



Shire of  
**CARNARVON**  
catch a *taste* of the great life



SHIRE OF CARNARVON  
**AGENDA**  
SPECIAL COUNCIL MEETING  
WEDNESDAY 29 APRIL 2026

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

*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.*

## **NOTICE OF MEETING**

Notice is hereby given

Shire of Carnarvon  
Special Council Meeting  
will be held  
on Wednesday 29 April 2026  
at the Shire Council Chambers, Stuart Street  
Carnarvon,  
commencing at 04.30pm.

Amanda Dexter  
CHIEF EXECUTIVE OFFICER

---

### 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.

## 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

<b>1</b>	<b>ATTENDANCE, APOLOGIES &amp; APPROVED LEAVE OF ABSENCE .....</b>	<b>5</b>
<b>2</b>	<b>DECLARATIONS OF INTEREST .....</b>	<b>5</b>
<b>3</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>5</b>
	3.1 PUBLIC QUESTION TIME .....	5
<b>4</b>	<b>DEPARTMENTAL REPORTS .....</b>	<b>6</b>
	4.1 DEVELOPMENT AND COMMUNITY SERVICES .....	6
	4.1.1 Carnarvon Central - Temporary Removal of Caveat .....	6
<b>5</b>	<b>MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC .....</b>	<b>11</b>
	5.1 Confidential Employee Matter - Appointment of External Investigator.....	11
<b>6</b>	<b>CLOSURE .....</b>	<b>12</b>

## **1 ATTENDANCE, 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 DECLARATIONS OF INTEREST**

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

## **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.)

### **3.1 PUBLIC QUESTION TIME**

## 4 DEPARTMENTAL REPORTS

### 4.1 DEVELOPMENT AND COMMUNITY SERVICES

#### 4.1.1 CARNARVON CENTRAL - TEMPORARY REMOVAL OF CAVEAT

File No:	A3973
Location/Address:	Lot 50, DP 408334 - 55 Robinson Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Carnarvon Central Investments Pty Ltd
Author(s):	Stefan Louw, Executive Manager, Community Planning and Sustainability
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Deed of Agreement

#### Authority/Discretion:

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | <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   |
| <input type="checkbox"/>            | <b>Legislative</b>    | Includes adopting local laws, town planning schemes and policies.  |
| <input type="checkbox"/>            | <b>Information</b>    | 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"/> | <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 |

#### Summary of Report

This report seeks Council's approval for the temporary removal of caveat 0337004 registered on Lot 50, Deposited Plan 408334, 55 Robinson Street, Carnarvon, which is required in order for settlement of the proposed sale to proceed. The request has arisen following a formal approach from HWL Ebsworth Lawyers acting for Carnarvon Central Investments Pty Ltd 'the Seller', conveyed to the Shire through its legal representatives, McLeod's Lawyers. The Seller has entered into a contract for sale with, Aon Investments Pty Ltd, 'the Buyer'. Any removal of the caveat is proposed on a temporary basis, with the caveat or an equivalent replacement security to be re-registered immediately following settlement.

#### Background

The attached Deed of Agreement between the Seller and the Shire, sets out the binding obligations relating to the land, including the requirements that must be met by the landowner. A caveat is registered on the land title to give effect to and protect those obligations by providing notice of the agreement and restricting dealings with the land unless the conditions are addressed. In effect, the deed establishes the requirements, while the caveat ensures those requirements are recognised and complied with during any transfer or dealing of the property. Where a caveat is temporarily withdrawn to facilitate a transaction, the underlying deed

obligations remain in place and may be re-noted or otherwise secured on title following settlement to ensure continued enforceability.

In 2015, in connection with the sale of land, caveat N622487 was lodged over Lot 1003 , 32 Olivia Terrace, Carnarvon, otherwise known as Carnarvon Central Shopping Centre to secure certain outcomes relating to:

- The amalgamation of multiple lots (Lots 1003 and 340) into a single parcel (Lot 50) Subject Land;
- Provision of 6 Long vehicle bays;
- Retention of pedestrian access;
- Retention of 10 car parking bays to Lot 340; and
- Maintenance of the car park.

The caveat was originally imposed to ensure the above matters were addressed post settlement and to remain applicable indefinitely.

