



SHIRE OF CARNARVON

MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 25 JULY 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on
[Type date here](#)
as a true and accurate record

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

Chairman

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

INDEX

1	ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE	7
2	DECLARATIONS OF INTEREST	7
3	PUBLIC QUESTION TIME	7
	3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING	7
	Nil	
	3.2 PUBLIC QUESTION TIME	8
4	CONFIRMATION AND RECEIVING OF MINUTES.....	9
	CONFIRMATION OF MINUTES	9
	4.1 Minutes of the Ordinary Council Meeting - 27 June 2023	9
5	ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION.....	9
6	PRESENTATIONS, PETITIONS AND MEMORIALS.....	9
	Nil	
7	DEPARTMENTAL REPORTS	10
	7.1 GOVERNANCE	10
	7.1.1 Actions Performed Under Delegated Authority for the Months of June and July 2023.....	10
	OCM 02/07/23OCM 03/07/23	10
	7.1.2 Appointment of an Independent Chair for the Audit and Risk Committee	14
	7.2 CORPORATE SERVICES	18
	7.2.1 Accounts Paid Under Delegation June 2023	18
	7.2.2 Monthly Financial Report June 2023.....	22
	7.2.3 Budget Adjustments - July 2023.....	25
	7.2.4 Rates Exemption Applications.....	28
	7.2.5 Schedule of Fees and Charges 2023/24	33
	7.2.6 Sundry Debtors Write Off.....	38
	7.3 DEVELOPMENT AND COMMUNITY SERVICES	42
	7.3.1 Local Development Plan - Lot 9500 (67) Robinson Street, Coral Bay	42
	7.3.2 Relinquishment of Area out of Lot 1164 on Plan 174588 Required by Ampitel for Telecommunication Purposes	48
	7.3.1 Repair of house - extension of time (A1288)	51
	7.3.4 Shire of Carnarvon Local Planning Scheme No. 13 -Scheme Amendment No 7.....	54
	7.3.5 Community Art Hub project	60
	7.4 INFRASTRUCTURE SERVICES.....	64

7.4.1	Road User Agreement Amendment - Yangibana Pty Ltd	64
7.4.2	LRCI Phase 4b - Road Project Nomination	69
7.4.3	Proposed Re-opening of French Street, Coral Bay	75
7.4.1	Bulk Fuel Supply Agreement	81
8	APPLICATIONS FOR LEAVE OF ABSENCE	85
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	85
	Nil	
10	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	85
11	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL.....	85
12	MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC	87
	Nil	
13	DATE OF NEXT MEETING.....	87
14	CLOSURE	87

The meeting was declared open by the Presiding Member at 1.02pm

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

Cr Eddie Smith Presiding Member/Shire President
 Cr Burke Maslen Councillor, Gascoyne/Minilya Ward
 Cr Marco Ferreira Councillor, Plantation Ward
 Cr Alexander Fullarton.....Councillor, Town Ward
 Cr Luke Vandeleur Councillor, Town Ward

Mrs A Selvey Chief Executive Officer
 Mr D Nielsen Executive Manager Infrastructure Services
 Alan Thornton..... Deputy Chief Executive Officer
 Mrs D Hill Senior Executive Officer

Leave of Absence

Cr Adam Cottrell Councillor, Coral Bay Ward
 Cr Tom Langley Councillor, Town Ward
 Cr Luke Skender Councillor, Town Ward

Apologies.....Cr Langley; Cr Cottrell; Cr Skender
Press..... 1
Observers Nil

2 DECLARATIONS OF INTEREST

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

Cr Vandeleur (Financial Interest) – Item 7.4.1 – Road User Agreement Amendment – Yangibana Pty Ltd
 Mr David Nielsen (Financial Interest) – Item 7.4.1 – Road User Agreement Amendment – Yangibana Pty Ltd

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 1.04pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

The following questions were submitted by Ms Glenda Sullivan of Carnarvon –

I received a letter from the CEO date 29 June 2023 stating that the Shire refused to answer my questions that I asked at the Ordinary Meeting of Council on 27 June 2023. The questions I asked had nothing to do 'directly' with what is happening in the SAT case, for the Shire to respond by advising that it is inappropriate to answer my questions is false and misleading to all rate payers. The council have a legal obligation to answer the following questions.

Question 1 – How much has the Shire of Carnarvon spent in relation to date for the preparation/lodgement/issuing of Demolition Orders including all lawyers fees and Shire personnel wages etc. relating to the shacks at the Blowholes Reserve?

Answer - The Shire's legal costs are disclosed fully to the community via the Monthly Report of payments made under delegated authority in the Council meeting agenda. Shire personnel wages are reported in the monthly financial statement. Both documents are on the Shire website therefore any member of the community can calculate expenditure on legal matters via that report.

Question 2 – What is the Shire of Carnarvon budgeted amount regarding the preparation of a 5 day trial for the SAT case.

Answer – The Council makes an allocation of funding each year for Regulatory legal matters. In the draft 2023/24 budget, the Shire has allocated \$35,000 for general legal services and advice for the wide-ranging legal matters arising from Planning, Building, Health and Ranger Services. Costs for legal support in managing the BPA's SAT appeal will be met from a portion of that budget, along with the many other issues for which we will use that budget.

It should be noted that the budget figure does not necessarily mean that will be the required amount. The 22/23 actual was much less at \$15,225.

Question 3 – Please provide evidence/clauses within the Local Government Act that states a Councillor is personally liable for an incidence/accident that may occur within their Shire?

Answer - The Shire can provide a very generic reference to the advice received by its insurers back in 2021 that any liability to the Shire may also attach to employees and elected members. The Shire has not received any advice to the contrary and does not have any reason to dismiss the advice of its insurers in that respect.

Public Question Time was closed at 1.06pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 27 June 2023

COUNCIL RESOLUTION OCM 01/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That the minutes of Ordinary Council Meeting held on 27 June 2023 be confirmed as a true record of proceedings.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JUNE AND JULY 2023

OCM 02/07/23 OCM 03/07/23

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

To report on actions performed under delegated authority for the months of June and July 2023.

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	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	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 for the months of June and July 2023 are submitted to Council for information.

ENVIRONMENTAL HEALTH

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
10/7/2023	HFO23/008	FOOD BUSINESS REGISTRATION – CORAL BAY BAKERY & CAFÉ, SHOP 1 & 2, CORAL BAY SHOPPING ARCADE, 67 ROBINSON ST, CORAL BAY	WARREN LODDING	

PLANNING & DEVELOPMENT

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
A757	P18/23	7 EGAN STREET, CARNARVON	TELECOMMUNICATION FACILITY	AMPITEL PTY LTD	3/07/2023

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/017	ROSS EDWARD & CHRISTINA JOANNE GODDEN	LOT 17 (89) ANGELO STREET, EAST CARNARVON	SHED
B23/031	CARL & TRACEY LIVSEY	LOT 980 (1) NELSON ST, BROCKMAN	STEEL PORTAL FRAME FREESTANDING CARPORT
B23/020	MARGARET MCNAUGHTON	LOT 13 (13) TREVALLY CRT, CORAL BAY	TOILET FACILITY
B23/035	MOLLY ANNE BLAMEY & KENNETH JOHN WHITTINGTON	LOT 152 (113) OLIVIA TCE, CARNARVON	SHED - STEEL FRAMED STRUCTURE
B23/034	STATE OF WA / TELSTRA CORPORATION PTY LTD (AMPITEL)	L510 (26) FRENCH ST, CORAL BAY	FULL DEMOLITION OF 36M GUYED MAST
B23/037	CARNARVON CENTRAL INVESTMENTS PTY LTD	LOT 50 (55) ROBINSON ST, CARNARVON	INSTALLATION OF A TANDEM SECURITY GATE IN AN EXISTING WOOLWORTHS TENANCY
B23/018	LINH DIEU THI TRAN	LOT 289 (18) MEIKLEJOHN CRES, BROCKMAN	FRONT AND SIDE FENCE & SLIDING GATE
B23/028	STATE OF WA / SHIRE OF CARNARVON	LOT 1220 (9) CAMEL LANE, CARNARVON	REMOVAL OF EXISTING ROOF CLADDING & REPLACEMENT WITH METAL PROFILE SHEETING
B23/032	STATE OF WA / TELSTRA CORPORATION PTY LTD (AMPITEL)	L510 (26) FRENCH ST, CORAL BAY	36.0M HIGH GUYED TELECOMMUNICATIONS TOWER AND FOUNDATION

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/025	MEANOM PTY LTD	LOT 350 (937) GNARALOO RD, MACLEOD	CARETAKERS RESIDENCE AT QUOBBA STATION HOMESTEAD
B23/036	DOMENICO & HEATHER CONDO	LOT 144 (469) NORTH RIVER RD, NORTH PLANTATIONS	STEEL PORTAL FRAME STORAGE SHED
B23/039	RHONDA HOLLOWAY	LOT 99 (546) ROBINSON ST, KINGSFORD	SHADE SAILS
B23/041	C/- SHIRE OF CARNARVON	LOT 48 (107) DAVID BRAND DR, BROCKMAN	FULL DEMOLITION OF DWELLING
B23/040	PATRICIA ANN LAPPIN & GARY LEIGH CARTNER	LOT 142 (98) DAVID BRAND DR, BROCKMAN	SOLAR PANEL INSTALLATION ON EXISTING DWELLING

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for June and July 2023.

COUNCIL RESOLUTION OCM 04/07/23

Moved: Cr Burke Maslen
Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for June and July 2023.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.1.2 APPOINTMENT OF AN INDEPENDENT CHAIR FOR THE AUDIT AND RISK COMMITTEE

File No:	ADM0308
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	28 March 2023
Schedules:	1. Resume Phillip Draber (under separate cover)

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 a recommendation from the Audit and Risk Committee in relation to the appointment of an independent chair to the Committee.

Background

A report to the Audit and Risk Committee (the Committee) at the meeting on 9 March 2023, advised the Committee that the Local Government Reforms will require that an independent chair is appointed to Local Government Audit Committees. The Committee resolved to recommend to Council that the Terms of Reference for the Committee be amended to include an independent chair of the Committee. The Committee’s recommendation was put to Council at the Ordinary Meeting of Council on 28 March 2023 and Council resolved to support the Committee’s recommendation.

Following the Council’s decision, recruitment for an independent chair commenced. The recruitment efforts were as follows:

- Advertised on the Shire webpage, Facebook account and distributed via email to City of Greater Geraldton and City of Cockburn between 11 April and 27 April – no applications received.
- Re-advertised on LinkedIn between 9 June 2023 and 30 June 2023.
- Position was viewed by 37 people, resulting in applications received by 5 candidates.

The resumes of all candidates were presented to the Committee at their meeting on 11 July 2023 and the Committee resolved as follows:

That the Audit and Risk Management Committee recommends to Council that Council, by Absolute Majority, pursuant to S5.8 of the Local Government Act 1995:

- a. Appoints Mr Phillip Draber to the position of independent chair of the Shire of Carnarvon Audit and Risk Committee for a period of two years commencing in August 2023.***
- b. Offers remuneration of \$500 sitting fee per meeting plus reimbursement of travel costs to meetings as required as per the policy for travel reimbursement, noting that remuneration is subject to review following a ruling on remuneration by the Salaries and Allowances Tribunal.***

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995

Relevant Plans and Policy

Nil

Financial Implications

Remuneration of ‘other persons’ appointed to Committees will be established under s.5.8 of the *Local Government Act 1995* as a feature of the current Bill, under new section 5.100. This will apply to all Committee members who are not current Elected Members or employees. The fee will be determined by the Salaries and Allowance Tribunal.

In the interim, it is recommended that this position be remunerated at the rate of \$500.00 per meeting sitting fee. A clause clearly stating that the remuneration will be amended to be consistent with the Salaries and Allowances Tribunal ruling as soon as the Tribunal establishes the structure for the remuneration of external members of Audit Committees would be included in the letter of appointment.

The recommended sitting fee of \$500 is reflective of the workload in preparing for meetings including analysing reports and financial statements and for meeting attendance. For comparison, the fee recommended by the State Government of Victoria (July 2022) for Chairs of Advisory Committees, Registration Boards, and Management Boards of government entities is between \$318 to \$586 per day.

It is anticipated that Committee meetings will be held quarterly and will require the independent chair to travel to Carnarvon for at least two of those meetings per year.

The total cost estimate for sitting fees and travel for the independent chair is \$4000.00 per annum.

