



# SHIRE OF CARNARVON

# MINUTES

## COUNCIL MEETING

## TUESDAY 22 NOVEMBER 2022

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....  
as a true and accurate record  
.....Chairman

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

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## 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.

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## 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.

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## 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 & APPROVED 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 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.)

## 3.0 PUBLIC QUESTION TIME

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

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### **13.0 DATE OF NEXT MEETING**

11.1 Next meeting of Council will be held on Tuesday 13 December 2022.

### **14.0 CLOSURE**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 22 NOVEMBER 2022**

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

*The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.*

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr L Skender.....	Councillor, Town Ward
Cr T Langley.....	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr A Cottrell.....	Councillor, Coral Bay Ward
Cr M Ferreirinha.....	Councillor, Plantation Ward

Mrs A Selvey.....	Chief Executive Officer
Mr D Nielsen.....	Executive Manager, Infrastructure Services
Mr S Louw.....	Manager, Regulatory Services
Mrs D Hill.....	Senior Executive Officer

<b>Apologies</b> .....	Nil
<b>Leave of Absence</b> .....	Nil
<b>Observers</b> .....	3

**2.0 DECLARATIONS OF INTEREST**

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

Cr Skender (Impartiality Interest) – Item 7.4.2 – Proposed Amendment Airside Parking – Fees & Charges

Cr Skender (Impartiality Interest) – Item 7.4.3 – Effective Date of Passenger Fees for Carnarvon Airport

CEO Mrs Andrea Selvey (Impartiality Interest) – Item 7.4.5 – Donation of Limestone Blocks Carnarvon Yacht Club

### **3.0 PUBLIC QUESTION TIME**

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

Public Question Time commenced at 1.02pm

#### **2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil

#### **2.2 PUBLIC QUESTION TIME**

Mr Joe Eveson of Coral Bay firstly wished to acknowledge Cr Cottrell and the excellent work he is doing with representing the residents of Coral Bay. Mr Eveson then submitted the following questions –

**Question 1** – With regard to the application to modify our current Mobile Traders Licence to allow us to park on Monday and remove on Friday, for a period of 4 months, I would like to ask you the Councillors, to show support and leadership for a small community service business operating in a hostile environment. Do you, the Councillors, have the option to use common sense and in this case, support a minor alteration to the conditions already imposed on us?

**Answer** - Shire President Cr E Smith responded and advised that the matter would be considered at this Council meeting and would be dealt with accordingly.

**Question 2** – Given that we have followed due process and operate using an approved Mobile Traders Licence, how can 2 jinkers, unlicensed and remain parked for over 3 months on the road reserve. Council officers were informed and provided with photos on 26 August and we were told it would be investigated and if necessary, action would be taken. They are still there.

**Answer** – CEO Mrs Andrea Selvey responded that the question will be taken on notice and a response provided in due course.

**Question 3** – I have been advised by my Councillor, that the issues on Lot 52 – 1 unit, and Lot 9500 – 8 villas, are being taken seriously. Mr President, what is the Council doing differently to other previous Councils with regard to these non-conforming developments which have not been approved.

**Answer** - Shire President Cr E Smith advised that due process is being followed by Council and legal action is being taken.

Public Question Time was closed at 1.06pm

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### **4.0 CONFIRMATION AND RECEIVING OF MINUTES**

#### **4.1 ORDINARY MEETING OF COUNCIL – 25 OCTOBER 2022**

**FC 1/11/22**

**COUNCIL RESOLUTION**

**Cr Maslen/Cr Vandeleur**

***That the minutes of the Ordinary Meeting of Council held on 22 October 2022 be confirmed as a true record of proceedings.***

**CARRIED**  
**F8/AO**

## 5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

## 6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

## 7.0 DEPARTMENTAL REPORTS

### 7.1 GOVERNANCE

#### **7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF OCTOBER AND NOVEMBER 2022**

File No: ADM0043  
Date of Meeting: 22 November 2022  
Location/Address: 3 Francis Street, Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: N/A  
Author/s: Andrea Selvey, Chief Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: Monthly Report  
Schedules: Nil

#### Authority / Discretion

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

#### Summary of Item:

To report on actions performed under delegated authority for the months of October and November 2022.

#### 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
- Road Closures
- Donations

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2

PS 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 arising from receiving this report.

**Risk Assessment:**

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

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

	Council		
Property	N/A		
Environment	N/A		
Fraud	N/A		

### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### Comment:

The following tables outline the action performed under delegated authority for the months of October and November 2022.

## DELEGATIONS

### Affix of the Common Seal

DATE AFFIXED	DOCUMENT
1 November 2022	Scheme Amendment 4 - LPS 13

Donations October 2022			
Date	Organisation/Recipient	Donation	Value
30/09/2022	Gascoyne Gymastics Club	In Kind Contribution Yard Work	8 Hours
31/10/2022	Carnarvon Police	1 X-Box to be awarded as Prize for Crime Prevention Art Competition	\$549

## ENVIRONMENTALL HEALTH

### On-site wastewater management—Health Act 1911, s.107

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26/10/2022	HOS22/009	Approval to install composting toilet at Water Corporation Brickhouse Chlorination Plant Reserve 33856	Water Corporation	

## LAND USE AND DEVELOPMENT

Road Closures October 2022			
Date	Road/Location	Purpose	Timeframe
20/10/2022	Alexandra Street	Crannage Works	4 hours
31/10/2022	Pelican Point Road	Crews cleared extensive drift sand from the road.	2 days

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A299	P36/22	10 McLeod Street, Carnarvon	Shed extension	Donald Clark	18/10/2022
A415	P42/22	12 Forrest Street, Carnarvon	Group dwelling development	Anthony Zaknich	2/11/2022
A506	P39/22	18 Orr Street, Carnarvon	Carport	Daimen Donegan	15/11/2022

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/073	DEPARTMENT OF COMMUNITIES - CARNARVON	LOT 123 (2) HOULAHAN PLACE, BROCKMAN	1.8M HIGH COLORBOND POST AND RAIL FENCE
B22/075	CHRISTOPHER BEVAN & IESHA ANNE PUGH	LOT 49 (20) WILLESEE ST, MORGANTOWN	REMOVAL OF ASBESTOS SHEET CLADDING AND INSTALLATION OF PROFILE METAL SHEET CLADDING
B22/076	DEPARTMENT OF COMMUNITIES - HOUSING	LOT 155 (70) DAVID BRAND DR, BROCKMAN	1.8M HIGH COLORBOND POST AND RAIL FENCE
B22/077	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DRIVE, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX D (STAGE 1)
B22/078	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DRIVE, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX E (STAGE 1)
B22/079	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DRIVE, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX F (STAGE 1)
B22/080	LUKE & RENAE DE SOUSA	LOT 507 (174) WILLIAM ST, EAST CARNARVON	
B22/081	EL-RAGHY KRIEVALDT PTY LTD	LOT 16 (16) TREVALLY CRT, CORAL BAY	

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the report outlining the actions performed under delegated authority for the months of October and November 2022.

**FC 2/11/22**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Vandeleur*

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the report outlining the actions performed under delegated authority for the months of October and November 2022.

CARRIED

F8/AO

**7.1.2 2023 ORDINARY MEETINGS OF COUNCIL– SCHEDULE OF DATES, TIMES AND VENUES**

File No: ADM0308  
Date of Meeting: 22 November 2022  
Location/Address: N/A  
Name of Applicant: Shire of Carnarvon  
Name of Owner: N/A  
Author/s: Dannielle Hill, Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: Nil

Authority / Discretion

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

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

### Summary of Item:

This report is to seek Council approval for the Shire of Carnarvon Ordinary Council Meeting dates for the 2023 calendar year.

### Background:

As a requirement under the Local Government Administration Regulations 1996, Council is required to set its Ordinary and Committee meeting dates for the upcoming calendar year and accordingly provide local public notice to this effect.

Ordinary Meetings of Council are held on the fourth Tuesday of each month, with at least two Ordinary Meetings of Council to be held in Coral Bay, and the date and time to be determined by Council.

It should also be noted that with Christmas falling close to the scheduled fourth Tuesday in December, it has been normal practice to bring this meeting forward by one week. With this in mind, the December 2023 Council Meeting is proposed to be held on Tuesday 19 December. Also to be noted that due to the April Council Meeting falling on Anzac Day, the meeting is proposed to be held on Wednesday 26 April 2023.

Accordingly, the following is a proposed schedule of dates and times for the 2023 Ordinary Meetings of Council

Date	Meeting	Time	Venue
Tuesday 24 January 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 28 February 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 28 March 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Wednesday 26 April 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 22 May 2023	Agenda Forum	8.30am	Council Chambers
Tuesday 23 May 2023	Council Meeting	10.30am	Coral Bay Tavern
Tuesday 27 June 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 25 July 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 22 August 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 26 September 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 23 October 2023	Agenda Forum	8.30am	Council Chambers
Tuesday 24 October 2023	Council Meeting	10.30am	Coral Bay Tavern
Tuesday 28 November 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 19 December 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers

**Stakeholder and Public Consultation:**

Nil

**Statutory Environment:**

Local Government Administration Regulations, 1996 Regulation 12

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

The proposed meeting schedule that may include an optional overnight stay in Coral Bay which is accommodated in the current year budget.

**Risk Assessment:**

**STEP 3 – Risk Tolerance Chart Used to Determine Risk**

Consequence		Insignificant	Minor	Major	Critical	Extreme
		1	2	3	4	5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	That the proposed meetings dates are not set and advertised as required.	Low	This agenda item aims to ensure that the Shire is compliant in setting and advertising proposed Council Meeting dates for 2022.
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

**Comment:**

In consideration of the proposed meeting dates, the May and October 2023 Ordinary Meetings have been tagged for Coral Bay to reflect an increased presence by the Shire, and greater representation for this part of the community.

With Council in agreeance to the proposed scheduled dates for the Ordinary Meetings for the 2022 calendar year, local public notice will need to be given in the local newspaper, Shire of Carnarvon website and Shire public notice boards.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority in accordance with Regulation 12 of the Local Government Administration Regulations, 1996:

1. Endorse the following Ordinary Council Meeting dates, times and venues for the 2023 calendar year –

Date	Meeting	Time	Venue
Tuesday 24 January 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 28 February 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
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Tuesday 28 November 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 19 December 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers

2. Give local public notice advising of the meeting dates and times for the 2023 Ordinary Meetings of Council.

**FC 3/11/22**

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority in accordance with Regulation 12 of the Local Government Administration Regulations, 1996:

1. Endorse the following Ordinary Council Meeting dates, times and venues for the 2023 calendar year –

Date	Meeting	Time	Venue
Tuesday 24 January 2023	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
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<i>Tuesday 24 October 2023</i>	<i>Agenda Forum</i> <i>Council Meeting</i>	<i>8.30am</i> <i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 28 November 2023</i>	<i>Agenda Forum</i> <i>Council Meeting</i>	<i>8.30am</i> <i>1.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 19 December 2023</i>	<i>Agenda Forum</i> <i>Council Meeting</i>	<i>8.30am</i> <i>1.00pm</i>	<i>Council Chambers</i>

2. Give local public notice advising of the meeting dates and times for the 2023 Ordinary Meetings of Council.

CARRIED  
F8/AO

### 7.1.3 ELECTED MEMBER PROFESSIONAL DEVELOPMENT 2023

File No:	ADM2014
Date of Meeting:	22 November 2022
Location/Address:	N/A
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	7.1.3 (a) WALGA Training and Professional Development Course Directory 2022-2023 7.1.3 (b) Australian Institute of Company Directors Proposal 2022 7.1.3 (c) Councillors Training Schedule of Attendance 2020 -2022
Previous Reports:	N/A

#### Authority / Discretion

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

	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
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**Summary of Item:**

This item presents options for ongoing professional development for Council consideration.

**Background:**

EME030 states that “The Shire supports the ongoing professional development for Elected Members, particularly in relation to roles, responsibilities, interests, individual conduct, and meeting procedure.” Council, in the Shire of Carnarvon Code of Conduct for Elected Members, reaffirms this commitment.

**Stakeholder and Public Consultation:**

N/A

**Statutory Environment:**

The Local Government Act 1995 requires that a register of professional development undertaken by Elected Members is maintained, displayed on the Shire’s website, and disclosed in the Shire’s Annual Report. (See Schedule 7.1.3 (c) Elected Member Training Schedule of Attendance 2020 – 2022).

All Elected Members are required by legislation to complete the prescribed training course, within 12 months of being elected as per the Local Government (Administration) Regulations 1996. Councillors have met this mandatory requirement.

**Relevant Plans and Policy:**

Shire of Carnarvon Code of Conduct for Council Members - Division 2 Clause 4:  
EME030 Professional Development, Conference Attendance of Elected Members

**Financial Implications:**

The 2022/2023 budget includes \$25,000 for Elected Member training.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	1.Perception that Councillor training is not an effective use of ratepayer funds.	Moderate	1.Ensure that the value of professional development and how it aids good governance and community benefit is clearly communicated.

	2.Lack of participation in ongoing professional development potentially leading to a perception of disinterest.		2. Participation in professional development completed each year.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

**Comment:**

The following options for professional development are presented for Council consideration.

**1. WALGA Elected member Training.**

WALGA is the peak industry body of local government and offers a suite of services and resources to local governments across the State. WALGA is a Registered Training Organisation. WALGA's Elected Member training includes the Diploma of Local Government. Council Member Essentials and Professional Development. The WALGA Training Directory states that "WALGA has developed a comprehensive suite of professional development training for Council Members after they have completed the minimum statutory training requirements 'Council Members Essentials', with over 20 distinct learning opportunities and continuous professional development including our nationally accredited program, the Diploma of Local Government for Elected Members." The offering from WALGA includes e-learning options. See Schedule 7.13. (a) for detailed information about courses offered by WALGA.

**2. Australian Institute of Company Directors (AICD)**

The AICD is the largest director membership organisation in the world and offers the prestigious Company Directors qualification along with other highly regarded professional development. A discussion document for the Shire of Carnarvon is attached – See Schedule 7.1.3 (b). As outlined in the discussion document, the AICD offering includes the Foundations of Directorship program, Governance Essentials for Local Government, the Company Directors course, and a Local Government Review Tool. Please see the discussion document for detailed information on options offered by the AICD.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, in accordance with EME030 Professional Development, Conference Attendance of Elected Members and the Shire of Carnarvon Code of Conduct for Elected Members, resolves to schedule the following professional development opportunities for Elected Members in 2023:*

- 1.
- 2.

FC 4/11/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Fullarton

That Council, by Simple Majority, in accordance with EME030 Professional Development, Conference Attendance of Elected Members and the Shire of Carnarvon Code of Conduct for Elected Members, resolves to schedule the following professional development opportunities for Elected Members in 2023:

1. AICD - LOCAL GOVERNMENT REVIEW PRIOR TO 2023 ELECTIONS
2. AICD - GOVERNANCE ESSENTIALS FOR LOCAL GOVERNMENT AFTER THE 2023 ELECTIONS

FC 5/11/22

AMENDMENT TO MOTION

Cr Fullarton/Cr Langley

That the motion be amended to change the development opportunities to read -

1. AICD - LOCAL GOVERNMENT REVIEW PRIOR TO 2023 ELECTIONS
2. AICD - CEO PERFORMANCE REVIEW

LOST  
F2/A6

As a result of the amendment to the motion being lost, the substantive motion FC 4/11/22 was put.

