegates to the CEO the signing of the relevant funding agreement.
2. That Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995 and Regulation 33A (3) of the Local Government (Financial Management) Regulations 1996, adopt the budget review and variations as in table 1 in agenda item 8.2.6.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

8.2.7 AUSTRALIA DAY 2021

| | |
|--------------------------|---|
| Date of Meeting: | 27 October 2020 |
| Location/Address: | N/A |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | N/A |
| Author/s: | Jennifer MacKellin – Executive Manager Corporate & Community Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |

Summary of Item:

The Shire of Carnarvon provides a day of activities for the community each year to celebrate Australia Day. This opportunity for the community to join together and celebrate the day ends with a firework display, which is enjoyed by all. Through the budget planning process, it had been identified that Australia Day 2021 would be contained to a minimum budget expenditure. This was in consideration of the possible financial impact of COVID-19 on the Shire budget and the Council wanting to reduce Shire expenditure overall. It was identified that fireworks were a potential activity that the Shire may not be able to host for Australia Day 2021. Following feedback from the community, officers are now seeking Council direction on Australia Day 2021 activities and expenditure. This primarily relates to the use of fireworks on Australia Day 2021.

Description of Proposal:

It is proposed that Australia Day 2021 activities would include:

- Australia Day breakfast to be held at the Carnarvon Yacht Club
- Citizenship Award Ceremony to be held at the Carnarvon Yacht Club
- Family Day activities
- Fireworks

Background:

Due to COVID-19 and budget constraints, the Council had previously sought to reduce expenditure. In budget planning workshops with Council, it was identified by Officers that Australia Day expenditure could be reduced significantly but Officers identified Australia Day itself as a significant community event that

could be retained. At the time, it was unknown as to the impact of COVID-19 on any planned activities and Council was seeking to see a significant reduction in budget expenditure.

Australia Day 2020 included expenses identified in the table below:

| | |
|---|-------------|
| Children's Activities and Accommodation | \$ 4,594.55 |
| Fireworks and Accommodation | \$11,858.19 |
| Security for Australia Day | \$ 630.00 |
| Sound Track for Fireworks | \$ 500.00 |
| Catering for Australia Day Breakfast | \$ 2,200.00 |
| Sub Total | \$19,901.14 |

In addition to the above costs of \$19,901.14, there was approximately another \$6,000 in other expenses including the purchase of sundry items, Welcome to Country, additional cleaning of toilets, rubbish removal, staff wages (overtime rates) etc. plus volunteer hours from both the community and Shire.

The community has identified the Australia Day activities provided by the Shire as something that contributes to the mental health and wellbeing of a socially connected community.

The Citizenship ceremony and Australia Day awards are planned to proceed as usual with the support of the Soroptomist Club and Lions Club. These activities are budgeted for and are considered an important part of Shire business.

Consultation:

Informal community and staff feedback has been provided to Shire Officers.

Australia Day 2020 celebrations drew some criticism from some members of the community. This was in consideration of the devastating bushfires that were being experienced throughout Australia. It was thought that it was inappropriate for the Shire to be spending money on fireworks at a time of total fire ban and that the money would have been better spent supporting those who had lost so much. The Shire did contribute \$5,000 to the bushfire appeal, as supported by Council.

Much of the community has identified the Australia Day activities, provided by the Shire, as something that contributes to the mental health and wellbeing of a socially connected community. Whilst there has been some concern expressed by some members of the community in relation to the cost of events conducted by the Shire, particularly with regards to the impacts of COVID-19 and the Shire budget expenditure, other members consider not having such events as detrimental to the community.

With the Shire having gone through a significant restructure, which included the temporary reduction of some services and staff redundancies, some staff and members of the community are in two minds as to the appropriateness of spending money unnecessarily when staff have been instructed that it should only be essential activity expenditure this financial year. Anecdotal evidence is that the business community supports the Shire running events, but this would need to be confirmed.

Consultation with the Operations Manager Infrastructure has identified that staff availability to work on Australia Day is consistently an issue. These staff are required due to the nature of the activities and risks associated.

Statutory Environment:

Local Government Act 1995

Bush Fires Act 1954

Financial Implications:

COA 3572 JOB 3570 Festivals and Events

In the budget planning process, expenditure for festivals and events was to be removed apart from an allocation for the Australia Day breakfast and ANZAC Day. Road closure for other events, such as Remembrance Day and Vietnam Veterans Day, attract an internal cost. The Christmas Street Party was to be managed by another entity with a \$10,000 allocation from the Shire.

In the 2019/20 budget there was \$58,743 budgeted for expenditure. This included *community festivals and events that are organised by SoC; events include Australia Day, Harmony Day, NAIDOC Week, community clean up and the community Christmas Street Party. A contingency for road closures, security and staff resources is also included.* Actual expenditure for 2019/20 was \$59,171.

The budget for 2020/21 is as follows:

| Desc | Original Budget | Amendments | Current Budget |
|----------------------------------|-----------------|------------|----------------|
| 01 EMPLOYEE COSTS | 4,000.00 | 0.00 | 4,000.00 |
| 04 MATERIALS, CONTRACTS & OP EXF | 35,800.00 | 0.00 | 35,800.00 |
| 07 DONATIONS | 0.00 | 0.00 | 0.00 |
| 09 OTHER EXPENSES | 0.00 | 0.00 | 0.00 |
| 12 SERVICES (T P A R) | 0.00 | 0.00 | 0.00 |
| 50 LABOUR OVERHEADS | 3,840.00 | 0.00 | 3,840.00 |
| 51 INTERNAL PLANT HIRE | 2,394.00 | 0.00 | 2,394.00 |
| Total | 46,034.00 | 0.00 | 46,034.00 |

With \$10,000 for the Christmas Street Party, this leaves approximately \$25,000 for other events throughout the year including Australia Day 2021. Employee costs, labour overheads and internal plant hire will be consumed by Australia Day 2021.

It is proposed that the expenditure allocation for Australia Day 2021 would be:

| | |
|---|-------------|
| Children's Activities (additional staff wages) | \$ 2,000.00 |
| Fireworks and Accommodation (allowing for increased costs) | \$15,000.00 |
| Security for Australia Day (allowing for increased costs) | \$ 700.00 |
| Sound Track for Fireworks | \$ 500.00 |
| Catering for Australia Day Breakfast | \$ 2,200.00 |
| Sub Total | \$20,400.00 |

As the funds are already in the budget, there is no requirement for Council to approve this expenditure. This information is provided for transparency and to ensure Council has adequate information to make an informed decision.

Risk Assessment:

Reputational risk

If Council elect not to have fireworks on Australia Day 2021, there is a reputational risk that some members of the community would perceive Council as 'taking away' something that they look forward to, builds community, and may provide some economic benefit to the businesses. Alternatively, if Council elect to have fireworks on Australia Day 2021, there is a reputational risk that some members of the community would perceive Council as 'wasting money' or being 'inconsiderate' at a time when so many are experiencing financial hardship.

Financial risk

It is not unusual to find that there is a Total Fire Ban in place on Australia Day. The Bush Fire Regulations 1954 allow for the fireworks to proceed if there is a 'Severe' fire danger rating if:

- o Notice is given in accordance with regulation 24Q;
- o 2x firefighting vehicles with at least 500L of water and 2x persons per vehicle are on site for the duration, and at least 30 minutes after the event;
- o A water supply of 5000L is established prior to the event, and maintained for 30 minutes after the event;
- o 1x dedicated fire detection officer be posted on site for the sole purpose of observing for and detecting fires and remain in place for at least 30 minutes after the event.

If a Total Fire Ban is declared with a fire danger rating of 'EXTREME' or 'CATASTOPIC' then the fireworks must be cancelled. **See Schedule** Should this occur, the Shire would lose the monies paid for fireworks. This risk has not changed from previous years.

Operational risk

Following a very difficult year for Shire staff, there may be some discontent at providing fireworks following staff changes and reductions, temporary service changes and when staff workloads are very high.

Other risk

DFES will be required to sign off on the application for fireworks, as will WA Police. There has been concern raised in the past over the impost on local resources when holding fireworks. This includes risks associated with the use of the local fire brigade who, if called to a fire or other event, should not be relied upon to assist if there is a fire caused by the fireworks. The Shire, DFES and Fireworks provider negotiated a resolve on this issue for Australia Day 2020, which required the Shire to assist with fire appliances and staff.

Community & Strategic Objectives:

Goal 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 | Strong community identity and spirit through arts, culture and events |
| 3.2.1 | Provide and promote visual arts facilities and exhibitions/activities |
| 3.2.2 | Provide and promote performing arts and entertainment facilities and performances/activities |
| 3.2.3 | Provide and promote other opportunities for participation in social and cultural events and activities |
| 3.2.4 | Support the delivery of public art initiatives |
| 3.2.5 | Provide accessible literature and life-long learning resources through library and information services |
| 3.3 | Caring, self-reliant community |
| 3.3.1 | Support groups to deliver community-led initiatives and activities through liaison and grants |
| 3.3.2 | Facilitate volunteering opportunities within the Shire |

| ITEM | OUTCOMES AND STRATEGIES |
|-------|---|
| 3.3.3 | Recognition and acknowledgement of community leaders and volunteers |

Goal 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 |
| 5.1.3 | The community can readily access friendly and efficient bookings, registers, applications, advice and other customer services |
| 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 |
| 5.2.4 | The Shire will apply sustainability principles in its own operations |

Comment:

This is a difficult decision for Council to make and Shire Officers have also found it difficult to make a recommendation to Council. Ultimately, whatever decision Council makes could be controversial within the community.

