



# SHIRE OF CARNARVON MINUTES SPECIAL COUNCIL MEETING TUESDAY 14 FEBRUARY 2023

## CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

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

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

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## DISCLAIMER

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

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

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

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## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

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### SPECIAL MEETINGS OF COUNCIL

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

# INDEX

## 1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

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

## 2.0 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.)

## 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

4.1 Development Application P03/23 – “The Pier” Stage 1 Development.....5

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

## 6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 14 FEBRUARY 2023**

The meeting was declared open by the Presiding Member at 1.03pm

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

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

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

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

Apologies ..... Cr Cottrell; Cr Langley  
Leave of Absence ..... Nil  
Observers/Press.....1

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**2.0 PUBLIC QUESTION TIME**

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

Public Question Time commenced at 1.03pm  
Public Question Time closed at 1.03pm

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**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 Fullarton (Impartiality) – Item 4.1.1 – Development Application P03/23

## 4.0 ITEMS FOR DISCUSSION

### 4.1.1 DEVELOPMENT APPLICATION P03/23 – “THE PIER” MULTIPLE DWELLING DEVELOPMENT - STAGE 1

Cr Fullarton declared an Impartiality Interest in this matter as he was a member of the JDAP which assessed a previous development application by the proponent. Cr Fullarton was not required to leave the meeting and could participate and vote on the matter.

**File No:** A4085  
**Date of Meeting:** 14 February 2023  
**Location/Address:** 85 Olivia Terrace, Carnarvon  
**Name of Applicant:** ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST  
**Name of Owner:** ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST  
**Author/s:** Stefan Louw  
**Declaration of interest:** Nil  
**Voting Requirements:** Simple and Absolute Majority  
**Previous Reports:** SCM 2/1/23 – 10 January 2023  
**Schedules:** Schedule 4.1.1 (a) – Proposed plans  
Schedule 4.1.1 (b) – RAR  
Schedule 4.1.1 (c) – Overall development plan

#### Authority / Discretion

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

#### Summary of Item:

This item relates to a development application for stage 1 only of the former 'The Pier' - multi use development proposal to be located on Lot 300 (HN) 85 Olivia Terrace, Carnarvon. Stage 1 of the overall development comprises a multiple dwelling component, with associated amenities and the jetty. The overall proposal, stage 1 to 3 as per Schedule 4.1.1(c), will be developed in 3 stages over a period of 2 – 4 years. Stages 2 and 3 will be subject to further planning approval.

This report recommends that Council supports the officer recommendation to approve the application.

#### Background:

The original application, comprised of 3 stages, has been withdrawn by the applicant and a new application was received for only stage 1 to be considered by Council. The new application, now only including stage 1, does not propose any changes to what was previously considered by Council in terms of that stage. The

applicant has advised that stages 2 and 3 of the development will be submitted later under another development application.

The proposed development site is located at the western end of Robinson Street (the main street within the Carnarvon townsite) where it intersects with Olivia Terrace – via a roundabout - which extends along the Fascine waterway (formerly the south arm of the Gascoyne River).

It is a prominent landmark site within the Carnarvon town centre, with outlooks onto Robinson Street, along Olivia Terrace (north and south), the Fascine waterway, and across to Babbage and Whitlock Islands.

The development site is presently vacant with some remnant palm trees located along its Olivia Terrace frontage and within the south-west corner of the site, and some remnant river gums along its Robinson Street frontage towards its eastern corner.

The development site previously contained the Carnarvon Police Station and Court House, which are now located in relatively new premises at the corner of Robinson Street and Babbage Island Road, Morgantown (the existing premises having been demolished).

### Proposal

The proposal consists of a multiple dwelling component with associated amenities and the jetty and boat pens, which forms part of stage 1 of the three staged development known as 'The Pier', upon lot 300 on DP 412840 located at 85 Olivia Terrace Carnarvon.

