



SHIRE OF CARNARVON
MINUTES
ORDINARY COUNCIL MEETING
TUESDAY 23 APRIL 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

Shire Council Chambers
Stuart Street Carnarvon, West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
Website – www.carnarvon.wa.gov.au

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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The meeting was declared open by the Presiding Member at 1:01pm

The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

Mr Eddie Smith Presiding Member/Shire President
 Cr Burke Maslen Councillor, Gascoyne/Minilya Ward
 Cr Adam Cottrell Councillor, Coral Bay Ward
 Cr Marco Ferreira Councillor, Plantation Ward
 Cr Luke Vandeleur Councillor, Town Ward
 Cr Paul Kelly Councillor, Town Ward
 Cr Dudley Maslen Councillor, Town Ward

Mr David Nielsen Executive Manager, Infrastructure Services
 Mr Alan Thornton Deputy Chief Executive Officer
 Mrs Andrea Selvey Chief Executive Officer
 Mr Stefan Louw Manager, Regulatory Services
 Mrs Rebekah Skender Senior Finance Officer Corporate

Apologies

Nil

Leave of Absence

Cr Luke Skender Councillor, Town Ward

Press..... 1

Observers 2

2 DECLARATIONS OF INTEREST

(Elected Members and Officers 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 Cottrell (Impartrtiality Interest) - 7.3.1 - Development Application for a change of use on Lot 9500 Robinson Street, Coral Bay

3 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 1:03pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

The following questions have been submitted by Dr Fullarton of Carnarvon –

Question 1 - Given the receipt of a comprehensive report into the construction of a much needed, and long overdue new airport in Carnarvon, shall the Council be continuing to seek taxpayer funding for the same?

Answer – The Shire President responded and advised yes. The CEO added that the second part of the officer’s recommendation is to work with the Gascoyne Development Commission to continue to advocate for investment in this project.

Question 2 - Further ,the objections raised by the Department of Transport to the requirement of a new airport generally, and re-location to the North Common specifically, are noted. Is Council aware if this is the view of the Department specifically of that of the State government generally?

Answer – The Chief Executive Officer advised that the Shire has received a formal email from the Department of Transport in May 2023 outlining their position. This position is outlined in the report. The Department of Transport position is recognised as the State Government representatives on matters relating to transport. We cannot confirm if the Department of Transport position is the broader State Government position on this matter.

Public Question Time was closed at 1:09pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 26 March 2024

COUNCIL RESOLUTION OCM 01/04/24

Moved: Cr Marco Ferreira

Seconded: Cr Burke Maslen

That the minutes of Ordinary Council Meeting held on 26 March 2024 be confirmed as a true record of proceedings.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

RECEIVING OF MINUTES

4.2 Minutes of the Regional Road Group Meeting

COUNCIL RESOLUTION OCM 02/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That the minutes of the Regional Road Group Meeting held on 12 March 2024 be received.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF MARCH AND APRIL 2024

File No:	ADM0043
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Dannielle Hill, Senior Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input checked="" type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | Quasi-judicial | 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 |

Summary of Item

This item reports on actions performed under delegated authority in March and April 2024.

Background

In accordance with the conditions of delegation and 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; and
- Affixing of Common Seal.

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

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	Non-compliance with statutory requirements would result in reputational damage to the Shire	Low - 1	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low - 1	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The following table detailing the actions performed within the organisation under delegated authority in February and March 2024 are submitted to Council for information.

COMMON SEAL

DATE	DETAILS
28.03.24	BP Australia – Extension of Lease – Lot 547 James Street, Carnarvon Airport

LAND USE AND PLANNING

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
A2087	P09/24	231 ROBINSON ST MORGANTOWN WA 6701	ROADSIDE SIGNAGE TO ADVERTISE BUSINESS	EMMA BARRETT - CORAL COAST VET HOSPITAL	10/04/2024
A2278	P15/24	2328 MINILYA - EXMOUTH RD LYNDON WA 6701	PROPOSED TELECOMMUNICATIONS FACILITY AT LYNDON RIVER WEST REST AREA - MINILYA EXMOUTH ROAD	DOWNER EDI ENGINEERING PTY LIMITED	22/03/2024

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/068	SHIRE OF CARNARVON	LOT 648 (368) ROBINSON ST, CARNARVON	STORAGE SHED
B24/005	ST JOHN AMBULANCE ASSOCIATION IN WA INC & SHIRE OF CARNARVON	LOT 928 (358) ROBINSON ST, CARNARVON 6701	INSTALLATION OF 27 PANELS FACING NORTH
B24/012	CORAL BAY AMALGAMATED HOLDINGS PTY LTD	67 ROBINSON ST, CORAL BAY WA 6701	6Mx3M SHED
B24/019	SHIRE OF CARNARVON	3 FRANCIS STREET, CARNARVON 6701	REPLACING EXISTING ASBESTOS ROOF SHEET AND FASCIA WITH COLORBOND ULTRA SHEETING ON

			ADMINISTRATION BUILDING
B24/020	DEPARTMENT OF TRANSPORT	AJ HARBOUR RD, SOUTH CARNARVON WA 6701	MARINE STORAGE SHED

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for March and April 2024.

COUNCIL RESOLUTION OCM 03/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for March and April 2024.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.2 REQUEST TO TERMINATE LEASE & WRITE-OFF RATES AND INTEREST CHARGES - CARNARVON TENNIS CLUB

File No: ADM0258
 Location/Address: Lot 1196 Reserve 34143, Dempster Road, Carnarvon
 Name of Applicant: Carnarvon Tennis Club
 Name of Owner: Shire of Carnarvon
 Author(s): Caroline Ballard, Governance & Information Coordinator
 Dallas Wood-Harris, Rates Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: 1. Tennis Club Request Letter
 2. Rates Financial Table

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This item formally presents a written request dated 8 April 2024 from the Carnarvon Tennis Club to terminate their lease of Lot 1196, portion of Reserve 34143, Carnarvon, waive the six month notice period required (according to Section 16.1 of the lease agreement) and to consider a write-off of the rates and interest owed by the Tennis Club to the value of \$4,290.69 for the 2023/2024 financial year **Schedule 1**. The authors recommend that these requests are approved.

Background

An initial lease for the portion of land mentioned above was granted on 1 June 2008 for period of 21 years, the lease was due to expire on 31 May 2029. The Tennis Club has advised that under the current lease conditions, with falling membership numbers and increased outgoings they are unable to maintain financial viability. The lease includes the ability for either the lessee or the lessor to terminate the lease with six months’ notice. The Tennis Club is seeking Council’s approval to waive the six months’ notice period and terminate the lease immediately.

The Tennis Club received a 90% concession of \$3,051.86 on their 2020/2021 rates and a 50% concession of \$1,800.00 on rates for the 2021/2022 financial year. Council’s policy position on rates concessions was amended in 2022/2023 and community groups were no longer eligible for automatic concessions, instead

such groups were invited to apply to the Community Growth Fund for financial assistance for operational expenses, including rates.

The Tennis Club applied for a Community Growth Fund grant in September 2023 and received a \$2,000.00 grant (\$1000 towards the Gascoyne Games and \$1000 for rates assistance for the 2022/2023 financial year. The 2022/2023 rates are paid in full).

