



## SHIRE OF CARNARVON

# MINUTES

## SPECIAL COUNCIL MEETING THURSDAY 21 MAY 2020

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....  
as a true and accurate record

.....  
Chairman

---

## DISCLAIMER

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

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

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

---

## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

---

### SPECIAL MEETINGS OF COUNCIL

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

# INDEX

## 1.0 ATTENDANCES , APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

## 2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

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

### 2.2 PUBLIC QUESTION TIME

## 3.0 DECLARATIONS OF INTEREST

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

## 4.0 ITEMS FOR DISCUSSION

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

5.1 Request for Tender 03/2020 – Blowholes Tourism Development Works

## 6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON THURSDAY 21 MAY 2020**

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

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

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr K Simpson.....	Councillor, Coral Bay Ward
Cr L Skender.....	Councillor, Plantation Ward
Mr D Burton.....	Chief Executive Officer
Mr D Nielsen.....	Executive Manager, Infrastructure Services
Mrs D Hill.....	Senior Executive Officer
Observers.....	Nil
Leave of Absence.....	Nil
Apologies.....	Cr J Nelson, Cr Pinner

---

**2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME**

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

Public & Elected Member Question Time commenced at 1.00pm  
Public & Elected Member Question Time was closed at 1.00pm

---

**3.0 DECLARATIONS OF INTEREST**

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

Cr Skender (Impartiality Interest) – Item 5.1 RFT 03-2020 – Design & Construction of Tourism Facilities at Blowholes.

---

**4.0 ITEMS FOR DISCUSSION**

Nil

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

SCM2 - 1/5/20

### COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

*That the meeting be closed to the public in accordance with Section 5.23(2)(c) as the following item relates to a contract entered into, or which may be entered into by the local government and which relates to a matter to be discussed at the meeting.*

CARRIED  
F6/AO

## 5.1 **REQUEST FOR TENDER (RFT) 03/2020 DESIGN AND CONSTRUCT TOURISM DEVELOPMENT BLOWHOLES**

1.02am – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of the report. He was not required to leave the meeting and could participate and vote on the matter.

File No:	ADM2054
Date of Meeting:	21 May 2020
Location/Address:	Shire Administration Office
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Manager Governance David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	<b>Officer Recommendation 1</b> – Simple Majority <b>Officer Recommendation 2</b> – Absolute Majority
Previous Report:	Special Council Meeting 7 <sup>th</sup> May 2020

### OFFICER'S RECOMMENDATION 1

*That Council, subject to Ministerial approval for expenditure of accumulated interest funds associated with the Blowholes Tourism Precinct Redevelopment Funding Agreement and pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission from AK Waters Pty Ltd T/A Northern Aspect Construction for Tender RFT 03/2020 Design and Construct Tourism Development Blowholes for the Tendered price of \$999,267 (Excl GST) – excluding all provisional items included in the Tender Document.*

SCM2 – 2/5/20

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Maslen/Cr Fullarton

*That Council, subject to Ministerial approval for expenditure of accumulated interest funds associated with the Blowholes Tourism Precinct Redevelopment Funding Agreement and pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission from AK Waters Pty Ltd T/A Northern Aspect Construction for Tender RFT 03/2020 Design and Construct Tourism Development Blowholes for the Tendered price of \$999,267 (Excl GST) – excluding all provisional items included in the Tender Document.*

CARRIED  
F6/AO

OFFICER'S RECOMMENDATION 2

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and AK Waters Pty Ltd T/A Northern Aspect Construction.*

**SCM2 – 3/5/20**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

*Cr Maslen/Cr Vandeleur*

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegate authority to the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and AK Waters Pty Ltd T/A Northern Aspect Construction.*

CARRIED BY ABSOLUTE MAJORITY

F6/A0

(Note – Council agreed that the unsuccessful tenderer be given the opportunity to be provided with Senior Officer feedback on why their tender was unsuccessful.)

**SCM2 – 4/5/20**

COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That the meeting be reopened to the public at 1.13pm.*

CARRIED

F6/A0

---

**6.0 CLOSURE:**

The Presiding Member declared the meeting closed at 1.14pm.