CARRIED  
F8/A0

7.1.4

SHIRE OF CARNARVON REVIEW OF WARDS AND REPRESENTATION 2022

File No: ADM1834  
Date of Meeting: 22 November 2022  
Location/Address: N/A  
Name of Applicant: The Shire of Carnarvon  
Name of Owner: N/A  
Author/s: A. Selvey, Chief Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Absolute Majority  
Schedules: Schedule 7.1.4 (a) Shire of Carnarvon Review of Wards and Representation Options Analysis Report, November 2022  
Schedule 7.1.4 (b) Review of Wards and Representation Options Discussion Paper, July 2022  
Schedule 7.1.4 (c) Minutes Ordinary Council Meeting 26 July 2022  
Schedule 7.1.4 (d) (e) (f) (g)– Public Submissions Received 1-4  
Previous Reports: 26 July 2022 FC 6/7/22

Authority / Discretion

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

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

### Summary of Item:

The purpose of this agenda item is to formally present information for Council to consider making a recommendation to the Local Government Advisory Board on the review of wards and representation.

The information presented to Council includes the public submissions received, and an analysis of several options.

The officer's recommendation to Council is that the current ward system and representation levels are retained.

### Background:

Local governments that have a ward system, such as the Shire of Carnarvon, are required to review their ward boundaries and representation every so often to ensure that not more than eight years elapse between successive reviews. The last such review at the Shire of Carnarvon was conducted in 2014; therefore, a review is required in 2022.

For Council's information and interest, in 2015, Council resolved (through failure to achieve an absolute majority vote) to not support the officer recommendation for an amendment to the ward system which resulted in retaining the existing wards and representation structure (of four wards and seven councillors plus the Shire President).

The purpose of a review is to assess the current structure and arrangements and to evaluate a range of options to find a system of wards and representation that best suits the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards
- Changing the boundaries of a ward
- Abolishing any or all of the wards into which a district is divided
- Changing the name of a district or a ward
- Changing the number of offices of councillor on a council
- Specifying or changing the number of offices of councillor for a ward.

At the Ordinary Meeting of Council on 26 July 2022, Council resolved as follows:

#### **COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Fullarton/Cr Vandeleur*

*That Council, by Simple Majority, pursuant to Schedule 2.2 Local Government Act 1995, resolves to:*

- a. *Commence the process for the Shire of Carnarvon Review of Wards and Representation.*
- b. *Give public notice of its intention to carry out a Review of Wards and Representation via:*
  - i. *The Midwest Times throughout the month of August;*
  - ii. *The Shire of Carnarvon social media platforms;*
  - iii. *The Shire Newsletter; and*
  - iv. *Media Releases to relevant Media outlets (e.g., the ABC, Midwest Times); and*
- c. *Invite public submissions prior to 12noon Wednesday 31 August 2022 on the Shire of Carnarvon Review of Wards and Representation Options Discussion Paper, July 2022" as presented at Schedule 7.1.4.*

**CARRIED**  
**F7/AO**

Reviews are usually conducted prior to the bi-annual local government elections, so that any approved changes can be implemented in time for the elections. It is important to therefore submit our completed ward and representation review to the Board by no later than 31 January in a local government election year (i.e. 2023) to allow all administrative and legislative requirements to occur before the proposed changes can be finalised and implemented.

It should be noted that Local governments may undertake reviews on a more frequent basis if they are experiencing significant changes to their population.

#### Stakeholder and Public Consultation:

Following the July Council meeting, the Shire advertised that the Review had commenced and released **Schedule 7.1.4 (b) Shire of Carnarvon Review of Wards and Representation Options Discussion Paper, July 2022** and invited public submissions. Advertising included:

- Public Notices in the Mid West Times, published on:
  - Wednesday 03 August 2022 and,
  - Wednesday 17 August 2022
- Public Notices published on Shire Website:
  - 26 July 2022 with full details, including Discussion Papers
  - 1 August 2022 With notice of Community Engagement Session in Carnarvon
  - 9 August 2022 with notice of Community Engagement Session in Coral Bay
- The CEO conducted community engagement sessions in both Coral Bay and Carnarvon, providing information in person, answering questions, and inviting public submissions; and
- The Public Submissions period was open for six weeks, during which time four public submissions from the public were received. Please see below for a summary table of the points raised in submissions along with the officer’s response to each point.

	Submission	Response
	<b>Respondent 1 – Schedule 7.1.4 (b)</b>	
1a	Move the Eastern boundary of the Plantation Ward so that all plantations are in the one ward, namely Plantation Ward. As the levee runs down Boundary Road suggest extending the boundary to Carnarvon Road All this area to be included into the Plantation Ward.	This will not bring all plantations into one ward, noting that there are plantations in East Carnarvon. This boundary change would also bring Mungallah Village (a solely residential development) into the Plantation Ward.
1b	With seven elected members representing their elected ward and the President elected by all electors in the Shire there is a perception as to fairness. First Option reduce the number of elected members to seven. Town ward reduced to three elected members; Plantation* ward remains with one elected member; Coral Bay ward remains with one elected member; Gascoyne/Minilya ward remains with one elected member; President as elected by all eligible electors.	Assume this is in reference to the use of the casting vote. The Shire President is rarely required to use casting vote. A reduction in the number of elected members in Town Ward would result in a greater disparity in the elected member/elector ratio.
1c	With seven elected members representing their elected ward and the President elected by all electors in the Shire there is a perception as to fairness.	Assume this is in reference to the use of the casting vote. The Shire President is rarely required to use casting vote. An increase in the number of elected members in Plantation Ward would

	<p>Second Option increase the number of elected members to nine.</p> <p>Town ward remains at four elected members;  Plantation* ward increases to two elected members;  Coral Bay ward remains with one elected member;  Gascoyne/Minilya ward remains with one elected member;  President as elected by all eligible electors.</p>	<p>result in a greater disparity in the elected member/elector ratio.</p>
<b>Respondent 2 - Schedule 7.1.4 (c)</b>		
2a	<p>The only equitable way would be to maintain the current balance.</p> <p>Coral Bay could lose any representation at all as it is unlikely to gain enough votes through other ward arrangements</p>	<p>Noted.</p>
2b	<p>A greater voice for the larger town ward with 4 voices/votes to 1 over any other ward, not to mention the Shire President.</p>	<p>Noted as a comment. However, for clarity, Councillors are required to consider matters and make decision based on the good of the whole community, not at a ward level.</p>
2c	<p>Maybe Coral Bay would have a bigger presence on the voting register if people were allowed to actually own and live properly in the town.</p>	<p>Noted and beyond the scope of this Ward Review.</p>
2d	<p>Unique situation in terms of having a number of remote outposts in its area extending out to 250kms away from the Shire hub of operations. As such I don't think it can be set up against a normal set up rules.</p>	<p>Noted as a comment. Considered in relation to the "Physical features" criteria.</p>
<b>Respondent 3 - Schedule 7.1.4 (d)</b>		
3a	<p>The current Ward structure should be retained with the current number of elected members. Coral Bay is unique in many ways</p>	<p>Noted.</p>
3b	<p>Coral Bay consists of casual hospitality workers who are very transient and not registered to vote. Residents of Coral Bay whether they be long term residents or casual employees should still be entitled to full representation.</p>	<p>Noted.</p>
3c	<p>Unable to buy land/dwellings which restricts the number of permanent residents. Along with the transient workers and huge number of tourists the number of electors listed within the Coral Bay Ward is no way near a true reflection of the number of eligible electors. The population in Coral Bay swells to exceed the population of Carnarvon which has more than 8 councillors representing the Town Ward whilst Coral Bay has one.</p>	<p>Restrictions from land availability noted as a comment. Ratios are calculated via the number of registered voters for the district.</p>

3d	The unique challenges living in Coral Bay can only be fully appreciated if live in the town. Given the large distance (2 ½ hours by vehicle) between Carnarvon and Coral Bay it is too far for a Carnarvon based Councillor to spend adequate amounts of time to grasp, appreciate and understand community issues.	Noted.
<b>Respondent 4 - Schedule 7.1.4 (e)</b>		
4a	We remain in favour of the ward system with the current number of elected representatives.	Noted.
4b	In the discussion paper published for comment, the number of electors in each ward was used as a premise for consideration of scrapping the ward system.	No recommendation was made in the discussion paper. Various options, including one option to dissolve Ward system was listed for consideration.
4c	The electors in other wards have different rights to residents of Coral Bay. Councillors living outside the community will never experience the transient nature that has been created. A Local Councillor understands the issues of living in this community and is easily contactable.	Noted.
4d	Residents/ratepayers in Coral Bay must leave the community if they retire or do not have a job. You are only permitted to live in the ward if you have a job by State Government regulation.	Noted.
4e	Residents/ratepayers in Coral Bay must pay a higher rate than all other electors for Coral Bay tip, separate charge was created by shire many years ago to ensure that the electors in the ward contributed to their own district and all other electors were not subsidising our community. The tip is not for the exclusive use of Coral Bay Ratepayers and it is understood that the Department of Main Roads also uses it for disposal of rubbish.	Noted but outside the scope for the Ward Review.
4f	It is important that electors have ready access to facilities. Residents in the ward do not have easy access to local council facilities as it is over 240 kilometres to Carnarvon office, library, aquatic centre. Only the services of a part time ranger available locally.	Noted and one of the factors considered under the criteria of physical features.
4g	Census information would show that generally the number of Residents/workers in Coral Bay is in the region of 250 but they do not register for voting purposes due transient nature.	Noted.

**Statutory Environment:**

This review has been carried out in accordance with Schedule 2.2 and section 2.18(3)(a) of the *Local Government Act 1995*.

**LOCAL GOVERNMENT REFORM**

It should also be noted that the Local Government Reform package, which is likely to be enacted early in 2023, will introduce some legislative changes in relation to wards and Elected Member representation. See below table for an assessment which demonstrates the Shire of Carnarvon’s alignment with the reforms. As the officer’s recommendation is that the current ward system and Elected Member representation levels are retained, that alignment is maintained. Should Council resolve to make a recommendation to the Local Government Advisory Board, that is different to that of the officer, consideration will need to be given to the reforms.

Requirement under the reforms	Shire of Carnarvon current compliance
The use of wards for councils in bands 3 and 4 is abolished.	The Shire of Carnarvon as a Band 2 Council is exempt from this requirement.
For Local Governments with populations between 5,000 and 75,000, the number of Elected Members be limited to five to nine councillors (including the Mayor/President).	As at the 2021 Census, the population of the Shire of Carnarvon was 5251. Therefore, the number of Elected Members is within the required limits.
Band 1 and Band 2 Councils to hold a public vote for the Mayor or President.	Current practice is for the President to be voted by public vote.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

Nil

**Risk Assessment:**

**STEP 3 – Risk Tolerance Chart Used to Determine Risk**

Consequence		Insignificant	Minor	Major	Critical	Extreme
		1	2	3	4	5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Community members feel that they did not have a voice in this important matter.	Moderate	Significant effort was made to ensure that the public was aware of this review, provided with detailed information and advised that submissions were invited. Public submissions have been

			given detailed consideration in the officer's recommendation.
<b>Service disruption</b>	N/A		
<b>Compliance</b>	The review is not completed in time or to the required standard.	Low	This item mitigates the risk by finalising the review and submitting a recommendation to the Local Government Advisory Board well within the legislative timeframe.
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### Comment:

The steps in the review process and their current status are summarised below:

#### Phase 1 - Completed

- The Shire resolves to undertake a review of its ward and representation.
- Development of a discussion paper.
- The Shire advertises that it is conducting a review and seeks public submissions.

#### Phase 2 – Subject of this report to Council

- Administration will assess the submissions and consider options for change against the relevant factors to be considered and draft the proposal.
- Report to council on outcome of submissions and the proposal.
- Council adopts the proposal.
- Preferred option submitted to the board via the board report.

#### Phase 3

- The board reviews the board report to ensure that the review was validly conducted and makes a recommendation to the Minister on changes (if any).
- Minister accepts or rejects the board's recommendation.
- If the Minister accepts the board's recommendation, the Minister will request the Governor issue a Governor's order.
- The Shire will implement the changes in accordance with the Governor's order.

In considering Wards and Elected Member representation, options were assessed against the following five factors in terms of the whole district (rather than just individual wards):

- Community of interest
- Physical and topographical features
- Demographic trends
- Economic factors
- The ratio of Elected Members to electors in the various wards.

The ratio of elected members to electors is considered particularly important to the Board, with an expectation that local governments should have similar ratios of elected members to electors in all wards, within a ratio deviation of plus or minus 10%. Therefore, the Board may be reluctant to recommend (to the Minister)

changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% unless exceptional circumstances apply.

Notwithstanding this expectation in relation to the ratio deviation, this review suggests that to achieve good representation due to physical features or communities of interest, a ratio deviation greater than plus or minus 10% is justified. See *Schedule 7.1.4 (a) Ward Review Options Analysis Report November 2022* for detailed information on the background, public submission and assessment of ratios, communities of interest, physical and topographic features, economic factors, and of the options considered by the officer for this review.

Therefore, while the ratio deviation for the current ward and representation, as shown in the table below, levels significantly exceed the recommended standard, exceptional circumstances apply given the Shire of Carnarvon's unique features such as the distinct and different communities of interest, along with the vast distances in the Shire. The review findings support the retention of the current ward system. Reasonings are further detailed in *Schedule 7.1.4 (a) Ward Review Options Analysis Report November 2022*. The officer's recommendation to retain the current ward system and representation levels is consistent with the views expressed by the four members of the public who made submissions in regard to this review.

Table showing ward and representation levels – current and proposed to be retained:

Ward	Suburbs	No. of Electors	No. of Elected Members	Ratio - Elected Member: Elector	% Ratio deviation from average*
Town Ward	8 Babbage Island Brockman Brown Range Carnarvon East Carnarvon Greys Plain Morgantown South Carnarvon	2534	4.25	1: 596	-48%
Plantation Ward	4 Brown Range Kingsford North Plantations South Plantations	519	1.25	1:415	-3.25%
Coral Bay Ward	1 Coral Bay	77	1.25	1:62	84%
Gascoyne/ Minilya Ward	7 Inggarda Lyndon Macleod Minilya North Plantations Wooramel Yandoo Creek	78	1.25	1:62	84%
Shire President	1		Included as a percentage across all four wards		
<b>TOTAL</b>	<b>20</b>	<b>3208</b>	<b>8</b>	<b>1:401</b>	

OFFICER'S RECOMMENDATION

*That Council, by Absolute Majority, pursuant to Schedule 2.2 Local Government Act 1995, having considered the public submissions, resolves to recommend to the Local Government Advisory Board that an order be made under s 2.2 (1) to retain the existing wards and representation levels as follows and in accordance the assessment as detailed in the Ward and Representation Options Analysis Report November 2022.*

<i>WARD:</i>	<i>REPRESENTATION:</i>
<i>Town Ward</i>	<i>Four Elected Members</i>
<i>Plantation Ward</i>	<i>One Elected Member</i>
<i>Coral Bay Ward</i>	<i>One Elected Member</i>
<i>Gascoyne Minilya Ward</i>	<i>One Elected Member</i>
<i>Shire President</i>	<i>Public vote by all electors in the district</i>

**FC 6/11/22**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Skender*

*That Council, by Absolute Majority, pursuant to Schedule 2.2 Local Government Act 1995, having considered the public submissions, resolves to recommend to the Local Government Advisory Board that an order be made under s 2.2 (1) to retain the existing wards and representation levels as follows and in accordance the assessment as detailed in the Ward and Representation Options Analysis Report November 2022.*

<i>WARD:</i>	<i>REPRESENTATION:</i>
<i>Town Ward</i>	<i>Four Elected Members</i>
<i>Plantation Ward</i>	<i>One Elected Member</i>
<i>Coral Bay Ward</i>	<i>One Elected Member</i>
<i>Gascoyne Minilya Ward</i>	<i>One Elected Member</i>
<i>Shire President</i>	<i>Public vote by all electors in the district</i>

**CARRIED**  
**F7/A1**

FORESHADOWED MOTION

*Cr E Smith*

*That the matter be deferred to the December 2023 Council Meeting to enable Councillors further time to consider the Council's position on the Ward System.*

*(Note – as the Substantive Motion was Carried, the Foreshadowed Motion was not considered)*

File No:	ADM2142
Date of Meeting:	22 November 2022
Location/Address:	Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	H. Murphy – Manager Economic Development, and A. Selvey, CEO.
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	7.4.4 October - Solar Eclipse Funding Opportunities

#### Authority / Discretion

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

#### Summary of Item:

This item brings the program for the April 2023 Rocks Carnarvon Festival (Festival) to celebrate and leverage from visitors for the Total Solar Eclipse (TSE) in April 2023 before Council and seeks Council endorsement to progress with this event.