The Tennis Club currently has an outstanding balance of unpaid rates, accrued interest and ESL of \$4,448.78 for the 2023/2024 financial year **Schedule 2**.

Stakeholder and Public Consultation

Carnarvon Tennis Club

Statutory Environment

- Local Government Act 1995, S. 6.12 Power to defer, grant discounts, waive or write-off debts

Relevant Plans and Policy

Policy CF0018 Lease and Licensing Classification; Tier One

Financial Implications

The annual fee charged for the lease is \$1 per annum, therefore there is no revenue loss from the lease termination. However, all operational costs for the maintenance of the building and grounds will become the responsibility of the Shire at an estimated cost of \$5,000 per annum.

It is proposed that some revenue may be able to be recouped by hiring the facility. The proposed fees for hire will be included in the draft 2023/2024 Schedule of Fees and Charges for Council consideration in May 2024.

Should Council approve the Tennis Club’s request to write off rates, the cost could be accommodated from the budgeted Rates Write Off account which has a current balance of \$5,000.00.

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	Mitigating Action/s
Financial	Loss of revenue	D2 - Low	Amount is not material in the context of the overall budget
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	Risk of disruption to community services due to lease termination	E2 - Low	Transition to new hire terms
Compliance	N/A	N/A	N/A

Property	Risk that a vacant property will become deteriorated and vandalised	C2 - Moderate	Activation of new fees and charges and ability for casual hire
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officers’ recommendation is that Council approves the request to terminate the lease, waive the six months’ notice period (required according to Section 16.1 of the lease agreement) and agree to write off the 2023/2024 rates and accrued interest. Changing the tenure to a hire/fees system (as with other sporting grounds within the Shire of Carnarvon) would provide support to the Club to continue their activities, writing off outstanding rates will take away the financial burden to the Tennis Club and open up the venue to new participants to engage in this sport.

OFFICER'S RECOMMENDATION

That Council;

1. by simple majority resolves to accept the request from Carnarvon Tennis Club to waive the six months’ notice period required under Section 16.1 of the lease agreement to terminate the lease , subject to the area being fully remediated as per their lease conditions; and

2. by simple majority, pursuant to s6.12 (1)(C) of the Local Government Act 1995 resolves to write off \$4,290.69 of the outstanding rates and Interest owed by the Carnarvon Tennis Club Inc, Assessment No. A678, for the 2023/2024 financial year, noting that the ESL Levy of \$158.09 for the 2023/2024 financial year is not included in the write off and will have to be paid in full before the lease termination will take effect.

COUNCIL RESOLUTION OCM 04/04/24

Moved: Cr Burke Maslen
 Seconded: Cr Luke Vandeleur

That Council;

1. by simple majority resolves to accept the request from Carnarvon Tennis Club to waive the six months’ notice period required under Section 16.1 of the lease agreement to terminate the lease , subject to the area being fully remediated as per their lease conditions;

2. by simple majority, pursuant to s6.12 (1)(C) of the Local Government Act 1995 resolves to write off \$4,290.69 of the outstanding rates and Interest owed by the Carnarvon Tennis Club Inc, Assessment No. A678, for the 2023/2024 financial year, noting that the ESL Levy of \$158.09 for the 2023/2024 financial year is not included in the write off and will have to be paid in full before the lease termination will take effect; and

3. investigate options for rationalisation of this asset and repurposing of all, or a portion, of the land.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.3 REQUEST FOR RENEWAL OF LEASE SAMURAI KARATE CLUB

File No:	ADM1823
Location/Address:	Lot 350 Reserve 9532 (Former Don McLeod Judo Hall)
Name of Applicant:	Samurai Karate Club (representing the Australian Shukokai Karate Association)
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Governance & Information Coordinator
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This report details a request from Samurai Karate Club seeking to renew a lease over the Don McLeod Judo Hall located on Reserve 9532, Lot 350 Robinson Street, East Carnarvon. It is recommended that Council approve the renewal of the lease.

Background

The Shire has received a request from the Lessee to renew the lease over the Don McLeod Judo Hall located on Reserve 9532, Lot 350 Robinson Street, East Carnarvon for a further five-year term. The Lessee has held a lease over the building since 1 July 2019, the current lease is due to expire on 30 June 2024.

The lease tenure is for five (5) years with the option of one further term of five (5) years. The lease falls under tier two of the Shire’s Lease & Licensing Policy CF018, the lease fee is currently \$387.40 (inc. GST) p.a. (subject to annual CPI indexation increase), with the Lessee being responsible for all outgoings, utilities, and building maintenance.

Stakeholder and Public Consultation

N/A

Statutory Environment

*Local Government Act 1995 section 3.58 Disposal of Property
Part 6 of the Local Government (Functions and General) Regulations, 1996;*

30. Dispositions of property excluded from Act s. 3.58

Relevant Plans and Policy

Policy CF018 Lease and Licensing Classification; Tier Two

Financial Implications

The cost of preparing a renewal lease, utilities and all maintenance will be paid by the Lessee in accordance with Policy CF018. This lease proposal will guarantee an income through an annual lease rental charge to be paid by the Lessee, lease rental is reviewed annually (at the anniversary of Commencement) based on published annual CPI figures.

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	Mitigating Action/s
Financial	The operational cost of maintain an empty.	C2-Moderate	Renewing the Lease of the building will mitigate this risk.
Health & Safety	N/A	N/A	N/A
Reputation	Not renewing the lease would result in a functioning sporting group without premises from which to operate.	C2-Moderate	Renewing the Lease of the building will mitigate this risk.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Risk of damage or loss to the property if left vacant.	C2-Moderate	Renewing the Lease of the building will mitigate this risk.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

It is recommended that Council grant a lease for further five-year term in accordance with property disposal provisions under the *Local Government Act, 1995*. This will secure a continuing revenue for the Shire whilst supporting a local sporting club to continue operating in Carnarvon.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 Miscellaneous Part 6 resolves to:

- 1. exercise the option and renew the lease over the Don McLeod Judo Hall, Reserve 9532, for a second five-year term expiring on 30 June 2029, in accordance with Item 3 of the current lease subject to:***
 - a) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act 1995; and***
 - b) lease documentation being prepared at the Lessee's cost to be invoiced to the Lessee upon the lease being executed.***
- 2. Authorise the CEO to negotiate the details of the lease with the Lessee in accordance with Council Policy CF018 and the Shire of Carnarvon's standard lease conditions.***

COUNCIL RESOLUTION OCM 05/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 Miscellaneous Part 6 resolves to:

- 1. exercise the option and renew the lease over the Don McLeod Judo Hall, Reserve 9532, for a second five-year term expiring on 30 June 2029, in accordance with Item 3 of the current lease subject to:***
 - a) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act 1995; and***
 - b) lease documentation being prepared at the Lessee's cost to be invoiced to the Lessee upon the lease being executed.***
- 2. Authorise the CEO to negotiate the details of the lease with the Lessee in accordance with Council Policy CF018 and the Shire of Carnarvon's standard lease conditions.***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.4 STANDARDISED MEETING PROCEDURES - SUBMISSION TO THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES.

File No:	ADM1959
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Standardised Meeting procedures consultation - responses to questions 2. Standardised Meeting Procedures-Consultation Paper

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This item presents the proposed responses from the Shire of Carnarvon to a series of questions from the Department of Local Government, Sport, and Creative Industries (DLGSC) on proposed Standardised Meeting Procedures for all local governments in Western Australia.