In 2020, the-at-the-time landowner, Perpetual Limited, requested the removal of the caveat to facilitate the sale of the land to the current owner, Carnarvon Central Investments Pty Ltd. Caveat N622487 was subsequently withdrawn, and a replacement caveat (Caveat 0337004) was lodged on 31 January 2020 over Lot 50 on Deposited Plan 408334, 55 Robinson Street, Carnarvon.

The current seller, Carnarvon Central Investments Pty Ltd has now entered into a contract for sale, with the proposed buyer, Aon Investments PTY LTD and has requested that the caveat be temporarily withdrawn to facilitate settlement.

The buyer as the prospective purchaser, has advised the Shire of Carnarvon that:

- 1) a condition of the contract of sale **requires a Council resolution** for the temporary removal of the caveat **by 6 May 2026** after which the sale becomes unconditional and the buyer must proceed to settlement;
- 2) The caveat is then required to be removed from the land title prior to settlement, which is scheduled for 24 September 2026.

### **Stakeholder and Public Consultation**

#### External Consultation

No public consultation is required as the matter is between the Shire and the current landowner, Carnarvon Central Investments Pty Ltd, and the buyer, Aon Investments Pty Ltd as the purchaser.

At the time of previous sale negotiations, the shire administration had extensive interactions with the buyer's representatives in relation to the proposed purchase and redevelopment of the property.

#### Internal Consultation

This matter was briefly discussed with Council previously ahead of the October 2025 Ordinary Council Meeting (OCM) but was subsequently withdrawn following the collapse of the proposed land sale. The sale has now recommenced, and the temporary removal of the caveat is required to facilitate the transaction.

On 16 April 2026, the Shire received a formal request from its legal representatives, McLeod's Lawyers, arising from a request by the current landowner's solicitors to temporarily withdraw the Shire's caveat in order to facilitate the proposed sale of the land.

### **Statutory Environment**

#### Transfer of Land Act 1893 (WA)

- Sections 137–138 – Provide for the lodgement of caveats to protect an interest in land.
- Sections 138B–138E – Set out the processes for the withdrawal and removal of caveats, including withdrawal by the caveator and lapsing procedures.

Planning and Development Act 2005 (WA)

- Section 75 – Enables a local government to enter into agreements with landowners to secure planning-related obligations, including matters that may be noted on title.

Shire of Carnarvon Local Planning Scheme No. 13

- Provides the statutory framework for land use and development, including subdivision, amalgamation, access, and car parking requirements, and enables conditions to be imposed on development approvals to manage these matters.

Local Government Act 1995 (WA)

- Section 3.18 – Provides for the making of local laws.
- Sections 9.60–9.69 – Provide enforcement powers to ensure compliance with statutory requirements relating to land use and development.

**Relevant Plans and Policy**

(CAP) Carnarvon Activation Plan.

**Financial Implications**

No financial implications to Council. The shire will not incur any costs associated with the process required. Should any costs be incurred by the Shire they will be reimbursed by the buyer.

**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>	High	High	Extreme	Extreme	Extreme
<b>Likely</b>	<b>B</b>	Moderate	High	High	Extreme	Extreme
<b>Possible</b>	<b>C</b>	Low	Moderate	High	Extreme	Extreme
<b>Unlikely</b>	<b>D</b>	Low	Low	Moderate	High	Extreme
<b>Rare</b>	<b>E</b>	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	Loss of security for outstanding obligations and Reduced ability to recover costs.	D2- Low	The withdrawal is temporary only, and a new Deed of Agreement will be required to be registered on the title following settlement.
Health & Safety	N/A		
Reputation	Perception that Council is Favouring a landowner or developer by removing restrictions prematurely.	C1 - Low	Council recommendation would be to re-register or create a new Deed of Agreement to be entered into with new landowner during the transfer of land process.