As representatives of the community, it is a decision that best sits with Council due to it being a contentious issue. Whilst some may consider such a decision as 'trivial', it is recognised that it can often be such decisions that cause the most angst.

In weighing up the feedback and considering the risks, it could be considered that the community appetite for providing a fireworks display is generally more positive than not.

OFFICER'S RECOMMENDATION

That Council approve fireworks for Australia Day 2021 celebrations to be held on 26 January 2021, with funds allocated from COA 3572 JOB 3570 Festivals and Events.

FC 11/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Maslen

That Council approve fireworks for Australia Day 2021 celebrations to be held on 26 January 2021, with funds allocated from COA 3572 JOB 3570 Festivals and Events.

CARRIED
F7/AQ

8.3.1 OUTBUILDING - LOT 602 (HN 11) CROSSLAND STREET, SOUTH CARNARVON

10.54am – Cr Pinner declared a Financial Interest in this matter as he has asked to quote on the building. He therefore left the meeting and did not participate or vote on the matter.

| | |
|--------------------------|--|
| File No: | A163, P31/20 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Lot 602 (HN11) Crossland Street, South Carnarvon |
| Name of Applicant: | Craig Gall and Robert Hull |
| Name of Owner: | Craig Gall and Robert Hull |
| Author/s: | John Meggitt, Principal Planner |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Report: | N/A |

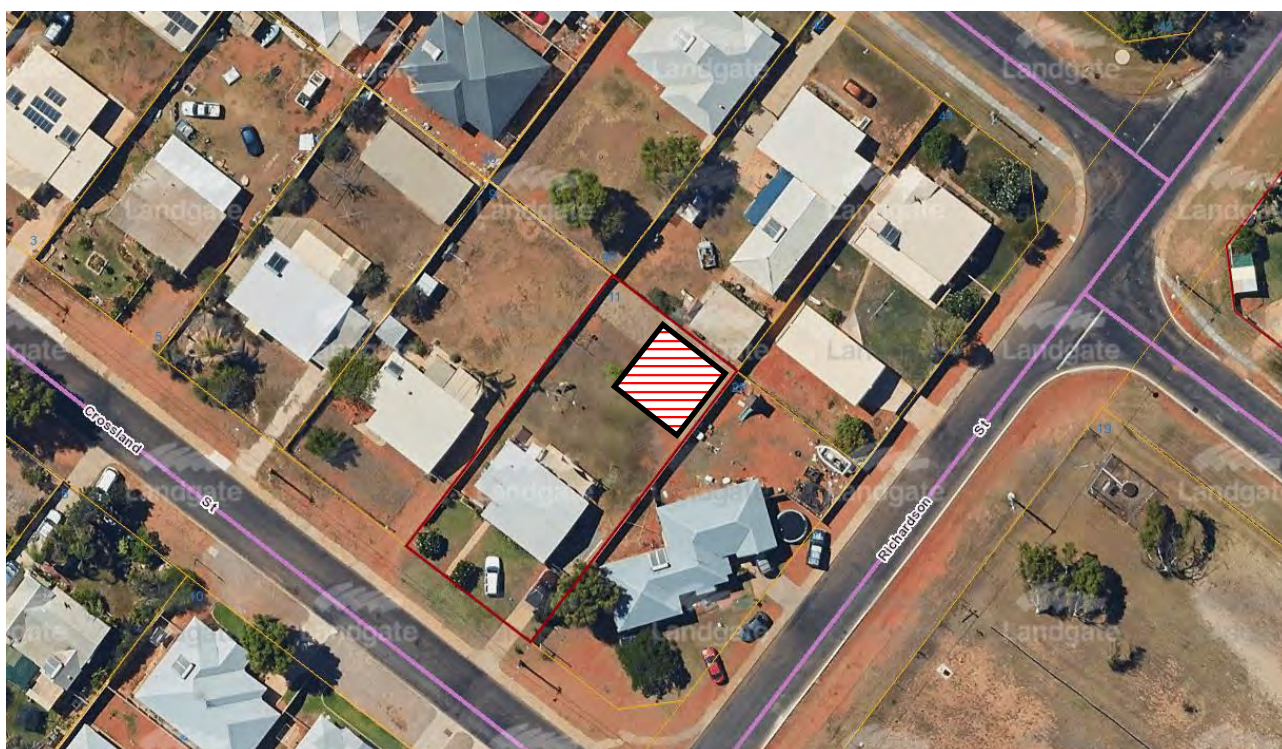
Summary of Item:

This item relates to a proposed outbuilding (shed) at Lot 602 (HN 11) Crossland Street, South Carnarvon. The proposed outbuilding is non-compliant with regards to area, wall heights and side setbacks. Notwithstanding this noncompliance, the application for the proposed outbuilding is recommended to be approved for the reasons outlined below.

Description of Proposal:

The site is zoned Residential R12.5 under the Shire of Carnarvon Local Planning Scheme No. 10 (LPS 10) and draft Local Planning Scheme (LPS 13). The subject land has an area of 877m² and contains a residence. See **Figure 1**.

The proposed shed which is designed with a skillion roof is non-compliant with the Shire's Outbuilding policy in terms of maximum building area and wall heights. Refer to **Schedule 8.3.1** – site and building plans.



The Shire's Outbuilding Policy provides a context and framework in which outbuilding use and development can take place within the scheme area. The Outbuilding Policy allows for greater flexibility than the R-Codes for oversized structures. A shed is classified as an outbuilding; being an enclosed non-habitable structure that is detached from any dwelling. The policy has the following standards for outbuildings within a residential property of area 601m² to 999m²:

| Standard | Permitted | Proposed |
|----------------------|------------------|-------------------|
| Maximum floor area | 81m ² | 100m ² |
| Maximum wall height | 3.5m | 4.57m & 3.7m |
| Maximum ridge height | 5.0m | 4.57m |

The proposed outbuilding is non-compliant with the wall height requirements and exceeds the maximum floor area by 19m². The outbuilding is to have the western wall height of 3.7m and the eastern wall height of 4.57m which is adjacent to the outdoor living area of the dwelling at the corner of Crossland and Richardson Streets.

The lot to the north contains a shed which will be adjacent to the proposed outbuilding, the rear of the residential lot to the west is vacant and to the east the lot contains a dwelling and rear living area which would be adjacent to the outbuilding. It is considered that the development will not have an adverse impact on the amenity of the adjoining properties and is consistent with the scale of outbuildings in the general area.

It is noted that the Shire in recent years approved other outbuildings which exceeded the Shire's Policy on wall and roof heights (FC 14/02/20, FC17/04/20 and FC19/06/18).

Consultation:

A notice advising of the development was placed on the Shallcross Street property frontage and a notice was placed on the Shire's website for a period of two weeks. In addition a letter was sent to the residents of the property to the SE at the corner of Crossland and Richardson Streets. No submissions were received on the proposal.

Statutory Environment:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

Local Planning Scheme No. 10

Under LPS 10, the subject land is zoned 'Residential' with an R-Code of R12.5.

Shire of Carnarvon Draft Local Planning Scheme No. 13

Under draft LPS 13 the subject land is zoned 'Residential' with an R-Code of R12.5.

Relevant Plans and Policy:

State Planning Policy 7.3 Residential Design Codes

This application does not meet the deemed-to-comply provisions for outbuildings as set out in the Residential Design Codes. Provision exists under the R-Codes for local government to establish variations through policies to the provisions of the R Codes.

Shire of Carnarvon Policy Statement No. 15 Outbuildings

The Shire of Carnarvon Policy Statement No. 15 provides a framework for the consideration of outbuildings within the Carnarvon context allowing for an increase in building size within the Carnarvon context.

Financial Implications:

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

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 2: Natural and built environment

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

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

Comment:

It is considered the overall height and scale of the building will not detract from the streetscape and visual amenity of adjacent properties, and the general neighbourhood. No objections were not received following the advertising of the proposal. The exceedances are considered comparable to other large sheds which accommodate boats and caravans in this locality and the Shire.

In the past three years the Shire approved three other outbuildings which have exceeded wall and roof heights set out in the Shire's Outbuilding Policy and as such it is important to provide consistency in its decision making. It is recommended that the application be approved.

OFFICER'S RECOMMENDATION

That the Council pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grants development approval for application P31/20 for an outbuilding at LOT 602 (HN11) CROSSLAND STREET, SOUTH CARNARVON subject to the following conditions:

- 1. The development is to be generally in accordance with plans A1.1 and A2.1 dated 07/09/2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*

Advice notes:

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

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Maslen

That the Council pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grants development approval for application P31/20 for an outbuilding at LOT 602 (HN11) CROSSLAND STREET, SOUTH CARNARVON subject to the following conditions:

1. *The development is to be generally in accordance with plans A1.1 and A2.1 dated 07/09/2020, including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*

Advice notes:

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

CARRIED
F6/A0

10.55am – Cr Pinner returned to the meeting and was advised of Council's decision.

8.3.2 APPLICATION FOR MOBILE TRADING LICENCE – LOT 383 BEACH ROAD, MACLEOD

Cr Nelson declared an Impartiality Interest in this matter as the applicant is known to her. Cr Nelson was not required to leave the meeting and could participate and vote on the matter.

| | |
|---------------------------------|----------------------------------|
| File No: | ADM2051, P36/20 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Lot 383 Beach Road, Macleod 6701 |
| Name of Applicant: | Brett Michael Kilgallon |
| Name of Owner: | State of WA |
| Author/s: | John Meggitt, Principal Planner |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Report: | N/A |

Summary of Item:

This item relates to an application for a mobile traders licence for the sale of coffee and takeaway food at Lot 383 Beach Road, Macleod 6701. The applicant is intending to operate the business from the carpark adjacent to the Quobba Blowholes waterspout at Macleod.

