



SHIRE OF CARNARVON

MINUTES

SPECIAL COUNCIL MEETING
FRIDAY 14 FEBRUARY 2025

CONFIRMATION OF MINUTES

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

Shire Council Chambers
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Chairman

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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The meeting was declared open by the Presiding Member at 2.02pm

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 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

Mrs Amanda Dexter Chief Executive Officer
 Mr David Nielsen Executive Manager, Infrastructure Services
 Mr Stefan Louw Executive Manager, Community Planning & Sustainability
 Mrs Amanda Leighton Executive Manager, Corporate Strategy & Performance
 Mrs Renee Louw IT Support Officer
 Mr Michael Mallon Project Delivery Manager
 Mrs Dannielle Hill Senior Executive Officer

Mr N DeLatta Director, DG Corp
 Mr Johsua Carmody Planning Solutions

Apologies

Miss Stephanie Leca Executive Manager, Lifestyle & Community

Leave of Absence

Cr Luke Skender Councillor, Town Ward

Press

Observers

Mr Cam Holla; Mr Blue Dwyer; Ms Julee Nelson; Mr Carlo Pollinelli; Mr Timothy Bray (CEO – Gascoyne Development Commission); Mr Wally Dale; Ms Teresa Hokianga; Mr Wayne Shaw; Mr Phil Woods

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.)

Nil

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 2.02pm

The following question was submitted by Mr Shane Aylmore from the Blowholes Protection Association.

Question: It is sad that Shire of Carnarvon don't recognise tourism by closing the facilities at Point Quobba (Blowholes) i.e. ablution facility, sullage point and rubbish removal. Why doesn't the Shire of Carnarvon promote tourism?

Response: The Shire President responded and advised that Council will not be responding to this question until the Ordinary Council Meeting on Tuesday 25 February 2025. As this is a Special Council Meeting, Council can only deal with the matter in question on the agenda. Mr Aylmore is invited to attend in person at the February Council Meeting to present his question with an invitation extended to the BPA to present if they wish to do so. Also invited to AGM.

The following question was submitted by Ms Ceri Zaknich –

Question: Reading the updated proposal, it sounds like the majority of the land will now be for residential housing apartments. I am sure if this was the vision for the land, and it was advertised as residential, local builders may have been interested. Unfortunately I fail to see how this new proposal meets that requirement and could be considered the best outcome. I can't help but feel the change in direction was envisaged all along by the developer, in which case there are numerous other spots they could have purchased to develop residential housing. I have seen first hand how the local people and business owners along the main street are trying their best to keep it a community hub and get it thriving again. The original proposal excited people, the thought of waterfront cafes and restaurants, and particularly short term accommodation. This would be a tourist draw card, and also helpful when professionals visit the town. I urge you to uphold the clause and ensure this tiny bit of Robinson Street is left for commercial use.

Response: President Smith advised that Ms Zaknich's comments are noted.

Question- Ms Julee Nelson from Carnarvon Family Support Services wished to submit a question about a lease matter.

Response: President Smith advised Ms Nelson that as this is a Special Council Meeting, Council can only deal with the matter in question on the agenda. It is asked that you submit your question to the February Council Meeting on 25th February 2025 or alternatively the Annual General Meeting of Electors to be held on 18th February 2025.

Response from Ms Nelson – confirmed that the question will be raised at the February Ordinary Meeting of Council.

Public Question Time was closed at 2.05pm

PRESENTATION – Mr Nick De Latte (Director, DG Corp) & Mr Joshua Carmody (Planning Solutions)

Mr Nick De Latte addressed Council on DG Corp's proposal and the reasoning behind the change from the original proposal. Mr Joshua Carmody then added to Mr De Latte's comments and spoke to Council on the proposal from a design and planning perspective.