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	Appointment of an independent chair for Audit Committees will be a legislative requirement as part of the reforms currently being progressed by the State Government. It may be more difficult to attract an appropriately qualified and skilled person once legislation is in place and the Shire of Carnarvon is competing with other local governments.		Appointment of an independent chair prior to the legislation taking effect reduces this risk.
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:

- N/A

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The shortlisted candidate presented to the Committee at their meeting on 11 July. The shortlisted candidate meets the requirements of the position as outlined in the Terms of Reference as follows:

1. Advanced accounting, business, or financial management/reporting knowledge and experience and is conversant with the financial and other reporting requirements – see attached resume for details of how the candidate has demonstrated this requirement.

2. An ability to apply appropriate analytical, strategic financial, and management skills – see attached resume for details.
3. Has no operating responsibilities or associations with the Shire.

Following the Committee's deliberations, the Committee is putting forward a recommendation to Council. The Committee's Terms of Reference stipulates that the appointment of an independent chair would be for a maximum of two years and that the appointment should align with the commencement of the new financial year.

OFFICER'S RECOMMENDATION

That Council by Absolute Majority, pursuant to S5.8 of the Local Government Act 1995:

- a. Appoints Phillip Draber to the position of independent chair of the Shire of Carnarvon Audit and Risk Committee for a period of two years commencing in August 2023.***
- b. Offers remuneration of \$500 sitting fee per meeting plus reimbursement of travel costs to meetings as required as per the policy for travel reimbursement, noting that remuneration is subject to review following a ruling on remuneration by the Salaries and Allowances Tribunal.***

COUNCIL RESOLUTION OCM 3/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council by Absolute Majority, pursuant to S5.8 of the Local Government Act 1995:

- a. Appoints Phillip Draber to the position of independent chair of the Shire of Carnarvon Audit and Risk Committee for a period of 6 months but with options to extend in 6 monthly increments for a period not exceeding 2 years in total commencing in August 2023.***
- b. Offers remuneration of \$500 sitting fee per meeting plus reimbursement of travel costs to meetings as required as per the policy for travel reimbursement, noting that remuneration is subject to review following a ruling on remuneration by the Salaries and Allowances Tribunal.***

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

AGAINST: Cr Alexander Fullarton

ABSENT: Crs A Cottrell, L Skender, A Thornton and T Langley

LOST 4/1

The resolution required an Absolute Majority and as this was not achieved, the motion was lost.

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION JUNE 2023

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:	Presented each month
Schedules:	<ol style="list-style-type: none"> Accounts Paid Under Delegation June 2023 Credit Card Statement 23.05.23 to 22.06.23

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

To present the listing of accounts paid from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of June 2023.

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**

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

N/A

Financial Implications

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

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	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.

Comments

Nil

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 5.42 of the Local Government Act 1995 resolves to:

- a) *Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,694,536.15 as presented for the month of June 2023 incorporating the following:*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT38508</i>	<i>EFT38751</i>	<i>Muni EFT</i>	<i>\$3,043,239.03</i>
-	-	<i>Trust EFT</i>	<i>\$0.00</i>
-	-	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40197.1</i> <i>DD40198.1, DD40199.1</i> <i>DD40201.1 – DD40201.6</i> <i>DD40211.1, DD40212.1</i> <i>DD40217.1, DD40218.1</i> <i>DD40219.1, DD40219.1</i> <i>DD40220.1</i> <i>DD40228.1 – DD40228.6</i> <i>DD40229.1, DD40230.1</i> <i>DD40238.1</i>	<i>DD40239.1</i>	<i>Bank Directs</i>	<i>\$651,297.12</i>
		TOTAL	\$3,694,536.15

- b) *Receive the copies of credit card statements for all such Shire facilities for the period 23 May 2023 to 22 June 2023.*

COUNCIL RESOLUTION OCM 05/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, pursuant to Section 5.42 of the Local Government Act 1995 resolves to:

- a) *Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,694,536.15 as presented for the month of June 2023 incorporating the following:*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT38508</i>	<i>EFT38751</i>	<i>Muni EFT</i>	<i>\$3,043,239.</i>
-	-	<i>Trust EFT</i>	<i>\$0.0</i>
-	-	<i>Cheque</i>	<i>\$0.0</i>
<i>DD40197.1</i> <i>DD40198.1, DD40199.1</i> <i>DD40201.1 – DD40201.6</i> <i>DD40211.1, DD40212.1</i> <i>DD40217.1, DD40218.1</i> <i>DD40219.1, DD40219.1</i>	<i>DD40239.1</i>	<i>Bank Directs</i>	<i>\$651,297.1</i>

DD40220.1 DD40228.1 – DD40228.6 DD40229.1, DD40230.1 DD40238.1			
		<i>TOTAL</i>	<i>\$3,694,536.15</i>

b) *Receive the copies of credit card statements for all such Shire facilities for the period 23 May 2023 to 22 June 2023.*

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.2.2 MONTHLY FINANCIAL REPORT JUNE 2023

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report - June 2023

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 30 June 2023 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	NA	NA	
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	NA	NA	
Compliance	Local Government Act 1995 requires Council receives these statements within 2 months of the end of the applicable month.	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	
Fraud	NA	NA	

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 June Statement of Financial Activity being presented at the July 2023 Ordinary meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the Statement of Financial Activity for the period ended 30 June 2023. Any material variances are highlighted in the Statement of Financial Activity and included by way of note to the Statement of Financial Activity as per Schedule to the Agenda.

Schedule Monthly Financial Report - June contains legislative Notes:

- Note 1 Explanation of Composition of Net Current Assets
- Note 2 Explanation of Material Variances

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Statement of Financial Activity for June 2023 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 06/07/23

Moved: Cr Luke Vandeleur

Seconded: Cr Alexander Fullarton

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Statement of Financial Activity for June 2023 as per attached Schedule 1.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreira, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.2.3 BUDGET ADJUSTMENTS - JULY 2023

File No: ADM0027
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author(s): Viv Matangi, Finance Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Monthly report
 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 Item

A report on proposed Officer requested budget adjustments arising after the adoption of the 2022/2023 Budget is presented to Council each month for Council to consider. For the month of June, no adjustments are required.

Background

The Council adopted the Annual Budget for the Shire on 30 September 2022.

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

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

It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed by Officers regularly. Officers have reviewed the adopted budget and have no recommendations for the month of June.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

No adjustments are required; therefore, there is 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	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	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:

- N/A

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

No adjustments are required for the month of June 2023.

Adjustments Impacting Budgeted Closing Position

NIL.

Adjustments with no impact on budget closing position

NIL.

Net budget closing position

The budget closing position remains unchanged as a balanced budget.

OFFICER'S RECOMMENDATION

1. *That Council by Simple Majority, notes that no budget adjustments are required for June 2023.*

COUNCIL RESOLUTION OCM 07/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council by Simple Majority, notes that no budget adjustments are required for June 2023.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.2.4 RATES EXEMPTION APPLICATIONS

File No: ADM2119

Location/Address: Multiple:
 73 Olivia Terrace, Carnarvon-A536
 34 Cleaver Street, South Carnarvon-A110
 76 Whitlock Street, South Carnarvon-A442
 126 David Brand Drive, Brockman-A1266
 17A/B Acacia Way, Greys Plain-A676

Name of Applicant: Multiple:
 University of Western Australia;
 Uniting Church of Australia Property Trust; and
 ABC Foundation

Name of Owner: Multiple:
 University of Western Australia;
 Uniting Church of Australia Property Trust; and
 ABC Foundation

Author(s): Dallas Wood-Harris, Rates Officer

Authoriser: Andrea Selvey, Chief Executive Officer

Declaration of Interest: Nil

Voting Requirement: Simple Majority

Previous Report: Nil

Schedules:

1. UWA Application for Rates Exemption-Olivia Terrace, Carnarvon.
2. Uniting Church Application for Rates Exemption - Cleaver Street
3. Uniting Church Application for Rates Exemption - Whitlock Street (Vacant Land)
4. ABC Foundation Application for Rates Exemption - David Brand Drive
5. ABC Foundation Application for Rates Exemption - Acacia Way
6. Rates Exemption 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 Item

This report presents five applications for rates exemption for Council consideration.

The officer’s recommendation is that four of the five applications are supported as they comply with legislative requirements and Council Policy CF019 *Rates Exemption for Charitable Purpose*.

Background

At the Ordinary Meeting of Council on 23 May 2023, Council resolved to adopt a policy position regarding rates exemptions for properties that comply with conditions for exemptions as set out in legislation, i.e., that the land is used exclusively for charitable purposes. The Policy provided further clarity to assist with interpreting the legislation as ‘charitable purposes’ is currently not defined in the *Local Government Act 1995*, or in other statutes.

With that Policy now in place, the administration is able to process applications received from organisations that are seeking an exemption based on their understanding of their eligibility.

The table attached, see attachment six, provides the details on each application along with the Rates Officer’s assessment of eligibility of each application against the legislation and Council’s policy position.

Stakeholder and Public Consultation

N/A

Statutory Environment

Section 6.26(2)(g) and (d) of the *Local Government Act 1995*

Relevant Plans and Policy

CF019 Rates Exemption for Charitable Purpose

Financial Implications

The financial implications arising from the officer’s recommendation are as follows:

2022/2023: \$10,098.38 to be processed as either a refund if the amount has been paid or as a credit if the amount has not been paid.

2023/2024: \$10,401.00 reduction in rate revenue.

Note: Exemptions will apply for three financial years as per Council Policy CF019, unless the property changes ownership or there is a change in use which impacts the property’s eligibility ie., not longer delivering a service that is for a charitable purpose.

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	High	Budget rate revenue estimates reflect properties that will not pay rates due to this exemption.
Health & Safety	N/A		
Reputation	Potential for reputation impact if exemptions are not applied correctly in a transparent and timely manner.	Moderate	This report presents applications for Council consideration in a timely, transparent and compliant manner.
Service disruption	N/A		
Compliance	Should applications that are compliant not be granted an exemption, it is possible that the applicant would lodge an object with SAT.	High	The assessment and recommendations provided to Council comply with legislation.
Property	N/A		
Environment	N/A		
Fraud	It is possible that fraudulent applications are lodged.	Moderate	Background checks are completed for each application, including ABN, ACN, registration for charitable purposes, property inspections.

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

Applications have been received for the following properties.

Ass. No	Property details	Owner/Applicant
A536	73 Olivia Terrace, Carnarvon	University of Western Australia See Schedule 1 for Rates Exemption Application.
A110	34 Cleaver Street, South Carnarvon	Uniting Church of Australia Property Trust – see attachment two for Rates Exemption Application.

A442	76 Whitlock Street, South Carnarvon	Uniting Church of Australia Property Trust - see Schedule 3 for Rates Exemption Application.
A1266	120 David Brand Drive, Brockman	ABC Foundation - see attachment four for Rates Exemption Application.
A676	17a/b Acacia Way, Grey's Plains	ABC Foundation - see attachment five for Rates Exemption Application.

Each application has been assessed for compliance with the relevant legislation and Council’s policy position as per CF019.

Please see attached table, Schedule 6 which presents details and the officer’s recommendation on each application for Council’s consideration.

NB: This item deals exclusively with rates exemptions and does not include consideration of any exemptions for the Emergency Services Levy or Waste Service Charges, which would still apply.