The location complies with the Shire's Policy D001 Mobile Trading which identifies the Blowholes reserve as one of the 'specified locations' within the Schedule of Declared Trading Locations deemed to be suitable for this type of activity. This report recommends the application be approved with conditions.



Figure 1: Locality for the proposed mobile trader at the Blowholes carpark.

Description of Proposal:

The mobile business will operate from the applicant's purpose-built food trailer, see **Figure 1**. The trailer features stainless steel facilities and refrigeration. The vehicle will have a separate detached generator and be self-sufficient in relation to power and water. Some food is to be reheated and other food is to be cooked onsite utilising the cooking facilities within the trailer.



Figure 1: images of the exterior and interior of the mobile vehicle.

The Blowholes car park surface is currently unsealed gravel. The Shire is intending to upgrade the carpark as part of a program of works to improve infrastructure and public facilities at the locality. It is intended to locate the trailer at the southern end of the carpark however the mobile trader may be required to temporarily relocate at the direction of Shire officers when the upgrade to the carpark is underway.

The applicant has requested that trading be allowed from 8:00am to 4:00pm seven days per week in order to meet potential customer needs and in order to ensure viability in a relatively remote location.

Planning Assessment Summary:

The proposal to trade at the Blowholes carpark is consistent with the Shire's Mobile Trading Policy's schedule of specified locations. There are no existing commercial facilities at the Blowholes and, given the visitation of the area by tourists and other day visitors, it is considered that the mobile trader will make a positive contribution to the locality.

The applicant has requested permission to operate the business from 8:00am to 4:00pm seven days per week. The Shire's Policy provides for approval periods to be restricted to four hours per day in any one location. In this case the additional hours of operation are considered to be acceptable and have a positive impact on the locality on the basis that:

- There are no existing food or drink facilities in the area.
- Having the opportunity for day visitors and tourists to purchase refreshments may improve their experience of the locality.
- Extended hours of operation will compensate for periods during each day when trading is at a low ebb.
- The existence of the mobile trader will complement the improvements to be undertaken by the Shire at the Blowholes.

The Shire has initiated a program to upgrade infrastructure at the Quobba Blowholes locality including improvements to the carparks and ablution facilities at the Blowholes and the Aquarium localities and the addition of new raised walkway at the Blowholes carpark. The proponent is aware of the proposed forthcoming works and will locate the mobile trading van as directed by the Shire when the works are under way.

Consultation:

No public consultation is required for trading applications.

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; licence assessment considerations; grounds for refusing, renewing or granting licences; licence conditions; additional conditions that can be included in licences; grounds for revoking licences; and fee and licence transfer management. If the application is approved and the applicant receives a licence, they and their assistants will be required to comply with the Local Law.

Relevant Plans and Policy:

Shire of Carnarvon Policy: D001 Mobile Trading

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

Financial Implications:

There are no identified financial implications associated with the officer's recommendation

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 1: Economic

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

| ITEM | Outcomes and Strategies |
|-------|--|
| 1.1 | Local business growth |
| 1.1.1 | Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth |
| ITEM | Outcomes and Strategies |
| 1.2 | Thriving tourism industry within the district/region |
| 1.2.2 | Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon |

Comment:

Mobile trading can provide significant benefits to communities through enriching the vibrancy of public spaces, encouraging economic activity and increasing the diversity of goods and services on offer to the public. For the reasons outlined above it is recommended that the application be approved with conditions as outlined in the officer's recommendation.

OFFICER'S RECOMMENDATION

That council,

1. Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve Brett Michael Kilgallon's application to hold a 12-month, Traders Licence for his mobile trading takeaway food and drink business at LOT 383 BEACH ROAD, MACLEOD, 6701 subject to the following conditions:
 - a. This licence is valid for a period of 12 months from the date of this approval.
 - b. The licensee is only permitted to trade at the Blowholes carpark as illustrated in Figure 1 of this report, seven days per week between 8:00am and 4:00pm.
 - c. The licensee is to relocate from the Blowholes carpark if directed by Shire officers.
 - d. The licensee must provide bins for waste management to the satisfaction of the Executive Manager Infrastructure Services.
 - e. The proponent is to dispose of all liquid wastewater and other wastes at the Brown Range waste disposal facility.
 - f. The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.
 - g. The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out.
 - h. The licensee must remove the trading vehicle and all goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place, unless with the written approval of the Council to the contrary.
 - i. The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.
 - j. When trading on a carriageway (where it is safe to do so), the licensee may not attach or erect any projection from the vehicle towards the centre of the carriageway and may not serve customers from the side of the vehicle facing the centre of the carriageway.
 - k. The licensee must not trade at any given place and time unless it is safe to do so and must

consider the safety of other vehicles and pedestrians.

- l. The trading activity must not cause unreasonable nuisance considering the trading environment.*

Advice Notes:

- a) Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.*
- b) Trading licences are not transferable without the written consent of the Council.*
- c) Trading licensees must comply with all the requirements of s.29 of the Shire of Carnarvon Local Government Act Local Laws including traffic, parking and planning laws and laws relating to advertising signs, obstruction of thoroughfares and food safety. This licence does not authorise the sale of food under the Food Act 2008. A copy of the Shire's Local laws may be obtained from the Council office at 3 Francis St, Carnarvon WA.*

FC 13/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

That Council,

- 1. Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve Brett Michael Kilgallon's application to hold a 12-month, Traders Licence for his mobile trading takeaway food and drink business at LOT 383 BEACH ROAD, MACLEOD, 6701 subject to the following conditions:***
 - a. This licence is valid for a period of 12 months from the date of this approval.*
 - b. The licensee is only permitted to trade at the Blowholes carpark as illustrated in Figure 1 of this report, seven days per week between 8:00am and 4:00pm.*
 - c. The licensee is to relocate from the Blowholes carpark if directed by Shire officers.*
 - d. The licensee must provide bins for waste management to the satisfaction of the Executive Manager Infrastructure Services.*
 - e. The proponent is to dispose of all liquid wastewater and other wastes at the Brown Range waste disposal facility.*
 - f. The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.*
 - g. The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out.*
 - h. The licensee must remove the trading vehicle and all goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place, unless with the written approval of the Council to the contrary.*
 - i. The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.*
 - j. When trading on a carriageway (where it is safe to do so), the licensee may not attach or erect any projection from the vehicle towards the centre of the carriageway and may not serve customers from the side of the vehicle facing the centre of the carriageway.*
 - k. The licensee must not trade at any given place and time unless it is safe to do so and must consider the safety of other vehicles and pedestrians.*
 - l. The trading activity must not cause unreasonable nuisance considering the trading environment.*

Advice Notes:

- d) Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.*
- e) Trading licences are not transferable without the written consent of the Council.*
- f) Trading licensees must comply with all the requirements of s.29 of the Shire of Carnarvon*

Local Government Act Local Laws including traffic, parking and planning laws and laws relating to advertising signs, obstruction of thoroughfares and food safety. This licence does not authorise the sale of food under the Food Act 2008. A copy of the Shire's Local laws may be obtained from the Council office at 3 Francis St, Carnarvon WA.

CARRIED
F7/AO

8.3.3 DEMOLITION APPLICATION – LOT 300 (HN 85) OLIVIA TERRACE, CARNARVON

| | |
|---------------------------------|--|
| File No: | ADM1942, P33/20 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Lot 300 (HN 85) Olivia Terrace, Carnarvon |
| Name of Applicant: | State of Western Australia |
| Name of Owner: | State of Western Australia |
| Author/s: | John Meggitt, Principal Planner |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Reports: | 28 January 2020 – Progress Report; 26 November 2019 – Due Diligence Report; 22 October 2019 – Expression of Interest; and 4 April 2018 – Scheme Amendment No. 75. |

Summary of Item:

This item relates to an application for the demolition of the old Carnarvon Courthouse, Police Station, two administrative buildings and a garage structure at Lot 300 (HN 85) Olivia Terrace, Carnarvon. The works are to be undertaken by Denaya Nominees Pty Ltd / Merit Construction Group (MCG). The project is being overseen by officers from the Department of Planning, Lands and Heritage (DPLH).

This report recommends the application be approved subject to conditions.

Description of Proposal:

The site has an area of approximately 7,422m². The buildings on the subject land have been vacant since the new Carnarvon Police and Justice Complex was opened in Robertson Street in April 2015. In the intervening period the buildings have been boarded up with little maintenance or security at the site undertaken. The site has been on the market since late 2019. The applicant has provided no indication with regards to any future development of the site once the demolition works have been undertaken.

The demolition contractor has indicated that the works will take between 3-4 weeks with the proposed work hours being 7am to 5pm Monday to Friday and 7am to 1pm Saturdays. The Demolition Works Plan states that it is proposed that the demolition will be progress from the west boundary to the east boundary to minimise dust impacts on the nearest residents to the east boundary. All demolition is to be actioned by mechanical equipment involving excavators with grapple, batter and rake bucket attachments. A copy of the Demolition Works Plan is included as **Schedule 8.3.3(a)** and the Asbestos Removal Control Plan as **Schedule 8.3.3(b)**.