4 DEPARTMENTAL REPORTS

4.1 DEVELOPMENT AND COMMUNITY SERVICES

4.1.1 DEVELOPMENT APPLICATION P51/24 - 85 OLIVIA TERRACE, CARNARVON

File No:	P51/24
Location/Address:	85 Olivia Terrace, Carnarvon
Name of Applicant:	Planning Solutions (Aust) Pty Ltd
Name of Owner:	Angovenp Pty Ltd
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority and Absolute Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Development plans 2. Planning report

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 Report

This item pertains to a development application for the former 'The Pier' site, proposing a mixed-use development on Lot 300 (HN 85) Olivia Terrace, Carnarvon. The proposal includes a single-stage development with associated car parking.

This report provides the background, context, and rationale supporting the officer's recommendation for Council approval of the application.

Background

The original mixed use development application (JDAP), comprising of 3 stages, was withdrawn by the applicant on 8 February 2023 and a new application was received for Stage 1 only, and was approved on 14 February 2023. An application for Stages 2 and 3 was received a month later and was approved on 28 March 2023.

Current approvals permit the following:

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 m² floor area with 8.3m² (approx.) balcony.
 - 26 flexible two-bedroom ‘twin-key’ dwellings – 79 m² floor area with 13.6 m² 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 m² and a balcony size of approximately 8.3 m².
 - The remaining 26 comprise a studio (S) one-bedroom dwelling with a floor area of 27 m² and a balcony size of approximately 5.6 m².
 - 2 two-bedroom dwellings – 66m² 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 gatehouse on the Fascine shore.

Stage 2 includes commercial, retail and office tenancies on the ground and first floors; a continuous covered walkway along the Robinson Street façade will link all major commercial and office access; and centrally located will be the lobby for the offices and for the hotel which will occupy the top two storeys of the stage. Private covered car-parking areas and storage and service facilities are included in this second stage, integrated with those of Stage 1. The rooms and suites of the hotel will be ‘twin-keyed’ managed by one of the premier accommodation providers in Australia (Operator). That same operator will subsequently operate the hotel component of Stage 3.

Stage 3 includes short-stay residential apartments of one and two bedrooms, with private balconies; extensive common outdoor areas that will subsequently serve as the outdoor hub for the fully developed three stages; private car-parking areas and storage and service facilities.

Site location

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 at the corner of Robinson Street and Babbage Island Road, Morgantown.

Waiver of planning fees

The applicant has requested that Council consider waiving the planning application fee of \$13,863.00 due to previous fees paid in 2023 that amounted to \$31,010 for the original application (including the DAP fees) that were submitted to the JDAP but subsequently withdrawn.

Further planning fees related to subsequent applications referred to above, each to the value of \$15,708.00 (totalling \$31,416.00), were waived by Council.

Given the concessions already provided and the fact that this is a new, independent application, officers have undertaken the following processing steps:

- **Receipt & Initial Review:** The application was received, and discussions and assessments were conducted to clarify its mechanics.
- **Internal Consultation:** Officers engaged in internal referrals, reviews, and assessments with the Infrastructure and Health Departments to evaluate planning implications and ensure statutory compliance.
- **Planning Assessment:** A comprehensive planning assessment was conducted to determine compliance and feasibility.
- **Stakeholder Engagement:** Multiple meetings were held with the applicant to explore and discuss alternative design outcomes.
- **Advertising:** It was determined that public advertising was not required.
- **Council Reporting:** Officers undertook Council briefings and prepared the agenda item for formal consideration.

Following this review, officers do not recommend waiving the application fee.

THE PROPOSAL

The proposal is for a mixed-use development (residential, office and café/restaurant) with associated amenities and carparking, to be developed in one stage upon lot 300 on DP 412840, at 85 Olivia Terrace Carnarvon.