#### Background:

Shire officers, State Government agencies, community organisations and businesses have commenced planning for services and activities to leverage from the significant visitation expected during the TSE, a high-profile natural event occurring in April 2023. Carnarvon is proposing to celebrate the 2023 Solar Eclipse by hosting events that showcase the town's unique culture and history. The Festival aims to focus primarily on the local community, through activating existing assets and the creation of inclusive, cost-free activities.

The Shire has secured funding of \$170,000 from the State Government via the Department of Jobs Tourism Science and Innovation (JTSI) \$155,152 from Lotterywest and \$7,500 from Horizon Power. A submission has also been made to Festivals Fund Australia for \$50,474, which is yet to be confirmed.

#### Stakeholder and Public Consultation:

- Gwoonwardu Mia
- Carnarvon Space and Technology Museum
- Carnarvon Chamber of Commerce and Industry
- Community Information Sessions – Coral Bay and Carnarvon
- Community Growth Fund Information Session

**Statutory Environment:**

Local Government Act 1995

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

With \$332,652 of external grant funding secured, plus an additional application for \$50,474 from Festivals Fund Australia still under consideration, the Shire’s estimated contribution to ensure a high-quality event would be \$90,000. This amount can be accommodated within existing Council adopted budget allocations. Budget amendments to reflect the added incomes, will be presented for Council’s consideration and endorsement in the standing monthly agenda item – see Item 7.2.3.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	The event exceeds budget allocations.	Low	The event will be undertaken within budget constraints.
Health & Safety			
Reputation	A poorly serviced TSE event or poor facilities may result in poor perception of the town.	Low	This funding procured to-date will ensure that an event of a high standard, is delivered.
Service disruption	Robinson Street will close for 24 hours whilst the event is set up and for a post event pack down	Moderate	Effectuated businesses will be informed. Road closure times will be kept to minimum.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community’s interest.

**Comment:**

The Festival is proposed to be held between the 15 and 22 April 2023 (either side of the TSE on 20 April.) It is anticipated that approximately 5,000 people will participate in events throughout the Festival week.

Officers have worked with the community and businesses to develop events that include a broad range of complementary activities and events aimed to “offer something for everyone” including:

- Carol Redford from Astro tourism WA will deliver a community stargazing and astronomy event.
- Gwoonwardu Mia Aboriginal tour guide will discuss the Aboriginal Night Sky stories with Bush Tucker
- The official opening of Dr John Goldsmith’s Astronomy Photography Exhibition at Carnarvon Library and Art Gallery, coupled with a week of youth focused Astro themed art activities.
- Carnarvon Camel Lane Theatre will host a series of movies including Astro Boy and the new release movie, Avatar
- Carnarvon’s Visitor Centre will become the hub for all things Astro and the Saturday Gascoyne Craft and Growers Markets, Vortex Gaming Truck, Food Vans, Merchandise sales
- Gascoyne life size trivia board game in the Civic Centre courtyard
- Beyond the Milky Way - Virtual reality experience at Gwoonwardu Mia open 7 days prior and post day and night over the TSE.
- The Carnarvon Space Museum will partner with the Shire to host SciTech’s interactive space display.
- A Night at the Museum – hosted by the Carnarvon Space Museum

The highlight event will occur on the date of the TSE, i.e., 20 April 2023. This highlight includes the Perth Symphony Orchestra and Narli Ensemble, as part of the day long street musical Festival in Carnarvon. The main street of Carnarvon will be restricted to traffic, allowing for the stage to be set overlooking the Fascine, pedestrian access to food and market stalls.

Further community information sessions will be hosted in Coral Bay and Carnarvon in early December 2022 to encourage ongoing engagement from the community and businesses to add activities to the program.

OFFICER’S RECOMMENDATION

*That Council, by Simple Majority pursuant to s3.18 of the Local Government Act, resolves to:*

- a. Formally note and endorse the April 2023 Rocks Carnarvon Festival Program.*
- b. Pursue additional funding opportunities should they become available.*
- c. Consider the budget amendments to receive the funding of \$155,152 from Lotterywest, \$170,000 from the State Government via, JTSI, and \$7,500 from Horizon Power as part of Item 7.2.3 of this agenda.*

**FC 7/11/22**

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

*Cr Vandeleur/Cr Skender*

*That Council, by Simple Majority pursuant to s3.18 of the Local Government Act, resolves to:*

- a. Formally note and endorse the April 2023 Rocks Carnarvon Festival Program.*
- b. Pursue additional funding opportunities should they become available.*
- c. Consider the budget amendments to receive the funding of \$155,152 from Lotterywest, \$170,000 from the State Government via, JTSI, and \$7,500 from Horizon Power as part of Item 7.2.3 of this agenda.*

CARRIED

F8/A0

## 7.2 CORPORATE & COMMUNITY SERVICES

FC 8/11/22

### COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That items 7.2.1 and 7.2.2 be considered en-bloc.

CARRIED

F8/A0

FC 9/11/22

### COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Items 7.2.1 and 7.2.2 be adopted by Council as follows -

## 7.2.1 CREDITORS REPORT OF ACCOUNTS PAID UNDER DELEGATION 1 TO 31 OCTOBER 2022

File No: ADM0186  
Date of Meeting: 22 November 2022  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Author/s: G. Nguyen – Creditors Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Reports: Presented every month  
Schedules: Schedule 7.2.1 (a)

### Authority / Discretion

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

### Summary of Item:

To present the listing of accounts paid from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of **October 2022**.

**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. A list of all payments is provided in **Schedule 7.2.1 (a)**

**Stakeholder and Public Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 – Section 5.42

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

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

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

**Risk Assessment:**

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

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

**OFFICER'S RECOMMENDATION**

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

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$1,442,174.55 as presented for the month of October 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
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EFT36606-EFT36680 EFT36684-EFT36686 EFT36688-EFT36693 EFT36696-EFT36697 EFT36699-EFT36705 EFT36707 EFT36710-EFT36719 EFT36721-EFT36727 EFT36729 EFT36731-EFT36749 EFT36751-EFT36759 EFT36761-EFT36777	EFT36779	Muni EFT	\$1,417,453.95
EFT36681	EFT36683	Trust EFT	\$5,848.98
47241	47247	Cheque	\$4,459.12
EFT 36687 EFT36694-EFT36695 EFT366998; EFT36706 EFT36708-EFT36709 EFT36720 EFT36728, EFT36730 EFT36750, EFT36760	EFT36778	Visitor Centre EFT	\$14,412.50
		TOTAL	\$1,422,174.55

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

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

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$1,442,174.55 as presented for the month of October 2022 incorporating.

b)

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
EFT36606-EFT36680 EFT36684-EFT36686 EFT36688-EFT36693 EFT36696-EFT36697 EFT36699-EFT36705 EFT36707 EFT36710-EFT36719 EFT36721-EFT36727 EFT36729 EFT36731-EFT36749 EFT36751-EFT36759 EFT36761-EFT36777	EFT36779	Muni EFT	\$1,417,453.95
EFT36681	EFT36683	Trust EFT	\$5,848.98
47241	47247	Cheque	\$4,459.12
		Visitor Centre EFT	\$14,412.50

EFT 36687 EFT36694-EFT36695 EFT366998; EFT36706 EFT36708-EFT36709 EFT36720 EFT36728, EFT36730 EFT36750, EFT36760	EFT36778		
		<b>TOTAL</b>	<b>\$1,422,174.55</b>

(Note – EFT367816 – Incorrect wording provided with “underspent’ amended to read ‘overpayment’.

## 7.2.2 FINANCIAL ACTIVITY STATEMENT 31 OCTOBER 2022

File No:	ADM0186
Date of Meeting:	22 November 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.2 (a) Monthly Financial Report

### Authority / Discretion

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

### Summary of Item:

This item presents the financial activity statement for the period ending 31 October 2022 for Council to consider. The officer’s recommendation is that the statement is received by Council.

### Background:

Each month a local government is to prepare a statement of financial activity reporting on the revenue and expenditure for the month as set out in the budget.

The statements are required to show the following:

- annual budget, and the estimated year to date budget end of that month,
- the actual amount for expenditure and income,

- any variance between the actual income and expenditure, as compared to the estimated year to date budget,
- the net current assets at the end of that month.

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are required where variances are outside the materiality thresholds set by Council with the adoption of the annual budget.

The statements presented as an attachment to this item are in excess to the minimum requirements to provide elected members with additional information in relation to the Shires financial position at the time of reporting. The report also provides elected members with information about operating and capital revenues and expenditures that reconcile to the Shire current funding position – or net current assets at the end of the reporting period.

**Consultation:**

Nil

**Statutory Environment:**

*Local Government (Financial Management) Regulation 34.*

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	The delay in achieving a timely reporting has the potential to damage the shire's	High	High priority has been placed on preparing Statutory reporting within legislated timeframes

	reputation.		
<b>Service disruption</b>	NA	NA	
<b>Compliance</b>	Local Government Act requires Council receive these statements within 2 months of the end of the applicable month.	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
<b>Property</b>	NA	NA	
<b>Environment</b>	NA	NA	

**Community & Strategic Objectives:**

Nil

**Comment:**

Attached as **Schedule 7.2.2 (a) Monthly Financial Report** for consideration is the Statement of Financial Activity for the period ended 31st October 2022.

The information provided is prepared based on the Revenue and Expenditure transactions recorded in the Shires Financial system at the time of preparation and are likely to change with the completion of end of year processes and reconciliations.

At the time of preparation of this report the Financial Statements for 30 June 2022 have not been audited by the Auditor, as such the closing surplus figure and therefore the opening surplus figure for 2023, is potentially subject to change.

In accordance with the Local Government (Financial Management) Regulations, the report must include variances notations outside the variance adopted by Council with its annual budget.

The Statement provides an opening surplus of \$6.54M which includes an advance payment of Financial Assistance grants for FY23 of \$3.94M. This surplus is subject to change with end of year processes relating to unspent grants and accruals that are yet to be finalised for June 2022.

Materials and contracts expenditure is \$5.34M of which \$3.3M is for flood damage works. At the time of reporting \$1.76M recoup for this expenditure has been invoiced to or reimbursed from DFES this year with a further \$1.23M held by the Shire as a Contract Liability for funds received in 2021-2022.

Capital Works projects expenditure totals \$2.52M that includes \$1.75M of roadworks expenditure that is mostly funded by grants still to be included as revenue in the Statement.

**OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month of October 2022 as per Schedule 7.2.2 (a).*

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month of October 2022 as per Schedule 7.2.2 (a).*

**CARRIED**  
**F8/AO**

File No:	ADM0027
Date of Meeting:	22 November 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report	Nil
Schedules	Schedule 7.2.3 (a) Budget Approval Report

#### Authority / Discretion

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

#### Summary of Item:

This item presents officer requested budget adjustments arising after the adoption of the 2022-2023 Budget for Council to consider. The officer's recommendation is that the statement is received by Council.

#### Background:

The Council adopted the Annual Budget for the Shire on 30<sup>th</sup> September 2022.

In accordance with section 6.8(1) of the Local Government Act 1995 a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution - absolute majority required
- Is authorised in advance by the Mayor or President in an emergency.

Approval is therefore sought for the budget adjustments detailed in the attachment for the reasons specified.

It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice budgets are reviewed by Officers regularly. Officers have reviewed the adopted budget and recommend alterations to the budget as tabled.

#### Consultation:

Nil

**Statutory Environment:**

Local Government Act – Section 6.8(1).

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

As presented

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Potential for reduction in budget.	N/A	The adjustments recommended in this report do not impact the net position of Council.
Health & Safety	NA	NA	
Reputation	Delay in identifying known expenditure changes has the potential to damage the shire’s reputation.	High	Identify changing circumstances and action budget variations as soon as practicable
Service disruption	NA	NA	
Compliance	Local Government Act requires that a local government is not to incur expenditure unless approved by Council.	High	This report to Council for approval ensures compliance requirements are met.
Property	NA	NA	
Environment	NA	NA	

**Community & Strategic Objectives:**

Nil

**Comment:**

Attached as **Schedule 7.2.3 (a) Budget Approval Report** for consideration is the proposed budget amendments as the time of preparation of this report.

Adjustments Impacting Budgeted Closing Position

Nil

Adjustments with no impact on budget closing position

There are four items in the attachment and the net effect on the budget position is NIL.

Net budget closing position

After making the above adjustments, the budget closing position remains unchanged as a balanced budget.

OFFICER'S RECOMMENDATION

*That Council, by Absolute Majority, approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.3 (a) Budget Approval Report, in accordance with section 6.8(1) of the Local Government Act 1995.*

**FC 10/11/22**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Vandeleur/Cr Skender*

*That Council, by Absolute Majority, approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.3 (a) Budget Approval Report, in accordance with section 6.8(1) of the Local Government Act 1995.*

**CARRIED BY ABSOLUTE MAJORITY**

**F8/AO**

**7.2.4**

**HORIZON POWER APPLICATION FOR ELECTRIC CHARGING POINTS, AND CONSOLIDATION OF RESERVES**

Date of Meeting: 22 November 2022  
Location/Address: Lot 854 Reserve 30187 Camel Lane, Carnarvon  
Name of Applicant: Horizon Power  
Name of Owner: Shire of Carnarvon  
Author/s: C. Ballard – Governance & Information Management Coordinator  
Declaration of Interest: N/A  
Voting Requirements: Simple Majority  
Schedules: Schedule 7.2.4 (a) Tenure - Aerial Map Reserve 21853 & 3018711  
Schedule 7.2.4 (b) Horizon Power Notice of Entry & Design Drawings

**Authority / Discretion**

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

### Summary of Item:

This report details a request from Horizon Power seeking Council's approval to licence a portion of lot 854 on Reserve 30187 for the purpose of an electric vehicle charging station.