The contractor undertaking the demolition works has prepared the following documentation in preparation of the demolition:

1. Demolition Works Plan;
2. Asbestos Removal Plan;
3. Rat baiting Treatment;
4. Demolition Application BA5 81.

The specific activities set out in the Demolition Works Plan include:

- Demolition and removal of four buildings on the site including slabs and footings;
- Asbestos removal from the structures;
- Disposal of concrete, timber rubbish and general rubbish
- General site clean and levelling on completion;
- Services disconnections and removal as required;
- Salvage and recycling where possible;
- Removal and internal fencing;
- Removal of underground tunnel, backfill and compact; and
- Removal of hardstand, kerbing, paving to the site.

Background:

Heritage

The buildings are not listed on the Shire's Municipal Heritage Inventory however they are listed on the State's Heritage Register. Enquiries have been made with the Heritage Council of WA regarding the requirement for referral of listed places, the Principal Heritage Officer has advised:

I can confirm that both P10942 Carnarvon Courthouse and P6245 Carnarvon Police Station, Quarters & CIB don't require any further referrals under the provisions of GHPDP (Government Heritage Property Disposal Process). The latter was part of the 20C Police Station study and didn't make the shortlist, whilst the former was referred by LandCorp (on behalf of DOTAG I assume) in 2016 at such time it was reviewed and determined to not warrant assessment.

Demolition and Asbestos Removal Plans

It is noted that the demolition works plan does not provide detail of any measures to address the containment of sand and dust on the site once the site is cleared. With regards to asbestos the plan states that. The applicant has prepared an Asbestos Removal Control Plan for the site. It states that MCG holds a current Unrestricted Asbestos Licence in Western Australia #WA186 valid until the 5th June 2023.

Notwithstanding that MCG is licenced to undertake asbestos removal it is considered necessary, due the specific environmental characteristics of Carnarvon, to condition any approval to ensure that the residential and commercial areas located downwind of the site are not adversely impacted by dust after the demolition has been undertaken.

The Demolition Works Plan states:

the buildings must be cleared by a competent MCG person as free from asbestos and ready for demolition before any demolition work is carried out on that building.

Anecdotal advice received from a local builder involved with the construction of the building indicates that friable asbestos may exist within the buildings. Shire officers have inspected the site and had discussions with representatives from the DPLH who are overseeing the project. They have agreed to source a contractor to visit the site and undertake a Type 3 Demolition Asbestos Audit to ensure that appropriate management measures can be put in place prior to the demolition contractor being mobilised.

Traffic Management

With regards to traffic management the applicant proposes that access to the site will be through a locked and signed gate at Olivia Terrace. Trucks are only to enter and leave the site during the approved working hours. No access is proposed from Robinson Street. In order to prevent damage to the Robinson Street road pavement it is proposed that truck movements will be restricted to Olivia Terrace and Robinson Street north east of the Olivia Terrace roundabout.

Tree Retention

There are no current plans for the redevelopment of the site before the Shire and potentially there may be a significant intervening period before the site is redeveloped. Furthermore, the site is at a prominent location on the frontage to the fascine. As such it would be desirable that some of the mature trees on the site be retained to soften the visual impact of the cleared site until redevelopment occurs. Officers from the DPLH have indicated that they would be prepared to accept the retention of some trees on the boundary of the site. As such it is proposed that Council officers confirm with the site project manager/site supervisor which trees are to be retained prior to works being initiated.

Consultation:

Local Planning Scheme No. 10 does not require the application to be publicly advertised.

Statutory Environment:

Shire of Carnarvon Local Planning Scheme No. 10

The subject site is zoned 'Commercial' under LPS No. 10.

Shire of Carnarvon draft Local Planning Scheme No. 13

The subject site is zoned 'Regional Centre' under draft LPS No. 13. The draft Scheme has been endorsed by the Minister for Planning and the document will shortly be gazetted.

Relevant Plans and Policy:

The Civic Centre Revitalisation Plan 2020

The Plan provides design guidelines for the future redevelopment of the site. As yet no design concepts have been presented to the Shire.

Local Planning Strategy 2017

This high-level document provides a framework to guide strategic land use and decision making.

Financial Implications:

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

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 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 |
| | |
| 1.2 | Thriving tourism industry within the district/region |
| 1.2.3 | Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon |

Objective 2: Natural and built environment

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

| ITEM | Outcomes and Strategies |
|--------------|--|
| 2.7 | Regulated land use to meet the current and future needs of the community |
| 2.7.1 | Incorporate appropriate planning controls for land use planning and development |
| 2.7.2 | Adopt appropriate land use planning and building regulation practices |
| 2.8 | Preservation of local heritage buildings and places of interest |
| 2.8.1 | Shire's heritage register is regularly updated and appropriately maintained |
| 2.8.2 | Heritage buildings and places of interest are preserved and maintained through effective planning controls |

Comment:

Although there are no current redevelopment proposals before the Shire, demolition of the old courthouse, police station and ancillary buildings will remove an impediment to the progression of plans for the redevelopment of this key strategic site within the centre of Carnarvon. Furthermore, removal of the buildings provides the opportunity for the visual amenity of the site to be improved.

The proposed demolition is consistent with the requirements of the LPS 10 and draft LPS 13 and the deemed provisions. It is recommended that the application be approved subject to the following conditions.

OFFICER'S RECOMMENDATION

That Council pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P33/20 for the demolition and removal of all buildings and structures at LOT 300 (HN 85) OLIVIA TERRACE, CARNARVON subject to the following conditions:

- 1. The demolition works are to be generally in accordance with the application dated 29 September 2020 and the Demolition Work Plan (Rev D 29/09/20) and Asbestos Removal Control Plan (Rev D 29/09/20), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*
- 2. Before initiating demolition works the applicant is to undertake an inspection of the site with the Shire's Executive Manager Infrastructure Services to identify trees which are to be retained.*
- 3. The applicant is to undertake a Type 3 Demolition Asbestos Audit prior to site works being initiated.*
- 4. Working hours for the demolition and associated works are to be restricted to 7am to 5pm Monday to Friday and 7am to 1pm Saturdays.*
- 5. The applicant is to notify residents, tenants and landowners within the boundary of Olivia Terrace, Camel Lane and Robinson Street and residents, tenants and landowners of the properties on Robinson Street between Olivia Terrace and Francis Street one week prior to initiating works of the proposed demolition giving details of—*
 - a) the nature of the activity;*
 - b) the proposed time and location of the activity; and*
 - c) the name of the person responsible for carrying out the activity and how and where that person may be contacted.*
- 6. The applicant is to undertake the following dust management measures during demolition:*
 - a) Water will be utilised to wet down while demolishing and load out of the demolished materials;*
 - b) Shade cloth to be installed on boundary fencing prior to works commencing;*
 - c) Consideration to be given to the weather and wind conditions;*
 - d) Works creating dust during high winds is to halt if water cannot control the dust; and*
 - e) Water will be used to wet down internal access roads and site access before trucks leave site.*
- 7. The applicant or landowner is to undertake dust, sand and sand drift control measures at the completion of the demolition works to the satisfaction of the Executive Manager infrastructure*

Services. The owner or occupier of land must take effective measures to:

- a) stabilise dust and sand on the subject land; and*
 - b) ensure that no dust, sand or sand drift is released or escapes from the subject land whether by means of wind, water or any other cause.*
- 8. The applicant is to ensure that all waste materials to be transported to the Brown Range Waste Management Facility are sorted into general waste materials, clean bricks/concrete, asbestos and other hazardous materials, and steel and metal.*
 - 9. Vehicle access and egress to the site is to be limited to Olivia Terrace with no direct access or egress to/from Robinson Street. Truck movements from and to the site are to follow a route from the site along Olivia Terrace to the junction with Robinson Street and then north east along Robinson Street.*

Advice Notes

- i. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- ii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.*
- iii. The development is to comply with the National Construction Code Series.*
- iv. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services and Environmental Health Departments on (08) 9941 0000.*
- v. A Demolition Licence must be issued before any demolition work commences on the site.*
- vi. Any asbestos must be handled, used, removed and disposed of in accordance with the Health (Asbestos) regulations 1992 and Environmental Protection (Controlled Waste) Regulations 2001.*

FC 14/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Fullarton

That Council pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 10 grant development approval for application P33/20 for the demolition and removal of all buildings and structures at LOT 300 (HN 85) OLIVIA TERRACE, CARNARVON subject to the following conditions:

- 1. The demolition works are to be generally in accordance with the application dated 29 September 2020 and the Demolition Work Plan (Rev D 29/09/20) and Asbestos Removal Control Plan (Rev D 29/09/20), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.***
- 2. Before initiating demolition works the applicant is to undertake an inspection of the site with the Shire's Executive Manager Infrastructure Services to identify trees which are to be retained.***
- 3. The applicant is to undertake a Type 3 Demolition Asbestos Audit prior to site works being initiated.***
- 4. Working hours for the demolition and associated works are to be restricted to 7am to 5pm Monday to Friday and 7am to 1pm Saturdays.***
- 5. The applicant is to notify residents, tenants and landowners within the boundary of Olivia Terrace, Camel Lane and Robinson Street and residents, tenants and landowners of the properties on Robinson Street between Olivia Terrace and Francis Street one week prior to initiating works of the proposed demolition giving details of—***