Should Council endorse these responses, they will be submitted to DLGSC as the Shire of Carnarvon’s submission on this matter.

Background

Reforms to the *Local Government Act 1995* (the Act) are being implemented by the State Government.

Standardising council and committee procedures forms part of these reform rollout and aims to make it easier and simpler for the community to follow meeting procedures, regardless of which local government meeting they attend.

DLGSC also notes that *“Establishing one standard is expected to simplify and improve training for council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures (for instance, if a person repeatedly and unreasonably disrupts a meeting).”*

The Shire of Carnarvon, like every other local government in the State, currently has its own Meeting Procedures Local Law which was adopted by Council in 2021 and subsequently gazetted. The Meeting Procedures Local Law provides the framework for the smooth running of Council and Committee meetings.

The proposed Standardised Meeting Procedures, when finalised, would replace the Shire of Carnarvon Meeting Procedures Local Law.

Stakeholder and Public Consultation

DLGSC is consulting all local governments on the proposed Standardised Meeting Procedures. This report and the proposed response attached, is the Shire of Carnarvon’s response to the consultation.

Statutory Environment

S.5.33a of the *Local Government Amendment Act, 2023*

Relevant Plans and Policy

The Standardised Meeting Procedures would replace the Shire of Carnarvon Meeting Procedures Local Law.

Financial Implications

Nil

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	The manner in which Council meetings are conducted have the potential to cause reputational damage.	C2 – Moderate	Clear meeting procedures provides robust structure for the conduct of meetings; therefore, it is important for Council to have input into the proposed standardised procedures.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Local Governments have been invited by DLGSC to provide input into the proposed meeting procedures via a set of thirty-four questions. Elected Members were invited by the CEO to consider the questions and provide their feedback for a collated response.

Two responses were received from Elected Members. Both responses were similar and form the basis of the proposed responses from the Shire of Carnarvon – see Schedule 1.

OFFICER'S RECOMMENDATION

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

- endorse the responses to the questions regarding the Standardised Meeting Procedures as presented in Schedule One; and***
- authorise the Chief Executive Officer to lodge the submission with the Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Shire of Carnarvon.***

COUNCIL RESOLUTION OCM 06/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

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

- endorse the responses to the questions regarding the Standardised Meeting Procedures as presented in Schedule One; and***
- authorise the Chief Executive Officer to lodge the submission with the Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Shire of Carnarvon.***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.5 CONCEPT REPORT - RELOCATION OF EXISTING AIRPORT TO NORTHERN SITE

File No:	ADM2262
Location/Address:	Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Concept Report - Airport Relocation

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

A concept report for relocation of the existing Carnarvon airport to a new site located to the north of the township has been completed by Air Charter Worldwide Pty Ltd. This item presents the final report to Council. The item also recommends maintaining cooperation with the Gascoyne Development Commission (GDC) in its efforts to secure State funding to develop an investible proposition for a new airport in Carnarvon.

Background

In February 2022, Council resolved to progress investigations into the relocation of the Carnarvon Airport.

As a result, Air Charter Worldwide Pty Ltd was requested to provide a proposal to conduct a high-level review of the airport relocation project. Their proposal to provide a Concept Report was accepted and they were engaged by the Shire to complete the report utilising available project planning funding from within the budget.

Stakeholder and Public Consultation

Air Charter Worldwide Pty Ltd undertook consultation with the following stakeholders in the preparation of the concept report:

- The Department of Transport
- Hastings
- Province Resources
- Dampier Salt

Statutory Environment

Local Government Act 1995 Section 3.18 – Performing executive functions.

Relevant Plans and Policy

N/A

Financial Implications

There is no immediate financial implication associated with the recommendation.

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Airport Relocation and Upgrade*

Comments

The following chapters of the report provide key information regarding the viability of relocation of the existing airport to a new site:

- Chapter 5 – Constraints, Opportunities and Capacity
- Chapter 6 – Conclusion; and
- Chapter 7 – Recommendations

The following points summarise key matters expressed in these chapters:

- Prioritise upgrade of the existing airport facility to allow unrestricted Dash 8 – Q400 operations and address current runway overload operating three Dash 8 – Q400 flights per week;
- A twice daily Dash 8-Q400 service operating without restriction would effectively double the number of passenger seats servicing Carnarvon;
- Investment exposure in upgrading the existing facility is vastly lower than a new facility;
- Commercial justification for the development of a new airport facility is reliant upon the appetite of a mining company with the scale to commit and support a new site;
- Province Resources is the only mining company identified at present as having such potential scale;
- The Shire should continue to engage with Province Resources as their mining development will be key to determining the best outcome with respect to airport operating models;
- Regional population base alone, supported by a regulated route, does not justify a new site;
- Any new facility considerations and cost benefit analysis should consider a runway with a minimum 2400m x 45m with a PCN exceeding 44.
- Relocation of Carnarvon Airport to a new site requires capital investment in the order of \$100M to complete.

Substantive progress to further develop a new airport is unlikely to occur unless State and/or Federal funding can be sourced. Such a proposal would preferably be driven as a State and/or Federal regional investment project.

After a March 2024 meeting between the Shire CEO and the CEO of the Gascoyne Development Commission (GDC), the Shire was advised by the GDC CEO that a proposal regarding the Carnarvon Airport relocation seeking \$2.4M in funding went forward and was submitted to the State Budget process as a priority project.

The budget proposal was summarised by the GDC as:

“Carnarvon Airport Relocation : Develop an investible proposition for a new airport in Carnarvon that will facilitate regional development outcomes and enable workforce accommodation development.”

It is understood the proposal remains active in the budget process and, in addition, the GDC CEO has been encouraged to consult with the Shire to put forward an application for leverage funding (a discrete but highly competitive fund available to the GDC for specific purpose such as this) . The GDC CEO has advised that he is working on the leverage fund application which, subject to being successful, would result in funding of the larger request in 2025-26.

OFFICER'S RECOMMENDATION

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

- a) receive and note the concept report for relocation of the existing Carnarvon airport as provided in Schedule 1; and***
- b) authorise the CEO to continue working with the GDC to support its endeavours to secure funding for the additional work necessary to develop an investible proposition for a new airport in Carnarvon.***

COUNCIL RESOLUTION OCM 07/04/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

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

- a) receive and note the concept report for relocation of the existing Carnarvon airport as provided in Schedule 1; and**
- b) authorise the CEO to continue working with the GDC to support its endeavours to secure funding for the additional work necessary to develop an investable proposition and comprehensive development plan in order to secure funding for the construction of a new airport on the site identified as the northern site.**

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

Note – Council noted that the proposal put forward by the consultants addresses the current issues at hand but not the long term solution for the Airport and therefore amended the recommendation to include a comprehensive development plan for a new airport.

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION MARCH 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	<ol style="list-style-type: none"> 1. Schedule 1 - Accounts for payment in March 2024 2. Schedule 2 - Credit Cards Reconciliation 23.02.2024 - 24.03.2024

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

To present the listing of accounts paid under delegation from the Municipal Fund and Trust Fund, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*, for the month of March 2024.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund (Delegation 1.2.20) with a statutory condition on the delegation that a list of all payments is to be recorded in the Council Minutes. The list of payments is provided at Schedule 1 and 2 attached.