On 14 December 2021 a request was received from Horizon Power to enter into a licence agreement with the Shire of Carnarvon to install an electric vehicle charging station in Carnarvon townsite.

Following discussions with Department of Planning, Lands and Heritage (DPLH), it has been found that the Vesting Order prevents us actioning the initial request. DPLH have advised they require a Council Resolution to revoke the Vesting Order and issue a new Management Order. DPLH have also noted that Reserve 30187 directly adjoins Reserve 21853 and are both vested to the Shire of Carnarvon for 'Civic Purposes'.

This report seeks Council's resolution to consent to the consolidation of Reserve 21853 into Reserve 30187, revocation of the Vesting Order and creation of a new Management Order over the whole reserve, and then to proceed with the licence agreement.

### Background:

Reserves 21853 & 30187 are vested to the Shire of Carnarvon for 'Civic Purposes', with improvements constructed across both reserves (see **Schedule 7.2.4 (a) Tenure - Aerial Map Reserve 21853 & 30187**), it would be considered best crown land practice to consolidate both reserves into the same crown reserve (30187). DPLH have advised that to enable the Shire of Carnarvon to grant a licence there is a requirement for the Vesting Order over Reserve 30187 to be revoked and a new Management Order be granted. This will allow the Shire to lease and licence a portion of the Reserve for any term up to 21 years, pursuant to Sections 50 and 46 of the Land Administration Act 1997 (LAA)(subject to no objections being received from a due diligence referral process).

Once the new Management Order is granted the Shire can submit a formal application to DPLH requesting Section 18 LAA approval for the grant of a sublease or licence to Horizon Power over portion of Reserve 30187 (being portion of Lot 854 on DP 168601. The Reserve is located on Camel Lane, Carnarvon Town site.

### **Schedule 7.2.4 (a) Tenure - Aerial Map Reserve 21853 & 30187**

### **Schedule 7.2.4 (b) Horizon Power Notice of Entry & Design Drawings**

### **The applicant has proposed the following licence terms:**

- An initial term of 10 years and further term of 5 years
- Licence Fee – Horizon Power is not required to pay any licence fee for grant of licence under this deed
- Maintenance and Repair: Horizon Power to maintain the licenced area and their equipment
- Area: a portion of Reserve 30187 Lot 854
- Permitted Use: the installation, operation, maintenance and upgrade of the Electric Vehicle Charging Infrastructure, and the use by members of the public and Horizon Power's customers of the same.
- Special Conditions:
  - Break clause: Horizon Power has the right to terminate the licence at any time by providing 30 day's written notice.
  - Make good: Horizon Power to remove all their equipment and repair any damage caused from such removal.
  - Legal fees: each party to pay for their own costs,

The Shire believes the proposed licence terms are reasonable.

### **Stakeholder and Public Consultation:**

The Shire has been in consultation with Horizon Power and DPLH.

**Statutory Environment.**

- S. 3.58 Disposing of Property - of the Local Government Act 1995
- S. 5.42 Delegation of some powers and duties to CEO – of the Local Government Act
- S. 30 Dispositions of property excluded from Act S. 3.58 - of the Local Government (Functions and General) Regulation 1996.

**Relevant Plans and Policy:**

- Policy CF018 Lease and Licensing Classification.
- Delegation No: 1034 Executing and Affixing of Common Seal to Documents.

**Financial Implications:**

Legal fees to prepare the lease.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss of potential tourism dollars from environmentally conscious tourists.	Low	Permitting the proposed changes to the vesting order and granting a lease to Horizon Power will mitigate this risk.
Health & Safety	N/A		
Reputation	Lack of EV charging points may impact the Shire reputation as a sustainable Shire.	Low	Permitting the proposed changes to the vesting order and granting a lease to Horizon Power will mitigate this risk.
Service disruption	N/A		
Compliance	N/A		
Property	The current vesting order restricts the use of the land.	Low	Permitting the proposed changes to the vesting order and granting a lease to Horizon Power will mitigate this risk.
Environment	Lack of EV charging points will encourage car consumers to purchase diesel and petrol driven vehicles that cause pollution.	Low	Permitting the proposed changes to the vesting order and granting a lease to Horizon Power will mitigate this risk.
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community’s interest.

**Comment:**

The requirement to change the purpose of the Vesting order (as per notification from DPLH) will need to be actioned prior to preparation of the licence between Horizon Power and Shire of Carnarvon.

OFFICER'S RECOMMENDATION PART 1

1. That Council, by Simple Majority, resolves to support the consolidation of reserves 21853 & 30187 into one Reserve 30187, the revocation of the Vesting Order over Reserve 30187 and a new Section 46 Land Administration Act 1997 (LAA) management order being granted over the Reserve to the Shire with the Power to Lease & Licence.
2. That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's resolution regarding the consolidation of Reserves 21853 & 30187, the revocation of the Vesting Order on Reserve 30187 and re-issue of a Management Order over Reserve 30187.

OFFICER'S RECOMMENDATION PART 2

That Council, by Simple Majority, pursuant to Section 30 of the Local Government (Functions and General) Regulations 1996, resolves to approve a licence between Horizon Power and the Shire of Carnarvon for an area of land on Lot 854 on Camel Lane - Reserve 30187 with the licence to include:

- (a) Permitted Purpose: the installation, operation, maintenance and upgrade of the Electric Vehicle Charging Infrastructure, and its use by members of the public and Horizon Power's customers.
- (b) An initial term of ten (10) years plus an option of a further term of 5-years
- (c) Outgoing: The lessee to be responsible for the cost of the licence preparations and any outgoings and all maintenance of the licenced site.
- (d) Break Clause: The lessee has the right to terminate the lease at any time by providing 30 day's written notice.
- (e) Make Good: The lessee is to remove all equipment at the termination of the lease and repair any damage caused from such removal.

OFFICER'S RECOMMENDATION PART 3

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, authorises the CEO to make any necessary non-material amendments and finalise execution of a licence agreement between Horizon Power and the Shire of Carnarvon.

**FC 11/11/22**

COUNCIL RESOLUTION

*Cr Fullarton/Cr Vandeleur*

OFFICER'S RECOMMENDATION 1

1. That Council, by Simple Majority, resolves to support the consolidation of reserves 21853 & 30187 into one Reserve 30187, the revocation of the Vesting Order over Reserve 30187 and a new Section 46 Land Administration Act 1997 (LAA) management order being granted over the Reserve to the Shire with the Power to Lease & Licence.
2. That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's resolution regarding the consolidation of Reserves 21853 & 30187, the revocation of the Vesting Order on Reserve 30187 and re-issue of a Management Order over Reserve 30187.

OFFICER'S RECOMMENDATION 2

That Council, by Simple Majority, pursuant to Section 30 of the Local Government (Functions and General) Regulations 1996, resolves to approve a licence between Horizon Power and the Shire of Carnarvon for an area of land on Lot 854 on Camel Lane - Reserve 30187 with the licence to include:

- (a) Permitted Purpose: the installation, operation, maintenance and upgrade of the Electric Vehicle Charging Infrastructure, and its use by members of the public and Horizon Power's customers.
- (b) An initial term of ten (10) years plus an option of a further term of 5-years
- (c) Outgoing: The lessee to be responsible for the cost of the licence preparations and any outgoings and all maintenance of the licenced site.

- (d) *Break Clause: The lessee has the right to terminate the lease at any time by providing 30 day's written notice.*
- (e) *Make Good: The lessee is to remove all equipment at the termination of the lease and repair any damage caused from such removal.*

**OFFICER'S RECOMMENDATION 3**

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, authorises the CEO to make any necessary non-material amendments and finalise execution of a licence agreement between Horizon Power and the Shire of Carnarvon.*

**CARRIED**  
**F8/A0**

**7.3 DEVELOPMENT SERVICES**

**7.3.1 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 13 - SCHEME AMENDMENT NO. 5**

File No: A2087; ADM2148  
 Date of Meeting: 22 November 2022  
 Location/Address: Lot 195 (231) Robinson Street, Morgantown  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Dr. Emma Barrett  
 Author/s: S. Louw  
 Declaration of interest: Nil  
 Voting Requirements: Absolute Majority  
 Previous Reports: Nil  
 Schedules: 7.3.1 (a) Amendment documentation

**Authority / Discretion**

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

**Summary of Item:**

The Shire has received a proposal from Dr. Emma Barrett with regards to establishing a veterinary centre at her property at Lot 195 (HN 231) Robinson Street, Morgantown which is zoned Light Industry. A veterinary centre is a 'X' use within a Light Industry zone. A scheme amendment has subsequently been prepared to enable the Shire to consider a future development application for the business.

This report considers proposed Scheme Amendment No. 5 to Local Planning Scheme No. 13, which is intended to:

- Amend LPS 13 by modifying Schedule 2 - Specified additional use for land zoned in scheme area, by adding No. 7 whereby a veterinary centre is an additional use permitted on Lot 195 (No. 231) Robinson Street, Morgantown.
- Amend the Scheme maps to reflect the Schedule 2 change.

This report recommends that Council initiate the amendment and determine that the amendment is a standard amendment.

## **Background:**

### Location and Existing Conditions

The subject land is zoned Light Industrial and is located at the corner of Robinson and Campbell Streets, Morgantown. The site is occupied by commercial premises previously leased by the Gascoyne offices of Real Futures and abuts a commercial property; commercial properties are also located opposite in Campbell Street. The land to the north is a foreshore reserve and the land to the south is an environmental conservation reserve. The land opposite on Campbell Street is occupied by commercial premises however it is zoned Residential R30. Residential properties are located approximately 50 metres east of the subject land as illustrated in Figure 1.

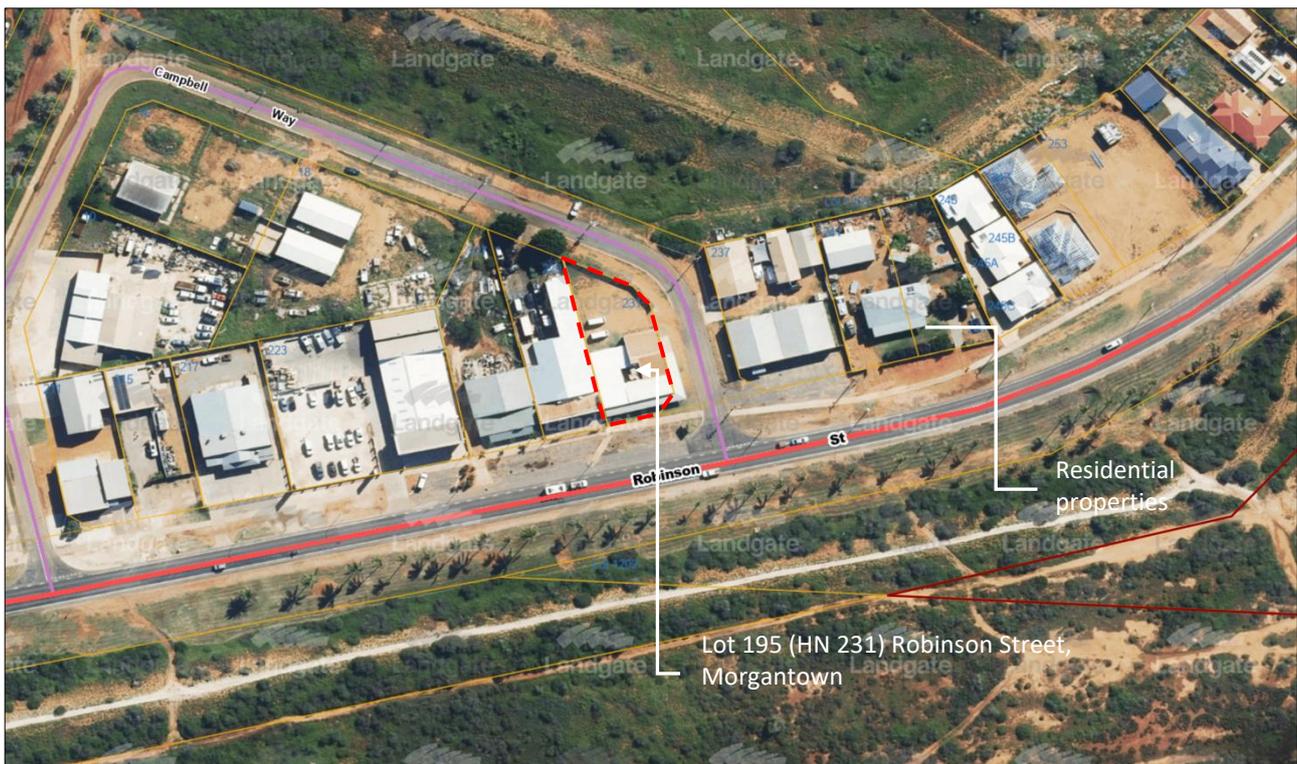


Fig. 1 Satellite photo of Lot 195 (231) Robinson Street, Morgantown



Figure 2. Street view of Lot 195 (HN 231) Robinson Street, Morgantown  
Concept plans for the proposed centre provided by the applicant indicate that animals kept overnight on the premises would be accommodated within indoor facilities. The site does have an outdoor area on its northern boundary however it is anticipated that this would be utilised for parking and storage.

### Proponent's Development Intentions

The proponent purchased the subject land in 2018 and subsequently contacted the Shire in 2019 regarding establishing a veterinary centre on the site. The land was zoned light Industry as per the current zoning however under the previous Town Planning Scheme 10 a veterinary centre and a veterinary clinic were designated as 'AA' uses meaning that the Local Government could, at its discretion, permit the use.

However, under Local Planning Scheme 13, which superseded TPS 10, a veterinary centre is an 'Prohibited' use within Light Industrial zones.

At the time LPS 13 was being prepared there were concerns about businesses, which entailed the keeping of dogs, being located in close proximity to residential properties. Carnarvon has a significant number of residential properties located within or in close proximity to land zoned for industrial and commercial purposes. Close consideration was given to the Environmental Protection (Noise) regulations 1997 and potential implications for residential amenity.

### **Proposal:**

#### Scheme Amendment

Under Local Planning Scheme No.13 (LPS 13) the subject site is zoned Light Industry and a veterinary centre is an 'X' (Prohibited) use within this zone. See Figure 3. Under LPS 13 a veterinary centre is defined as:

*Premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.*

Under the previous planning Scheme TPS 10 a veterinary centre was an 'AA' use meaning that the Council could at its discretion approve such a use. It is understood that the change in classification to an 'X' use came about due to concerns that the keeping of animals, in particular dogs on the premises overnight, could result in conflicts with the Environmental Protection (Noise) Regulations 1997 and adversely impact the amenity of any residential property in the locality.

As such a conservative approach was taken whereby a proposal for this type of use would require additional scrutiny through the scheme amendment process before an application could be considered. In this case it is considered that the subject land is suitable for a veterinary centre on the basis that:

- The subject land is zoned for industrial purposes and is abutted by commercial properties.
- The site is relatively isolated from residential properties, the closest dwelling is 50 metres to the east.
- Plans submitted by the proponent indicate that animals kept overnight will be accommodated inside the centre.
- The proponent is a registered veterinary surgeon.

Once the scheme amendment is finalised it will be necessary for the proponent to lodge a development application. An acoustic engineer's report may be required at this time indicating any necessary noise mitigation measures required to protect residential amenity.