- a) *the nature of the activity;*
 - b) *the proposed time and location of the activity; and*
 - c) *the name of the person responsible for carrying out the activity and how and where that person may be contacted.*
6. *The applicant is to undertake the following dust management measures during demolition:*
- a) *Water will be utilised to wet down while demolishing and load out of the demolished materials;*
 - b) *Shade cloth to be installed on boundary fencing prior to works commencing;*
 - c) *Consideration to be given to the weather and wind conditions;*
 - d) *Works creating dust during high winds is to halt if water cannot control the dust; and*
 - e) *Water will be used to wet down internal access roads and site access before trucks leave site.*
7. *The applicant or landowner is to undertake dust, sand and sand drift control measures at the completion of the demolition works to the satisfaction of the Executive Manager infrastructure Services. The owner or occupier of land must take effective measures to:*
- a) *stabilise dust and sand on the subject land; and*
 - b) *ensure that no dust, sand or sand drift is released or escapes from the subject land whether by means of wind, water or any other cause.*
8. *The applicant is to ensure that all waste materials to be transported to the Brown Range Waste Management Facility are sorted into general waste materials, clean bricks/concrete, asbestos and other hazardous materials, and steel and metal.*
9. *Vehicle access and egress to the site is to be limited to Olivia Terrace with no direct access or egress to/from Robinson Street. Truck movements from and to the site are to follow a route from the site along Olivia Terrace to the junction with Robinson Street and then north east along Robinson Street.*

Advice Notes

- i. *If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- ii. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.*
- iii. *The development is to comply with the National Construction Code Series.*
- iv. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services and Environmental Health Departments on (08) 9941 0000.*
- v. *A Demolition Licence must be issued before any demolition work commences on the site.*
- vi. *Any asbestos must be handled, used, removed and disposed of in accordance with the Health (Asbestos) regulations 1992 and Environmental Protection (Controlled Waste) Regulations 2001.*

CARRIED
F7/A0

8.3.4

DEDICATION OF VACANT CROWN LAND AS A ROAD – LOT 503 ON P412775 MCGLADES ROAD, NORTH PLANTATIONS

| | |
|---------------------------------|---|
| File No: | ADM0128 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Lot 503 on P412775, McGlades Road, North Plantations |
| Name of Applicant: | Department of Primary Industry and Regional Development |
| Name of Owner: | State of Western Australia |
| Author: | John Meggitt; Principal Planner |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Report: | N/A |

Summary of Item:

Agreement has been sought from the Shire to request the Minister for Lands, under s.56 of the Land Administration Act, to dedicate a portion of Vacant Crown Land at Lot 503 on P412775 McGlades Road, North Plantations as a road reserve to enable road access to Vacant Crown Land at Lot 500 on P412775.

Description of Proposal:

The Department of Primary Industries and Regional Development (DPIRD) has requested Shire of Carnarvon support for an extension of McGlades Road to enable the provision of road access to a new area of land to be released under the Gascoyne Food Bowl Initiative (GFB). Lot 500 forms part of this new agricultural area. It's use for this purpose is consistent with draft Local Planning Scheme No. 13 and the Shire's Local Planning Strategy (2017).

Lot 500 has a frontage to North West Coastal Highway however, Main Roads WA will not permit vehicle access to the Highway from the lot. As such, DPIRD is seeking to extend the McGlades Road road reserve eastwards into a portion of Vacant Crown Land Lot 503, to provide alternative road access for Lot 500. The land proposed for the road reserve extension, which occupies approximately 1.1 hectares, is illustrated in **Figure 1.** below.



Figure 1. Proposed portion of Lot 503 to be dedicated as a road reserve.

Consultation:

Under Section 56 of the *Land Administration Act 1997* there is no requirement for the Local Government to advertise the proposed road dedication.

Statutory Environment:*Land Administration Act 1997*

The dedication of a road is governed by section 56 of the *Land Administration Act 1997*. The Act identifies that a Local Government may request the Minister to dedicate the land as a road. It is noted that the Act specifies that the local government requesting the road dedication is required to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses.

Native Title Act 1993

Section 24KA of the Act relates to facilities for services for the public. It applies to future acts permitting public works including the construction of a road. Effectively s.24KA of the Act suppresses native title rights, without extinguishing them, as such, compensation is not applicable. Furthermore, the DPLH has advised that:

I confirm that the liability for the use of section 24KA of the Native Title Act 1993 will be addressed by the Department of Primary Industry and Regional Development (PIRD).

Relevant Plans and Policy:*State Planning Policy 2.5 Rural Planning*

The stated purpose of the policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. The policy objectives include the following:

provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;

The Policy recognizes regional variations in WA in regard to climate, economic activity, cultural values, demographic characteristics and environmental conditions. The Policy is intended to:

continue to promote rural zones in schemes as flexible zones that cater for a wide range of land uses that may support primary production, regional facilities, environmental protection and cultural pursuits;

Shire of Carnarvon Local Planning Strategy 2017

In relation to horticulture the Strategy identifies the following key considerations:

The enhancement and marketing of the Shire as a 'Food Bowl' would not only benefit the horticulture industry, it would also generate benefits across a range of other LPS considerations such as tourism, business etc.

Future expansion of the horticultural activity within the Shire is to be guided by a structure plan to ensure that environmental issues and water allocations have been appropriately considered. Any land released to the market is to be zoned 'Intensive Horticulture' consistent with the existing plantations.

The Gascoyne Food Bowl District Structure Plan 2015

The Gascoyne Food Bowl Structure Plan (the 'Structure Plan') allows for the creation of new horticultural land within the Carnarvon region as contemplated under the Gascoyne Food Bowl Initiative.

The Structure Plan is premised on best-practice planning principles and sets out a statutory framework that provides a guide to the scheme amendments required to facilitate horticultural activity and the future land use and development of the land.

The Structure Plan identifies Area 8 as part of the future agricultural land release area.

Financial Implications:

There are no identified financial implications relating to the approval of this application. The Department of Planning, Lands and Heritage has advised that DPIRD will be responsible for the preparation of the Deposited Plan required for the road dedication.

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 1: Economic

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

| ITEM | Outcomes and Strategies |
|-------|--|
| 1.1 | Local business growth |
| 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 |
|-------|---|
| 2.6 | Shire assets and facilities that support services and meet community need |
| 2.6.1 | Roads are appropriately managed according to their need and use |
| 2.7 | Regulated land use to meet the current and future needs of the community |
| 2.7.1 | Incorporate appropriate planning controls for land use planning and development |
| 2.7.2 | Adopt appropriate land use planning and building regulation practices |

Comment:

The proposed road dedication is required for the release of Area 8 of the Gascoyne Food Bowl. The expansion of the agricultural area is consistent with State Planning Policy 2.5 Rural Planning which protects and provides for the expansion of food production areas. The Shire's Local Planning Strategy 2017 and the Gascoyne Food Bowl District Structure Plan 2015 provide overarching strategies for the development of new agricultural areas in Carnarvon.

The proposed road dedication will facilitate the further development of Carnarvon as one of the prime agricultural areas within the State. As such it is recommended that the Council resolve to request the Minister for to dedicate the portion of Lot 503 as a road.

OFFICER'S RECOMMENDATION

That Council:

- 1. In accordance with Section 24KA of the Native Title Act 1993 and Section 56 (1) of the Land Administration Act 1997, proceeds with the preparation of a plan showing land proposed to be dedicated as road reserve namely, the eastward extension of McGlades Road road reserve through Lot 503 on P412775 to Lot 500 on P412775.*
- 2. Pursuant to Section 56 (1)(a) of the Land Administration Act 1997, requests the Minister for Lands to dedicate land as road reserve for the extension of McGlades Road, North Plantations as indicated on the prepared plan described in 1.*

3. Pursuant to Section 56(4) of the Land Administration Act 1997 indemnifies the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

FC 15/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Fullarton

That Council:

1. In accordance with Section 24KA of the Native Title Act 1993 and Section 56 (1) of the Land Administration Act 1997, proceeds with the preparation of a plan showing land proposed to be dedicated as road reserve namely, the eastward extension of McGlades Road road reserve through Lot 503 on P412775 to Lot 500 on P412775.
2. Pursuant to Section 56 (1)(a) of the Land Administration Act 1997, requests the Minister for Lands to dedicate land as road reserve for the extension of McGlades Road, North Plantations as indicated on the prepared plan described in 1.
3. Pursuant to Section 56(4) of the Land Administration Act 1997 indemnifies the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

CARRIED
F7/A0

8.3.5 MOBILE TRADER LICENCE RENEWAL – ITINERANT TRADING, CARNARVON

| | |
|--------------------------|---|
| File No: | ADM2051, P34/20 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Itinerant trading, Carnarvon |
| Name of Applicant: | Valeria Lucchitto / Taste of Italy by Valeria |
| Name of Owner: | State of WA |
| Author/s: | John Meggitt, Principal Planner |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Report: | N/A |

Summary of Item:

This item relates to an application for the renewal of a mobile traders licence. The business trades under the name of 'Taste of Italy by Valeria' and the operator makes and sells coffees, cakes and other light refreshments. The trading vehicle is a Toyota Hilux van. The applicant has been operating as an itinerant mobile trader in Carnarvon since February 2017.

The applicant's mobile trading locations are not consistent with the Shire's updated Mobile Trading Policy D001 however it is considered that due to the itinerant nature of the business that it complements the current schedule of places and it is recommended that the application be approved.

Description of Proposal:

The applicant is seeking a renewal of a mobile trading licence that was first approved in February 2017 and has been renewed on an annual basis since 2017. No changes are proposed to the operation of trading business. The applicant has provided evidence of \$20 million public liability insurance.

The applicant operates as an 'itinerant vendor' trading on request from multiple locations across Carnarvon. The applicant has indicated a proposed trading timeframe of seven days per week from 7:00am to 14:30 pm. Trading sites include the Dalmacija Club, Carnarvon Airport, Carnarvon Hospital, the Courthouse, Carnarvon High School, Al's bottle shops and the Shire offices.