OFFICER’S RECOMMENDATION

- 1. The Council, by Simple Majority, pursuant to s.6.26(2)(g) and (d) of the Local Government Act 1995 resolves to accept the applications for rates exemptions for the following properties as they are deemed eligible under relevant legislation:***

Assessment No.	Address	Owner/Applicant
A536	73 Olivia Terrace, Carnarvon	University of WA
A110	34 Cleaver Street, South Carnarvon	Uniting Church of Australia Property Trust
A1266	126 David Brand Drive, Brockman	ABC Foundation
A676	17 a/b Acacia Way, Grey's Plains	ABC Foundation

- 2. The Council, by Simple Majority, pursuant to s.6.26(2)(g) of the Local Government Act 1995, resolves to decline the application for rates exemptions for the following property as it is deemed ineligible under legislation:***

Assessment No.	Address	Owner/Applicant
A442	76 Whitlock Street, South Carnarvon	Uniting Church of Australia Property Trust

COUNCIL RESOLUTION OCM 08/07/23

Moved: Cr Luke Vandeleur
 Seconded: Cr Burke Maslen

- 1. The Council, by Simple Majority, pursuant to s.6.26(2)(g) and (d) of the Local Government Act 1995 resolves to accept the applications for rates exemptions for the following properties as they are deemed eligible under relevant legislation:***

Assessment No.	Address	Owner/Applicant
A536	73 Olivia Terrace, Carnarvon	University of WA
A110	34 Cleaver Street, South Carnarvon	Uniting Church of Australia Property Trust

2. The Council, by Simple Majority, pursuant to s.6.26(2)(g) of the Local Government Act 1995, resolves to decline the application for rates exemptions for the following property as it is deemed ineligible under legislation:

Assessment No.	Address	Owner/Applicant
A442	76 Whitlock Street, South Carnarvon	Uniting Church of Australia Property Trust

3. That Council by Simple Majority, pursuant to s.6.26(2)(g) of the Local Government Act 1995, defer a decision on the application for rates exemptions for the following properties pending receipt of further information from the Foundation –

A1266	126 David Brand Drive, Brockman	ABC Foundation
A676	17 a/b Acacia Way, Grey's Plains	ABC Foundation

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

Note : ABC Foundation were requested to provide further supporting information in regard to their application for the two properties prior to the Council Meeting. As this information was not provided in time, Council resolved to defer the application pending receipt of this information.

7.2.5 SCHEDULE OF FEES AND CHARGES 2023/24

File No:	ADM0002
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Viv Matangi, Finance Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Fees & Charges Schedule 2023/2024 2. Waste Fees Change Justifications 2023/2024

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

The proposed Schedule of Fees and Charges for the 2023/2024 financial year is attached for Council to consider. Fees and charges are proposed to Council for adoption for the 2023/2024 financial year in accordance with section 6.16 (1) of the Local Government Act 1995.

Background

The Shire adopts the Schedule of Fees and Charges on an annual basis in accordance with Section 6.16 of the *Local Government Act 1995*. This section of the Act permits the Shire to impose a fee or charge for any goods or services it provides or proposes to provide.

During the fees and charges review, officers have considered the impact of the increases and made recommendations that take into consideration current economic conditions, previous increases, legislated and regulated fees. The adoption of the Schedule of Fees and Charges 2023/2024 forms part of the 2023/2024 budget process. The intention is for the Fees and Charges 2023/2024 to take effect 60 days after being adopted by Council.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 - Section 6.16 (a) & (b)

Relevant Plans and Policy

Nil

Financial Implications

The proposed Schedule of Fees and Charges has allocations of income streams with a CPI increase of 5.8% included as part of the draft 2023/2024 Budget. Fees and Charges are forecasted to return approximately, \$3.4million in 2023/2024 financial year to the Shire.

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	Increases to fees and charges are an impost to the community	Low	Fees and charges need to be aligned to CPI and statutory increases. They are also increased with consideration of current economic conditions.
Health & Safety	N/A	N/A	N/A
Reputation	Increases to the Fees and Charges could be seen as an impost to the community.	Low	Increases have been generally maintained at CPI.
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	N/A	N/A	N/A

Community and Strategic Objectives

Fees and Charges assist with supporting overall delivery of a range of desired objectives as expressed in the *Community Strategic Plan 2022-2032*.

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

A CPI increase of 5.8% is generally applied across the fees and charges with exceptions to waste fees and statutory fees. Changes to the Fees and Charges schedule include new fees for the following:

- Hire of the Woolshed (Kitchen only)
- Cinema advertising for businesses and/or government agencies
- Hire of the new Gallery Nook space at the library
- Aquatic Centre entrance fee for spectators
- Consistency of printing/photocopying services across all Shire facilities

Significant changes to Fees and Charges are proposed for the waste disposal fees. In previous years, the Brown Range Waste Facility fees included a Commercial Service Fee. The fee for 2022/23 was \$40.00 (incl GST) per load. The 2023/24 schedule proposes that the removal of the commercial service fee. It has been suggested that this fee acts as an impediment to disposal of waste at the facility and that it may contribute to unlawful dumping.

To meet operational funding for the facility and to try to achieve waste sorting and separation behaviours, a variety of fee amendments are proposed. These changes are detailed in Schedule 2.

These fee amendments have been prepared after an analysis of actual waste data received at the facility for the 2022/23 year. The true impact of these changes will however be difficult to determine precisely. It is therefore also recommended that these waste facility Fees and Charges are reviewed after 6 months to determine if revenues are being maintained at a sustainable level and if there has been any adverse impact associated with the fee restructure. The six-month trial period will also provide opportunity for stakeholder and community consultation.

OFFICER'S RECOMMENDATION

1. ***That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the schedule of Proposed Fees and Charges for the 2023 - 2024 financial year;***
2. ***Give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2023 - 2024, effective from 25 September 2023;***
3. ***Review the Waste Disposal Fee – Brown Range after the six-month trial period as part of the Mid Year Budget Review***

COUNCIL RESOLUTION OCM 09/07/23**Moved: Cr Alexander Fullarton****Seconded: Cr Luke Vandeleur**

A motion was moved that Council suspend standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreira, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 10/07/23****Moved: Cr Luke Vandeleur****Seconded: Cr Burke Maslen**

A motion was moved that Council resume standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreira, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0**COUNCIL RESOLUTION OCM 11/07/23****Moved: Cr Luke Vandeleur****Seconded: Cr Burke Maslen**

- 1. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the schedule of Proposed Fees and Charges for the 2023 – 2024 financial year;**
- 2. Give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2023 – 2024, effective from 25 September 2023;**
- 3. Review all fees and charges after the six-month trial period as part of the Mid Year Budget Review**

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreira, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY ABSOLUTE MAJORITY 5/0

Cr Fullarton moved an amendment to the motion.

MOTION AMENDMENT

COUNCIL RESOLUTION OCM 12/07/23

Moved: Cr Alexander Fullarton

That there be no increase in the proposed fees and charges for 2023/2024 with the exception of the waste fees as presented.

MOTION LAPSED FOR WANT OF A SECONDER

As a result of the amendment being lost, Motion OCM 11/07/23 was put and carried.
Note – Council agreed that all fees and charges be reviewed after 6 months.

7.2.6 SUNDRY DEBTORS WRITE OFF

File No:	ADM0026
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Vika Nafetalai, Finance Officer
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 Item

This item presents to Council Sundry Debtor debts considered unrecoverable and seeks a Council resolution to write off these debts.

Background

During the 2021- 2022 fire season the Shire of Carnarvon along with DFES had extensive fires throughout the Gascoyne Region. Community Emergency Services Manager (CESM) submitted an acquittal to DFES for the 2021-2022 fire season. This resulted in a fire-fighting reimbursement claim of \$32,625.11 being submitted by the Shire to DFES. The initial claim was rejected due to some items of the claim being outside of LGGS grant scheme guidelines. A revised claim was submitted to DFES for \$18,683.20 that met guidelines and was accepted by DFES. The remaining amount of \$13,941.91 from the initial claim is deemed unrecoverable, and now presented to Council to consider the requested write-off.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 Section 6.12 (1) (b)

Relevant Plans and Policy

CF007 Debt Collection; and Delegation 1.2.21 Defer, Grant Discounts, Waive or Write-Off Debts is delegated to the CEO. Delegation is limited to individual debts valued below \$200 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.

Financial Implications

The total amount recommended for write-off is \$13,941.91.

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	Impact on financial position, particularly in incurring debts for firefighting without clear understanding of eligibility to recover costs.	Low	Improve communication with DFES and ensure clarification about what costs are deemed recoverable before incurring debts for firefighting.
Health & Safety	N/A	N/A	N/A
Reputation	Writing off debts could damage the Shire’s reputation and encourage other non-payment by other debtors.	Moderate	Improve understanding about what can be recouped from DFES for future events.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Risk of property damage arising from not being able to deploy the resources we have available.	N/A	Continue to advocate for the use of aerial assets at our disposal to assist with efficient and effective firefighting.
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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

All reasonable recovery actions have been undertaken to secure payment of the listed debt. The debt listed below is recommended to be written off as the debtor has rejected the initial claim of \$32,625.11 based on LGGS grant scheme guidelines. DFES has accepted the revised claim of \$18,683.20. The Officers recommendation is to write-off the remaining \$13,941.91 from the initial claim as this amount is considered unrecoverable from DFES.

Debtor Code	Amount Outstanding	Date	Details of Debt	Reasons for Write Off	Preventative Actions
FESA	\$13,941.91	9/11/2022	Reimbursement claims for Bushfire Operational Duties carried out in 2021-2022 Bushfire Season.	The debtor has provided a detail breakdown of why the original invoice of \$32625.11 was rejected and advise that due to some firefighting activities being outside the correct protocol such as use of a helicopter, they will only accept and approve fire operations that were in line with the policy which was \$18,683.20.	Engagement with DFES to ensure there is a clear understanding of items that are eligible for reimbursement prior to incurring costs.

OFFICER'S RECOMMENDATION

That Council by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debt listed below as it's considered unrecoverable.

COUNCIL RESOLUTION OCM 13/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debt listed below as it's considered unrecoverable.

	<i>Debtor Code</i>	<i>Amount</i>
1.	FESA	\$13,941.91
<i>Grand Total</i>		<i>\$13,941.91</i>

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 LOCAL DEVELOPMENT PLAN - LOT 9500 (67) ROBINSON STREET, CORAL BAY

File No:	A3979
Location/Address:	Lot 9500 (67) Robinson Street, Coral Bay
Name of Applicant:	Priority Management Pty Ltd
Name of Owner:	William F Brogan & 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:	1. Local Development Plan

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 report relates to a proposed Local Development Plan (LDP) for Lot 9500, 67 Robinson Street, Coral Bay and seeks a Council resolution to adopt the LDP.

Background

The subject land is affected by Special Control Area 5: Coral Bay Settlement that gives the Local Government the discretion to request the preparation of a LDP. Recently, the land was subject to unauthorised development and to prevent any further unauthorised development and/or any ad hoc development occurring, a LDP was required to be prepared for the land to encourage orderly development into the future.

The LDP was lodged on behalf of Coral Bay Amalgamated Holdings Pty Ltd by Priority Management.

Lot 9500 contains multiple land uses and further land available for development. See **Schedule 1** to this report.

The land is zoned predominantly Tourism with a small section zoned Commercial under the Local Planning Scheme 13 (LPS13). Under LPS13 the site has a Restricted Use provision (R7) limiting the Tourism area of the lot to the use of 'Camping ground, Caravan Park, Hotel, Motel and Tourist development'.

The purpose of the LDP is to provide guidance as to the future development of the lot. A LDP can be described as a mechanism to coordinate and assist in achieving better built form outcomes by linking lot design to future development.

The Shire of Carnarvon is to have due regard to an approved LDP when determining development applications on land subject to an LDP.

It is considered that the LDP has been prepared in a manner and form to accord with Schedule 2, Part 6, clause 48(1) of the Regulations. It is recommended that Council resolve to adopt the LDP.

The LDP is to provide guidance on the following matters when considering future development applications:

- Site development requirements; and
- Design features.

Stakeholder and Public Consultation

Following the lodgement of the LDP, the plan was referred to the Department of Planning, Lands and Heritage (DPLH) for comment. DPLH had no objection to the proposed LDP.

Notwithstanding an adoption of the LDP development applications will be required to be lodged for any development within Lot 9500, unless it is exempt development as described in the Planning and Development (Local Planning Schemes) Regulations 2015.

The proposed LDP was also advertised to surrounding property owners for comment. No Submissions were received.

Notwithstanding an adoption of the LDP the development any future development within Lot 9500 must conform to the controls set out in LPS13 and the Coral Bay Settlement Structure Plan.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015

Local Development Plans undergo a statutory process in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to approve the Local Development Plan with or without conditions.

The approval of a Local Development Plan has effect for a period of 10 years commencing on the day on which the local government approves the plan.

Relevant Plans and Policy

State Planning Policy No. 6.3 – Ningaloo Coast (SPP 6.3)

SPP 6.3 provides guidance regarding acceptable and sustainable development on the Ningaloo coast. The proposed LDP is only a guide for future development that will need to comply with this policy.