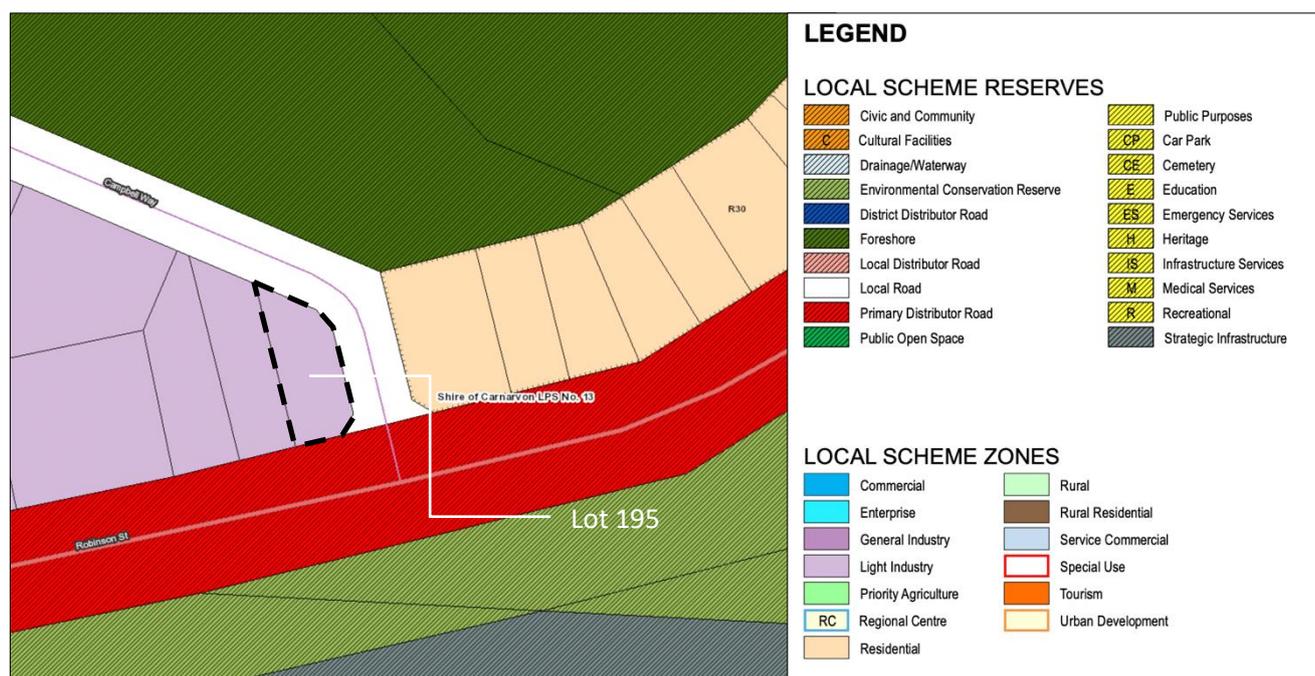


Figure 3. Existing LPS 13 Zones and Reserves

The amendment to the scheme map will entail adding the designation A7 to Lot 195 on the Scheme map.

**Stakeholder and Public Consultation:**

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

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

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

**Statutory Environment:**

Town Planning Scheme No. 13

The Shire of Carnarvon Town Planning Scheme No. 13 (LPS 13) provides the statutory framework for the planned future development of land within Carnarvon. Under LPS 13, Lot 195 is zoned Light Industry. Table 3. – Zoning Table identifies a veterinary centre as an 'X' use, meaning that the use is not permitted within the zone.

The zone objectives include:

*To provide for a range of industrial and service industries generally compatible with urban areas, that cannot be located within commercial zones.*

It is considered that the proposed use is compatible with the objectives of a light industrial zone. Furthermore, it is considered that Lot 195 is an appropriate location for an activity that has some potential to have an adverse impact on the amenity of a commercial area.

#### Planning and Development (Local Planning Schemes) Regulations 2015

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

Section 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 defines scheme amendments in the three (3) following ways: basic, standard or complex amendment. It is considered that the amendment falls within the 'Standard amendment' category.

Regarding an assessment of the amendment "definition" as outlined in the Section 34 of the Regulations, it is considered that the amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:

- (a) an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*

#### **Relevant Plans and Policies**

##### Shire of Carnarvon Local Planning Strategy:

The Local Planning Strategy sets out specific objectives for business and employment which relate to the growth and prosperity of a community. The Strategy recognizes that the performance of the local economy directly affects several key areas relating to the growth and prosperity of a community including:

- *Attracting and retaining new residents;*
- *Attracting new investment and sustaining existing businesses;*
- *Providing access to important services for the local community;*

Having veterinary services is consistent with the aim of the Strategy to have a diverse and dynamic local economy that meets the needs of the local population and provides for local investment and increased employment.

##### State Planning Policy No. 3 Urban Growth and Settlement

The aim of the Policy is:

*to facilitate sustainable patterns of urban growth and settlement by setting out the requirements of sustainable settlements and communities and the broad policy in accommodating growth and change.*

The Objectives of the Policy include:

- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*

- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

The proposed amendment will provide for the establishment of a service to meet the needs of the community in an area with a high level of domestic animal ownership. The service will support the distinctive character of the Carnarvon region and will assist the Shire which has a strong focus on measures to retain and attract residents.

The proposed amendment has been assessed against the requirements of the Local Planning Scheme No. 13 and the requirements of the Planning and Development Regulations 2015. It is concluded that the proposal is consistent with the objectives and provisions of relevant policy documents applicable to the site and, therefore, the proposed amendment should be supported.

#### Financial Implications:

N/A

#### Strategic Implications:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

#### Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	The landowner's ability to establish a veterinary centre on the site is constrained by current zoning in the Scheme.		The scheme amendment will address the zoning constraint to facilitate future development of the site.
Environment	N/A	N/A	N/A

Fraud	N/A	N/A	N/A
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**Comment:**

The proposal to amend Schedule 2, if gazetted, will enable the Shire to consider a future development application for a veterinary centre within the subject land. The Scheme was prepared in such a way as to control a type of land use that has the potential to have an adverse impact on the amenity of nearby residents. The proposed development is considered to be appropriate for the site on the basis that:

- The subject land is zoned for light industrial purposes and is abutted by commercial properties.
- The site is relatively isolated from residential properties, the closest dwelling is 50 metres to the east.
- Plans submitted by the proponent indicate that pets kept overnight will be accommodated inside the centre.
- The proponent is a registered veterinary surgeon.

For an amendment to a Local Planning Scheme, it is a requirement of the Western Australian Planning Commission (WAPC) that when Council is in support of the that amendment, that it resolves to adopt the amendment and specify whether in its opinion it is a basic, standard or complex amendment. In this case the amendment is considered to be a standard amendment.

OFFICER'S RECOMMENDATION

*That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to adopt the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by:*

1. *Amending Schedule 2 – Specified additional use for zoned land in Scheme area, by including item S7 in relation to Lot 195 (HN 231) Robinson Street, Morgantown with the additional use being veterinary centre and the conditions being:
 
  - I. *All development relating to the additional use shall be at the local government’s discretion.*
  - II. *All other provisions of the scheme, shall apply.**
2. *Amending the Scheme Map 24 to include the designation A7 on Lot 195 (HN 231) Robinson Street, Morgantown.*
3. *Accept the report ‘Scheme amendment No. 5 to the Local Planning Scheme No. 13’, as formal documentation for the purpose of the proposed Scheme amendment;*
3. *Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 5 is a standard scheme amendment on the basis that it is:
 
  - I. *(a) an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*
  - II. *(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
  - III. *(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
4. *Resolves to authorise the Shire President and the Chief Executive Officer to execute the relevant documentation for adoption to enable referral of the amendment, pursuant to Section 81 and 82 of the Planning and Development Act 2005, to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
5. *Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Geraldton Guardian, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and*
6. *Pursuant to Regulation 37 of the Planning and Development Regulations 2015, resolves to forward the proposal to the Western Australian Planning Commission.*

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Skender

*That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to adopt the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by:*

- 1. Amending Schedule 2 – Specified additional use for zoned land in Scheme area, by including item S7 in relation to Lot 195 (HN 231) Robinson Street, Morgantown with the additional use being veterinary centre and the conditions being:*
  - 1. All development relating to the additional use shall be at the local government's discretion.*
    - I. All other provisions of the scheme, shall apply.*
- 2. Amending the Scheme Map 24 to include the designation A7 on Lot 195 (HN 231) Robinson Street, Morgantown.*
- 3. Accept the report 'Scheme amendment No. 5 to the Local Planning Scheme No. 13', as formal documentation for the purpose of the proposed Scheme amendment;*
- 4. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 5 is a standard scheme amendment on the basis that it is:*
  - I. (a) an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*
  - II. (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
  - III. (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- 5. Resolves to authorise the Shire President and the Chief Executive Officer to execute the relevant documentation for adoption to enable referral of the amendment, pursuant to Section 81 and 82 of the Planning and Development Act 2005, to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
- 6. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Geraldton Guardian, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and*
- 7. Pursuant to Regulation 37 of the Planning and Development Regulations 2015, resolves to forward the proposal to the Western Australian Planning Commission.*

CARRIED BY ABSOLUTE MAJORITY

F8/AO

File No:	ADM2051
Date of Meeting:	22 November 2022
Location/Address:	Banksia Drive, Coral Bay
Name of Applicant:	Lisa Michelle Eveson / Mandu Holdings Pty Ltd
Name of Owner:	Shire of Carnarvon (Road Reserve)
Author/s:	S. Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	25 February 2020; 28 July 2020; 25 August 2020; 23 March 2021; 24 August 2021
Schedules:	Schedule 7.3.2 (a) – Mobile Trading Licence P29/22

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**Authority / Discretion:**

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

**Summary of Item:**

This item relates to an application from the current licensee to amend their mobile trading licence No. P29/22 to allow the trader's mobile post office trailer to remain set up on the site from Monday to Friday, for a period of four (4) months, with the trailer removed from the site at end of business on the Friday each week. The applicant is currently operating from this location.

The licence application is inconsistent with the requirements set out in the Public Places and Local Government Property Local Law 2021. Therefore, the officer's recommendation is that the amendment be refused.

**Background**

Multiple mobile trading licences for various periods of time have been approved for this mobile trader in the past. The applicant currently holds a valid mobile trading licence.

The applicant is seeking approval to amend the current licence to allow set up of the mobile post office on Monday morning and removal on Friday afternoon at the end of business. The applicant is proposing this change to be over the quieter period in Coral Bay, from now until end of March 2023, after which set up and removal requirements will revert to the original approval (i.e., daily removal at close of business.)



Figure 4 – Context map

**Consultation:**

No public consultation is required as the officer’s recommendation is for refusal. However, should Council wish to consider approving the application, the officer would recommend that Council defer this matter to allow for public consultation to occur prior to a formal decision.

**Statutory Environment:**

Planning and Development (Local Planning Schemes) Regulations 2015

Under Schedule 2, Part 7: Clause 61 of the Planning and Development Regulations, development approval is not required for “temporary works” which are in existence for less than 48 hours, or a longer period agreed by the local government in any 12-month period. This amendment as requested, is considered as temporary works and would not require planning approval.

Public Places and Local Government Property Local Law 2021

The local law provides guidance on the method and information required for applications, assessment considerations, grounds for refusing, licence renewals, licence conditions, the grounds for revoking licences as well as fee and licence transfer management.

Matters to be considered

In considering an application to amend a licence the Council should have regard to the following:

- Any relevant policy statements;  
No policy statements exist for Coral Bay. This application is considered based on the requirements of the Local Law, which allows amendments to be considered.
- The desirability of the proposed activity;

In the past, the Shire has received several anecdotal complaints from residents and visitors to Coral Bay about the lack of a postal service outlet in Coral Bay.

- The circumstances in the case;  
Approval has been granted for the applicant to operate from this location. To date, only one (1) formal complaint has been received in relation to the activity in its current location. It was alleged that the mail delivery truck prevented access to and from another property. In the same complaint it was also mentioned that the trader had setup earlier than permitted in the licence. Both matters have been dealt with.

A hard stand area was previously installed for the mobile trader to use to park the trailer. A search of Council records has not shown any specific issues with regards to traffic and parking associated with mobile trading from this location. The trading location is setback far enough from the roadway to not interfere with road users and there is ample area for customers to park on the road reserve away from road traffic. However, the current site is not suitable to accommodate a mobile trailer on a semi-permanent basis, given it is public land and nowhere else in Coral Bay is this allowed. Furthermore, the applicant, in its application, has not provided justification for this request other than it being an inconvenience to set up and pack up each day.

**Relevant Plans and Policy:**

Nil.

**Financial Implications:**

There are no identified financial implications.

**Risk Assessment:**

**STEP 3 – Risk Tolerance Chart Used to Determine Risk**

Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
		Likelihood				
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Setting a precedent	Moderate	Decision making that is in accordance with Council's Local Law.
Service disruption	N/A	N/A	N/A
Compliance	N/A		
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

### **Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### **Comment:**

The licence application is inconsistent with the Shire's Local Law being considered an unsuitable location to accommodate the mobile trailer on a semi-permanent basis.

At the May Ordinary Council meeting, Council resolved as follows:

#### ***FC 7/5/22 COUNCIL RESOLUTION***

***That no mobile trading licences be issued in Coral Bay until the Coral Bay Settlement Structure Plan has been reviewed by the State Government.***

Council's previous decision, as above, has also been considered by the officer.

If permitted, the licence would ultimately be modified to be materially different to the original licence, which would then arguably be contrary to the above resolution of Council.

The requested amendment to the existing licence is considered substantial and therefore would require public comment on the proposal. Further to the above, Council is advised that the existing licence was recently extended, under delegation, for a further 12 months to expire on 24 August 2023. A new licence was not issued in this instance.

It is recommended that the application be refused for the following reasons:

- The current location is not suitable to accommodate a mobile trailer on a semi-permanent basis, given it is public land and nowhere else in Coral Bay is this allowed.
- The amendment is considered substantial and would change the existing licence to be materially different to the current licence, which would be inconsistent with Council's FC 7/5/22.

#### **OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority, pursuant to Clause 10.4 of the Public Places and Local Government Property Local Law 2021 resolves to refuse the application to amend Mobile Traders Licence P29/22 for the following reasons:*

- 1 *The current location is not suitable to accommodate a mobile trailer on a semi-permanent basis, given it is public land and nowhere else in Coral Bay is this allowed.*
- 2 *The amendment is considered substantial and would change the existing licence to be materially different to the current licence, which would be inconsistent with Council's FC 7/5/22.*

#### **FC 13/11/22**

#### **COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

***Cr Vandeleur/Cr Maslen***

*That Council, by Simple Majority, pursuant to Clause 10.4 of the Public Places and Local Government Property Local Law 2021 resolves to refuse the application to amend Mobile Traders Licence P29/22 for the following reasons:*

- 1 *The current location is not suitable to accommodate a mobile trailer on a semi-permanent basis, given it is public land and nowhere else in Coral Bay is this allowed.*
- 2 *The amendment is considered substantial and would change the existing licence to be materially different to the current licence, which would be inconsistent with Council's FC 7/5/22.*

**CARRIED**  
**F8/AO**

**\*\* President Smith advised that Item 7.3.3 relating to the Blowholes will be discussed behind closed doors due to the confidentiality of the legal advice that will be discussed.\*\***

## 7.3.4 COMMUNITY GROWTH FUND ROUND 3 APPLICATIONS

File No:	ADM0080
Date of Meeting:	22 November 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	S. Leca, Community & Cultural Development Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	7.3.4 (a) Community Growth Fund Minutes including Recommendations 7.3.4 (b) Grant Assessment Matrix

### Authority / Discretion

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

### Summary of Item:

The item seeks the Council's formal consideration of the recommendations made by the Community Growth Fund Committee for Round 3, closing on 12 November 2022 of the Community Growth Fund.