Planning Assessment Summary:

The operation of this mobile trading business is not consistent with the Shire's revised Mobile Trading Policy. It is generally accepted that mobile traders such as food vendors do not operate in an itinerant manner ie moving from site to site to seek trade as, because of the cooking facilities involved and generally larger vehicles, they cannot easily relocate after they are set up. As such it is envisaged that these traders will be focused on the town centre sites as identified in the Policy's Schedule of Trading Locations.

Notwithstanding the non-compliance with the Policy it is considered that the renewal application is acceptable on the basis that:

- The 'itinerant' nature of the business is not suited to the fixed location approach set out in the Mobile Trading Policy;
- The mobile trading business can be seen to complement the fixed mobile trading activities of food vendors at the sites identified in the Schedule of Trading Places;
- The business meets a need for a service which is not generally met at the trading locations; and
- The business has been operating for a number of years without complaints being received by the Shire.

Consultation:

No public consultation is required for trading applications.

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; licence assessment considerations; grounds for refusing, renewing or granting licences; licence conditions; additional conditions that can be included in licences; grounds for revoking licences; and fee and licence transfer management. If the application is approved and the applicant receives a licence, the applicant and their assistants will be required to comply with the Local Law.

Relevant Plans and Policy:

Shire of Carnarvon Policy: D001 Mobile Trading

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

Financial Implications:

There are no identified financial implications associated with the officer's recommendation

Risk Assessment:

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

Community & Strategic Objectives:

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

Objective 1: Economic

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

| ITEM | Outcomes and Strategies |
|------|-------------------------|
| 1.1 | Local business growth |

| | |
|-------|--|
| 1.1.1 | Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth |
| ITEM | Outcomes and Strategies |
| 1.2 | Thriving tourism industry within the district/region |
| 1.2.2 | Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon |

Comment:

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

The application is not compliant with the Shire's Mobile Trading Policy however it is considered that the proposed business provides a service to the community which is generally not available from the trading locations. Furthermore, the itinerant/roving nature of the business does not suit the fixed location model identified under the Policy which is more suited to mobile traders who sell food and generally do not relocate once they are established at a site.

For the reasons outlined above it is recommended that the application be approved with conditions as outlined in the officer's recommendation.

OFFICER'S RECOMMENDATION

That Council,

1. Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve the application made by Valeria Lucchitto (trading as Taste of Italy by Valeria) to hold a 12-month, Traders Licence for her mobile trading business selling coffee, cakes and other light refreshments, on an itinerant basis within Carnarvon, subject to the following conditions:
 - a. This licence is valid for a period of 12 months from the date of this approval.
 - b. It is responsibility of the licensee to obtain approval from the owner of any private property that the business is trading from.
 - c. Waste and litter generated by the activity, including customer waste, is to be disposed of in appropriately sized receptacles to be provided at the expense of the operator.
 - d. The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.
 - e. The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out;
 - f. The licensee must remove the trading vehicle and all goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place, unless with the written approval of the Council or the person in charge of the place to the contrary
 - g. The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.
 - h. When trading on a carriageway (where it is safe to do so), the licensee may not attach or erect any projection from the vehicle towards the centre of the carriageway and may not serve customers from the side of the vehicle facing the centre of the carriageway.
 - i. The licensee must not trade at any given place and time unless it is safe to do so and must consider the safety of other vehicles and pedestrians.
 - j. The trading activity must not cause unreasonable nuisance considering the trading environment.

Advice Notes:

- a. Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.
- b. Trading licences are not transferable without the written consent of the Council.
- c. Trading licensees must comply with all the requirements of s.29 of the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning laws and laws relating to advertising signs, obstruction of thoroughfares and food safety. A copy of the laws may be obtained from the Council office at 3 Francis St, Carnarvon WA. This licence does not authorise the sale of food under the Food Act 2008..

FC 16/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Pinner

That Council,

1. Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holders, approve the application made by Valeria Lucchitto (trading as Taste of Italy by Valeria) to hold a 12-month, Traders Licence for her mobile trading business selling coffee, cakes and other light refreshments, on an itinerant basis within Carnarvon, subject to the following conditions:
 - a. This licence is valid for a period of 12 months from the date of this approval.
 - b. It is responsibility of the licensee to obtain approval from the owner of any private property that the business is trading from.
 - c. Waste and litter generated by the activity, including customer waste, is to be disposed of in appropriately sized receptacles to be provided at the expense of the operator.
 - d. The licensee must legibly and conspicuously display his/her licence on the vehicle used for trading.
 - e. The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out;
 - f. The licensee must remove the trading vehicle and all goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place, unless with the written approval of the Council or the person in charge of the place to the contrary
 - g. The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.
 - h. When trading on a carriageway (where it is safe to do so), the licensee may not attach or erect any projection from the vehicle towards the centre of the carriageway and may not serve customers from the side of the vehicle facing the centre of the carriageway.
 - i. The licensee must not trade at any given place and time unless it is safe to do so and must consider the safety of other vehicles and pedestrians.
 - j. The trading activity must not cause unreasonable nuisance considering the trading environment.

Advice Notes:

- d. Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only within the Shire of Carnarvon district.
- e. Trading licences are not transferable without the written consent of the Council.
- f. Trading licensees must comply with all the requirements of s.29 of the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning laws and laws relating to advertising signs, obstruction of thoroughfares and food safety. A copy of the laws may be obtained from the Council office at 3 Francis St, Carnarvon WA. This licence does not authorise the sale of food under the Food Act 2008..

President Smith declared an Impartiality Interest in this item as he is a member of the Speedway Club and to designate the operating hours on the licence would have impact on the trader operating at the Speedway Club. President Smith was not required to leave the meeting and could participate and vote on the matter.

AMENDMENT TO MOTION

FC 17/10/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the operating hours be included in the Trading Licence.

LOST

F1/A6

Cr Nelson voted for the motion

As a result of the amendment to the motion being lost, Council Resolution FC 16/10/20 was put.

CARRIED

F6/A1

Cr Nelson voted against the motion

8.4 INFRASTRUCTURE SERVICES

8.4.1 BUREAU OF METEOROLOGY ELECTRICITY CHARGES – CARNARVON AIRPORT

| | |
|--------------------------|---|
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Carnarvon Airport – BOM Site and Airservices Australia DME/VOR Site |
| Name of Applicant: | Bureau of Meteorology |
| Name of Owner: | Shire of Carnarvon |
| Author/s: | David Nielsen – Executive Manager Infrastructure Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Previous Reports: | NIL |

Summary of Item:

It is recommended Council approves payment of \$25,488.53 (excl GST) to the Bureau of Meteorology for electricity charges recovered by the Shire from Air Services Australia for the period from June 2014 to April 2020.

Description of Proposal:

Charges for the provision of electricity to Air Services Australia (ASA) facilities located at Carnarvon Airport have been recovered from ASA by the Shire from at least August 1993. These charges are for the supply of electricity to ASA's aircraft navigation services known as the DME (Distance Measuring Equipment) and VOR (VHF omni-directional radio range)

Investigations have revealed that since 23 May 2014, this electricity supply was being billed to the Bureau of Meteorology and not the Shire of Carnarvon. Effectively therefore, the Shire has been recovering electricity costs from ASA which it has not incurred. For that same period, the Bureau of Meteorology (BOM) have been meeting the actual costs of that supply.

This discrepancy was revealed by chance in April 2020. Investigations have been ongoing to confirm the situation and the extent of any refund payable. Investigations are complete and in principal agreement has been reached between all parties.

Background:

In April 2020, the Shire received correspondence from the Bureau of Meteorology (BOM) regarding concerns with the supply of electricity to their weather station located to the south of Carnarvon Airport. This correspondence is provided in **Schedule 8.4.1**.

To summarise:

- BOM technical staff were conducting a test on their automatic backup generator system in February 2020.
- The test consisted of turning off the main switch on the meter board to their facility to simulate a power supply failure.
- It is understood the test continued for some time.
- During the test, Horizon Power staff attended the site having received notification by ASA that there was a loss of power to their navigation equipment.
- It is understood this navigation equipment has a battery backup supply however this backup supply has a limited life.
- Power was restored to ASA without further incident.
- The matter was referred to the Shire by BOM to confirm if additional airport equipment was connected to the BOM electricity supply.

Shire airport staff have confirmed that one of their routine procedures was a scheduled reading of a “private” electricity meter at the ASA navigation equipment site. These meter readings were subsequently referred to the Shires finance team for invoicing to ASA. Airport staff had no reason to suspect that the electrical supply to the ASA navigation equipment was connected to the BOM weather station.

Access to the supply meter box was obtained from BOM. That access and subsequent discussion and correspondence with Horizon Power confirmed:

- only one meter being present;
- the meter was connected in the name of BOM on 23 May 2014;
- that prior to that from approximately August 1993, the meter was connected in the name of the Shire; and
- there appeared to be two circuits supplied from the meter box.

It was not initially clear what each circuit supplied. A circuit diagram was recovered from inside the meter box. This diagram indicated electrical work undertaken was by BOM sometime after June 2012 included disconnection of an electrical supply from the ASA navigation equipment private meter board to the BOM site. Shire debtor records have confirmed that until 23 May 2014, the Shire recovered electricity supply costs from both BOM and ASA. After that date, the records indicate the Shire no longer recovered costs from BOM however it continued to recover costs from ASA.