The key components of the proposed development are summarised below:

- A two-storey commercial building fronting the corner of Robinson Street and Olivia Terrace.
- 56 residential dwellings comprising:
 - 52 multiple dwellings over two levels; and
 - 4 single storey grouped dwellings.
- The dwelling mix is summarised as follows:
 - 16 one-bedroom dwellings.
 - 40 two-bedroom dwellings.
- Communal amenities include a swimming pool, gym, playground and BBQ area.
- 62 car parking spaces and 6 motorcycle bays.
- Supporting infrastructure including:
 - Fully enclosed bin store for the commercial portion of the development located adjacent to the commercial tenancy.
 - An electrical substation located adjacent to the commercial tenancy.
 - A fully enclosed bin store for the residential portion of the development located adjacent to the north-west site boundary.
- Permeable fencing of less than 1.8m in height is proposed along Olivia Terrace and Robinson Street.

The current application seeks approval for a development that reduces the overall development intensity in terms of built form and land use compared to previous approvals.

The proposed development has been designed to address both street frontages. The height of development, at two storeys, ensures that the development blends in with the height and scale of existing surrounding development. The residential component features individual balconies and terraces directly overlooking the streets whilst the proposed commercial component on the corner provides an active use at ground level.

Development Assessment

The zoning of the land is Regional Centre that classify the proposed land uses as “P” (permitted) uses within the zone and, as such, does not require to be advertised.

Assessment of the proposed development was carried out against applicable legislative and policy provisions listed in the Statutory Environment and Plans and Policy sections of this report.

The assessment identified the following key considerations in the determination of this application:

Ground Floor Occupancy

Multiple dwellings are proposed at ground level, which is contrary to clause 35.4 in Local Planning Scheme No. 13 (LPS 13). However, the part of the development fronting Olivia Terrace is deemed acceptable, as there are existing and adjacent housing and short-stay apartments located further north along and on the same side of Olivia Terrace.

The part of the development fronting Robinson Street, on the other hand, does not share the same residential characteristics and is adjacent and opposite commercial buildings and, therefore, should comply with Clause 35.4 of the scheme.

The principal purpose of clause 35.4 in LPS 13 was to preclude residential dwellings from occupying prime commercial ground floor space (principally along Robinson Street) within the Carnarvon town centre.

The applicant has stated that it is their understanding that providing commercial tenancies along the full length of Robinson Street frontage is not viable at this stage, and the intent of the revised proposal is to limit commercial to the corner, with residential uses delivering a level of activity to the main street that is otherwise lacking in the town.

Concerns about the residential ground floor use on Robinson Street such as, the loss of commercial and hospitality activation, tenancy and amenity challenges and the dilution of strategic potential, have been raised with the applicant and subsequent plans were provided indicating that the ground floor dwellings could relatively easily be modified into commercial buildings in the future should the need arise. It is not uncommon for residential properties near or within commercial areas in towns to turn into shops and offices once commercial demand is there, and, as such, from a planning point of view, officers do not consider the residential component on Robinson Street to be a concern subject to a well-managed tenant management plan controlled by a body corporate. Accommodation on Robinson Street i.e. additional people living in the town centre would stimulate existing businesses and could potentially lead to additional commercial development within the vacant shops.

Built Form, and Streetscapes

It should be noted that the Shire has no prescribed built form or streetscape guidelines against which the design, form, scale, external appearance (facades) etc. of the proposed multiple dwelling development can be properly assessed. However, it is reasonable to say that there are two distinct streetscapes applicable to

this development, one being the Olivia Terrace streetscape that lends itself to a residential character and the other is the Robinson Street streetscape that is of commercial character.

The proposed design of the development on the Robinson Street frontage does not fully address the commercial character of the street. However, as explained above, this could change in the future due to market demand and economic incentives.

Waste Management

The proposal includes two bin compounds which will be visibly shielded from Olivia Terrace and Robinson Street for the storage of waste bins. One storage area will service the residential component and the other the commercial. The location and shielding of the storage compounds are acceptable.