Proposed stage 1 includes the following aspects:

- A 4-storey multiple-dwelling complex comprising 35 dwellings with private balconies in the following mix of bedrooms/sizes:
  - 7 dedicated one-bedroom king-size (KS) dwellings – 52 m<sup>2</sup> floor area with 8.3m<sup>2</sup> (approx.) balcony.
  - 26 flexible two-bedroom 'twin-key' dwellings – 79 m<sup>2</sup> floor area with 13.6 m<sup>2</sup> balcony.
    - Each 'twin-key' dwelling is capable of being used as a separate self-contained dwelling, totalling 52 one-bedroom dwellings.
    - Of these 52 dwellings, 26 comprise a king-size (KS) one-bedroom dwelling with a floor area of 52 m<sup>2</sup> and a balcony size of approximately 8.3 m<sup>2</sup>.
    - The remaining 26 comprise a studio (S) one-bedroom dwelling with a floor area of 27 m<sup>2</sup> and a balcony size of approximately 5.6 m<sup>2</sup>.
  - 2 two-bedroom dwellings – 66m<sup>2</sup> floor area.
- Provision of 102 car parking spaces on site.
- Private swimming pool and associated outdoor recreation areas.
- Storage and bin storage collection areas.
- Interim landscaping area.
- A floating jetty is proposed with public access to short and long-term leased boat pens as well as reserved pens for the benefit of hotel guest in the later stages of the development.
- The boat pens will range in size from 8m to 20m with a secured access gate-house on the Fascine shore.

### Planning assessment

This application has been subject to a comprehensive assessment that was undertaken as part of the previous JDAP application and as part of that assessment, stage 1 was found to be compliant with relevant State planning policies as well as the relevant requirements of the Shire of Carnarvon Local Planning Scheme No. 13. Please refer to Schedule 4.1.1 (b) for the complete assessment that was undertaken as part of the Responsible Authority Report (RAR).

### Waiver of planning fees

The applicant has requested that Council consider waving the planning application fee of \$11,281.00 as a detailed assessment of the application has been carried out as part of the previous JDAP application.

In consideration of the above please note the following in relation to processing the application:

- Application was received by officers and discussions took place around the mechanics of the new application.
- No advertising was required.
- Discussion took place with Department of Transport regarding the new application.
- Internal discussions with infrastructure department.
- Writing the agenda item.

### Referrals/consultation with Government/Service Agencies

The JDAP application was referred to the Department of Transport (DOT) for comment on the proposed Jetty. The department did not have any objections to the development subject to conditions being included on the permit. Due to no changes proposed for stage 1, this application was not formally referred to DOT, however, advice was received from DOT to use the previous conditions imposed by DOT for this application.

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

Pursuant to the Shire of Carnarvon Local Planning Scheme No. 13 the proposed application for Stage 1 only does not constitute an application that requires public consultation, as it is not classified as a complex application and because the proposed use is classified as a permitted use 'P'. However, the previous JDAP application that included all stages were advertised. This application for stage 1 does not propose any changes to what was previously considered under the JDAP application.

### **Statutory Environment:**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnarvon Local Planning Scheme (LPS) 13
- Local Government Act 1995

### **Relevant Plans and Policy:**

- State Planning Policy (SPP) 1: State Planning Framework
- State Planning Policy (SPP) 3: Urban Growth and Settlement
- State Planning Policy (SPP) 3.4: Natural Hazards and Disasters
- State Planning Policy (SPP) 7.0: Design of the Built Environment
- State Planning Policy (SPP) 7.3: Residential Design Codes

### **Financial Implications:**

There are no identified financial implications.

### **Risk Assessment:**

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



Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Complying with conditions	Low	Including measurable conditions on the Development Approval
Property	N/A		
Environment	N/A		
Fraud	N/A		

### Community & Strategic Objectives:

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

#### 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.*

#### Comment:

It is a rare opportunity for a landmark site, in a regional context, to be considered viable for development. “The Pier” is intended as a benchmark regional development proposing quality urban design and desired mixed-use outcomes. It is intended to be a development of longevity, public relevance and civic significance underpinning the heart of Carnarvon.

This report recommends Council supports the officer’s recommendation to approve the application.