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

Nil

Financial Implications

Nil as all payments have been made in accordance with the Council adopted budget.

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	Mitigating Action/s
Financial	Payments are made without appropriate budget authority	Low	Internal controls are in place to manage this potential risk
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	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Accounting Fraud	Moderate	Internal controls are in place, including background checks and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts).

Community and Strategic Objectives

The tabling of information relative to payments made under delegation aligns itself with no specific objective as expressed in the Community Strategic Plan 2022-2032. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,002,397.38 as presented for the month of March 2024, incorporating the following; and**

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT40769</i>	<i>EFT40986</i>	<i>Muni EFT</i>	<i>\$1,325,780.83</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40773.1; DD40773.2; DD40775.1; DD40777.1; DD40779.1; DD40781.1; DD40782.1; DD40789.1-DD40789.7; DD40790.1; DD40799.1-DD40799.5; DD40801.1; DD40807.1; DD40809.1</i>	<i>DD40809.1</i>	<i>Bank Directs</i>	<i>\$676,616.55</i>
		TOTAL	\$2,002,397.38

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23 February 2024 to 24 March 2024.**

COUNCIL RESOLUTION OCM 08/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,002,397.38 as presented for the month of March 2024, incorporating the following; and**

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT40769</i>	<i>EFT40986</i>	<i>Muni EFT</i>	<i>\$1,325,780.8</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40773.1; DD40773.2; DD40775.1;</i>	<i>DD40809.1</i>	<i>Bank Directs</i>	<i>\$676,616.55</i>

DD40777.1; DD40779.1; DD40781.1; DD40782.1; DD40789.1-DD40789.7; DD40790.1; DD40799.1-DD40799.5; DD40801.1; DD40807.1; DD40809.1			
		<i>TOTAL</i>	<i>\$2,002,397.38</i>

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23 February 2024 to 24 March 2024.**

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.2.2 BUDGET ADJUSTMENTS - MARCH 2024

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Seema Dutt, Senior Finance Officer - Reporting Sarah Beresford, Finance Officer - Procurement
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly report
Schedules:	1. Budget Adjustments 2024

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Item

This item presents officer requested budget adjustments arising after the adoption of the 2023-2024 Budget for Council to consider. The officer’s recommendation is that as the adjustments have no net impact on the budget, that they are approved by Council.

Background

The Council adopted the Annual Budget for the Shire on 22 August 2023.

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.

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 three recommendations for the month of March.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

The proposed adjustments for Council to consider will result in no change to the projected budget closing position.

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 for reduction in budget.	Low	The adjustments recommended in this report do not impact the net position of Council.
Health & Safety	N/A	N/A	
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	N/A	N/A	
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	N/A	N/A	
Environment	N/A	N/A	

Community and Strategic Objectives

The tabling of information relative to the budget adjustments aligns itself with no specific objective as expressed in the Community Strategic Plan 2022-2032. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON

- *N/A*

Comments

The proposed adjustments are included for Council to consider for the month of March 2024.

Adjustments Impacting Budgeted Closing Position

The adjustments presented in this report have no net impact on the closing position.

Adjustments with no impact on budget closing position

Proposed budget adjustments have no impact on closing budget.

Net budget closing position

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

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with section 6.8(1) of the Local Government Act, resolves to approve the adjustments to the 2023/2024 adopted Shire budget as detailed in this report and attached as per Schedule 1.

COUNCIL RESOLUTION OCM 09/04/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Absolute Majority, in accordance with section 6.8(1) of the Local Government Act, resolves to approve the adjustments to the 2023/2024 adopted Shire budget as detailed in this report and attached as per Schedule 1.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY ABSOLUTE MAJORITY 7/0

7.2.3 MONTHLY FINANCIAL REPORT MARCH 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Seema Dutt, Senior Finance Officer - Reporting
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report- March 2024

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 31 March 2024 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be 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 *Local Government (Financial Management) Regulations* provide that the statements be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

Consequence		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		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	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	N/A	N/A	N/A
Reputation	The delay in achieving timely reporting has the potential to damage the Shire’s reputation.	High	High priority has been placed on preparing Statutory reporting within legislated timeframes.
Service disruption	N/A	N/A	N/A
Compliance	<i>Local Government Act 1995</i> requires Council receives these statements within 2 months of the end of the applicable month.	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the Community Strategic Plan 2022-2032:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

Comments

The officer advises that the March 2024 Statement of Financial Activity being presented at the April 2024 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the Statement of Financial Activity, legislative notes, and supporting notes for the period ended 31 March 2024.

Monthly Financial Report – contains:

- Statement of Financial Activity (by Nature or Type) - with Explanation of Material Variances*
- Note 1 Composition of Net Current Assets*
- Note 2 Statement of Financial Position*
(* required by legislation)

Notes for other supporting Information include:

- Basis of Preparation
- Statement of Financial Activity by Program
- Cash and Financial Assets
- Cash Reserves
- Capital Acquisition and Disposals
- Receivables
- Payables
- Rate Revenue
- Non-operating grants and contributions
- Operating grants and contributions
- Borrowings
- Lease Liabilities

Councillors should note a change to the statutory format of the Statement of Financial Activity at page 2 and 3 of the Financial Report where totals of each category of Income or expenditure have been aggregated at the bottom of the report. For information, the old format is still included in the other supporting information.

Operating Grants Subsidies and Contributions are \$1.02M lower than year to date budget, this is due to the timing of completed works and the claiming of AGRN flood damage funds (\$1.03M). Funds are claimed from DRFAWA based on milestone progress claims. The Educational grants are \$85k higher than year to date budget. These are expected to be timing difference of funds for those projects.

Operational Expenditure for Material and Contracts is \$3.46M lower than year to date budget, this is considered a timing variance relating mainly due to DRFAWA and Improving Flood preparedness projects. There are various other contracts throughout the service areas that are lower than year to date budget, that

are noted in the variance explanation – please see the Statement of Financial Activity for detailed information.

Staff have prepared the Monthly Budget Amendment that is presented elsewhere in the agenda, that presents proposed variances to the Adopted Budget

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Draft Statement of Financial Activity for March 2024 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 10/04/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Draft Statement of Financial Activity for March 2024 as per attached Schedule 1.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

At 1.29 pm, Cr Adam Cottrell declared an impartiality interest in Item 7.3.1 and left the meeting.

7.3.1 DEVELOPMENT APPLICATION FOR A CHANGE OF USE ON LOT 9500 ROBINSON STREET, CORAL BAY

File No:	A3979
Location/Address:	Lot 9500 (HN67) Robinson Street, Coral Bay
Name of Applicant:	Graham Kay
Name of Owner:	Coral Bay Amalgamated Holdings Pty Ltd
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Site Plan 2. Submission Assessment 3. Planning Solutions Objection

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This report seeks a Council resolution to approve development application P02/24 to use a portion of the land at Lot 9500, Coral Bay, for the purposes of a car park.

Background

Location and existing conditions

The subject site is located within the Tourism zone at 67 Robinson Street in Coral Bay, approximately 52m west of the commercial precinct and approximately 14m south of the Holiday Homes on Lot 50 along Sailfish Drive.

The land is affected by Special Control Area 5 – Coral Bay Settlement, which has several prescribed requirements for all development within Coral Bay.