Local Planning Scheme 13

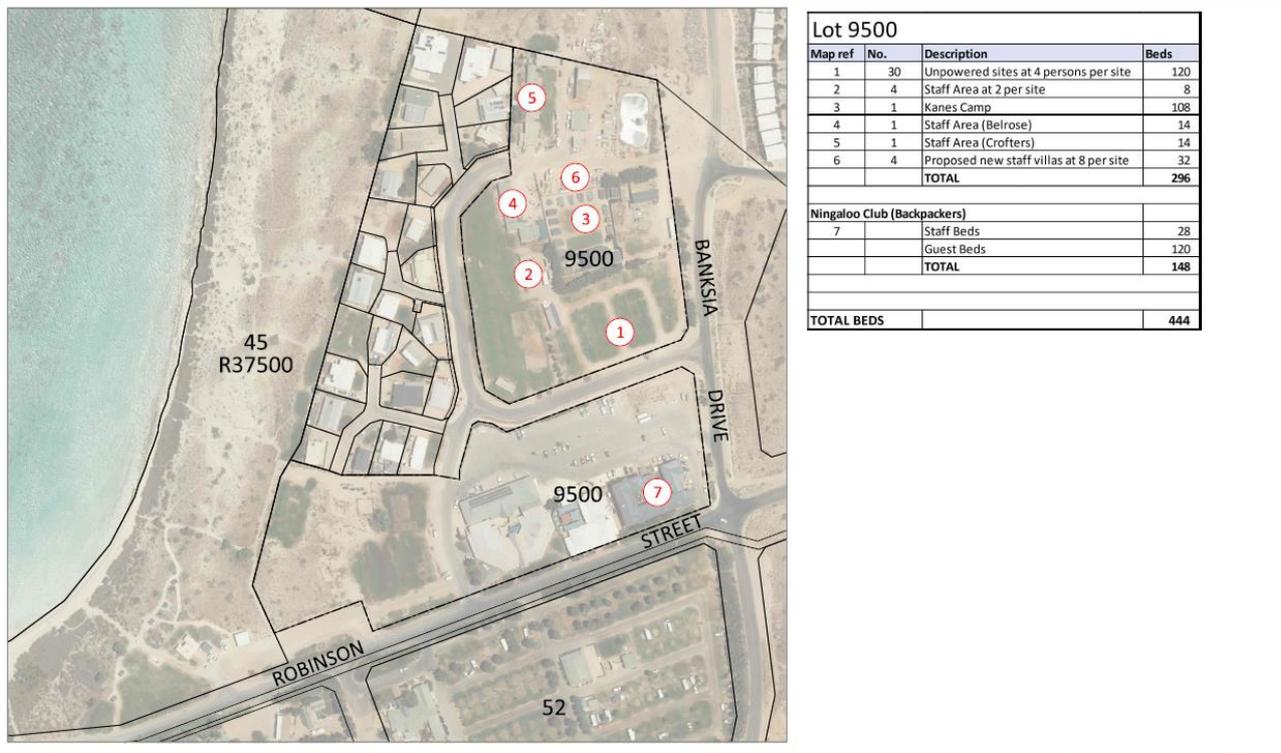
Lot 9500 is identified as partly Tourism and Commercial zones under LPS13 and Restricted Use provisions apply to the site. These provisions state that:

1. *The general development standards of the Scheme apply unless prescribed in a Local Development*

Plan approved under Part 6 of the deemed provisions; or unless a R-Code is designated, in which case the requirements of the Residential Design Codes shall apply.

- The number of beds to be accommodated is restricted to 816 (inclusive of workforce accommodation).*

An accommodation audit was undertaken by the applicant for Lot 9500 to calculate the current bed numbers for the site. The audit results show that the current bed numbers equate to 444 as can be seen below, which is well below the cap of 816.



Date: 10.07.2023
 Co-ordinates: MGA zone 49
 Aerial Photography: Landgate 17.02.2020
 Plan Reference: HD 22295
 Revision: Original

DEVELOPMENT APPLICATION
 Ningaloo Coral Bay Resort - Lot 9500
 Robertson Street Coral Bay

ACCOMMODATION AUDIT PLAN

Priority MANAGEMENT
 PO Box 29 Bussery WA 6231
 08498 912 079
 smart@prioritymanagement.net.au
 www.prioritymanagement.net.au

Coral Bay Settlement Structure Plan (2014)

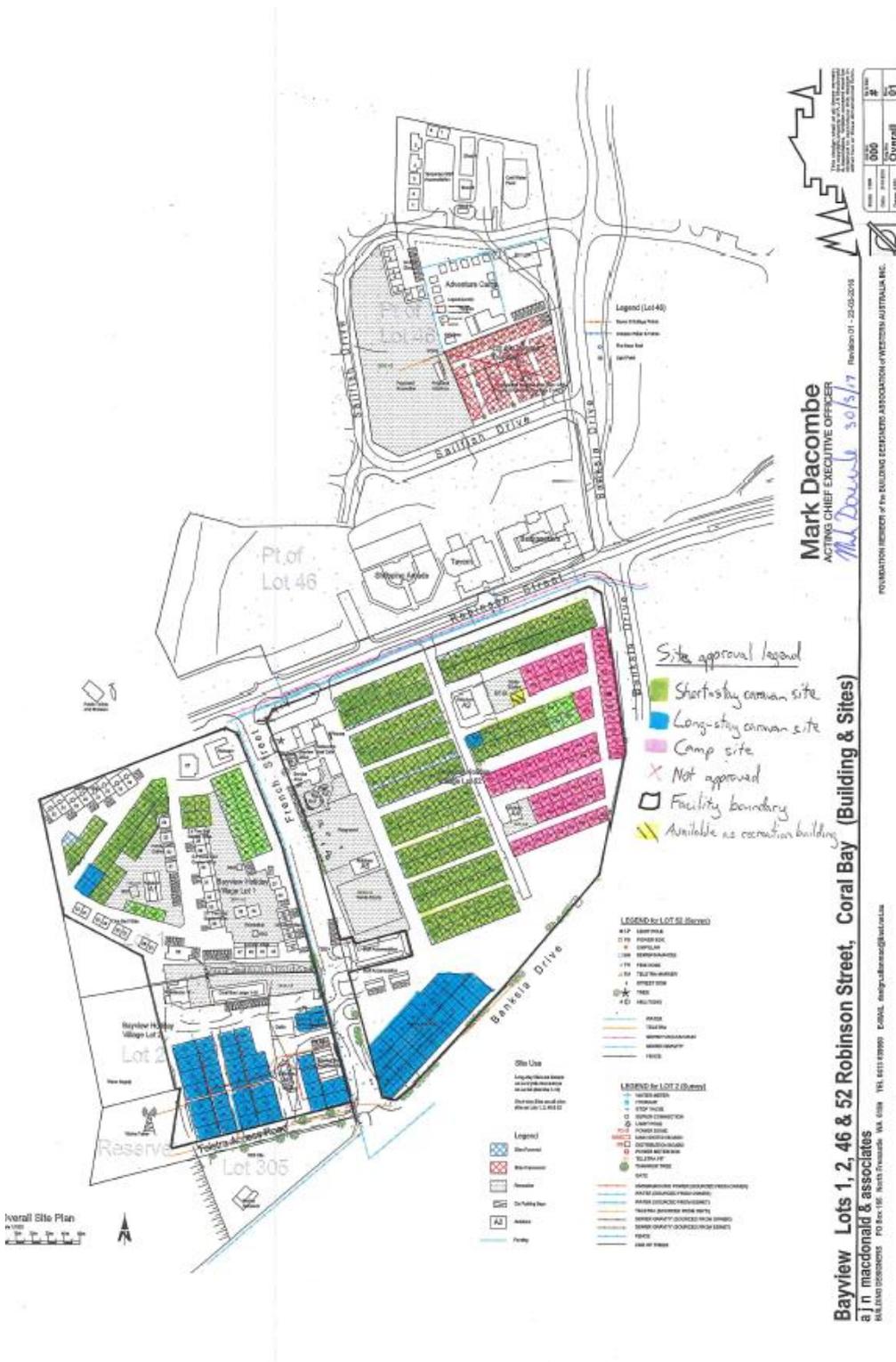
The CBSSP provides non-statutory strategic guidance to land use and development within the CBSSP area. Any Local Development Plans prepared within the CBSSP area shall generally accord with the provisions, standards and requirements of the CBSSP.

The CBSSP does not specify any specific requirements for Lot 9500.

Bayview Masterplan

The Bayview Masterplan, as shown below, was approved on 30 May 2017 for the Bayview caravan park only, which is delineated by the dark black line south of Robinson Street, Coral Bay. This plan has contributed to past confusion as it relates to the development north of Robinson Street, the subject of this report. The Masterplan indicates that Sailfish Drive will continue through to Banksia Drive. However, this was only an artist impression at the time and not part of the actual Bayview Masterplan. The continuation of Sailfish Drive would be over private property, and as such cannot be enforced by the Shire without having a recognised road reserve in place.

The LDP and the current development application addresses this matter by providing private access through from Sailfish Drive to Banksia Drive. The private access through Lot 9500 will at least provide an emergency exit through to Banksia Drive if Sailfish Drive is blocked off due to an emergency.



Mark Dacombe
 ACTING CHIEF EXECUTIVE OFFICER
 30/5/17
 PROVISIONAL MEMBER OF THE BUILDING EXAMINER ASSOCIATION OF WESTERN AUSTRALIA INC.

Bayview Lots 1, 2, 46 & 52 Robinson Street, Coral Bay (Building & Sites)
a j n macdonald & associates
 BUILDING EXAMINERS PO Box 116 North Fremantle WA 6160 TEL: 0811 829999 EMAIL: enq@ajnm.com.au

Ningaloo Coast Regional Strategy

The proposal generally accords with the Ningaloo Coast Regional Strategy.

SPP 3.7 - Planning in Bushfire Prone Areas

SPP 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner.

Lot 9500, Robinson Street, Coral Bay is identified as being within a Bushfire Prone Area. The LDP application included a Bushfire Management Plan, which determined that the future development within the LDP boundaries will need to be constructed to a BAL rating of 12.5 for the relocated villas and a BAL rating of 29 for the proposed resort area that is currently vacant land.

The BAL assessment complies with the requirements of the above State policy and the deemed provisions of the Planning and Development Regulations 2015.

Financial Implications

There are no financial implications related to this 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	Removes ambiguity on development potential. LPS13 provides for the adoption of the LDP.	Low	The LDP will clarify development standards set out in LPS13 and assist the DA assessment process.
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 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

The Local Development Plan has been submitted to the Shire for the purpose of facilitating and guiding future development within Lot 9500 Robinson Street, Coral Bay. The LDP will guide landowners and decision makers when assessing development applications. Any future development on Lot 9500 will require the lodgement of a development application. All applications will be assessed against the LDP and Local and State Planning frameworks, and applications consistent with the LDP are recommended to be dealt with under delegation.

It is recommended that Council approve the Local Development Plan for Lot 9500 (67) Robinson Street, Coral Bay.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves:

- 1. Pursuant to 52(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the Local Development Plan No. 22295, Revision C dated 06/06/2023; and*
- 2. To publish the approved Local Development Plan on the Shire website.*

COUNCIL RESOLUTION OCM 14/07/23

Moved: Cr Alexander Fullarton

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, resolves:

- 1. Pursuant to 52(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the Local Development Plan No. 22295, Revision C dated 06/06/2023; and*
- 2. To publish the approved Local Development Plan on the Shire website.*

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.3.2 RELINQUISHMENT OF AREA OUT OF LOT 1164 ON PLAN 174588 REQUIRED BY AMPITEL FOR TELECOMMUNICATION PURPOSES

File No:	A757
Location/Address:	7 Egan Street, Carnarvon
Name of Applicant:	Ampitel Pty Ltd (Ampitel)
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:	1. Request from Ampitel 2. Site Plan

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 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 checked="" 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 report seeks a Council resolution to relinquish the area required by Ampitel out of Reserve 1856 for telecommunication purposes. Currently, Reserve 1856 (Lot 1164 on Plan 174588) contains a Management Order that precludes the use of the land for any purpose other than education and recreation.

Background

Earlier this year, Ampitel applied for a development approval to construct a telecommunication facility on the above land.

Development approval was granted to Ampitel following the advertising period, subject to a condition that the Management Order be amended to allow the establishment of a telecommunication facility on the land.

Ampitel has now submitted a request for Council to consider the excision of the area, required for telecommunication infrastructure, from Reserve 1856 (Lot 1164 on Plan 174588). Please refer to schedule 1 to this report.

Stakeholder and Public Consultation

The development application was advertised in the newspaper as well as notices sent to surrounding property owners and a sign was placed on site. No objections were received.