Service disruption	N/A		
Compliance	Loss of a key enforcement mechanism without adequate replacement controls.	D2 - Low	Council recommendation would be to re-register the caveat or a new Deed of Agreement to be entered into with new landowner during the transfer of land process.
Property	Diminished ability to control land use outcomes once the caveat is removed.	C2 - Moderate	Withdrawal is only temporary and the caveat will be re-registered on Title following settlement. In addition, there will be a requirement to create a deed between the current owner, purchaser, and the Shire, ensuring the purchaser is fully aware of the compliance status of the property and accepts responsibility where appropriate.
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 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:

- N/A

#### BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

### Comments

The sale of the Carnarvon Central Shopping Centre aligns with the objectives of the Carnarvon Activation Plan (CAP), which outlines a comprehensive strategy for the revitalisation and long-term development of the town centre. By facilitating the sale, Council will be supporting the continued progress of the CAP, which aims to enhance the shopping centre's infrastructure, diversify its offerings, and foster greater community engagement. The sale provides an opportunity for the buyer to invest in the improvements and upgrades envisioned in the plan, ensuring that the shopping centre remains a central part of the local economy and community. Temporarily removing the caveat will enable the sale of the land which will support future developments in the shopping centre, in line with the broader goals of the CAP and the Council's vision for the area's future growth.

The current caveat prevents transfer of clear title and the proposed sale cannot settle unless the caveat is withdrawn or otherwise addressed. In legal terms the caveat is described as an absolute caveat, which is essentially the strongest form of caveat to lodge over land. It completely blocks any dealings with the title, including the transfer or sale of land, while it remains in place.

Officers have reviewed the matter and note that the following items in the caveat have been complied with:

- The amalgamation of multiple lots into a single parcel;
- Retention of pedestrian access; and
- Retention of 10 car parking bays to Lot 340 (now being consolidated into the current lot).

Outstanding matters remaining include:

- Provision of 6 Long vehicle bays; and
- Maintenance of the car park.

In this instance, officers are satisfied that majority of the compliance matters of the caveat have been resolved and that the two remaining issues are capable of being managed through continued regulatory processes and contractual arrangements with the buyer after settlement.

Temporary withdrawal is proposed subject to the current owner and purchaser entering into a revised deed with the Shire prior to withdrawal, addressing outstanding compliance matters, the purchaser's acceptance of responsibility for unresolved obligations, and the re-registration of the caveat if required. The Deed if required can be finalised prior to settlement. This approach would facilitate the sale while preserving the Shire's ability to ensure completion of outstanding compliance items.

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

##### **That Council by Simple Majority:**

1. Pursuant to the Section 138B of the Transfer of Land Act 1893 (WA) authorises the temporary withdrawal of caveat 0337004 registered on the Certificate of Title for Lot 50 on Deposited Plan 408334, being the whole of the land comprised in Certificate of Title Volume 2927 Folio 493 for the sole purpose of enabling settlement of the proposed sale of the land;
2. Authorises the Chief Executive Officer to prepare, execute and lodge all necessary documentation to give effect to:
  - a. The temporary withdrawal of the existing caveat prior to settlement which is scheduled for 24 September 2026, pursuant to sections 138B of the Transfer of Land Act 1893 (WA); and;
  - b. re-register the caveat or equivalent replacement security, immediately following settlement, pursuant to sections 137–138 the Transfer of Land Act 1893 (WA);
3. Requires, prior to withdrawal of the caveat, that the current owner and purchaser enter into a deed in a form satisfactory to the Chief Executive Officer confirming:
  - a. acknowledgement of all outstanding compliance matters;
  - b. acceptance by the purchaser of responsibility for unresolved compliance requirements;
  - c. irrevocable consent to re-registration of the caveat if obligations remain outstanding after settlement;
  - d. indemnity to the local government for all costs arising from the transaction.
4. Requires all legal, Landgate, and administrative costs associated with the temporary withdrawal and any reinstatement of the caveat to be borne by the landowner.
5. If settlement does not occur, authorise the Chief Executive Officer to immediately re-lodge the caveat.
6. Authorises the affixing of the Common Seal of the Shire, if required.

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

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

**5.1 CONFIDENTIAL EMPLOYEE MATTER - APPOINTMENT OF EXTERNAL INVESTIGATOR**

This matter is considered to be confidential under Section 5.23 – (2)(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter relating to the recruitment or employment of the CEO or a senior employee, including the following —

- (i) the termination of employment;
- (ii) a review of performance under section 5.38;.

**6 CLOSURE**