The subject land, Lot 9500, consists of two parts located north and south of Sailfish Drive. The subject site is located within the southern portion of Lot 9500 as shown in the map below.



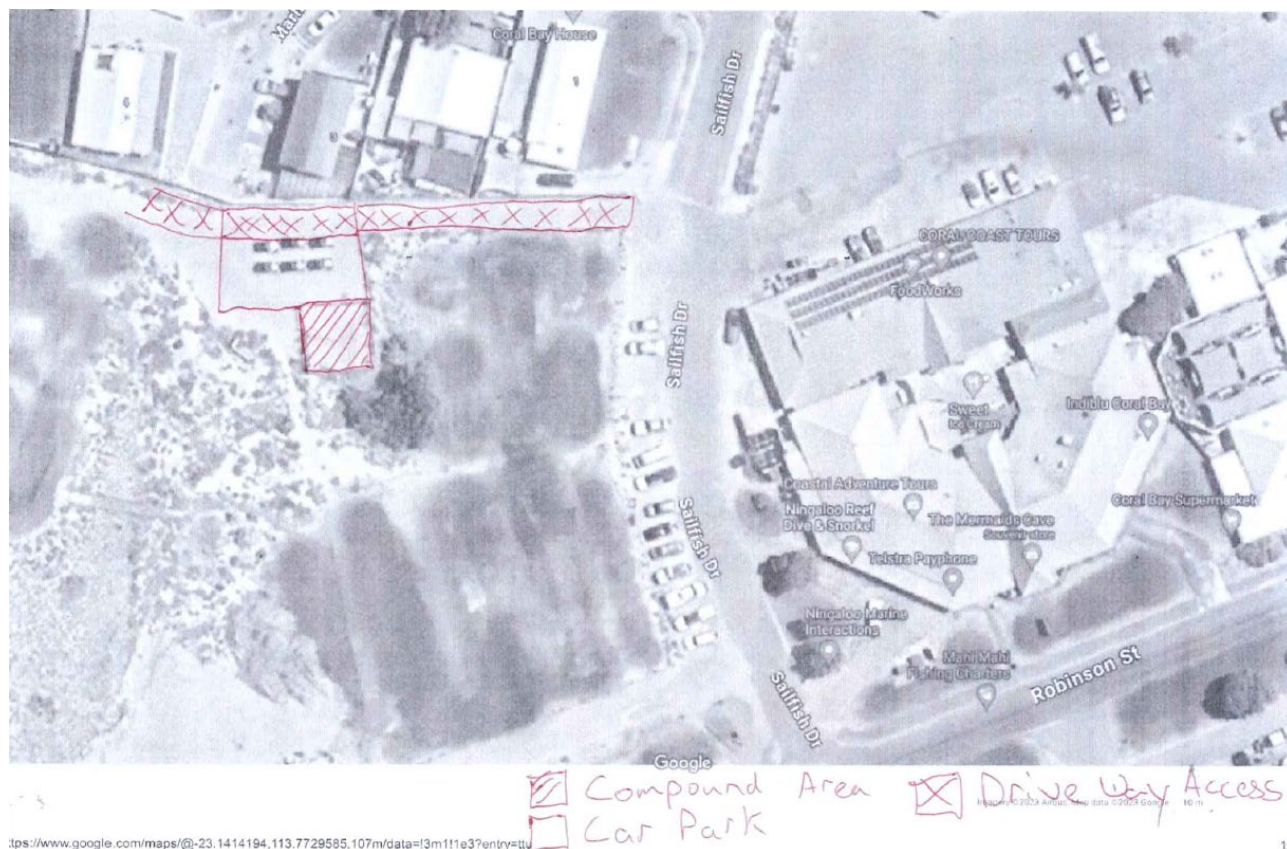
Location map

The subject site is located within an unused section of Lot 9500 with the Holiday Homes to the north and the commercial precinct to the east.

The subject site is currently being used for the purpose of parking off road vehicles (buggies) associated with a tour operating business (Coral Coast Tours/Off Road Rush) located within the commercial precinct.

Proposal

The proposal involves the parking of a maximum of ten (10) buggies within the fenced area described as the compound area in the development application located within Lot 9500. Access to the site area is off the existing **private** access road within Lot 9500 to the east, with the driveway to the site area following along the southern boundary fence of the Holiday Homes. The proposed car park use is to comprise of the compound area and the car park as shown on the site plan below.



Zoning

As stated previously, the land is zoned 'Tourism', and the purpose of the Tourism zone is:

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

Development approval is required for the proposal as the use of land for the purposes of a car park is listed as a discretionary use within the Tourism zone in the local planning scheme.

Stakeholder and Public Consultation

Public consultation occurred through notification to adjoining owners and occupiers.

Eight (8) objections were received with the main concerns summarized as follows:

- The volume and proposed hours of quad bike activity
- Noise, dust and exhaust pollution affecting the amenity of the holiday homes area
- The presence of flammable liquids
- Pedestrian safety

For detailed assessment of the submissions please refer to Schedule 2 attached.

Statutory Environment

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Shire of Carnarvon Local Planning Scheme No. 13

Relevant Plans and Policy

State Planning Policy 6.3 – Ningaloo Coast
 Coral Bay Settlement Structure Plan 2014

Financial Implications

There are no financial implications associated with the application.

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Applicant not complying with conditions	Low	Legal process can be implemented to seek compliance.
Property	N/A		
Environment	Noise and dust pollution occurring.	Moderate	Appropriate conditions imposed on permit to mitigate the risk.
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

What is the application for?

The application is for the use of land for a car park only. The tour operating business is a permitted use within the Commercial zone and matters associated with the current business i.e. hours of operation, number and type of vehicles associated with the business, number of staff and maintenance aspects etc., does not form

part of the current application. Current business operations are not part of the application and should not be restricted, apart from those aspects that are associated with the car park use.

Whether the use is capable of approval

The argument put forward that the use is not legally capable of approval is incorrect. The land use 'car park' is defined as:

"premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale;"

This application is primarily for parking of vehicles, as there isn't any other available land adjacent the commercial area to securely park vehicles associated with the tour operating business. Furthermore, the large car park associated with the commercial precinct is also located within the Tourism zone, which is no different to this proposal. The only difference is that the proposed car park is not directly adjacent the business it is associated with. However, it is located on the same lot and, therefore, could be argued that it is potentially ancillary to the main business on the land and, therefore, not requiring a permit.

It was determined that development approval is required because the car park area is removed from the main business, albeit on the same land, and that it could have an impact on adjacent land uses. The applicant has acted in good faith by lodging an application.

Another aspect to consider is that if the use is not capable of approval where should it be located? The logical location, and as suggested by some of the objectors, is the joint car park of the commercial precinct; however, this car park is to provide visitor car parking to all businesses of the precinct and not necessarily parking of vehicles associated with a tour operating business. The original design of the commercial precinct did not cater for that, hence this application.

Compliance with the local planning scheme

The land use 'car park' is listed as a discretionary use in the Tourism zone. A discretionary use means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

As per the above, it has been determined that this application meets the definition of the 'car park' use and, therefore, a decision can be made on the application.