Statutory Environment

Land Administration Act 1997

Section 46 – Care, control and management of reserves.

Relevant Plans and Policy

There are no relevant plans and policies associated with this proposal.

Financial Implications

There are no financial implications anticipated relating to 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	Mitigating Action/s
Financial	Surveying costs associated with the proposal	Low	Recommendation includes cost exemption to the Shire.
Health & Safety	N/A		
Reputation	Ampitel has engaged with the Council and Shire officers to identify a suitable site after a DA for another site in the town centre was not approved. Not approving the site could lead to reputational damage.	Low	The officer’s recommendation recommends relinquishing the portion of the reserve.
Service disruption	N/A		
Compliance	N/A		
Property	The property is under management order and cannot be leased under the current order. Without an excision	Moderate	The State’s advice has changed since the approval of the DA, from amending the management order to know being excision of the portion from the reserve required by Ampitel.

	the project cannot proceed.		
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:

- N/A

Comments

Development approval has been granted to Ampitel to use a portion of the reserve for telecommunication infrastructure purposes. The approval was subject to a condition that the Management Order be amended to enable the development. However, the State has advised that they require that the Shire relinquishes the portion of the reserve required by Ampitel instead of amending the current Management Order. The State will then lease that portion to Ampitel.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 46 of the Land Administration Act 1997 resolves to relinquish the area from Reserve 1856 (Lot 1164 on Plan 174588) required by Ampitel Pty Ltd for telecommunication infrastructure purposes at no cost to the Shire of Carnarvon and notifies the Department of Planning, Lands and Heritage of Council’s resolution on this matter.

COUNCIL RESOLUTION OCM 15/07/23

Moved: Cr Luke Vandeleur
Seconded: Cr Alexander Fullarton

That Council, by Simple Majority, pursuant to Section 46 of the Land Administration Act 1997 resolves to relinquish the area from Reserve 1856 (Lot 1164 on Plan 174588) required by Ampitel Pty Ltd for telecommunication infrastructure purposes at no cost to the Shire of Carnarvon and notifies the Department of Planning, Lands and Heritage of Council’s resolution on this matter.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreira, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.3.1 REPAIR OF HOUSE - EXTENSION OF TIME (A1288)

File No:	ADM0182
Location/Address:	Refer to Schedule
Name of Applicant:	N/A
Name of Owner:	Refer to Schedule
Author(s):	Dane Wallace, Environmental Health Officer
Authoriser:	Stefan Louw, Planning And Building Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple majority
Previous Report:	28 June 2022 – 7.3.2
Schedules:	1. Confidential schedule re: repair of house - extension of time - Confidential (under separate cover)

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 seeks a Council resolution to grant an extension to the owners of this property to provide a timeframe commitment for the refurbishment of a house that is vacant and is currently boarded up.

Background

Council originally ordered the boarding up and later removal of the structure at A1288 (Item 7.3.7 of 26 April 2022). The owner boarded it up and responded to say they wish to refurbish the property but needed more time to commit to a refurbishment plan. Council agreed to the refurbishment and gave a due date to commit to a timeframe for refurbishing the house no later than 31 December 2022 (28 June 2022, Item 7.3.2). This date was subsequently extended to 30 June 2023 by Council in November 2022. The property owner has not provided a time commitment to refurbish the house to date.

Refer to **Schedule 1** for the confidential specifics of the property and request from the owner.

Stakeholder and Public Consultation

The owner has been contacted in regard to this matter and has now requested an extension of time until 31 December 2023. Refer to **Schedule 1** for particulars.

Statutory Environment

Health (Miscellaneous Provisions) Act 1911, Part V, Division 1 on houses unfit for habitation. In particular Section 137 on ordering the repair or removal of a house unfit for occupation.

Relevant Plans and Policy

Nil

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	The house is boarded up but remains significantly damaged inside and as such could be a potential safety hazard to trespassers.	Low	Advancing the refurbishment and occupation of the house will mitigate the risk of further damage and safety.
Reputation	The reputation of the Shire and the town of Carnarvon is damaged by the presence of damaged and derelict houses.	High	Maintaining pressure on owners to refurbish or demolish houses that are dangerous or derelict.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	The built environment is compromised by the presence of derelict houses.	Low	Maintaining pressure on owners to refurbish or demolish houses that are dangerous or derelict.
Fraud	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*
- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

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

Officers are still of the opinion that the house be refurbished as it is structurally sound. The grant of another extension of time to refurbish the house is warranted, as the house is currently securely boarded up with no signs of additional vandalism and the owner would appear to have a valid reason for needing further time. Furthermore, since the boarding up of the house, the property has been kept in a tidy condition and no complaints have been received to date regarding the current state of the house.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, grant an extension until 31 December 2023 for the owner to provide a timeframe commitment on refurbishing the house at Property #A1288, subject to the house remaining securely boarded up and the property kept in a neat and tidy condition.

COUNCIL RESOLUTION OCM 16/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, grant an extension until 31 December 2023 for the owner to provide a timeframe commitment on refurbishing the house at Property #A1288, subject to the house remaining securely boarded up and the property kept in a neat and tidy condition.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.3.4 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 13 -SCHEME AMENDMENT NO 7

File No:	A4046
Location/Address:	1300 North West Coastal Highway
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Colchestar 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:	1. Amendment Documentation

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 Information** Includes adopting local laws, town planning schemes and policies. 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

The Shire has received a request from Canford Hospitality Consultants Pty Ltd on behalf of the owners of the Minilya Bridge Roadhouse to amend the Local Planning Scheme No. 13 to create a new special use zone, which adds the ‘Hotel’ land use.

The intention of the amendment is to allow to operators of the roadhouse to serve packaged liquor to the lodgers and travellers. As the Shire is preparing the scheme amendment in response to this application officers saw this as an opportunity to extend the scheme amendment to capture all roadhouses outside the town of Carnarvon.

This report recommends that Council initiate the amendment and determine that the amendment is a standard amendment, noting that should Council initiate the amendment, it will need to be advertised for public comment.

Background

As it stands, the both roadhouses (Minilya Bridge and Wooramel) are currently permitted to allow for lodgers or provide short term accommodation to guests - this is a listed use under the roadhouse definition. As such, the additional ‘Hotel’ land use will not result in these sites being able to accommodate travellers where they could not previously.

The 'Hotel' land use is categorised as an 'A' use in all zones where it is listed, meaning that the use is not permitted unless the Shire has used its discretion to grant development approval and the application was advertised in accordance with clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015. In order to maintain consistency within the Scheme, it is proposed that the 'Hotel' land use remain as an 'A' use in proposed Special Use Zone 2, hence the insertion of a new condition 2 for the proposed Special Use Zone 2 in Schedule 4 to the Scheme. Refer below and to the **Schedule 1**.

<p>Wooramel (Wooramel Roadhouse)</p> <p>(b) Lot 50 (No 13000) North West Coastal Highway, Minglya (Minglya Bridge Roadhouse)</p>	<p>discretionary uses by the Scheme. All other uses are not permitted by this Scheme.</p> <p>2. 'Hotel' is considered to be an 'A' use pursuant to Part 3 of the Scheme.</p> <p>3. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall</p>
--	---

The intent of the amendment was to allow for the roadhouses along North West Coastal Highway (namely Wooramel and Minglya Bridge) to serve liquor to lodgers and take away packaged liquor. The intent was not to have this service within the townsite – given the roadhouses in the townsite are all within proximity to existing liquor stores.

The ability to provide liquor will enable the roadhouses to further diversify their businesses and provide additional convenience to travellers.

The existing Special Use Zone 1 has been split into 2 separate Special Use Zones to differentiate the permissibility of the 'Hotel' land use for roadhouses within and outside of the Carnarvon townsite.

This proposal to allow for liquor service is not unlike other local governments in the region.

Stakeholder and Public Consultation

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

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

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

Statutory Environment

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

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

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

- I. *an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*
- II. *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- III. *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- IV. *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (i) It is an amendment to the Scheme that does not require any rezoning of land, rather providing for the opportunity of one additional use within existing roadhouse sites only.
- (ii) The amendment will have minimal impact on land within the scheme area, being confined to only 2 sites within the scheme area.
- (iii) No modifications to the Scheme Map are being proposed apart from administrative renumbering
- (iv) The amendment is consistent with the Shire’s Local Planning Strategy in that:
 - a. The Strategy identifies a lack of hotel land uses, with less than 30% of accommodation options being hotels; and
 - b. The Strategy identifies the need to support the development and growth of local businesses and brands through appropriately zoned land.

Relevant Plans and Policy

Shire of Carnarvon Local Planning Strategy:

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

- *Attracting new investment and sustaining existing businesses;*

Financial Implications

N/A

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	The landowner’s ability to utilise the site for diverse business potentials.	Low	The scheme amendment will address the zoning constraint to facilitate future development of the site, which is limited to what is being applied for.
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*

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

In allowing the roadhouses to obtain approval as a ‘Hotel’, the Scheme will support further economic potential for the operators and allow them to diversify their business models. However, it is important to note that the proposed amendment does not automatically allow for the roadhouses to serve liquor; rather, it provides them the opportunity to seek development approval and subsequently liquor license approval. This is currently not a possibility under the current scheme.

Currently, the definition of ‘Roadhouse’ permits operators to offer short term accommodation on-site. Adding ‘Hotel’ to the list of permitted uses will not modify current lodging arrangements. No modifications to the Scheme Map are being proposed through this amendment, apart from administrative renumbering.

In addition to the above, this report seeks Council's resolution to initiate and advertise the scheme amendment only. No approvals are being granted as part of this step in the process, and there are also no requirements in the Planning and Development (Local Planning Schemes) Regulations, 2015 that compel Council to initiate this amendment and, as such, the following options are available for Council to consider:

Option 1: Abandon the amendment.

Option 2: Initiate the amendment to gather community feedback as further information for the final decision. Noting that the item will be brought back to Council for adoption following the advertising period.

OFFICER'S RECOMMENDATION

That Council by Simple Majority,

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 7 of Shire of Carnarvon Local Planning Scheme No. 13 by creating a new Special Use Zone (SU2) which includes both the Wooramel and Minilya Bridge Roadhouses, adding 'Hotel' to the permitted uses, keeping the remaining roadhouses to Special Use Zone 1 and renumbering the Special Use Zones accordingly as per the Amendment Documentation.***
- 2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 7 is a standard scheme amendment on the basis that it is:***
 - i. an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;***
 - ii. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;***
 - iii. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;***
 - iv. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;***
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.***
- 4. Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.***
- 5. Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 7 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;***
 - i. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties; and***
- 6. Pursuant to Regulation 53 of the Planning and Development Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.***

COUNCIL RESOLUTION OCM 17/07/23**Moved: Cr Alexander Fullarton****Seconded: Cr Burke Maslen*****That Council by Simple Majority,***

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 7 of Shire of Carnarvon Local Planning Scheme No. 13 by creating a new Special Use Zone (SU2) which includes both the Wooramel and Minilya Bridge Roadhouses, adding 'Hotel' to the permitted uses, keeping the remaining roadhouses to Special Use Zone 1 and renumbering the Special Use Zones accordingly as per the Amendment Documentation.***
- 2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 7 is a standard scheme amendment on the basis that it is:***
 - i. an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;***
 - ii. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;***
 - iii. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;***
 - iv. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;***
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.***
- 4. Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.***
- 5. Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 7 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;***
 - i. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties; and***
- 6. Pursuant to Regulation 53 of the Planning and Development Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.***

FOR: Crs Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur**AGAINST: Cr Eddie Smith****ABSENT: Crs A Cottrell, L Skender and T Langley****CARRIED BY SIMPLE MAJORITY 4/1**

7.3.5 COMMUNITY ART HUB PROJECT

File No:	ADM0234
Location/Address:	Corner of Camel Lane and Robinson Street
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:	1. Project Brief

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 agenda item presents a project proposal for the establishment of a Community Art Hub as a 12-month pilot program in partnership with Real Futures. The Officer’s recommendation to Council is that the proposal be accepted along with the financial contribution from Real Futures.

Background

The Community Art Hub project is an initiative funded by Real Futures proposed to be delivered in partnership with the Shire of Carnarvon. This pilot project is set to run for 12 months and has a specific focus on providing anyone on the Community Services Program (CSP), previously known as the Community Development Program, all artists and community members with a platform to explore and showcase their artistic talents. The project aims to establish a dynamic hub that serves as a multifunctional space for training, artistic creation, and the sale of artwork. By fostering creativity and promoting entrepreneurial skills, the program seeks to empower individuals while also making significant contributions to the cultural and economic development of the region.