Subsequent electrical testing confirmed:

- the ASA navigation equipment was connected to the BOM power supply only; and
- if the BOM main switch was turned off for generator testing, a loss of power to the ASA navigational equipment resulted.

Billing of electrical costs to ASA were put on hold in April 2020 until the matter could be resolved.

Shire billing records and ASA payment records were examined and cross referenced for the period from 23 May 2014 to April 2020. This cross referencing has determined:

- Shire Billing to ASA = \$25,488.53 (excl GST)
- ASA Payments to Shire = \$26,670.08 (excl GST)

The discrepancy between the two is unknown and has not been able to be determined. It is suspected however to be due to electricity payments received from ASA for other services at the airport.

Consultation:

Consultation has occurred with:

- The Bureau of Meteorology
- Air Services Australia
- Horizon Power
- Electrical Contractors
- Shire airport staff
- Shire finance staff.

Statutory Environment:

Nil applicable.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

There is a direct financial implication of \$25,488.53 (excl GST) to the Shire 20/21 budget associated with the recommendation.

An allocation was made in the 20/21 budget based upon preliminary estimates of a likely repayment requirement. The total budget availability is provided in the table below.

| COA | JOB | 20/21 Available Budget (Excl GST) |
|--|---------------------------------|-----------------------------------|
| 141420 – AIRPORT OPERATING EXPENDITURE - OTHER | 4142 – OTHER EXPENSES (AIRPORT) | \$45,835 |

There is therefore allowance within the 20/21 budget to fully meet the recommended repayment amount leaving a budget surplus in that account of approximately \$20,000. This surplus may be redistributed at the budget midyear statutory review.

Risk Assessment:

Reputational risk – this situation appears to be the result of communication breakdown some six years ago. Anecdotal comments provided to the author indicate electrical works to alter the supply arrangement may have occurred at a time of staff changes. It appears to be an oversight with little to be done now other than to remedy the situation and take steps to mitigate the risk of a similar circumstance. It is understood from discussions with the former Airport Operations Manager that an identical situation was discovered at Meekatharra Airport with a similar result.

Agreement with BOM and ASA has confirmed that from April 2020, the Shire will no longer read the ASA meter nor will it be a party to any billing arrangements for the ASA facility. It is understood that BOM and ASA intend to replace the meter board and fit separate metering to their respective facilities.

To mitigate possible similar situations, a review has commenced into any circumstances where the Shire reads a private meter and passes on that charge.

If such examples are discovered, where possible, direct billing from the service provider to the service user will be engaged.

This is not always possible however due to service provider regulations and/or policies. Where that is the case, a regular status review process will be implemented to ensure that changes to the status quo are determined early and corrected.

An initial review indicates that the airport is the only facility where service charges are indirectly passed on to consumers.

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 |

Comment:

To summarise, the sequence of events is as follows:

- ASA navigation equipment was from at some stage connected to an airport electrical supply and billed to the Shire of Carnarvon.
- At that time meteorology equipment was also connected that same airport electrical supply via the ASA navigation equipment's meter board.
- Meter readings conducted by Shire staff/contractors recorded electricity usage by the ASA navigation equipment and the BOM meteorology equipment.
- These electricity costs were recovered by the Shire from ASA and BOM in a typical debtor recovery process.
- In 2014, works completed by BOM has altered that arrangement such that the electrical service was changed from the Shire and placed into the name of BOM. However, the ASA equipment remained connected to that same supply.
- Meter readings and debt recovery processes of the ASA's electricity consumption continued until inadvertent discovery in 2020.

There is no doubt ASA equipment is being supplied from the BOM electricity meter and that BOM are paying the costs of this supply.

There is no doubt that the Shire has been billing ASA for these electrical costs since 23 April 2014.

General agreement has been reached between all parties that the remedy to this matter is:

- ASA have confirmed in writing that the Shire has not been billing ASA for electricity charges since April 2020 and any subsequent electricity charges recoverable from ASA from that date forward is a matter to be determined between BOM and ASA.
- BOM will invoice the Shire for the sum of \$25,488.53 (excl GST) for payment under standard terms for the electricity charges met by BOM and incorrectly recovered by the Shire from ASA.

OFFICER'S RECOMMENDATION

That Council directs the CEO to authorise payment of \$25,488.53 (excl GST) to the Bureau of Meteorology upon receipt of invoicing for payment of electricity charges recovered by the Shire of Carnarvon from Air Services Australia for the period 23 May 2014 to April 2020.

FC 18/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

That Council directs the CEO to authorise payment of \$25,488.53 (excl GST) to the Bureau of Meteorology upon receipt of invoicing for payment of electricity charges recovered by the Shire of Carnarvon from Air Services Australia for the period 23 May 2014 to April 2020.

CARRIED
F7/AO

| | |
|--------------------------|--------------------------------------|
| File No: | ADM2075 & ADM2076 |
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Carnarvon Airport |
| Name of Applicant: | Shire of Carnarvon |
| Name of Owner: | Shire of Carnarvon |
| Author/s: | Sj Nixon – Coordinator of Governance |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple majority |
| Previous Report: | N/A |

Summary of Item:

For Council to provide formal support of funding application submissions under Round 8 of the Remote Airstrip Upgrade Program (RAUP) for upgrades to the Carnarvon Airport.

Description of Proposal:

A condition of the funding application under the RAUP Scheme is to include evidence of support from Council. Without this support, the funding application may not be accepted. This report sets out an overview of the proposed project and associated cost.

Background:

Funding applications have been lodged under Round 8 the State Government Regional Airport Development Scheme (RADs) for upgrade works at Carnarvon Airport and Coral Bay Airstrip. Applications are also proposed under the Commonwealth RAUP funding program. Unfortunately, an RAUP funding application will not be possible for the Coral Bay Airport.

If successful, with RAUP funding, the total funding commitment by Council for Carnarvon airport may be limited to 1/3 of the total cost.

The works proposed are as follows:

Carnarvon Airport – works proposed for 21/22

- Airport fencing
- Apron Lighting
- RWY 04/22 RESA, edge strip and drainage modifications
- Boundary fencing

The works proposed for Carnarvon airport is corrective in nature, identified in the airport statutory annual technical inspection and as requested by the resident airline (REX airline) to minimise risk associated with runway animal intrusion. Grant funding will be necessary to carry out these works.

Consultation:

N/A

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

The following table sets out the estimated cost of the works and the split between the various contributors if successful with both applications:

| Project Description | Shire Contribution | RADS (State Funding) | RAUP (Commonwealth Funding) | Total (ex GST) |
|---------------------|--------------------|----------------------|-----------------------------|----------------|
| Carnarvon | \$158,430 | \$158,430 | \$158,430 | \$474,290 |

Councils existing airport reserve is \$59,275. The adopted Corporate Business Plan allocates \$220,000 toward upgrade works at Carnarvon and Coral Bay airstrips to the period ending June 2022.

Risk Assessment:

N/A

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 | <i>Transport hubs that support a thriving region</i> |
| 1.3.1 | <i>Provide and maintain airports at Carnarvon and Coral Bay</i> |
| 1.3.2 | <i>Develop industry and logistics precincts around the airports</i> |

Comment:

Supporting the application does not formally commit Council to any expenditure. The project is required to be completed by April 2022.

OFFICER'S RECOMMENDATION

That Council supports the proposed upgrade project for Carnarvon Airport to:

- Upgrade airport landside/airside fencing*
- Install Apron Lighting*
- Complete RWY 04/22 RESA, edge strip and drainage modifications*
- Upgrade airport boundary fencing*

and is willing to accept responsibility to complete the project and meet the costs of the project not covered by grant funding.

FC 19/10/20

COUNCIL RESOLUTION

Cr Pinner/Cr Maslen

That Council supports the proposed upgrade project for Carnarvon Airport to:

- Upgrade airport landside/airside fencing*
- Install Apron Lighting*
- Complete RWY 04/22 RESA, edge strip and drainage modifications*
- Upgrade airport boundary fencing*

and is willing to accept responsibility to meet the Shire contribution subject to State and Federal Funding being confirmed.

CARRIED
F7/AO

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 NOTICE OF ELECTED MEMBERS MOTION – TO REPEAL SHIRE OF CARNARVON POLICY E 004 DESIGNATED SENIOR EMPLOYEES

| | |
|--------------------------|------------------------------|
| Date of Meeting: | 27 October 2020 |
| Location/Address: | Shire of Carnarvon |
| Name of Applicant: | N/A |
| Name of Owner: | N/A |
| Author/s: | Councillor A R Fullarton PhD |
| Declaration of Interest: | None |
| Voting Requirements: | Simple Majority |
| Previous Report: | None |

Summary of Item:

This item seeks Council's endorsement to amend Shire of Carnarvon's Policy E004 Designated Senior Employees.

Description of Proposal:

It is proposed to amend Shire of Carnarvon's Policy E004 Designated Senior Employees. To designate positions within the organisation that are classified as 'Senior Employees' in accordance with Section 5.37 of the *Local Government Act (WA) 1995* (LGA).

The policy statement is to be amended to include the three senior positions currently described as the Executive Leadership Team under the description of Senior Employees and designated as 'Senior Employees' pursuant to s 5.37 of the LGA.

The current policy E004 prescribes 'the Chief Executive Officer is the only designated Senior Employee by virtue of Section 5.36 of the *Local Government Act (WA) 1995*.

Background:

The current policy E004 was adopted by council in 2014 by resolution number FC 5/5/14. It was reviewed in 2015 and 2016.