There are no specific requirements for car parks to be complied with in the local planning scheme. Requirements depend on the nature and scale of the proposal and whether there is any other information that should be considered as part of the approval process. In this instance, several objections have been received that will be addressed through conditions.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves to grant development approval for application P02/24 to use the land for the purposes of a car park at Lot 9500 (No. 67) Robinson Street, Coral Bay subject to the following conditions:

- 1. The development is to be generally in accordance with the approved plans as submitted to the Shire on 15 December 2021 including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.***
- 2. The car park, compound and car park driveway shall be constructed with a surface designed to prevent emission of dust from the site to the satisfaction of the Shire of Carnarvon. Surfacing types satisfying***

this condition include but are not limited to:

- a. *Bitumen sealed surfacing;*
- b. *Asphalt sealed surfacing;*
- c. *Concrete slab type surfacing;*
- d. *Paving block/brick type surfacing;*
- e. *Interlocking cell style turf and aggregate substrate stabilised surfacing. Cells may be constructed from concrete or plastic.*

Other surfacing types may be considered as acceptable solutions if it can be demonstrated that the surface construction and maintenance will prevent emission of dust from the site.

3. *A sign be installed on Lot 9500 at the southern end of the sidewalk on Bay Lane cautioning pedestrians of vehicles using the driveway to the satisfaction of the Shire of Carnarvon.*
4. *No vehicles, other than tour operator's off-road vehicles (buggies), are allowed to use the driveway to and from the car park.*
5. *Vehicle speeds within the car park (including the compound) and driveway shall always be limited to 5kph.*
6. *Vehicle access to and from the car park (including the compound) is restricted to only occur between 7:30am and 30min past sunset.*
7. *No servicing and refuelling of vehicles are permitted in the car park (including the compound) and driveway.*

COUNCIL RESOLUTION OCM 11/04/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves to grant development approval for application P02/24 to use the land for the purposes of a car park at Lot 9500 (No. 67) Robinson Street, Coral Bay subject to the following conditions:

1. *The development is to be generally in accordance with the approved plans as submitted to the Shire on 15 December 2021 including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*
2. *The car park, compound and car park driveway shall be constructed with a surface designed to prevent emission of dust from the site to the satisfaction of the Shire of Carnarvon. Surfacing types satisfying this condition include but are not limited to:*
 - a. *Bitumen sealed surfacing;*
 - b. *Asphalt sealed surfacing;*
 - c. *Concrete slab type surfacing;*
 - d. *Paving block/brick type surfacing;*
 - e. *Interlocking cell style turf and aggregate substrate stabilised surfacing. Cells may be constructed from concrete or plastic.*

Other surfacing types may be considered as acceptable solutions if it can be demonstrated that the surface construction and maintenance will prevent emission of dust from the site.

3. *A sign be installed on Lot 9500 at the southern end of the sidewalk on Bay Lane cautioning pedestrians of vehicles using the driveway to the satisfaction of the Shire of Carnarvon.*
4. *No vehicles, other than tour operator's off-road vehicles (buggies), are allowed to use the driveway to and from the car park.*
5. *Vehicle speeds within the car park (including the compound) and driveway shall always be limited to 5kph.*
6. *Vehicle access to and from the car park (including the compound) is restricted to only occur between 7:30am and 30min past sunset.*
7. *No servicing and refuelling of vehicles are permitted in the car park (including the compound) and driveway.*

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen
AGAINST: Nil
ABSENT: Crs A Cottrell and L Skender

CARRIED BY SIMPLE MAJORITY 6/0

At 1:31 pm, Cr Adam Cottrell returned to the meeting.

7.3.2 ROAD DEDICATIONS AND CLOSURES - INITIATION OF ADVERTISING

File No: ADM0128 & ADM0200
 Location/Address: *Road dedications:*
 Lots 582 and 591 on DP 419180 Carnarvon – Mullewa Road, Inggarda
 Lots 588 and 589 on DP 418942 Carnarvon – Mullewa Road, Inggarda
 Lot 506 on DP 420949 Bush Bay Road, Brown Range
 Lots 9114, 9117, 9120, and 9123 on DP 418941 South River Rd., S.Plantations
 Lots 9168, 9171 and 9174 on DP 425264 South River Road, South Plantations
Road closures:
 Lot 583 on DP 419180 formerly Carnarvon – Mullewa Road, Inggarda
 Lot 584 on DP 418942 formerly Carnarvon – Mullewa Road, Inggarda
 Lot 508 and 509 on DP 420949 formerly NW Coastal Highway, Brown Range

Name of Applicant: Department of Planning, Lands and Heritage
 Name of Owner: State of Western Australia
 Author(s): Stefan Louw, Planning And Building Manager
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: Nil

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This report seeks Council’s resolution, pursuant to Sections 56 and 58 of the *Land Administration Act 1997 (the Act)* and *Regs. 8 and 9 of the Land Administration Regulations 1988 (The Regulations)*, to request the Chief Executive Officer to provide public notice and seek submissions for a period of no less than 35 days of the Shire’s intent to close a number of disused roads and to dedicate a number of roads within the Shire as indicated within this report.

Background

The Shire has received a request from the Department of Planning, Lands and Heritage (the Department), to amend the above Crown land parcels to enable them to be dedicated as roads consistent with the ‘as constructed’ road works in the relevant localities. The Department has also requested that a number of disused road reserves be formally closed. See Figures 1, 2, 3 and 4.

The Department is seeking to progress the land dedications as part of a suite of activities associated with its land tenure assembly program for the Carnarvon Flood Mitigation levees.

Funding has been received for the development of floodplain modelling through comprehensive surveys of the river and floodplain. This will assist with a better understanding of flood behaviour, inform potential new engineering solutions and guide land use planning for the future management of the levees. This modelling is estimated to be completed by mid-2024, which will help inform a decision on a management body for the proposed levee reserves.

As part of the proposed land tenure rationalisation associated with the project there will be road actions that need to be completed by the Shire under Sections 56 and 58 of The Act. These road actions relate to the Lawson Street, Six Mile and South River Road levees.

Schedule 1 contains copies of Deposited Plans containing the details of the of the affected reserves.



Figure 1. Road closures and dedications – Inggarda





Figure 3. Road dedications – Adjacent No. 450 South River Rd., South Plantations



Figure 4. Road dedications – Adjacent Nos. 124, 138, 148 & 158, South River Rd., South Plantations

The levees were constructed in 2011 by the State Government to protect the town and horticultural district from 1-in-100-year flooding events. The levees are currently located on various Crown land parcels including a pastoral lease, Crown reserves, dedicated road reserves and unallocated Crown land. The proposed road dedications are part of the actions required to ensure adequate management is in place to address future flooding events within the Shire.

Stakeholder and Public Consultation

In accordance with *Sections 56 and 58 of the Act*, the Shire will have responsibility to carry out public advertising for a period of not less than 30 days for the road dedications and 35 days for the road closures by:

- Newspaper advertisement.
- Shire website.
- Writing to public utility service providers.

In addition to the above statutory requirement, in response to the decision made by Council at their February 2024 Ordinary Council Meeting to defer the application subject to more consultation with nearby landowners, notices were sent to affected landowners on 5 March 2024 requesting feedback by 22 March 2024. No submissions were received.

Statutory Environment

Section 56 of the Act provides for a local government to make a request the Minister to dedicate land as a road.