The Community Art Hub project objectives are to:

- Provide CSP participants and community of Carnarvon with an avenue to explore and showcase their artistic talents.
- Provide a space for artists and community members to develop new skills through programs and workshops available from the hub.
- Create a supportive environment for artists to receive training, mentorship, and resources to develop their skills.

- Establish a platform for artists to exhibit, promote, and sell their artworks, generating income and economic opportunities.
- Foster cultural exchange and community engagement through artistic collaborations, workshops, and events.
- Contribute to the growth of the local arts and creative industries sector.

The full project proposal is provided in the attached Project Brief.

Stakeholder and Public Consultation

The Shire has undertaken consultation to develop a masterplan for the overall Carnarvon Town Centre Revitalisation and the Community Art Hub has emerged as a priority project in that planning process.

In addition, the attached Project Brief details the key roles and responsibilities of each project partner.

Broader consultation will be done with the artists, community and CSP participants to ensure programming, training and the hub caters for the needs of the community.

Statutory Environment

Local Government Act 1995

Relevant Plans and Policy

Shire of Carnarvon Strategic Community Plan 2022 – 2032
 Shire of Carnarvon Corporate Business Plan 2023 – 2027

Financial Implications

There is a nil net financial impact for the Shire to implement this project as the financial contribution of \$100,000 for the establishment of a Community Art Hub project, an additional \$100,000 contribution to support the activation of the program will cover all costs.

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	Potential financial losses or budget overruns.	Moderate	Conduct thorough financial planning and budgeting. Regularly monitor and review project expenses. Seek additional funding sources or grants. Ensure contingency funds are allocated in the budget.
Health & Safety	Risks to the health and safety of participants and staff.	Low	Utilise the comprehensive health and safety procedures developed by both

			project partners. Regularly inspect and maintain the art hub premises. Establish emergency response plans and procedures.
Reputation	Failure of the art hub project.	Moderate	Maintain transparent and effective communication with stakeholders. Establish clear guidelines for acceptable behaviour and standards. Monitor and address any negative feedback or complaints promptly.
Service disruption	N/A	N/A	N/A
Compliance	Failure to comply with relevant laws, regulations, and policies.	Moderate	Stay updated on relevant laws and regulations. Conduct regular audits to ensure adherence to compliance standards.
Property	Damage or loss of property related to the art hub.	Moderate	Implement security measures to protect property and assets. Obtain appropriate insurance coverage for property and assets. Implement measures to prevent theft or vandalism.
Environment	Negative impacts on the local environment.	Low	Promote sustainable and eco-friendly art practices. Implement waste management and recycling practices.
Fraud	Potentially fraudulent activities or misuse of resources from participants.		Implement internal controls and monitoring systems. Maintain transparency and accountability in financial transactions.

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 educational opportunities from early childhood to adulthood are tailored and relevant to the individual*

- *Our community acknowledges our history and celebrates our diverse cultures*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Supporting this project will ensure that this \$200,000 funding allocation from Real Futures remains in Carnarvon and is spent locally. Real Futures would be required to return unused funding to the Federal Government should this project not be supported. This project offers the potential to bring about enduring positive effects for our community, and presents a valuable chance to nurture creativity, cultural expression, community involvement and new economic opportunities.

OFFICER'S RECOMMENDATION

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

- 1. Endorse the Community Art Hub project proposal as presented; and***
- 2. Consider the revenue and expenditure in the 2023/24 Budget.***

COUNCIL RESOLUTION OCM 18/07/23

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. Endorse the Community Art Hub project proposal as presented; and***
- 2. Consider the revenue and expenditure in the 2023/24 Budget.***

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

7.4 INFRASTRUCTURE SERVICES

7.4.1 ROAD USER AGREEMENT AMENDMENT - YANGIBANA PTY LTD

At 1:52 pm, Cr Luke Vandeleur declared a Financial Interest and left the meeting.

File No:	ADM0149
Location/Address:	Lyndon Minnie Creek Road, Minilya Lyndon Road and Lyndon Towera Road
Name of Applicant:	Yangibana Pty Ltd
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Financial
Voting Requirement:	Simple Majority
Previous Report:	FC 15/4/22 and FC 16/4/22
Schedules:	<ol style="list-style-type: none"> 1. Schedule 1 - Road User Agreement Freight Route 2. Confidential Schedule 2 - Terms Sheet and Terms Sheet Clarification - Confidential (under separate cover) 3. Confidential Schedule 3 - Variation Summary and Negotiation Framework - Confidential (under separate cover)

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 checked="" 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 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

A request has been received from Hastings Technology Metals Ltd to vary terms of the existing Road Access – Upgrade and Maintenance Deed (commonly referred to as the Road User Agreement or RUA) between the Shire and Yangibana Pty Ltd.

This report summarises the key proposed variations. It recommends to Council a framework for further agreement negotiation. It further recommends a methodology to attempt to coordinate any agreement variation with the Shires of Upper Gascoyne and Ashburton.

Background

Yangibana Pty Ltd, a Hastings Technology Metals Limited company, are progressing development of their Yangibana mine site located in the Shire of Upper Gascoyne.

A route proposed for road transport to and from the mine is the subject of a Road User Agreement (RUA) executed by the Shire in September 2022.

This route includes travel along approximately 56km of Shire of Carnarvon roads as follows:

- Lyndon-Minnie Creek Road approx. 30km
- Minilya Lyndon Rd approx. 6km
- Lyndon-Towera Road approx. 20km

That route is most simply visualised in Schedule 1 of this report.

Council will note that in addition to the route accessing Shire of Carnarvon roads, it also requires access to roads located in the Shires of Upper Gascoyne and Ashburton.

Primary aims of the agreement as executed may be summarised as follows:

- a) Yangibana provide to the Shire a security amount upon execution of the deed.
- b) Yangibana shall provide to the Shire an additional security amount upon the Shire being satisfied that Priority 1 and 2 works are completed.
- c) Yangibana at its cost maintains and upgrades the nominated roads along the freight route both during the mine development phase and mine production phase.
- d) The agreement defines maintenance standards and reporting.
- e) The agreement defines and prioritises upgrade works required to meet a RAV 7 standard.
- f) Yangibana does not commence using Restricted Access Vehicles (RAVs) along the route for haulage of mined product until Priority 1 and Priority 2 upgrade works are completed.
- g) RAV vehicle usage on the route is permitted only to the extent required for it to complete the upgrade works and establish the mine.
- h) That a Project Manager may be appointed by the Shire at the cost of Yangibana to oversee maintenance and upgrade works.
- i) That the statutory powers of the Shire regarding care, control and management of the roads are retained.

In April 2023, a Non-Binding Terms Sheet for Amendment and Restatement of Road Access – Upgrade and Maintenance Deed was received from Hastings. Clarification of that terms sheet was subsequently sought and received. The Terms sheet and clarifications are provided in Confidential Schedule 2.

Stakeholder and Public Consultation

Shire of Ashburton
Shire of Upper Gascoyne
Hastings Technology Metals Limited

Statutory Environment

Local Government Act 1995 Section 3.18. Performing executive functions

Relevant Plans and Policy

Nil Applicable

Financial Implications

There are no direct financial implications 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	Damage to the road network not made good by the Company.	C3 - Major	The agreement includes a \$300,000 bond. This will cover minor repairs and ongoing monitoring of road conditions.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Some proposed variations may limit and/or bind the Shire	B3 - Major	Variations that bind or fetter the statutory authority of the Shire for the care and control of its roads are not recommended for further negotiation.
Property	Variation terms requested may result in damage to the road asset.	C3 - Major	The variation negotiation framework seeks to ensure to the greatest extent practicable the road asset is protected and maintained and ensures that the road is maintained in a safe condition for all road users.
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
- Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons
- Our sustainable livelihoods create a community that can flourish into the future

ADDITIONAL FOCUS AREAS:

- Supports th/e needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Development of the Yangibana project is a potentially significant economic development opportunity for the Gascoyne region. Utilisation of Shire road networks (in all three Shires) during both the mine development phase and ultimately mine production stage has been identified by the company as necessary.

Well maintained road access to the mine constructed to an appropriate standard ensures:

- (i) the mines has ability getting their product to market; and
- (ii) other users of the road network are not unduly impacted by degradation of the roads through heavy vehicle use associated with the mine operations; and
- (iii) the local government is not burdened by the cost of the necessary upgrade and maintenance requirement associated with the higher level of service required by the operation of the mine.

A balanced approach is recommended to Council for its consideration to weigh these factors.

Both the terms sheet and subsequent clarifications are somewhat difficult to follow and understand with terminology used not always consistent with the original RUA. The original RUA is also a document requiring careful study and interpretation, not helped by the legal nature of its language, terminology and structure.

Officers have therefore attempted to clarify and summarise to the greatest extent possible fundamental issues at stake associated with the proposed RUA variations. A position for Council to adopt to move forward any further RUA variation negotiations is also recommended. This summary and position are provided in Confidential Schedule 3.

Ultimately, as the route traverses the network of three Shires, any RUA variation negotiation will ideally be jointly agreed. An appropriate recommendation to encourage a joint approach is included.

OFFICER'S RECOMMENDATION

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

- a) Reject the execution of the Non-Binding Terms Sheet for Amendment and Restatement of Road Access – Upgrade and Maintenance Deed proposed by Hastings Technology Metals Ltd as presented in Confidential Schedule 2.***
- b) Adopt the negotiation positions outlined in Confidential Schedule 3 in relation to negotiation of the specific variations to the Road Access – Upgrade and Maintenance Deed between the Shire of Carnarvon and Yangibana Pty Ltd executed on 29 September 2022; and***
- c) Confirm its position to Yangibana Pty Ltd that it will continue to negotiate in good faith regarding proposed variations to the Road Access – Upgrade and Maintenance Deed between the Shire of Carnarvon and Yangibana Pty Ltd executed on 29 September 2022; and***
- d) Authorise the CEO to formally seek engagement with the Shires of Upper Gascoyne and Ashburton to conduct any agreement variation negotiations jointly; and***
- e) Require any negotiated variation to the executed deed to be returned to Council for their formal consideration.***

COUNCIL RESOLUTION OCM 19/07/23**Moved:** Cr Alexander Fullarton**Seconded:** Cr Marco Ferreirinha

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

- a) Reject the execution of the Non-Binding Terms Sheet for Amendment and Restatement of Road Access – Upgrade and Maintenance Deed proposed by Hastings Technology Metals Ltd as presented in Confidential Schedule 2.*
- b) Adopt the negotiation positions outlined in Confidential Schedule 3 in relation to negotiation of the specific variations to the Road Access – Upgrade and Maintenance Deed between the Shire of Carnarvon and Yangibana Pty Ltd executed on 29 September 2022; and*
- c) Confirm its position to Yangibana Pty Ltd that it will continue to negotiate in good faith regarding proposed variations to the Road Access – Upgrade and Maintenance Deed between the Shire of Carnarvon and Yangibana Pty Ltd executed on 29 September 2022; and*
- d) Authorise the CEO to formally seek engagement with the Shires of Upper Gascoyne and Ashburton to conduct any agreement variation negotiations jointly; and*
- e) Require any negotiated variation to the executed deed to be returned to Council for their formal consideration.*

FOR: Nil**AGAINST:** Crs Eddie Smith, Burke Maslen, Marco Ferreirinha and Alexander Fullarton**ABSENT:** Crs A Cottrell, L Skender, L Vandeleur and T Langley**LOST 0/4****FORESHADOWED MOTION****MOTION****Moved:** Cr Burke Maslen

That the current road user agreement remains as executed.

As Motion OCM 19/07/23 was lost, the foreshadowed motion became the substantive motion and was put.

COUNCIL RESOLUTION OCM 20/07/23**Moved:** Cr Burke Maslen**Seconded:** Cr Alexander Fullarton

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 resolves that the current road user agreement remains as executed.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha and Alexander Fullarton**AGAINST:** Nil**ABSENT:** Crs A Cottrell, L Skender, L Vandeleur and T Langley**CARRIED BY SIMPLE MAJORITY 4/0**

At 2:03 pm, Cr Luke Vandeleur returned to the meeting.

7.4.2 LRCI PHASE 4B - ROAD PROJECT NOMINATION

File No:	ADM2241
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
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 Item

This item presents information for Council to nominate a project for Phase 4B of the Local Roads and Community Infrastructure (LRCI) funding. Following Council nominating their preferred project, the project will be submitted to the LRCI Program for approval.