#### OFFICER’S RECOMMENDATION PART 1

*That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P02/23 for a Multiple Dwelling development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:*

#### *Conditions*

- (i) This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;*
- (ii) The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within each stage of the proposed development, including access to them, are to be designed, constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the respective stage of the development, and thereafter be maintained to the satisfaction of the Shire of Carnarvon;*
- (iii) Prior to occupancy of the approved development the applicant shall submit to the Shire of Carnarvon a legal agreement—prepared at the applicant’s expense (including legal expenses incurred by the Shire of Carnarvon in reviewing and authorising the agreement) and to the satisfaction of the Shire of Carnarvon—to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 and in which the Shire’s interests are protected;*

- (iv) *Prior to development commences a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.*

- (v) *Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon.*

- (vi) *Prior to occupancy of the approved development a waste management plan must be submitted to the specification and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development.*

- (vii) *Prior to development commences a landscape plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*The landscape plan is to denote:*

- (a) the location and species of all trees to be removed, retained, and to be planted;*
- (b) a schedule of proposed plant species, their size, and number;*
- (c) details of any proposed water reticulation;*
- (d) the location, type and design of proposed fencing and external screening;*
- (e) the location, type and design of proposed pavements;*
- (f) the location, type, and design of any proposed external signage;*
- (g) the location, type, and design of any proposed external lighting; and*
- (h) an implementation schedule for implementing the landscape plan in respect to each stage of the approved development*

- (viii) *Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.*

- (ix) *Prior to the development commencing, an acoustic report for the whole proposed development be prepared and submitted to the Shire of Carnarvon for approval.*

- (x) *Prior to occupancy of the approved development any recommendations made in the approved acoustic report must be implemented to the satisfaction of the Shire of Carnarvon.*

- (xi) *Prior to the development commencing, an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.*

- (xii) *Prior to occupancy of the approved development the external lighting as per the approved external lighting plan must be completed to the satisfaction of the Shire of Carnarvon.*

- (xiii) *Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;*

- (xiv) *Prior to occupancy of the approved development, the development is to be connected to a reticulated water supply to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*

- (xv) *Prior to occupancy of the approved development, the development is to be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*

(xvi) Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;

(xvii) A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.

*This plan is to particularly address site accessibility; parking for contractors and 'tradies'; ongoing dust control; the provision and maintenance of construction site fencing, signage; the location, unloading and storage of construction materials; the storage and removal of building and services waste; and the contact details and availability of the project manager and site supervisor;*

*The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;*

(xviii) Prior to development commences, detailed construction drawings of the jetty, boat pens and gate-house must be submitted for approval and be to the satisfaction of the Shire of Carnarvon.

(xix) The proposed jetty and boat pens shall be designed to withstand/accommodate at least a 1 in 100-year cyclone event, and 1 in 500-year inundation levels;

(xx) Occupancy within the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the Building Act 2011;

#### Advice Notes

(a) The design and construction of the proposed jetty and boat pens is to accord with applicable provisions of the State Planning Policy (SPP) 2.6 – Coastal Planning;

(b) A licence is required to be obtained from the Department of Transport, Maritime Property Services to provide and maintain the proposed jetty and boat pens;

(c) The proponent is advised that the Carnarvon Fascine waterway is managed and maintained by the Shire of Carnarvon. The Fascine waterway is a dynamic environment and maintaining navigable depths in and out of the waterway on an on-going basis cannot be guaranteed at this time. Accordingly, prospective registered proprietors of the multiple dwellings and/or the hotel, short-stay and studio suites seeking a boat pen licence/lease should be formally notified of the vessel navigability situation by way of a Notification on the Certificate of Title or by some other appropriate means;

(d) Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;

(e) All building development is to comply with the National Construction Code Series;

(f) A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the Building Regulations 2012.

#### OFFICER'S RECOMMENDATION PART 2

That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 waives the planning application fee as requested by the applicant.