Section 58 of the Act applies in relation to the proposed road closures and amalgamations. All road closures for the purpose of amalgamation with the adjoining property require a 35-day public comment period before being submitted to the Department.

Relevant Plans and Policy

There are no relevant policy implications associated with the proposal.

Financial Implications

There are no financial implications associated with the proposal with the exception of advertising costs. The land surveys associated with the proposal are being undertaken by the Department. The Shire’s direct responsibility will be limited to consultation with the local community and service providers.

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	If roads are closed there will be an increase in the size of the reserves that the Shire has responsibility for. Has implications for bush fire risk, and land management matters such as illegal dumping etc.	Low	Road dedications will assist in understanding land tenure so that levees and closed roads can be managed accordingly.
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our sustainable livelihoods create a community that can flourish into the future*
- *Our infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Department has requested that the Council consider initiating the changes to the road reserves as a suite of preliminary initiatives that its undertaking that are associated with its land assembly program for the Carnarvon Flood Mitigation Levees.

Once the consultation phase has been completed the proposals will be presented to Council for consideration and lodgement of a request to the Minister to undertake the road dedications and road closures.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves:

1. ***pursuant to Cl. 56 of the Land Administration Act 1997, and Reg.8 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice and seek submissions on Council's intent to dedicate the following Crown land as roads: Lots 582 and 591 on DP 419180, Lots 588 and 589 on DP 418942, Lot 506 on DP 420949, Lots 9114, 9117, 9120, and 9123 on DP 418941, and Lots 9168, 9171 and 9174 on DP 425264; and***
2. ***pursuant to Cl. 58 of the Land Administration Act 1997, and Reg.9 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice, seeking submissions for a period of not less than 35 days, on Council's intent to close the roads within Lot 583 on DP 419180, Lot 584 on DP 418942 and Lots 508 and 509 on DP 420949.***

COUNCIL RESOLUTION OCM 12/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, resolves:

1. ***pursuant to Cl. 56 of the Land Administration Act 1997, and Reg.8 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice and seek submissions on Council's intent to dedicate the following Crown land as roads: Lots 582 and 591 on DP 419180, Lots 588 and 589 on DP 418942, Lot 506 on DP 420949, Lots 9114, 9117, 9120, and 9123 on DP 418941, and Lots 9168, 9171 and 9174 on DP 425264; and***
2. ***pursuant to Cl. 58 of the Land Administration Act 1997, and Reg.9 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice, seeking***

submissions for a period of not less than 35 days, on Council's intent to close the roads within Lot 583 on DP 419180, Lot 584 on DP 418942 and Lots 508 and 509 on DP 420949.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.4 INFRASTRUCTURE SERVICES

7.4.1 NORTHERN APRON RECONSTRUCTION FUNDING REALLOCATION

File No:	ADM2191
Location/Address:	Carnarvon Airport
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

Shire funds are currently committed under a Regional Airports Development Scheme (RADS) funding agreement for the 2024/2025 year for reconstruction of the Northern Apron at Carnarvon Airport. Reallocation of those funds toward upgrade works to support unrestricted operation of the Q400 aircraft is recommended.

Background

The Carnarvon Airport Northern Apron is in poor condition with failures of the sealed surface, potholing and rutting. Patching and minor reseal work applied to failed sealed areas has had varying success and longevity. Geotechnical assessments of the apron pavement and subgrade indicate reconstruction of the pavement and stabilisation of the subgrade is required to resolve the underlying problem.

The Northern Apron remains in service. It has been necessary to temporarily close apron areas to allow patching repairs. It is typical to close areas of the apron during wet weather to minimise additional damage.

The Northern apron services two privately leased hangers. It also serves as a parking area for aircraft when the three main apron areas are fully utilised. Refuelling trucks may also traverse the apron.

A survey, design and specification has been completed for the Northern Apron reconstruction work.

In early 2021 under a previous offer of RADS funding, public tenders for apron reconstruction work was sought. Being approximately three times the available budget, the one tender received was not accepted.

A Request for Quotation (RFQ) for the same work was issued in mid-2021. Two submissions were received. Again, pricing received exceeded the available budget and no quotation was able to be accepted.

That RADS funding agreement was able to be varied and reallocated and the following works was completed:

- Remediation of low insulation resistance of RWY 04/22 lighting circuit
- RWY 04/22 RESA, Edge strip and drainage repair
- Upgraded apron lighting
- Airside fencing

Apron reconstruction was deferred until a funding package could be established.

In February 2023, the Shire accepted an offer of funding from the WA Department of Transport (DOT) under the RADS program for Northern Apron reconstruction.

The following summarises essential terms of that funding agreement:

- Total project budget - \$777,975 (excl GST)
- Total Shire contribution - \$388,987 (excl GST)
- Project Commencement - no earlier than 1 April 2023
- Project Completion - by 16 May 2025
- RADS funding payment - to occur in 2024/2025 year upon completion of works.

Three flights per week of Q400 aircraft RPT operations commenced at Carnarvon Airport in October 2023. The Q400 must operate under a conditional pavement concession and a regime of regular pavement inspections has been established to monitor pavement performance.

At its February 2024 meeting, Council resolved as follows:

COUNCIL RESOLUTION OCM 29/02/24

Moved: Mr Eddie Smith

Seconded: Cr Burke Maslen

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

1. Receive the RAMS Pavement Inspection Report completed in January 2024 on behalf of the Department of Transport; and

2. Authorise the Chief Executive Officer to advise the Department of Transport that the Shire of Carnarvon seeks the following:

a. an immediate commitment to complete the rejuvenation treatment, asphalt overlay to turning nodes and upgrades to the apron as outlined in the RAMS Pavement Inspection Report completed in January 2024 on or before June 2024 regardless of the outcome of the Shire of Carnarvon's RAUP funding application; and

b. a written commitment prior to 30th June 2024 to fully fund and complete the runway 04/22 and associated infrastructure structural asphalt overlay project as identified by the RAM PIR before 30 June 2025 and provide the aerodrome operators with an updated PCN confirming that the runway meets the standards required; and

c. the Department of Transport provide a written commitment prior to 30 June 2024 to commence construction of a new aerodrome on the approved site north of Carnarvon on or before 30 June 2026 ; or

d. the concession for REX Airlines to operate the Dash8 Q400 into Carnarvon will cease 1 July 2024 if requirements a, b and c are not met.

CARRIED BY SIMPLE MAJORITY 8/0:

It is understood DOT is seeking to secure funding for the upgrade works necessary to support unrestricted operation of the Q400 aircraft through the State budget process. Officers continue to work with the DOT to support their efforts.

The Department has advised Shire officers that reallocation of the 2024/2025 Shire contribution commitment to Northern Apron reconstruction works toward Q400 strengthening upgrade works may assist the likelihood of securing upgrade work funding.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 Section 3.18 – Performing Executive functions

Relevant Plans and Policy

N/A

Financial Implications

A total of \$388,987 (excl GST) of Shire funds (50% of the project budget) would need to be allocated in the 2024/2025 budget for completion of the Northern Apron reconstruction works.

That allocation would be redirected toward runway strengthening works to support unrestricted Q400 operations under the proposed recommendation.