Background

In May 2023 the Federal Department of Infrastructure, Transport, Regional Development and Communications (Department) announced LRCI Phase 4B which is the second component of the previously announced Phase 4 in February 2023.

Phase 4B funding is specially for road projects in rural, regional, and outer urban areas. Upon approval of any project nomination, the Shire would receive \$486,861 in funding under the LRCI program. Funding will be available from 1 July 2023. Construction is to be completed by 30 June 2025.

The aim of the LRCI Program is to support Local Governments to deliver priority local road and community infrastructure projects to:

- Stimulate additional infrastructure construction activity, growth and create jobs in local communities following the impacts of COVID-19.
- Deliver benefits to communities such as improved road safety, accessibility, and visual amenity.

To be eligible for this funding, project nomination(s) are required to be submitted to the Department for approval prior to 31 December 2024. Officers have provided four road nomination proposals for Council consideration as follows:

Nomination 1 – Robinson St Upgrades (precinct frontage between the two intersections with Campbell Way).

- Reconstruct on-street carparking at the front of commercial premises in this area as the current parking area is deteriorated. Aim to also provide a truck bay on the opposite side of the road. This proposal will provide more carparking and safer transition zones. The project will improve the aesthetic appeal of the main entry into town and support economic development via new commercial lease opportunities along the section of road.

Nomination 2 – Include with allocation for Regional Road Group (RRG) funding.

- Typical road projects in the Regional Road Group category service pastoralists/freight routes or the coastal tourist route. LRCI funding amount would allow approximately 6km additional unsealed road re-sheeting/re-shaping. Current road projects allocated are:

FY 23/24 – Quobba-Gnaraloo, Wahroonga-Pimbee.

FY 24/25 – Quobba-Gnaraloo, Minilya-Lyndon (Indicative only, not yet formally adopted by Council)

Nomination 3 – Bibbawarra Road Extension.

- During wet weather the unsealed section of Bibbawarra Road becomes untrafficable and has to be closed to traffic. Extending the bitumen road further north will improve access for affected properties. This section of unsealed road contributes to dust that can negatively affect crop production for adjacent plantation owners. The importance of Bibbawarra Road may increase should/when projects such as the relocation of the airport and development of the Bibbawarra Bore progress.

Nomination 4 – Sealing of Racecourse Rd.

- Upgrading unsealed road to the racecourse to a sealed standard. Member motion put forward at previous Council meetings for consideration and investigation. Road alignment is not under the care and control of the Shire. CEO has commenced discussions with Carnarvon Race Club and Carnarvon Golf Club to develop on this project collaboratively, with the Race Club retaining ownership of the road. Land tenure issues that need to be resolved may jeopardise the Shire's ability to deliver the project within the LRCI timeframes.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995

Section 3.18 – Performing executive functions and

Section 9.49A – Execution of documents

Relevant Plans and Policy

Nil

Financial Implications

LRCI funding does not require a co-contribution. It is not proposed to include additional Shire funds for the recommended project.

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	Under-estimation of project cost	B2 – High	Recent road construction/repair estimates have been used to identify extent of works with available funding. All projects nominated have been discussed with project scalability to mitigate any market fluctuation. Other external funding sources have also been identified to help with any potential shortfall of project delivery.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Road closure/disruption	B1 – Medium	Project nominations and subsequent works can impact road accessibility. Works staging and timing can mitigate disruption to road users.
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*
- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

LRCI phase 4B funding provides an opportunity to invest in a road infrastructure project with no co-contribution requirement. Such opportunities are generally rare.

A SOAR analysis (strengths, opportunities, aspirations, results) has been completed to evaluate the nominated projects.

PROJECT	STRENGTHS	OPPORTUNITIES	ASPIRATIONS	RESULTS
Robinson St/Campbell Way Revitalisation	<ul style="list-style-type: none"> – Project located on main town entry. – High traffic volume delivers high project visibility to community. – Builds upon other revitalisation projects. 	<ul style="list-style-type: none"> – Greener streetscape – Amenity improvement of dilapidated business area. – Renews existing carparking assets – Provides additional carparking for adjacent businesses. – Safer footpaths. 	<ul style="list-style-type: none"> – Local business opportunities. – Economic development through amenity improvement – Increased road safety/amenity. 	<ul style="list-style-type: none"> – Vacant premises more attractive for commercial lease and new businesses. – Reduced traffic risks.
	<p>Comments: Further bolsters the impact of the town revitalisation project currently underway. E.g. reconstructing the Robinson St section in town as part of R2R program and the positive median streetscape impacts from Solar Eclipse funding. This project is highly visible to the community and delivers clear community message that the Shire is seeking to improve amenity and as a result stimulate economic development for the community.</p>			
Boosted RRG Funding	<ul style="list-style-type: none"> – Builds on committed funds to multiple projects already. – 23/24 FY works already awarded. – Simple implementation 	<ul style="list-style-type: none"> – Capitalise on contractor mob and demob for existing projects. 	<ul style="list-style-type: none"> – Improvement of rural road network. – Increased road safety. – Reduce weather impacts. 	<ul style="list-style-type: none"> – Asset renewal additional to that currently planned.
	<p>Comments: Project lacks visibility to the general community and the benefits will not be more broadly appreciated. The additional funding boost to these assets will only marginally offset the real requirement for asset renewal funding on these roads i.e. the opportunity of the LRCI funding to fund a project with greater net community benefit will be lost.</p>			
Bibbawarra Rd	<ul style="list-style-type: none"> – Extends sealed secondary road network 	<ul style="list-style-type: none"> – Dust reduction for adjacent residents. – Supports future Bibbawarra Bore development. 	<ul style="list-style-type: none"> – Minimise weather impacts. 	<ul style="list-style-type: none"> – Improved amenity for adjacent residents.
	<p>Comments: Available funding will construct less than 1 km of sealed road. That seal extension will benefit the adjacent resident however the project has limited broader community benefit other than supporting future Bibbawarra bore development which remains aspirational.</p>			
Racecourse Rd	<ul style="list-style-type: none"> – Racecourse is a popular community venue. 	<ul style="list-style-type: none"> – Increase level of service to racegoers. – Reduction of dust. 	<ul style="list-style-type: none"> – Support to local club. 	<ul style="list-style-type: none"> – Improved facility amenity.
	<p>Comments: Majority of road is currently sealed. Remainder of unsealed road is on land not under the care and control of the Shire. Management order or excision of land would be required before any works commence. Available funds are insufficient to complete full length of road.</p>			

When considering the SOAR analysis, the nominated project with the greatest overall community benefit appears to be the Robinson St/Campbell Way Precinct Revitalisation for the following reasons:

- Increased streetscape aesthetic and visual impact to the greatest .
- Supports uptake of adjacent vacant leases stimulating economic investment.
- Big picture of Carnarvon entry/exit strengthening previous investment into town revitalisation.
- Providing high quality, safe and accessible infrastructure that aligns with the Strategic Community Plan.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority,

- (a) Pursuant to Section 3.18 of the Local Government Act, 1995 resolves to nominate the Robinson St/Campbell Way Precinct Upgrade project for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4B funding program.***
- (b) Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.***

COUNCIL RESOLUTION OCM 21/07/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority,

- (a) Pursuant to Section 3.18 of the Local Government Act, 1995 resolves to nominate the Robinson St/Campbell Way Precinct Upgrade project for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4B funding program.***
- (b) Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.***

FOR: Crs Alexander Fullarton and Luke Vandeleur

AGAINST: Crs Eddie Smith, Burke Maslen and Marco Ferreira

ABSENT: Crs A Cottrell, L Skender and T Langley

LOST 2/3

AMENDMENT TO MOTION

COUNCIL RESOLUTION OCM 22/07/23

Moved: Cr Alexander Fullarton

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority,

- (a) Pursuant to Section 3.18 of the Local Government Act, 1995 resolves to nominate the Racecourse Road for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4B funding program.***

- (b) Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.**

LOST 1/4

The amendment to the motion was lost.

Cr Maslen foreshadowed a motion.

As motion OCM 21.07.23 was lost the Foreshadowed Motion was put as follows –

FORESHADOWED MOTION

COUNCIL RESOLUTION OCM 23/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority,

- (a) Pursuant to Section 3.18 of the Local Government Act, 1995 resolves to nominate the RRG funded projects for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4B funding program.**
- (b) Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.**

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

Note - Council were in agreeance that existing infrastructure should be maintained which includes the roads included in the RRG funding projects for completion under the LRCI.

7.4.3 PROPOSED RE-OPENING OF FRENCH STREET, CORAL BAY

File No:	ADM0201
Location/Address:	French Street, Coral Bay
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Council Resolution & Elected Member Motion FC22/7/22
Schedules:	<ol style="list-style-type: none"> 1. Responses to French Street Survey - Questions 1 & 2 2. Responses to French Street Survey - Questions 3 - 5 3. Responses to French Street Survey - Questions 6 & 7 4. French Street Concept Plan

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 report provides Council with outcomes from a Coral Bay community survey relating to the proposed reopening of French Street to through traffic and presents preliminary designs for French Street for Council consideration.

Background

At the Council meeting on 26 July 2022 an Elected Member Motion was raised to consider the reopening of French Street in Coral Bay to through traffic. This resulted in the following ‘*Council Resolution and Elected Member Motion*’:

FC 22/7/22

COUNCIL RESOLUTION & ELECTED MEMBER MOTION

Cr Fullarton/Cr Vandeleur

That Council resolves to direct the Chief Executive Officer to commence the process to re-open French Street Coral Bay to traffic including:

- a. Design work to ensure the road is designed to reduce traffic congestion in the area and facilitates the safe movement of traffic and pedestrians; and***
- b. Stakeholder consultation.***

CARRIED
F4/A2

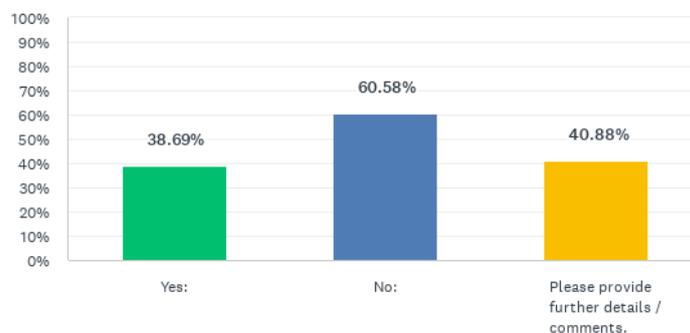
Cr Langley voted against the motion

1.42pm – Cr Cottrell returned to the meeting and was advised of Council’s decision.

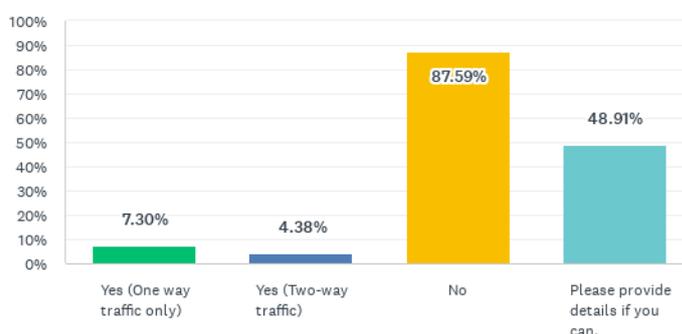
After consulting with the Coral Bay Progress Association, a public survey was determined to be the best way to progress the Council resolution in relation to stakeholder consultation in Coral Bay. As such a survey was distributed to the Coral Bay community electronically, and via hardcopy, requesting comment on French Street. The survey contained 7 questions with questions 3 – 6 being open ended to encourage ideas and solutions from survey participants.

On completion of the survey response period, 137 responses had been received. The graphs below provide results for Council’s consideration. A detailed table of the survey responses is attached at **Schedules 1 - 3**.

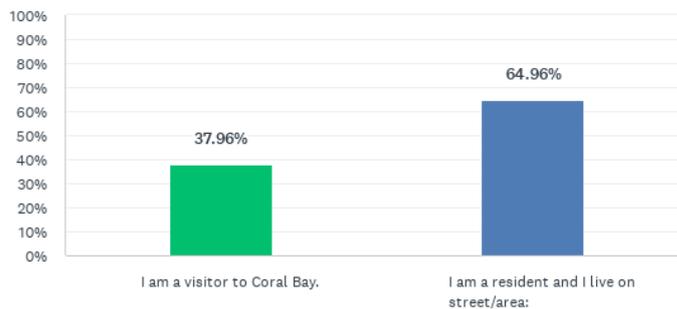
Q1 Do you feel that the traffic flows and movements in Coral Bay could be better managed?