The applicant has submitted a Waste Management Plan (WMP) providing detail on expected waste generation and collection methodology. The tables below show their expected bin numbers required to service waste generation from the proposal:

Table 2: Residential Bin Provision

Type of Bin:	Total Waste Generated (L/week):	Number of Bins Required
		660L
Refuse:	7715L	12
Recycling:	3040L	10 (recycling collected fortnightly)

Table 3: Commercial Bin Provision

Type of Bin:	Total Waste Generated (L/week):	Number of Bins Required
		660L
Refuse:	1935L	3
Recycling:	1305L	4 (recycling collected fortnightly)

The WMP states that, “Waste will be collected by a designated private operator(s).” It should be noted that the Shire of Carnarvon does not have capacity to service the 660L bins noted in the WMP. The Shire of Carnarvon also does not currently provide a recycling waste collection service.

Waste vehicle swept paths were provided by the proponent. These indicate a waste service vehicle entering the site from Olivia Terrace, servicing the residential bin store area, then executing a turn to exit onto Olivia Terrace in a forward direction. The swept path for this manoeuvre indicates minimal clearance between the waste collection vehicle and adjacent buildings/structures. That collection operation and turn manoeuvre will block any vehicles circulating within the site however that condition is likely to be short term only.

A risk to consider is that if a suitable private operator is unable to provide the nominated 660L bin collection service, the Shire will not have capacity to service the development with its waste collection equipment. If the bins revert to the standard 240L types, a total of 68 240L bins would be required.

A condition has been included that requires the development to be always serviced by an appropriate waste collection service.

Onsite Stormwater Drainage

Limited detail has been provided regarding the collection, storage and/or disposal of stormwater falling within the development site.

The proposal includes some 10 soak well type pits located within the development site however no calculations have been provided regarding the capacity of that arrangement to contain generated stormwater. A condition of development approval will require the submission and implementation of an onsite stormwater management plan.

Car Parking

Based on the prescribed onsite car parking provisions in LPS 13 a minimum of 81 onsite car spaces have been calculated as being required for the proposed development.

In response to this, in the interest of avoiding the aesthetics of a large 'parking lot' being located within the Carnarvon town centre and having regard to an allowance for reciprocal parking and that other modes of transport may be used (walking, bicycles, coaches etc), some consideration can be given to the granting of concessions in respect to the amount of onsite car parking required.

Thus, the following concessions could be considered:

- Restaurant/café – 5 bays (say approx. 50% of 9 bays, allowing for reciprocal parking)
- Office - 0 bays (0% of 2 bays, allowing for reciprocal parking)
- Multiple dwelling visitor spaces: 10 bays (overprovision of 4 spaces for multiple dwellings)

With these concessions a minimum of 71 bays would be required and is taken as the new onsite requirement. This results in a revised shortfall of 9 bays.

External Site Lighting

Given the proposed development's close proximity to the adjacent Fascine waterway, any lighting overspill from external lighting within the development site ought to be prevented or avoided.

To this end, it is recommended that a condition of development approval be imposed requiring the submission and implementation of an external lighting plan prior to the development commencing.

Stakeholder and Public Consultation

In accordance with the Local Planning Scheme No. 13 (**LPS 13**), the proposed land uses are "P" (permitted) uses that do not require advertising.

The application was referred to relevant internal departments within the Shire for technical consideration. The following comments and assessments were provided:

Waste Management Assessment

The waste management details provided in the application have been reviewed, and the following key issues and requirements have been identified:

Shire Waste Collection Service: The application indicates that the Shire will service waste collection directly from the bin storage areas. However, this is not achievable in its current form based on the waste management details provided.

Bin Capacity & Collection Limitations:

- The proposal includes 25 x 660L bins, including 11 bins for recycling (as per Drawing SK02).
- The Shire does not have the capability to collect 660L bins.
- The Shire does not currently provide a recycling bin collection service.
- The Shire can only collect standard 240L (or smaller) wheelie bins for household waste.

Estimated Waste Collection Requirement:

- Based on the waste generation figures, the site would require the collection of approximately 68 x 240L bins.