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	Mitigating Action/s
Financial	Northern Apron reconstruction will need to be completed. A contribution from the Shire is likely to complete that work.	B3 - High	RADS is an ongoing program. DOT generally support Shire funding applications. Federal RAUP funding is an ongoing airport funding program. Make applications to the next rounds of these programs for Northern Apron reconstruction funding.
Health & Safety	N/A		
Reputation	Northern Apron users have raised concerns previously regarding the apron condition. Deferral of reconstruction may result in	C2 - Moderate	Temporary maintenance patching may assist in alleviating concerns. Unrestricted Q400 operations at Carnarvon Airport is a strategically higher priority.

Risk Category	Description	Rating	Mitigating Action/s
	reputation damage from those users.		
Service disruption	Deferring Northern apron reconstruction may require more extended periods/extents of temporary apron closures.	C2 - Moderate	Use of the Northern Apron is low except in times of emergency (e.g. fire/flood). Runway 18/36 could be used as an alternate aircraft parking area in times of emergency.
Compliance	The Northern Apron may reach a point where it no longer complies with regulatory operational requirements.	C2 - Moderate	Temporary maintenance patching may assist in maintaining compliance. Unrestricted Q400 operations at Carnarvon Airport is a strategically higher priority.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Airport Relocation and Upgrade*

Comments

The Northern Apron is not a heavily utilised airport facility. Whilst not ideal, temporary restrictions and arrangements can be implemented if the condition of the Northern Apron cannot support its continued use.

Apron reconstruction work is however a lower strategic priority for Carnarvon Airport infrastructure than the strengthening works necessary to support unrestricted Q400 operations.

On balance, reallocation of Shire funding committed to Northern Apron reconstruction to runway strengthening necessary to support unrestricted Q400 operations is recommended.

If strengthening works funding is not forthcoming, Northern Apron reconstruction can continue as planned under the existing funding agreement.

OFFICER’S RECOMMENDATION

That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to:

- a. advise the Department of Transport that Council is prepared to reallocate its committed contribution of \$388,987 (excl GST) of Shire funds, currently allocated for Northern Apron Reconstruction from the 2023/2025 Regional Airports Development Scheme (RADS), to strengthening works to support the unrestricted operation of the Q400 aircraft; and***

- b. amend the funding agreement when that becomes necessary to formalise that Shire fund reallocation.*

COUNCIL RESOLUTION OCM 13/04/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to:

- a. advise the Department of Transport that Council is prepared to reallocate its committed contribution of \$388,987 (excl GST) of Shire funds, currently allocated for Northern Apron Reconstruction from the 2023/2025 Regional Airports Development Scheme (RADS), to structural strengthening works to support the unrestricted operation of the Q400 aircraft and ensure compliance with CASA MOS-139 specifically, AC-139.C-07 chapter 7; and*
- b. amend the funding agreement when that becomes necessary to formalise that Shire fund reallocation.*

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

COUNCIL RESOLUTION OCM 14/04/24

Moved: Cr Dudley Maslen

Seconded: Cr Luke Vandeleur

That Cr Dudley Maslen be granted leave of absence for the May 2024 Ordinary Council Meeting.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Dudley Maslen queried if the quotes for suitable fencing and security cameras have been obtained for the Pioneer Cemetery. The CEO responded and advised that Shire officers are waiting on the quote for the cameras from the security company and have received a cost estimate for the fencing.

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

Nil

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

Council were advised that there was a late agenda item relating to the nominations for the National Volunteer Week Awards which would be dealt with behind closed doors due to discussion on the confidential nominations received.

MOTION

COUNCIL RESOLUTION OCM 15/04/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

That the meeting be closed to the members of the public.

CARRIED BY SIMPLE MAJORITY 7/0

12.1 NATIONAL VOLUNTEER WEEK AWARDS

File No:	ADM2019
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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
- Legislative** Includes adopting local laws, town planning schemes and policies.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- Quasi-judicial** 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

Summary of Report

This report presents the scoring of the Carnarvon and Coral Bay National Volunteer Week Awards 2024 by the Awards Committee Members and the Committee recommendation for formal consideration by the Council.

Background

Each year, Volunteering WA hosts National Volunteer Week from 20 – 26 May 2024. Volunteering WA hosts an annual state volunteering awards program and provides resources to Local Governments to host their own events. The awards program is a positive way for the Shire to recognise the individuals and organisations who have made notable contributions to the community while volunteering.

The community was invited to lodge award nominations to the Shire of Carnarvon, nominations were then presented to the Awards Committee for review.

The Awards Committee is the official committee of the Council that considers nominations for local and state awards. The categories for the Carnarvon and Coral Bay National Volunteer Week Awards were:

- Young Volunteer of the Year
- Lifetime Contribution to Volunteering
- Volunteer Group of the Year - Event and Community Organisation
- Sporting Club of the Year

The Committee received submissions and scoring sheets via email to complete their scoring independently and made an out of session decision. The Awards Committee will be meeting later for formal approval of the recommendation and the meeting minutes will be presented to Council following the meeting.

Stakeholder and Public Consultation

The community was invited through social media, radio ads, direct emailing to nominate for one of the four categories in the National Volunteer Week Awards.

Statutory Environment

Section 3.18 of the *Local Government Act 1995*

Relevant Plans and Policy

CD003 – Australia Day Awards Policy

Financial Implications

There are no financial implications related to this time.

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	To not consider these nominations could result in lack of confidence by community to nominate worthy recipients.	Moderate	The Shire hosts the awards program annually and encourages the community to nominate recipients that are considered every year by the Awards Committee and Council.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:**Comments**

This is the second year the Shire of Carnarvon has run a National Volunteer Week Awards program. The feedback was overwhelming from the community, and there were eleven (11) nominations in four (4) categories.

The criteria for the Carnarvon National Volunteer Week awards were:

- The nominee must have demonstrated exceptional commitment to volunteering in the Carnarvon or Coral Bay community.
- The nominee's volunteering activities should have made a significant positive impact on the community.
- The nominee's volunteering should have been undertaken on a voluntary basis and not for financial gain.
- The nominee's volunteering should have been ongoing and not just for a one-off event.
- The nominee should have demonstrated a positive attitude towards volunteering and be a role model for others in the community.

The Committee considered nominations in the categories for which they have been nominated.

Please see attached confidential schedule for the selection and judging criteria, including the completed scoring sheet by members.

OFFICER'S RECOMMENDATION

That Council, by simple majority, resolves to accept the confidential recommendations report from the scoring sheets completed by the Awards Committee and present the awards to the recipients at the National Awards Week awards ceremony on Tuesday, 21 May 2025.

COUNCIL RESOLUTION OCM 16/04/24

Moved: Cr Dudley Maslen

Seconded: Cr Luke Vandeleur

That Council, by simple majority, resolves to accept the confidential recommendations report from the scoring sheets completed by the Awards Committee and present the awards to the recipients at the National Awards Week awards ceremony on Tuesday, 21 May 2025.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

MOTION**COUNCIL RESOLUTION OCM 17/04/24****Moved:** Cr Dudley Maslen**Seconded:** Cr Paul Kelly***That the meeting be reopened to the public.***

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0**13 DATE OF NEXT MEETING**

The next meeting will be held on Tuesday 28 May 2024 at Bills Tavern, Coral Bay commencing at 10.30am

14 CLOSURE

The Presiding Member declared the meeting closed at 1:47pm.