Q2 Will the opening of French Street to through traffic assist with better traffic management? (Please choose one and provide details if you can).



Q7 About you. Are you: Please select the answer most relevant to you, if you are a resident of Coral Bay, please leave your street or area in which you reside.



Stakeholder and Public Consultation

The Coral Bay community
Main Roads WA – Road Safety Audit (13 May 2008)

Statutory Environment

Local Government Act 1995 Section 3.18 – Performing executive functions.

Relevant Plans and Policy

Nil

Financial Implications

A preliminary design for opening French Street to through traffic in a shared zone arrangement which incorporates improved traffic calming strategies has been completed. Preliminary cost estimates are that the works will cost approximately \$350,000. These costs have not been included in the draft budget for 2023/24 as there no current no funding source identified for that project.

The recommended updated Road Safety Audit and Traffic Study are likely to cost in the order of \$15,000. The cost of these studies can be met under existing budget allocations for project planning and design.

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	If reopening of French Street to through traffic is to occur, there will be	A2 - High	Funds can be sourced by cancelling or reducing other budgeted road works or redirecting road funding allocations. Alternatively, external funding could

	an impact on the Shire’s 2023/24 budget.		be sought (such as Black Spot funding) to reduce the impact on the Shire’s 2023/24 budget.
Health & Safety	Reopening of French Street to through traffic may increase interactions between pedestrians and vehicles on this road.	C4 - Extreme	Careful design and installation of improved traffic calming measures prior to reopening to through traffic will reduce the risk of serious accidents. An updated Road safety Audit and Traffic Study will assist in development of a safe, trafficable environment for pedestrians and vehicles and assist in reducing the risk of accidents.
Reputation	The survey indicates a strong preference for not allowing through traffic on French Street. The Shire may suffer reputational damage if this view appears to have not been considered.	A2 - High	Decision making based on quality information, e.g. a Road Safety Audit and Traffic Study would and provide a rationale for changes to roads.
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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*

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

In May 2008, a *Road Safety Audit* was completed by Main Roads WA. Four recommendations were made based on the findings of this Audit as follows:

1. Arrange mid-block closure of French Street south of Cape Lodge access in the short term to prevent through traffic flow.
2. Determine appropriate location for permanent closure of French Street as part of future planning.
3. Install traffic calming and ensure all weather surface in French Street to enable speed zoning in

conjunction with permanent closure.

4. Consider provision of a Shared Zone in accordance with Main Roads Speed Zoning guidelines in conjunction with permanent closure.

Recommendation 1. was implemented by the Shire to prevent vehicles using it as a high-speed thoroughfare and thus reducing the risk of interactions between pedestrians and vehicles. Speed humps have also been installed by the Shire as a partial response to recommendation 3.

Road closure has a specific legal meaning. Closures may be temporary or permanent. Closures may affect particular vehicle types or be in place for particular times. Processes for a formal and legal road closure will vary depending on the circumstance. French Street is not formally closed to vehicles despite public perception that it is closed. French Street is essentially a “No Through Road” from both directions with access to vehicles from both Robinson Street and Banksia Drive intersections.

A concept plan for one-way through traffic and an improved layout of French Street has been prepared and is shown at **Schedule 4**.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to:

- 1. Note the results of the public survey;***
- 2. Receive the preliminary designs for French Street;***
- 3. Authorise the CEO to undertake a current Road Safety Audit and Traffic Study to support access to funding and inform development of a safe trafficable environment for pedestrians and vehicles utilising French Street; and***
- 4. Consider the results of the survey, Road Safety Audit and Traffic Study when making a decision in relation to this matter.***

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 24/07/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

A motion was moved that Council suspend standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

RESUMPTION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 25/07/23****Moved:** Cr Luke Vandeleur**Seconded:** Cr Burke Maslen

A motion was moved that Council resume standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur**AGAINST:** Nil**ABSENT:** Crs A Cottrell, L Skender and T Langley**CARRIED BY SIMPLE MAJORITY 5/0****COUNCIL RESOLUTION OCM 26/07/23****Moved:** Cr Luke Vandeleur**Seconded:** Cr Burke Maslen*That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to:*

- 1. Note the results of the public survey;*
- 2. Receive the preliminary designs for French Street;*
- 3. Authorise the CEO to undertake a current Road Safety Audit and Traffic Study to support access to funding and inform development of a safe trafficable environment for pedestrians and vehicles utilising French Street; and*
- 4. Consider the results of the survey, Road Safety Audit and Traffic Study when making a decision in relation to this matter.*
- 5. That the Road Safety Audit and Traffic Study be submitted to Council on or before the November 2023 Ordinary Council Meeting.*

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur**AGAINST:** Nil**ABSENT:** Crs A Cottrell, L Skender and T Langley**CARRIED BY SIMPLE MAJORITY 5/0**

7.4.1 BULK FUEL SUPPLY AGREEMENT

File No:	ADM1785
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Confidential Schedule 1 - Fuel Supply Agreement Evaluation Report - Confidential (under separate cover)

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 report seeks Council’s approval to accept a ‘Fuel and Equipment Supply Proposal’ submitted to the Shire of Carnarvon from Independent Fuel Solutions (iFuels) and enter a Goods and Services Contract with this supplier to provide this service.

Background

At present, fuel is purchased for Shire vehicles and plant at local service stations utilising a fuel card type system. There is no supply agreement for the provision of that fuel.

Proposals for supply of bulk diesel fuel were sought to determine if savings to the annual Shire fuel cost could be achieved along with additional operational and fuel supply security benefits.

As the supply of fuels and oils is exempt under the Local Government (Functions and General) Regulations 1996, two fuel distributors known to operate locally were contacted and requested to provide a proposal to:

- a) Supply bulk diesel to the Shire; and
- b) Supply a bulk diesel fuel storage tank at the Shire depot; and
- c) Supply a mobile bulk fuel trailer for delivery of fuel to Shire plant and equipment;

Two supply proposals were subsequently received. These proposals have been evaluated and the evaluation report is provided in Confidential Schedule 1. Each proposal outlined the detail of supplying bulk fuel to the

Shire of Carnarvon as well as providing fuel storage equipment. Both proposals utilise a Terminal Gate Price (TGP) basis for determination of a cents per litre price for the bulk supply.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 3.18 – Performing Executive Functions
Local Government (Functions and General) Regulations 1996 - Regulation 11(g)

Relevant Plans and Policy

CF001 Purchasing and Procurement

Financial Implications

The draft 23/24 Budget contains an allocation of \$270,000 for the supply of fuels and oils for the Shire fleet. Further, the draft budget contains an allocation of \$30,000 for installation of the necessary services infrastructure for the bulk storage tank.

A definitive total cost of fuel supplied under each bulk supply proposal cannot be provided. Total annual fuel expenditure will vary based on actual consumption and fluctuation in the daily public Terminal Gate Price (TGP).

Therefore, a comparative exercise was completed between existing fuel supply records to the Shire fleet over an actual 40 day period and the TGP values offered under the supply agreement proposals. That period supplied 11,351 litres of diesel fuel to Shire vehicles and plant.

When projected over a year, a calculated saving of up to approximately \$20,000 is achieved under the recommended bulk supplier arrangement. The existing budget allocation is also sufficient to meet the likely fuel expenditure.

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	Fuel price rises	A2 - High	The recommended supply agreement fixes the fuel price in relation to the TGP applicable at the time of purchase. The recommended bulk supply proposal demonstrated the highest potential expenditure saving.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		

Risk Category	Description	Rating	Mitigating Action/s
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:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Supply of fuel is essential for delivery of Shire core business. Whilst a necessity, fuel is costly, and a bulk supply arrangement offers tangible expenditure savings to the Shire.

Bulk diesel at the depot facility is also expected to deliver productivity gains with the need to drive from the depot to fuel service stations no longer necessary. Staff will have the convenience of refuelling Shire work vehicles, machinery, and minor plant onsite.

When required, fuel can also be provided to contractors procured to deliver project works such as tendered roadworks, construction etc. Council will recall it recently approved a maintenance grading contract where supply of fuel by the Shire to the grading contractor was included to help minimise contract expenditure overheads.

A bulk supply at the Shire depot also provides an element of greater fuel supply independence and security in times of emergency or natural disasters.

The supply proposal offered by iFuels has been calculated to offer the greatest potential saving in expenditure and is recommended for Councils acceptance. Further, by accepting this proposal, the Shire would be supporting a business that is owned and managed locally.

Further potential benefits (subject to detailed systems integration investigation) include:

- a) an ability to integrate the automated Smart Fill System offered under the iFuels proposal with access fobs keyed to open a proposed depot security gate; and
- b) automation of fuel usage data upload to the asset maintenance module.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 and Regulation 11(g) of the Local Government (Functions and General) Regulations 1996 resolves to -

Accept the Supply Proposal from Independent Fuel Solutions at the rates detailed in Confidential Schedule 1; and Authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Independent Fuel Solutions in accordance with the Independent Fuel Solutions supply proposal for supply of bulk diesel fuel and bulk diesel fuel storage equipment.

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 27/07/23****Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

A motion was moved that Council suspend standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 28/07/23****Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

A motion was moved that Council resume standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0**MOTION****COUNCIL RESOLUTION OCM 29/07/23****Moved: Cr Burke Maslen****Seconded: Cr Marco Ferreirinha**

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 and Regulation 11(g) of the Local Government (Functions and General) Regulations 1996 resolves to defer consideration of this matter until the October 2023 Ordinary Council Meeting and requests further consideration options including purchase of storage tank.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

Note – Council considered that further options needed to be investigated including the purchase of a tank for fuel storage at the Depot.

8 APPLICATIONS FOR LEAVE OF ABSENCENCE

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Fullarton - As per my previous question to Council at the May 2023 Ordinary Meeting of Council, and in regard to the liquor restrictions in the Shire of Carnarvon, can you provide statistical data on the impacts of liquor restrictions in combatting anti-social behaviour in the community of the Shire generally, and the town of Carnarvon in particular? President Smith advised that he would take this question on notice with the Department of Liquor Licensing being asked to provide these figures.

CEO Andrea Selvey - responded and advised that statistics on the impact of the liquor restrictions are not available as yet although anecdotally, from information received from the WA Police and the Regional Hospital, figures are down on alcohol related incidences.

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

MOTION

COUNCIL RESOLUTION OCM 30/07/23

Moved: Cr Burke Maslen

Seconded: Cr Alexander Fullarton

That Council engages with the regional Local Biodiversity Group to prepare a proposal for Council to consider funding support for 2023/2024.

FOR: Crs Eddie Smith, Burke Maslen, Alexander Fullarton and Luke Vandeleur

AGAINST: Cr Marco Ferreirinha

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 4/1

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 31/07/23****Moved:** Cr Burke Maslen**Seconded:** Cr Luke Vandeleur

A motion was moved that Council suspend standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

RESUMPTION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 32/07/23****Moved:** Cr Alexander Fullarton**Seconded:** Cr Luke Vandeleur

A motion was moved that Council resume standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

Motion OCM 30/07/23 was put and carried.

Cr Fullarton requested that the following Members motion be considered. The key points are –

1. That a sum of around \$1m will not be required to be borrowed in the 2023/2024 Budget.
2. The further Chamber will have the responsibility for the project and liability for the debt.
3. The proposed borrowings for 2023/2024 budget will be reduced accordingly.
4. The benefit to the Shire and general community as to the availability of housing in Carnarvon may not be as significant as it was in 2022.

MOTION**COUNCIL RESOLUTION OCM 33/07/23****Moved:** Cr Alexander Fullarton**Seconded:** Cr Burke Maslen

That Council by Absolute Majority resolves to defer the construction of two houses at Paarna Way as resourced in 2022 and further confirmed at the March 2023 and November 2023 Council Meetings.

FOR: Cr Alexander Fullarton**AGAINST:** Crs Eddie Smith, Burke Maslen, Marco Ferreirinha and Luke Vandeleur**ABSENT:** Crs A Cottrell, L Skender and T Langley**LOST 1/4****12 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**

Nil

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 22 August 2023 at Shire Council Chambers, Stuart Street Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 3.08pm.