The adoption was included in a table of a raft of policies adopted at the ordinary meeting of council on 27 May 2014. The oversight of the omission of executive staff being subject to being designated as senior staff pursuant to s 5.37 of the LGA was not raised by councillors at the time. The author of this item moved the recommendation to rescind the existing policies that existed on that day and to substitute then with a new set of policies outlined in Table 2 (Resolution 4/5/14; Ordinary Council Meeting 27 May 2014).

It can only be speculated as to why policy E004 was not scrutinised by councillors at that time but it is revealed that the focus of the resolution was in response to the focus of the resolution being:

The Chief Executive Officer advised that a proposed new "Policy E020 – Policy Review", was inadvertently omitted from the agenda item and therefore requested that this policy be considered along with the policies presented in Table 2 of the Officer's Recommendation. (Item 8.1.2 Review of Council Corporate Policies (27 May 2014).

Consultation:

Minutes of Ordinary Council Meeting 27 May 2014; the provisions of the LGA. Staff have not been consulted.

Statutory Environment:

Statutory Environment Council's role to determine the Local Government's policies is defined in the Local Government Act, Section 2.7(2)(b).

Relevant Plans and Policy:

E004 Designated Senior Employees.

Policy Implications:

the review process is to update the Shire Policy Manual and offer a more contemporary series of policies that reflects the corporate direction and current management practices of the Shire.

Financial Implications:

There are no financial implications to Council resulting from the recommendations of this report.

Risk Assessment:

Filing to recognise the Executive Leadership Team as senior employees as belonging to a class of employee as senior employees (s5.37 (1)) prevents Council from having oversight as to the employment and dismissal of executive staff engaged by the CEO as prescribed in s 5.37.

It is part of the role of Councillors to 'participate in the local government's decision-making processes' (s2.10). Section 5.37 provides an oversight function to the engagement of senior staff. The existing policy E004 acts to prevent Council from being engaged in the employment of the Executive Leadership Team of the council.

That could lead to the loss of demonstrated leadership in the organisational structure of the Shire of Carnarvon.

Corporate Business Plan 2018 - 2022:

The objective of this proposal is to:

Ensure the right people, with the right skills, are engaged in a productive workplace.

Objective 5: Civic Strong and Listening Council

| | |
|-------|---|
| 5.5 | The right people with the right skills in a productive workplace. |
| 5.5.5 | Organisation and strategic workforce development |

Comment:

I feel that it is critical that the Councillors of the Shire of Carnarvon maintain the oversight of organisational structure of the Shire of Carnarvon as prescribed in s 5.37 of the *Local Government Act (WA) 1995*.

The existing policy, which clearly omits the designation of the Executive Leadership Team, is flawed and should be amended to include those positions named in this motion.

Acting Chief Executive Officer Comment:

Section 5.37 ensures that Council are provided with a report and recommendation on the appointment or dismissal of Senior Staff. There is some thought in Local Government that this can delay the appointment of staff as it needs to fit into the meeting cycle. In addition, Council is only responsible to employ one person (CEO) and it could be considered that by Council endorsing appointment/dismissal of staff, the CEO's authority to manage staff is compromised. However, in the current environment the member's motion is fully supported.

COUNCILLOR'S RECOMMENDATION

That Council Policy E004 DESIGNATED SENIOR EMPLOYEES be amended to state:

- 1. The Chief Executive Officer is the only designated Senior Employee by virtue of Section 5.36 of the Local Government Act (WA) 1995; and*
- 2. The senior employees:*
 - Executive Manager Development Services;*
 - Executive Manager Infrastructure Services; and*
 - Executive Manager Corporate and Community Services.*

be designated as Senior Employees pursuant to Section 5.37 of the Local Government Act (WA) 1995.

FC 20/10/20

COUNCIL RESOLUTION & COUNCILLOR'S RECOMMENDATION

Cr Fullarton/Cr Nelson

That Council Policy E004 DESIGNATED SENIOR EMPLOYEES be amended to state:

- 1. The Chief Executive Officer is the only designated Senior Employee by virtue of Section 5.36 of the Local Government Act (WA) 1995; and*
- 2. The senior employees:*
 - Executive Manager Development Services;*
 - Executive Manager Infrastructure Services; and*
 - Executive Manager Corporate and Community Services.*

be designated as Senior Employees pursuant to Section 5.37 of the Local Government Act (WA) 1995.

CARRIED

F7/AO

(Note to Minute – For clarity, current executive staff employed under contract are not subject to conditions of Section 5.37).

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

There was no urgent business.

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 24th November 2020

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

FC 21/10/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the meeting be closed to the public in accordance with Section 5.23(2)(a) as Items 12.1 and 12.2 relate to a matter affecting employees.

CARRIED

F7/AO

11.15am – The Public Gallery and Shire of Carnarvon Executive Management Officers left the meeting and did not return.

12.1 RESOLUTION OF EMPLOYMENT CONTRACT – MR D BURTON

Date of Meeting: 27th October 2020
Location/Address: N/A
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author/s: John Attwood, Acting Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the process undertaken during the completion of the contract of employment of Mr David Burton.

FC 22/10/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Nelson

That Council endorse the process undertaken during the completion of the contract of employment of Mr David Burton.

CARRIED
F7/A0

12.2 RECRUITMENT OF CEO POSITION

Date of Meeting: 27TH October 2020
Location/Address: N/A
Name of Applicant: N/A
Name of Owner: N/A
Author/s: John Attwood, Acting Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority - Officer Recommendation 1 and 5
Absolute Majority - Officer Recommendations 2, 3 and 4
Previous Report: N/A

OFFICER'S RECOMMENDATION 1

That Council:

- a) Note the methodology for the recruitment to fill the position of CEO, as outlined in this report;*
- b) Require that all Councillors sign an agreement to keep all matters pertaining to the recruitment of the Chief Executive Officer confidential unless otherwise determined by the Council.*
- c) Request the Acting Chief Executive Officer to publish a summary of the process on the website and in the Council newsletter for the information of the community.*

OFFICER'S RECOMMENDATION 2

That Council grant delegated authority to the Management Review Committee under Section 5.16 of the Local Government Act, 1995 to perform the necessary role and responsibilities, as outlined the Terms of Reference, to recruit a permanent CEO.

OFFICER'S RECOMMENDATION 3

That Council set the parameters for the remuneration package in consideration of the WA Salaries and Allowances Tribunal remuneration for a Band 2 Local Government, as presented in Schedule 12.2(b) of this report, with a range from \$206,500 - \$319,752 to be published in an advertisement that accords with requirements under 18A(2) of the Local Government (Administration) Regulations, 1996.

OFFICER'S RECOMMENDATION 4

That Council approve the draft Employment Contract that incorporates the CEO Position Description, inclusive of Selection Criteria and Key Performance Indicators, as presented in Schedule 12.2(d) of this report subject to the contract as agreed with the appointee being submitted to the Council for final approval.

OFFICER'S RECOMMENDATION 5

That Council delegate authority to the Acting CEO to appoint a recruitment professional to facilitate the process of the appointment to the position of CEO.

OFFICER'S RECOMMENDATION 6

That Council appoint Cr Vandeleur as a member of the Management Review Committee.

OFFICER'S RECOMMENDATION 7

That Council approves a budget variation of \$40,000 for the recruitment process of the new CEO with income to be reallocated from transfers to leave reserve from \$230,000 to \$190,000.

FC 23/10/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That Officer's Recommendations 1 – 7 inclusive be considered en-bloc.

CARRIED

F7/AO

FC 24/10/20

COUNCIL RESOLUTION

That Officer's Recommendations 1-7 inclusive be adopted by Council as follows –

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

That Council:

- a) Note the methodology for the recruitment to fill the position of CEO, as outlined in this report;*
- b) Require that all Councillors sign an agreement to keep all matters pertaining to the recruitment of the Chief Executive Officer confidential unless otherwise determined by the Council.*
- c) Request the Acting Chief Executive Officer to publish a summary of the process on the website and in the Council newsletter for the information of the community.*

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

That Council grant delegated authority to the Management Review Committee under Section 5.16 of the Local Government Act, 1995 to perform the necessary role and responsibilities, as outlined the Terms of Reference, to recruit a permanent CEO.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 3

That Council set the parameters for the remuneration package in consideration of the WA Salaries and Allowances Tribunal remuneration for a Band 2 Local Government, as presented in Schedule 12.2(b) of this report, with a range from \$206,500 - \$319,752 to be published in an advertisement that accords with requirements under 18A(2) of the Local Government (Administration) Regulations, 1996.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 4

That Council approve the draft Employment Contract that incorporates the CEO Position Description, inclusive of Selection Criteria and Key Performance Indicators, as presented in Schedule 12.2(d) of this report subject to the contract as agreed with the appointee being submitted to the Council for final approval.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 5

That Council delegate authority to the Acting CEO to appoint a recruitment professional to facilitate the process of the appointment to the position of CEO.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 6

That Council appoint Cr Vandeleur as a member of the Management Review Committee.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 7

That Council approves a budget variation of \$40,000 for the recruitment process of the new CEO with income to be reallocated from transfers to leave reserve from \$230,000 to \$190,000.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

(Note to Minute – In relation to Officer's Recommendation No. 6, there were 3 nominations for the position being – Cr Fullarton(2 votes), Cr Nelson(2 votes) and Cr Vandeleur (5 votes).

FC 25/10/20

COUNCIL RESOLUTION

Cr Simpson/Cr Maslen

That the meeting be reopened to the public at 11.24am.

CARRIED

F7/A0

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 11.25am.