*That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P02/23 for a Multiple Dwelling development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:*

*Conditions*

- (i) This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;*
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- (iii) Prior to occupancy of the approved development the applicant shall submit to the Shire of Carnarvon a legal agreement—prepared at the applicant's expense (including legal expenses incurred by the Shire of Carnarvon in reviewing and authorising the agreement) and to the satisfaction of the Shire of Carnarvon—to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 and in which the Shire's interests are protected;*
- (iv) Prior to development commences a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.*

- (v) Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon.*
- (vi) Prior to occupancy of the approved development a waste management plan must be submitted to the specification and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development.*

- (vii) Prior to development commences a landscape plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*The landscape plan is to denote:*

- (i) the location and species of all trees to be removed, retained, and to be planted;*
- (j) a schedule of proposed plant species, their size, and number;*
- (k) details of any proposed water reticulation;*
- (l) the location, type and design of proposed fencing and external screening;*
- (m) the location, type and design of proposed pavements;*
- (n) the location, type, and design of any proposed external signage;*
- (o) the location, type, and design of any proposed external lighting; and*

- (p) *an implementation schedule for implementing the landscape plan in respect to each stage of the approved development*
- (viii) *Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.*
- (ix) *Prior to the development commencing, an acoustic report for the whole proposed development be prepared and submitted to the Shire of Carnarvon for approval.*
- (x) *Prior to occupancy of the approved development any recommendations made in the approved acoustic report must be implemented to the satisfaction of the Shire of Carnarvon.*
- (xi) *Prior to the development commencing, an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.*
- (xii) *Prior to occupancy of the approved development the external lighting as per the approved external lighting plan must be completed to the satisfaction of the Shire of Carnarvon.*
- (xiii) *Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;*
- (xiv) *Prior to occupancy of the approved development, the development is to be connected to a reticulated water supply to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*
- (xv) *Prior to occupancy of the approved development, the development is to be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*
- (xvi) *Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;*
- (xvii) *A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.*
- This plan is to particularly address site accessibility; parking for contractors and 'tradies'; ongoing dust control; the provision and maintenance of construction site fencing, signage; the location, unloading and storage of construction materials; the storage and removal of building and services waste; and the contact details and availability of the project manager and site supervisor;*
- The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;*
- (xviii) *Prior to development commences, detailed construction drawings of the jetty, boat pens and gate-house must be submitted for approval and be to the satisfaction of the Shire of Carnarvon.*
- (xix) *The proposed jetty and boat pens shall be designed to withstand/accommodate at least a 1 in 100-year cyclone event, and 1 in 500-year inundation levels;*
- (xx) *Occupancy within the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the Building Act 2011;*

Advice Notes

- (a) *The design and construction of the proposed jetty and boat pens is to accord with applicable provisions of the State Planning Policy (SPP) 2.6 – Coastal Planning;*
- (b) *A licence is required to be obtained from the Department of Transport, Maritime Property Services to provide and maintain the proposed jetty and boat pens;*
- (c) *The proponent is advised that the Carnarvon Fascine waterway is managed and maintained by the Shire of Carnarvon. The Fascine waterway is a dynamic environment and maintaining navigable depths in and out of the waterway on an on-going basis cannot be guaranteed at this time. Accordingly, prospective registered proprietors of the multiple dwellings and/or the hotel, short-stay and studio suites seeking a boat pen licence/lease should be formally notified of the vessel navigability situation by way of a Notification on the Certificate of Title or by some other appropriate means;*
- (d) *Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;*
- (e) *All building development is to comply with the National Construction Code Series;*
- (f) *A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the Building Regulations 2012.*

**SCM 2/2/23**

COUNCIL RESOLUTION

*Cr Maslen/Cr Skender*

*That Meeting Procedures Local Law Pt 17.1 be suspended at 1.05pm in order for Councillors to seek clarification on the conditions of the Development Application.*

CARRIED  
F6/A0

**SCM 3/2/23**

COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That Meeting Procedures Local Law Pt 17.1 be resumed at 1.11pm.*

CARRIED  
F6/A0

Motion SCM 1/2/23 was put.

CARRIED  
F6/A0

**SCM 4/2/23**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART 2

*Cr Fullarton/Cr Skender*

*That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 waives the planning application fee as requested by the applicant.*

CARRIED BY ABSOLUTE MAJORITY  
F6/A0

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

Nil

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**6.0 CLOSURE:**

The Presiding Member declared the meeting closed at 1.20pm