### Background:

The Shire of Carnarvon's Community Growth Funds Committee met on Tuesday 15 November 2022 to assess the applications received in Round 3, closing on 12 November 2022. Minutes attached in **Schedule 7.3.4 (a) Community Growth Fund Minutes including Recommendations**.

Six applications were received in this round:

The Community Growth Fund Committee assessed each application against the criteria outlined in the Community Growth Fund policy on an assessment matrix attached in Schedule x (b). Applications were assessed and scored on a 1-3 scoring basis, 1 being insufficient information provided, 2 being moderate information provided, and 3 being sufficient information provided. Comments and justification of the recommendations can be found in the final column of the matrix document, **Schedule 7.3.4 (b) Grant Assessment Matrix**.

The recommendations of the Community Growth Funds Committee, as determined by the grant assessment matrix in **Schedule 7.3.4 (b) Grant Assessment Matrix**, are presented for Council consideration.

**Consultation:**

The Community Growth Fund Committee consists of Elected Members. Shire staff provide administrative support to the Committee by receiving applications, preparing reports for the Committee meeting, obtaining any further information required from applicants and preparing the reports with the Committee’s recommendations for endorsement by Council. Shire staff also provide advice and guidance to applicants to assist the applicants to complete their applications.

**Statutory Environment:**

*Local Government Act 1995* Section 3.18

**Relevant Plans and Policy:**

CD004 – Community Growth Fund Policy

**Financial Implications:**

There is a total of \$53,326.96 remaining in the budget for the Community Growth Fund for 2022/23. The Committee’s recommendation is that \$25,302.27 is provided in grants to applicants. Should Council support the Committee’s recommendation, a balance of \$28,024.99 will be available for Round 1, opening on 1 January 2022 for the Community Growth Fund rounds for 2022/2023.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Funding commitments cannot be met within budget.	Moderate	Ensure allocations are within budget provision.
Health & Safety	N/A		
Reputation	Decision-making on approvals and rejections is subject to community criticism.	Moderate	Provision of clear policy and guidelines and timely communication will assist in mitigating this risk.
Service disruption	N/A		
Compliance	Noncompliance with the Community Growth Fund policy.	High	Community Growth Funds Committee reviews all applications to ensure they meet the requirements set out in the Community Growth Fund policy.
Property	N/A		

<b>Environment</b>	N/A		
<b>Fraud</b>	Allocated grants may need to be used appropriately as indicated in the application.	High	Appropriate and substantial acquittal processes are in place that makes each organisation accountable for funds according to their funding application.

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

**Comment:**

Each application has been assessed by the Community Growth Fund Committee against the criteria outlined in the Community Growth Fund policy before being recommended to Council. They have been assessed and scored against the detailed objectives provided, being that activities target all of the community, provision of a detailed budget, demonstrate a significant benefit to the Carnarvon community and acknowledgement of the Shire of Carnarvon.

COMMITTEE RECOMMENDATION:

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to:*

- 1. Accept the meeting minutes of the Community Growth Fund Committee Meeting held on Tuesday, 15 November 2022.*
- 2. Approve the recommendations for funding made by the Community Growth Fund Committee as listed below and make the payments as per the recommendations:*
  - a. Carnarvon Heritage Precinct Inc. for \$1374.80 towards rates assistance.*
  - b. Carnarvon Horse and Pony Club Inc. for \$1000 towards rates assistance.*
  - c. Carnarvon Rifle Club Inc. for \$927.47 towards rates assistance.*
  - d. Gascoyne Memorial Foundation Inc. for \$10,000 towards rates assistance.*
  - e. Carnarvon Art and Craft Workshop Inc. For \$2000 towards rates assistance.*
- 3. Provide in-principle approval of a \$10,000 grant for Gascoyne Growers Markets Inc. towards Total Solar Eclipse Markets. The in-principle approval is provided on the basis that the Solar Eclipse is a rare event for the region and is subject to further details about the event being provided to Council.*

**FC 14/11/22**

COUNCIL RESOLUTION

*Cr Maslen/Cr Skender*

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to:*

- 1. Accept the meeting minutes of the Community Growth Fund Committee Meeting held on Tuesday, 15 November 2022.*
- 2. Approve the recommendations for funding made by the Community Growth Fund Committee as listed below and make the payments as per the recommendations:*
  - a. Carnarvon Heritage Precinct Inc. for \$1,374.80 towards rates assistance.*
  - b. Carnarvon Horse and Pony Club Inc. for \$1,000 towards rates assistance.*
  - c. Carnarvon Rifle Club Inc. for \$927.47 towards rates assistance.*
  - d. Gascoyne Memorial Foundation Inc. for \$10,000 towards rates assistance.*
  - e. Carnarvon Art and Craft Workshop Inc. For \$2,000 towards rates assistance.*
- 3. Provide in-principle approval of a \$10,000 grant for Gascoyne Growers Markets Inc. towards Total Solar Eclipse Markets. The in-principle approval is provided on the basis that the Solar Eclipse is a rare event for the region and is subject to further details about the event being provided to Council.*

**FC 15/11/22**

**AMENDMENT TO MOTION & COUNCIL RESOLUTION**

*Cr Fullarton/Cr Vandeleur*

*That the motion on the table be amended to exclude the Gascoyne Memorial Foundation \$10,000 towards rates assistance.*

**CARRIED**

**F6/A2**

*Crs' Skender and Ferreirinha voted against the motion*

The amendment to the motion was carried and Motion FC 14/11/22 was put with the amendment -

**FC 14/11/22**

**COUNCIL RESOLUTION WITH AMENDMENT**

*Cr Maslen/Cr Skender*

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to:*

- 1. Accept the meeting minutes of the Community Growth Fund Committee Meeting held on Tuesday, 15 November 2022.*
- 2. Approve the recommendations for funding made by the Community Growth Fund Committee as listed below and make the payments as per the recommendations:*
  - a. Carnarvon Heritage Precinct Inc. for \$1,374.80 towards rates assistance.*
  - b. Carnarvon Horse and Pony Club Inc. for \$1,000 towards rates assistance.*
  - c. Carnarvon Rifle Club Inc. for \$927.47 towards rates assistance.*
  - d. Carnarvon Art and Craft Workshop Inc. For \$2,000 towards rates assistance.*
- 3. Provide in-principle approval of a \$10,000 grant for Gascoyne Growers Markets Inc. towards Total Solar Eclipse Markets. The in-principle approval is provided on the basis that the Solar Eclipse is a rare event for the region and is subject to further details about the event being provided to Council.*

**CARRIED**

**F6/A2**

*Crs' Skender and Ferreirinha voted against the motion*

(Note – The majority of the Council were of the view that the Gascoyne Memorial Foundation is an accommodation facility with rental income and therefore felt that ratepayers subsidising rates was not appropriate.)

File No:	ADM0182
Date of Meeting:	22 November 2022
Location/Address:	Refer to schedule
Name of Applicant:	Refer to schedule
Name of Owner:	Refer to schedule
Author/s:	D. Wallace, Environmental Health Officer A. Selvey, Chief Executive Officer
Declaration of Interest:	None
Voting Requirements:	Simple Majority
Previous Reports:	28 June 2022, Item 7.3.2
Schedules:	Confidential Schedule 7.3.5 (a) – Specifics of the Matter

#### Authority / Discretion

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

#### Summary of Item:

This report recommends that the Council approve in principle the proposed refurbishment plan subject to a repair timeframe being provided by 30 June 2023. It also recommends that Council continue to not enforce the previous demolition order until 30 June 2023.

#### Background:

The property that is the subject of this report (address provided in Confidential Schedule 7.3.5) was declared unfit for habitation and at the 26 April Council meeting, Council resolved to issue a demolition order under s.137 of the Health Act. The order was placed on the property due to substantial damage.

As the request of the owner which included their intention to refurbish the house, Council on 28 June 2022, resolved to defer the enforcement of the demolition order subject to the house remaining boarded up and the property kept tidy and required a refurbishment plan by 29 November 2022.

A refurbishment plan has now been provided, however, the owner is not yet able to confirm when the refurbishment will be undertaken.

#### Stakeholder and Public Consultation:

Nil

**Statutory Environment:**

Sections 137 of the *Health (Miscellaneous Provisions) Act 1911*

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

Nil

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial			
Health & Safety	The house is boarded up but remains significantly damaged inside and as such could be a potential safety hazard to trespassers.	Low	Advancing the refurbishment and occupation of the house will mitigate the risk of further damage and safety.
Reputation	The reputation of the Shire and the town of Carnarvon is damaged by the presence of damaged and derelict houses.	High	Maintaining pressure on owners to refurbish or demolish houses that are dangerous or derelict.
Service disruption			
Compliance			
Property			
Environment	The built environment is compromised by the presence of derelict houses.	Low	Maintaining pressure on owners to refurbish or demolish houses that are dangerous or derelict.
Fraud			

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

**Comment:**

The matter relates to the personal affairs of individuals and so the identity of the property and owner and the specific circumstances of the matter including owner correspondence are provided in a confidential schedule.

There is no indication of structural damage in the house and, while it has sustained significant internal damage, there is no objection to the owners refurbishing it instead of demolishing.

Shire Officers will continue to monitor the condition of the property, to ensure compliance with the existing Council Resolution that the house remain boarded and secure.

OFFICER'S RECOMMENDATION

*That Council by Simple Majority resolves to:*

- 1. Defer enforcing demolition of the house at property #1288 as ordered under section 137 of the Health (Miscellaneous Provisions) Act 1911 until 30 June 2023 subject to the house remaining securely boarded up and the property kept in a tidy condition, and;*
- 2. Agree in principle to the refurbishment plan provided and require a timeframe commitment for the refurbishment by 30 June 2023.*

**FC 15/11/22**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Skender*

*That Council by Simple Majority resolves to:*

- 1. Defer enforcing demolition of the house at property #1288 as ordered under section 137 of the Health (Miscellaneous Provisions) Act 1911 until 30 June 2023 subject to the house remaining securely boarded up and the property kept in a tidy condition, and;*
- 2. Agree in principle to the refurbishment plan provided and require a timeframe commitment for the refurbishment by 30 June 2023.*

CARRIED

F6/A2

FORESHADOWED MOTION

*President Cr E Smith*

*That Council enforce the immediate demolition of the house at property A1288 as ordered under Section 137 of the Health (Miscellaneous Provisions) Act 1911.*

*(Note – as the Substantive Motion was Carried, the Foreshadowed Motion was not considered)*

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**7.4 INFRASTRUCTURE SERVICES**

2.10pm - The Shire President advised that the meeting will adjourn for a 5 minute rest break at the agreeance of Council.

2.16pm - The Shire President reopened the meeting at 2.16pm.

File No.	ADM0124
Date of Meeting:	24 November 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	D. Nielsen – Executive Manager Infrastructure Services R. Williamson – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Schedule 7.4.1(a) Policy as presented to August Ordinary Meeting Schedule 7.4.1(b) Stakeholder Feedback Summary Schedule 7.4.1(c) Proposed Stock Grids Policy

#### Authority / Discretion

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

#### Summary of Item:

This item presents a Stock Grids Policy to provide guidance on the installation and maintenance of stock grids located on roads under the care and control of the Shire of Carnarvon. The officer's recommendation is that the policy is adopted.

#### Background:

In August 2022, to implement part of the Shire of Carnarvon Governance Review completed in May 2021, Council resolved to adopt a new policy manual except for:

- a) Policy No. ID003 (Grid Policy) and
- b) Policy No. ID002 (Maintenance of Shire Roads, Station Access Roads and Station Airstrips)

Council noted both policies required further consultation with station owners.

The Policy as presented to Council in August 2022 is provided in **Schedule 7.4.1(a)** for reference only.

Further consultation has been completed with station owners for what is now referred to as the Stock Grids Policy. This report summarises results of that further consultation and presents a revised policy for adoption.

**Stakeholder and Public Consultation:**

Consultation with pastoral stations was undertaken through a series of email notifications and updates. A total of five pastoral stations responded to the draft Stock Grids Policy. **Schedule 7.4.1(b)** summarises feedback received and Shire officer responses to that feedback.

Amendments to the initial policy have now been completed because of the consultation process.

The stakeholder group are to be congratulated in taking such an active role in assisting the policy development.

**Statutory Environment:**

S.27 of the *Local Government Act 1995*

**Relevant Plans and Policy:**

There is currently no Council policy position on Stock Grids. Should Council adopt the officer recommendation, this policy will be added to the Shire of Carnarvon Policy Manual 2022 and provide officers with a Council policy position on this subject.

**Financial Implications:**

The Shire network currently contains an inventory of approximately 170 stock grids. If adopted, this policy will provide guidance on allocation of the Shire road maintenance budget toward the assessment, installation, maintenance and removal of stock grids on the Shire road network.

Stock grids are a significant value item on the Shire network. Total Asset Replacement Value is approximately \$9.35M based upon \$55,000/grid replacement cost)

While the policy is not proposing any change to the road maintenance budget in this financial year, future budget allocations may be informed by this policy.

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Insufficient resources to maintain and replace stock grids on Shire roads.	A3 - Extreme	The policy includes contributions from landholders for new and replacement stock grids.
Health & Safety	N/A		
Reputation	1. Stock grid installation, maintenance and priorities are currently not clear.  2.Stakeholders	A2 - High	1.Policy aims to provide clarity.  2. Stakeholder input has been sought and

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
	disagree with the policy framework.		incorporated to the greatest extent possible.
Service disruption	N/A		
Compliance	Policy not adopted/reviewed	A2 - High	Adoption of the recommended policy (or an alternative policy) ensures uniformity in decision making.
Property	N/A		
Environment	N/A		
Fraud	N/A		

### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### Comment:

The following are the key elements of the proposed policy:

- To minimise the number of stock grids on Shire maintained roads. This is for both safety hazard minimisation and asset replacement cost minimisation.
- Only stock grids supporting a genuine stock management need on Shire roads will be maintained.
- Stock grids not supporting a genuine stock management need will be removed unless there is a valid and imminent reason for their retention.
- Shared cost arrangements for the installation of new grids and replacement of existing grids are proposed.
- Boundary grid installation and replacement costs are shared equally three ways – 1/3 Shire, 1/3 Landowner, 1/3 second Landowner.
- Internal grid installation and replacement costs are shared equally two ways – ½ Shire, ½ Landowner.
- Gates are permitted in lieu of grids where requested by landowners on low traffic volume, terminating Shire roads e.g., Homestead Roads.
- Maintenance of grids will be at Shire cost only.
- Where a landowner objects to removal of a redundant grid, the final decision will be made by Council.

The proposed Stock Grid Policy as presented in Schedule 7.4.1(c) is recommended for adoption by Council.

### OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to section 2.7 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Stock Grid Policy as presented at Schedule 7.4.1(c).*

**FC 16/11/22**

### COUNCIL RESOLUTION

*Cr Maslen/Cr Fullarton*

*That Council, by Simple Majority, pursuant to section 2.7 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Stock Grid Policy as presented at Schedule 7.4.1(c) subject to the following amendments-*

#### 1. Stock Grid Replacements

*Where a stock grid meets the requirements of being a viable Stock Grid, ie. it has been, but is -*

- no longer fit for purpose; or
  - beyond reasonable economic repair; or
  - in a condition that may be a hazard
- it may be replaced or removed by the Shire.

And include -

Where a land owner requests retention of an existing stock grid the full cost of replacement is to be met by the Shire.

CARRIED  
F7/A1

FORESHADOWED MOTION

Cr Skender

That Council, by Simple Majority, pursuant to section 2.7 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Stock Grid Policy as presented at Schedule 7.4.1(c) subject to the following amendment-

1. Stock Grid Replacements

Where a stock grid meets the requirements of being a viable Stock Grid, ie. it has been, but is -

- no longer fit for purpose; or
  - beyond reasonable economic repair; or
  - in a condition that may be a hazard
- may be replaced or removed by the Shire.

(Note – as the Substantive Motion was Carried, the Foreshadowed Motion was not considered)

**7.4.2 PROPOSED AMENDMENT AIRSIDE PARKING FEES AND CHARGES**

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

File No. ADM0002  
 Date of Meeting: 22 November 2022  
 Location/Address: N/A  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Shire of Carnarvon  
 Author/s: C. Claassens – Project and Contract Manager  
 Declaration of Interest: Nil  
 Voting Requirements: Absolutely Majority  
 Previous Reports: Nil  
 Schedules: Nil

Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the

		obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

### Summary of Item:

This report seeks Council endorsement for removal of weekly overnight airside aircraft parking fees from the 2022/23 Fees and Charges.

### Background:

At adoption of the 2022/23 Fees and Charges during the Special Council Meeting on 30 September 2022, a fee and charge for airside aircraft parking was introduced. Refer to table below for fee details:

SHIRE OF CARNARVON FEES AND CHARGES 2022 UPDATED 30 SEPTEMBER 2022				
DESCRIPTION	2021/22 FEE (\$)	GST STATUS	2022/23 FEE (\$)	COMMENTS
<b>OVERNIGHT AIRSIDE AIRCRAFT PARKING FEES</b>				
MTOW 0 - < 5,700kg - Parking per day		GST	\$ 13.75	New fee proposed. To take effect 01 Jan 2023
MTOW 0 - <5,700kg - Parking per week		GST	\$ 57.75	New fee proposed. Weekly charge for airside parking. To take effect 01 Jan 2023
MTOW 0 - < 5,700kg - Parking per annum		GST	\$ 2,102.10	New fee proposed. Annual parking charge is to be approved by the Shire prior to parking. A pro-rata fee arrangement will NOT be accepted. To take effect 01 Jan 2023
MTOW >5,700kg - Parking per day		GST	\$ 27.50	New fee proposed. To take effect 01 Jan 2023
MTOW >5,700kg - Parking per week		GST	\$ 115.50	New fee proposed. Weekly charge for airside parking. To take effect 01 Jan 2023
MTOW >5,700kg - Parking per annum		GST	\$ 4,204.20	New fee proposed. Annual parking charge is to be approved by the Shire prior to parking. A pro-rata fee arrangement will NOT be accepted. To take effect 01 Jan 2023

Like landing fees, parking fees depend upon the Maximum Take Off Weight (MTOW). The higher the aircraft weight, the higher the parking fee.

At present a reduced fee for weekly and annual parking is included. The weekly charge for seven days is 40% lower than seven individual days of parking.

Officers have recently implemented a new aerodrome management system called AVCRM. The AVCRM system is a cloud-based device portable system which streamlines daily airport management focusing on compliance and risk. That system includes modules to automate invoicing of both landing and parking fees.

AVCRM and Shire staff are working on setup of the parking fee system, with invoicing to commence on 1 January 2023 as per the adopted fees and charges schedule.

Each parking fee type (described in the table above) requires a set of “rules” within the AVCRM system to

ensure appropriate invoicing.

It is unfortunately not possible to set up an appropriate rule for a weekly parking fee and AVCRM has not been able to develop a patch or work around to achieve that result.

**Stakeholder and Public Consultation:**

Chief Executive Officer, Director AVCRM

**Statutory Environment:**

Section 6.16 (3) of the *Local Government Act 1995*

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

It is considered unlikely that removal of the weekly airside aircraft parking fee will be a significant financial impact on the Shire or on the users of airport parking. Generally, aircraft are not parked for extended periods beyond a few days.

For local operators parking on a regular basis, a reduced annual rate is offered.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety			
Reputation	Removing a reduced parking fee might result in complaints from airport users.	D2. Low	Regular users will be advised of any changes to the fees and charges.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

**Comment:**

Nil

OFFICER'S RECOMMENDATION

*That Council, by Absolute Majority, pursuant to section 6.16 (3) of the Local Government Act 1995, resolves to remove Weekly Overnight Airside Aircraft parking fees from its 2022/23 Fees and charges.*

**FC 17/11/22**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Maslen*

*That Council, by Absolute Majority, pursuant to section 6.16 (3) of the Local Government Act 1995, resolves to remove Weekly Overnight Airside Aircraft parking fees from its 2022/23 Fees and charges.*

CARRIED BY ABSOLUTE MAJORITY

F8/A0

**7.4.3 EFFECTIVE DATE OF PASSENGER FEES FOR CARNARVON AIRPORT**

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

File No.	ADM0219
Date of Meeting:	22 November 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	C. Claassens – Project and Contract Manager D. Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	Confidential Item – 12.1 Ordinary Council Meeting October 2022
Schedules:	Nil

**Authority / Discretion**

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

**Summary of Item:**

This report formally presents to Council, advice from Regional Express Airlines (REX) that it is not prepared to

enter into a Partnership Agreement as determined by Council in October 2022. This report also seeks Council's approval of an effective date of application of adopted per passenger fees and charges for REX from 1 October 2022.

**Background:**

At its ordinary October 2022 meeting, Council resolved as follows:

**FC 16/10/22**

**COUNCIL RESOLUTION**

***Cr Vandeleur/Cr Maslen***

***That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to accept the proposal from Regional Express Holdings (REX) in relation to the establishment of a new three-year Partnership Agreement between Regional Express Holdings (REX) Ltd and the Shire of Carnarvon as follows:***

- a) As specified in Confidential Schedule 12.1(a); and***
- b) With addition of a clause giving effect to the REX undertaking that REX would be permitted to exercise termination of the agreement only if passenger numbers reduced by more than 20% over a full three month period adjusted for seasonality using the monthly seasonality and passenger number baseline of FY22.***
- c) With further addition of a clause giving effect that a 20% increase in PAX for 3 consecutive months will initiate renegotiation of the agreement.***

**CARRIED BY ABSOLUTE MAJORITY**  
**F8/AO**

(Note – Part (c) was added to the resolution as Council considered it would make the agreement more fair and equitable.)

REX was subsequently advised of Council's decision. REX advised it was not prepared to accept the Agreement as resolved due to the addition of Part c) of FC 16/10/22 above.

REX provided the following response:

*"The inbuilt growth incentive is central to the agreement and REX does not understand why the Shire would want to restrict passenger growth at 20pc given that with such an agreement Rex would be incentivised to grow passenger numbers as much as it can through increased flight frequency and affordable fares such as the Rex Community Fare."*

As no Agreement has been reached, this now results in application of a combined per passenger and landing fee of \$35(excl GST) per full fare passenger as per Councils adopted Fees and Charges for 2022/23.

This fee was amended by Council at its June 2022 ordinary meeting from \$30 (excl GST) to \$35 (excl GST) with the amended 2021/22 Fees and Charges applying from 4pm on 30 June 2022. It should be noted this fee had not been amended since July 2018.

REX was advised of the amended Fees and Charges after the June Council Meeting. REX advised it considered it unreasonable to increase the fee without appropriate notice. REX suggest airlines should be given notice of three (3) months for a fee increase in order to adjust ticket pricing accordingly. Passengers having already booked and paid for travel beyond the 30 June 2022 date would not have a ticket price reflecting the fee increase.

REX advised it would not accept the 30 June effective date and would commence payment of the \$35 (excl GST) fee effective 1 October 2022.

**Stakeholder and Public Consultation:**

Regional Express (REX)

**Statutory Environment:**

Local Government Act 1995 Section 6.16 Imposition of fees and charges and Section 3.18 Performing Executive functions.

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

The unsuccessful Partnership Agreement was to apply retrospectively from 1 July 2022. The agreement was based upon a fixed fee per year of \$760,000 being \$63,333 per month.

During the 2022/23FY Partnership Agreement negotiations, REX per passenger fee payments to the Shire for the period from July to end September were as follows:

Month	No. of PASSENGERS	FEE @\$30 (excl GST)
July	2,518	\$75,540
Aug	2,623	\$78,690
Sept	2,430	\$72,900
<b>TOTAL</b>	<b>7,571</b>	<b>\$227,130</b>

For that same period, if the Partnership Agreement applied would have resulted in payments to the Shire totaling \$190,000 (i.e. \$63,333 x 3 months). i.e. the Shire has received an increase of \$37,130 in fees on what it was prepared to accept if the Partnership Agreement was accepted.

The three (3) month extension of the effective date of the per passenger fee of \$35 would result in the following monthly and total fees:

Month	No. of PASSENGERS	Fees applicable @\$30 (excl GST)	Fees applicable @\$35 (excl GST)	DIFFERENCE
July	2,518	\$75,540	\$88,130	\$12,590
Aug	2,623	\$78,690	\$91,805	\$13,115
Sept	2,430	\$72,900	\$85,050	\$12,150
<b>TOTAL</b>	<b>7,571</b>	<b>\$227,130</b>	<b>\$265,020</b>	<b>\$37,855</b>

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Application of the \$35(ex GST) from 4pm on 30 June 2022 with minimal notice to REX may harm the reputation of the Shire and impact airlines considering to tender for the Carnarvon-Perth route.	A2. High	Accepting the recommendation. Extension of the date of application of the fee has nil impact upon any other current airport user than REX. In retrospect, application of the fee with minimal notice to a forward sold business was not well considered.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

#### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

#### Comment:

Both parties continued to negotiate the Partnership Agreement for the period from July to October. REX continued to pay the \$30(excl GST) per passenger fee during that period.

When compared to a scenario where a Partnership Agreement had been negotiated, the Shire is better off by a total of \$37,130. Application of the 30 June effective date for the \$35(excl GST) fee would result in additional airport revenue of \$37,855.

In future, to ensure Airlines receive a reasonable period of notice for fee increases it is proposed to include an effective date of at least a month from the date of any changes to fees and charges adoption.

On balance, application of the effective date for the \$35(excl GST) per passenger fee from 1 October 2022 is recommended.

#### OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government act 1995:*

- a) Notes advice from Regional Express Airlines that it does not accept the Partnership Agreement Terms as resolved by Council under resolution No FC 16/10/22; and*
- b) Approves an effective date of 1 October 2022 for the application of the \$35(excl GST) per passenger combined passenger and landing fee.*

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

Cr Vandeleur/Cr Maslen

That Council, by Absolute Majority, pursuant to section 3.18 of the Local Government Act 1995:

- a) Notes advice from Regional Express Airlines that it does not accept the Partnership Agreement Terms as resolved by Council under resolution FC 16/10/22; and
- b) Approves an effective date of 1 October 2022 for the application of the \$35(excl GST) per passenger combined passenger and landing fee.

**CARRIED BY ABSOLUTE MAJORITY**

**F8/AO**

**7.4.4****PROPOSED ROAD RESERVE DEDICATION – BANKSIA DRIVE CORAL BAY**

File No:	ADM1720
Date of Meeting:	22 November 2022
Location/Address:	Banksia Drive, Coral Bay
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	S. Louw – Senior Manager Development & Regulatory Services D. Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	N/A
Schedules:	Schedule 7.4.4 (a) – Plan showing Crown Land Schedule 7.4.4 (b) – Plan showing preferred boundary alignment Schedule 7.4.4 (c) – Plan from Coral Bay Access Study (2009) showing proposed alignment and Banksia Drive extension
Previous Reports:	Nil
Voting Requirements:	Simple Majority

**Authority / Discretion**

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

**Summary of Item:**

A formal Council resolution is sought for dedication of land as road reserve. This land is currently unused and is shown in **Schedule 7.4.4(a)**. The land to be dedicated is located on Crown Land being Lot 501 on P57358 and Lot 64 on P30121.

**Background:**

At its Ordinary Meeting of Council on 25 August 2020, Council resolved as follows:

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

*That the CEO be directed to contact the Department of Planning Lands and Heritage (DPLH) to initiate the transfer into the existing Banksia Drive reserve portions of lot 501 on Plan 57358 and lot 64 on Plan 30121 (61 Banksia Drive) as designated in the attached sketch plan in order to ensure a suitable road reserve width that will enable a cost-effective future westward extension of the Banksia Drive carriageway.*

CARRIED

F8/AO

A road dedication request was lodged with DPLH based upon the above council resolution. DPLH requested the following further information:

- a) A copy of Council resolution to request the dedication of the road.
- b) Copies of any submissions relating to the request that the local government authority has received and the local government's comments on those submissions. This may include comments from public utility providers and other government departments.
- c) Indemnity in favour of the Minister for Lands against any claims for compensation (other than a claim for compensation in respect of land referred to in s56(6) of the LAA) in an amount equal to the amount of all costs and expenses reasonably incurred by DPLH on behalf of the Minister for Lands in considering and granting the request.
- d) Plan of survey, sketch plan or document to describe the dimension of the road.
- e) Written confirmation that the local government authority has complied with section 56(2) of the LAA.

Items a), c), d) and e) above are covered off by the Council resolution.

Written advice from DPLH has advised in relation to Item b as follows:

*"I confirm that pursuant to section 56 of the Land Administration Act 1997 (LAA) and Regulation 8 of the Land Administration Regulations 1998 (LA Regulations) there is no requirement for the Shire to advertise its intent to submit a request to the Minister for Lands to consider the Shire's proposal to widen that part of Banksia Drive, Coral Bay, adjacent to unallocated Crown Land (UCL) Lot 68 and Lot 301."*

This proposal reflects the preferred boundary alignment of Banksia Drive adjacent to the southern boundary of lot 13 in an area where Banksia Drive transitions from a sealed to an unsealed road. **See Schedule 7.4.4(b).**

This boundary alignment allows future westward extension of the Banksia Drive carriageway minimising costly construction of a retaining wall within the future verge area on the north side of the carriageway extension.

This is denoted in the Coral Bay Access Study (2009). This study was adopted by Council in May 2011. (A copy of the Banksia Drive proposed alignment and extension from this study is shown in **Schedule 7.4.4(c)**).

If the minister approves the submission, a Licensed Surveyor is required to perform a formal field survey of that portion of Banksia Drive to lodge a Deposited Plan to Landgate.

**Consultation:**

Consultation has been carried out with the Department of Lands.

**Statutory Environment:**

Section 56 of the Land Administration Act 1997 applies.

**Relevant Plans and Policy:**

N/A

### Financial Implications:

The total cost of the application, preparation, and lodgement of the deposited plan will be borne by the Shire. This is estimated at \$6,000.

### Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Possible compensation payable if/when road is constructed.	C2 Moderate	Undertake consultation with the Prescribed Body Corporate as recommended.
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Existing road reserve restricts width for future carriageway construction.	B3 - Major	Adopt resolution to apply for increased road reserve width.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### Comment:

The small areas of land on the two properties proposed to become incorporated into the Banksia Drive road reserve is identified in the Gnulli determination as land where nonexclusive native title may exist. The existing road reserve is identified in that determination as land where native title does not exist.

Section 24KA of the Native Title Act 1993 is associated with certain public infrastructure being permitted as a future act without the need for extinguishment of Native Title rights and interests. Construction of a road is specifically identified in the Act as such infrastructure.

DPLH require inclusion therefore of a specific clause to indemnify the State from any compensation payable associated with such a future act. That clause is included in the recommendation. Authorisation for the CEO to consult with the prescribed body corporate is also included.

### OFFICER'S RECOMMENDATION

That Council, by Simple Majority;

1. In accordance with 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 widening of the existing Banksia Drive road reserve passing through crown land (lot 501 on Plan 57358 and lot 64 on Plan 30121) in Coral Bay.
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 widening of Banksia Drive, Coral Bay as indicated on the prepared plan described in 1.
3. Confirms compliance with the requirements pursuant to Section 56(2) of the Land Administration Act 1997.
4. 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.
5. Pursuant to Section 24KA of the Native Title Act 1993, the Shire of Carnarvon agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the proposed dedication of Banksia Drive, Coral Bay.
6. Pursuant to Section 3.18 of the Local Government Act 1995 and subject to the Minister for Lands approving the dedication of the widening of Banksia Drive, Coral Bay, authorises the CEO to arrange for a Deposited Plan to be prepared and lodged with Landgate in accordance with the necessary requirements and finalise any matters associated with the registration of that plan.
7. Pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to undertake consultation with the Nganhurra Thanardi Garrbu Aboriginal Corporation, the prescribed body corporate for the Baiyungu people.

**FC 19/11/22**

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

**Cr Fullarton/Cr Vandeleur**

That Council, by Simple Majority;

1. In accordance with 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 widening of the existing Banksia Drive road reserve passing through crown land (lot 501 on Plan 57358 and lot 64 on Plan 30121) in Coral Bay.
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 widening of Banksia Drive, Coral Bay as indicated on the prepared plan described in 1.
3. Confirms compliance with the requirements pursuant to Section 56(2) of the Land Administration Act 1997.
4. 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.
5. Pursuant to Section 24KA of the Native Title Act 1993, the Shire of Carnarvon agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the

- proposed dedication of Banksia Drive, Coral Bay.*
6. *Pursuant to Section 3.18 of the Local Government Act 1995 and subject to the Minister for Lands approving the dedication of the widening of Banksia Drive, Coral Bay, authorises the CEO to arrange for a Deposited Plan to be prepared and lodged with Landgate in accordance with the necessary requirements and finalise any matters associated with the registration of that plan.*
  7. *Pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to undertake consultation with the Nganhurra Thanardi Garrbu Aboriginal Corporation, the prescribed body corporate for the Baiyungu people.*

CARRIED  
F8/AO

#### 7.4.5 DONATION REQUEST OF LIMESTONE BLOCKS – CARNARVON YACHT CLUB

File No: ADM0134  
 Date of Meeting: 22 November 2022  
 Location/Address: Carnarvon Yacht Club - 2 West Street, South Carnarvon  
 Name of Applicant: Rob Meyer, Commodore – Carnarvon Yacht Club  
 Name of Owner: Carnarvon Yacht Club Inc.  
 Author/s: D. Nielsen – Executive Manager Infrastructure Services  
 G. Quinn – Infrastructure Services Officer  
 Declaration of Interest: Co-author D. Nielsen is a member of the Carnarvon Yacht Club  
 A. Selvey, CEO is a member of the Carnarvon Yacht Club  
 Voting Requirements: Simple Majority  
 Previous Reports: Nil  
 Schedules: Schedule 7.4.5 (a) – Carnarvon Yacht Club Donation Request  
 Schedule 7.4.5 (b) – Yacht Club Proposed Revitalisation Drawings

#### Authority / Discretion

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

#### Summary of Item:

This report seeks Council’s consideration of a request from the Carnarvon Yacht Club (CYC) for donation of limestone blocks. The Officer Recommendation supports the requested donation.

#### Background:

A request has been received from the CYC for the Shire to donate 210 limestone blocks toward their proposed foreshore revitalisation project. The blocks measure 500mm x 350mm x 240mm. A copy of the request is provided at **Schedule 7.4.5 (a)**.

The revitalisation project proposed by the CYC includes:

- Removal of the current dilapidated green shed
- Construction of a retaining wall
- Installation of a stage, rotunda and viewing platforms
- Restoration of a concrete boat ramp
- Landscaping and amenity plantings

Project concept and technical drawings are provided in **Schedule 7.4.5 (b)**.

The limestone blocks requested by the CYC are surplus from the Fascine wall project and have been stored at the Shire Depot since completion of that project. A total of approximately 1000 blocks are currently stored at the depot.

**Stakeholder and Public Consultation:**

Not applicable

**Statutory Environment:**

Local Government Act 1995 Section 3.18 - Performing Executive Functions

**Relevant Plans and Policy:**

Delegations from Council to CEO - Delegation 1.2.21 does not grant the CEO ability to approve a donation over \$1000. All donation applications greater than \$1000 must be considered by Council.

**Financial Implications:**

In current dollars, the blocks cost approximately \$25 each delivered to Carnarvon. Total value of the 210 blocks requested by the Yacht Club is therefore approximately \$5,250.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Potential that Shire may require these blocks in the future and will have to purchase at market cost.	A2 - High	Blocks have remained unused for many years to date. Donated quantity will leave approx. 800 blocks still available for any future utilisation by the Shire.
Health & Safety	N/A		
Reputation	Donation of blocks to the CYC may be viewed as favouring a specific community club.	C2 - Moderate	The CYC project will enhance the foreshore adjacent to Shire managed public areas at no cost to the Shire other than the supply of the surplus limestone blocks.
Service disruption	N/A		

Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community’s interest.

**Comment:**

The CYC hosts regular events in Carnarvon including the Australia Day Breakfast / Citizenship Ceremony, weddings, and other community activities and events. These events are in addition to club normal sailing activities.

The proposed improvements are likely to enhance the appearance of the CYC to visitors and the wider community when they are supporting events held at the Club. This is considered likely to reflect well on the town and the precinct encouraging visitation and club participation.

There is also no foreseeable requirement by the Shire for the quantity of blocks requested. The officer recommendation is that Council supports the donation request to make use of otherwise idle materials. The CYC will be responsible for the collection of the blocks and the blocks ae provided on an “as is where is” basis.

OFFICER’S RECOMMENDATION

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 resolves to donate 210 limestone blocks measuring 500mm x 350mm x 240mm and currently stored at the Shire Depot to the Carnarvon Yacht Club for their revitalisation project on an as is where is basis.*

**FC 20/11/22**

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

*Cr Maslen/Cr Fullarton*

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 resolves to donate 210 limestone blocks measuring 500mm x 350mm x 240mm and currently stored at the Shire Depot to the Carnarvon Yacht Club for their revitalisation project on an as is where is basis.*

CARRIED  
F8/A0

**8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

## 10.0 QUESTIONS FROM MEMERS WITHOUT NOTICE

Cr Fullarton expressed his, and also on behalf of the Carnarvon RSL Club, gratitude for the staff and contractors who worked quickly and efficiently to have the new flag poles erected at the Cenotaph in time for Remembrance Day. Cr Fullarton also asked the final cost for the purchase and installation of the flag poles and the donations received to date for the new flag poles.

CEO Mrs Selvey responded and advised as follows –

\$6,519.25 – Purchase, removal of old flag poles and installation of new flag poles.

\$4,100.00 – Public donations to date

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

The Shire President requested that Council consider a notice of motion that he would like to propose in relation to the clean-up of illegally dumped waste.

**FC 21/11/22**

### COUNCIL RESOLUTION

*Cr Fullarton/Cr Vandeleur*

*That Council consider the proposed motion from the Shire President in relation to the clean up of illegally dumped waste.*

CARRIED

F8/A0

**FC 22/11/22**

### COUNCIL RESOLUTION

*Cr Smith/Cr Vandeleur*

*That Council by Absolute Majority pursuant to section 6.16 (3) of the Local Government Act 1995, endorse using up to \$21,000 from surplus in the current fees and charges variation report (Tip Fees and Refuse Collection) to commence the clean-up of the illegally dumped waste on the South Common, east of the Oyster Creek Road and Cornish Street.*

**FC 23/11/22**

### AMENDMENT TO MOTION

*Cr Fullarton*

*That Council commence the clean-up of the illegally dumped waste on the South Common, east of the Oyster Creek Road and Cornish Street.*

MOTION LAPSED FOR WANT OF A SECONDER

With the amendment to the motion being lost, the substantive motion FC 22/11/22 was put.

CARRIED

F8/A0

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

FC 24/11/22

### COUNCIL RESOLUTION

*Cr Vandeleur/Cr Maslen*

*That the meeting be closed to members of the public in accordance with Section 5.23 (2) (d) as Item 7.3.3 relates to a matter which contains confidential legal advice to be discussed at the meeting.*

CARRIED

F8/AO

3.01pm – The public gallery left the meeting.

### 7.3.3 BLOWHOLES SHACK MEDIATION OFFER

File No	ADM1999
Date of Meeting:	22 November 2022
Location/Address:	R37457 MacLeod WA 6701
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of WA vested to the Shire of Carnarvon
Author/s:	S. Louw, Manager Regulatory Services A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	26 April 2022, 14 December 2021 FC 6/12/21 24 September 2019 FC 11/9/19, 26 November 2019 FC 18/11/19
Schedules:	Schedule 7.3.3 (a) – Draft mediation proposal CONFIDENTIAL

#### Authority / Discretion

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

#### Summary of Item:

This report relates to the State Administrative Tribunal (SAT) matter associated with the Blowholes shack removal. Building orders were served on the shack owners to demolish the shacks and remove the materials from the site. After the issuing of the building orders an appeal was submitted to SAT by some of the shack owners disputing the validity of the orders. A SAT direction hearing was held earlier this year that required the matter to be mediated. The first mediation meeting was held on 2 November 2022 and as a result of this meeting a draft mediation proposal (refer Schedule 7.3.4) was prepared and is now put to Council for consideration.

**Background:**

The Shire of Carnarvon manages the Blowholes Reserves, four Crown Reserves which are under Management Order to the Shire. Under the Management Orders, the Shire is responsible for the day-to-day management of the Reserves. Previous reports to Council on 14 December 2021 and 26 April 2022 provided a detailed summary of the background to this long-standing matter.

Following the issuing of the building orders earlier this year, some of the shack owners have lodged an appeal with SAT disputing the validity of the orders. As part of the SAT process, SAT has determined that the matter should be mediated before proceeding to a final hearing. The first mediation was held on 2 November 2022. Following the mediation, the Shire officers and the BPA have agreed to negotiate in good faith as to an alternate location for future land tenure. A copy of the proposed framework for that is attached to this report and for Council to consider.

If the parties can reach a mediated outcome without the need for the matters to be determined at a final hearing, the Shire will avoid the substantial resourcing and legal costs which will be occasioned by a final hearing.

**Consultation:**

Consultation with the Blowholes Protection Association (BPA) will occur Council’s decision on this matter.

**Statutory Environment:**

Local Government Act 1995 – Section 3.18 Performing Executive Functions.

**Relevant Plans and Policy:**

Blowholes Reserves Management Plan 2014 – 2036.

**Financial Implications:**

Cost associated with the SAT process, which could be around \$25,000 to \$50,000.

**Risk Assessment:**

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

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x likelihood)</b>	<b>Mitigating Action/s</b>
<b>Financial</b>	1. The BPA/shack owners does not accept the mediation offer.  2. Not taking action to remove this liability also presents a significant financial risk	High	1. Ensure that the process for dealing with this matter strictly follows all legislation.  2. The Shire’s insurer has advised that the Shire may not be entitled to indemnity under the Policy for claims arising from a personal injury (or other liability

	to the Shire should an accident result from collapse of a shack or from loose materials.		claims) in circumstances where the Shire: <ul style="list-style-type: none"> <li>• Is responsible to control and maintain the land upon which the shacks are built.</li> <li>• Is aware that the shacks are in a state of disrepair (and potentially structurally unsound) and not in a safe and sound condition.</li> <li>• Resolves not to take any steps to demolish the unsafe shacks.</li> <li>• Has therefore, potentially, not taken all reasonable precautions to prevent personal injury.</li> </ul> 3. Should the BPA/shack owners not accept the mediation proposal the matter will be determined at a full SAT hearing.
<b>Health &amp; Safety</b>	N/A	N/A	N/A
<b>Reputation</b>	N/A	N/A	N/A
<b>Service disruption</b>	N/A	N/A	N/A
<b>Compliance</b>	N/A	N/A	N/A
<b>Property</b>	N/A	N/A	N/A
<b>Environment</b>	N/A	N/A	N/A
<b>Fraud</b>	N/A	N/A	N/A

### Community & Strategic Objectives:

This item contributes to overall achievement of multiple the Objectives in the Community Strategic Plan 2022-2032 through the building of trust by effective and competent Shire operations in the community's interest.

### Comment:

The attached draft mediation proposal is similar to the existing requirements of the Blowholes Management Plan, except that this proposal requires the Shire to give an undertaking that, pending the removal of the Shacks by within the specified timeframe, the necessary studies on two or three potential sites in order of priority, will be initiated by the Shire within six months. This would progress the final outcome, which is a revised Blowholes Management Plan with sites allocated for the existing shack owners.

The purpose of the proposal is to formalise and secure the process for allocating shacks to existing shack owners in such a way as to provide shack owners with sufficient certainty that they will agree to demolish and remove the existing shacks without the need for a decision from SAT.

Should the BPA/shack owners not agree with the draft proposal, then the matter will proceed to a full SAT hearing for a determination.

Given the close similarity to the current requirements of the Blowholes Management Plan and the fact that the officers have negotiated in good faith on a reasonable compromise it is recommended that Council

supports the attached draft mediation proposal. The deadlines and milestones within the proposal can be further negotiated, provided that the proposal still provides objectively clear mechanisms for ensuring that existing shack owners receive an allocated shack at an agreed location in the future.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to negotiate a mediated outcome as outlined in Schedule 7.3.3 (a).*

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**FC 25/11/22**

COUNCIL RESOLUTION

*Cr Vandeleur/Cr Maslen*

*That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to negotiate a mediated outcome as outlined in Schedule 7.3.3 (a).*

CARRIED

F2/A6

*Crs' Fullarton and Skender voted for the motion*

Note – The majority of Council were of the opinion that mediation would not bring this matter to an acceptable outcome for both parties and the best approach would be to have this matter follow due process as determined by SAT.

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**FC 26/11/22**

COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That the meeting be reopened to the public at 3.18pm.*

CARRIED

F8/A0

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**13.0 DATE OF NEXT MEETING**

The next meeting will be held on Tuesday 13 December 2022 commencing at 1.00pm

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**14.0 CLOSURE:**

The Presiding Member declared the meeting closed at 3.19pm.