Access & Collection Logistics:

- The bin store areas, as currently designed, are not accessible for direct collection by the Shire's waste collection vehicle.
- Collection would require the driver to exit the vehicle and manually move bins from the bin store to the collection point, which is not the standard service provided. The responsibility typically lies with residents to ensure bins are placed in a location accessible to the collection vehicle.
- If bins are emptied directly from the bin store area, this would impede residential parking and vehicle circulation during collection.
- A plan must be developed to relocate bins to a suitable collection point.

Additional Considerations:

- The bin store must include a wash-down facility.
- The proponent must demonstrate that a Shire collection vehicle can manoeuvre within the site, using swept path drawings based on a standard municipal waste collection vehicle template.
- A detailed Waste Management Plan must be provided, addressing the storage, maintenance, collection, and coordination of waste within the available collection service.

Waste Generation and Collection Breakdown

	Waste Generation	660L Bins Required	240L Bins Required
Residential	7715	12	32
Residential Recycling	6080	9	25
Commercial	1665	3	7
Commercial Recycling	945	1	4
Total	16405	25	68

RECOMMENDATION

To ensure effective waste management, the proponent needs to be advised of the importance of the need to provide the following:

1. A revised waste collection strategy that aligns with the Shire's collection capabilities.
2. Swept path analysis drawings demonstrating vehicle access and manoeuvrability.
3. A detailed Waste Management Plan, addressing bin storage, movement, collection logistics, and coordination with the available service.

Stormwater Management Assessment

The application lacks detail on the proposed stormwater management for the site. Key considerations and requirements are outlined below:

- Increased Hardstand Area:
 - The previous development had an estimated 40-50% hardstand area.
 - The new proposal is expected to increase hardstand coverage to 80-90%, potentially resulting in a significant increase in stormwater runoff.
- Impact on Existing Infrastructure:
 - Preliminary design and calculations are required to assess whether existing drainage infrastructure can accommodate the additional runoff without augmentation.
 - If augmentation is required, the cost will be the responsibility of the developer.
- Drainage Constraints:
 - While the stormwater outlet pipes into the Fascine are of a larger diameter, the upstream pipes (300mm or less) are a limiting factor in the system's capacity.
- Onsite Stormwater Retention:

- The application does not provide details on any onsite stormwater retention measures, which could help mitigate discharge from the site.

Requirement for a Stormwater Management Plan

The applicant must provide a detailed Stormwater Management Plan, including:

1. Preliminary stormwater design and calculations demonstrating the impact on existing infrastructure.
2. Proposed onsite retention measures to manage and reduce discharge where possible.
3. Assessment of required upgrades or augmentation, if necessary.

Environmental Health Considerations

General

- Noise: The introduction of a large residential facility in this location will impose additional noise compliance obligations on existing neighbouring businesses, including the Woolshed, Cinema, and potentially the Gascoyne Hotel. There is a high likelihood of noise complaints from future residents due to occasional high-activity uses nearby.
- Water & Sewerage: Given the significant water and sewerage demands (potentially exceeding 30 kL per day), Water Corporation input is required to confirm service capacity.

Site Arrangement

- Bin Storage Location: The waste storage area is positioned away from onsite accommodation buildings but is close to neighbouring residences and businesses, increasing the likelihood of odour complaints.
- Trafficability: The site layout includes two corners sharper than 90 degrees, raising concerns about furniture truck access and manoeuvrability.

Building Design

- Ventilation:
 - Plans lack openable windows in most areas, conflicting with R-Code requirements for natural ventilation in two-bedroom units.
 - Bedrooms, bathrooms, and kitchens should have openable windows equivalent to 5% of the floor area to ensure fresh air intake, reducing reliance on HVAC systems.
 - Kitchen cooktops should ideally be vented directly outdoors.
- HVAC Systems:
 - The HVAC design is unclear, including whether it provides fresh air intake as an alternative to open windows.
 - Potential noise impact from HVAC units should be considered, particularly where systems are located near adjacent units.
- Commercial Food Premises:
 - The proposed 4m x 3.8m food preparation space appears insufficient for anything beyond minor food handling.
 - It is unclear if the space can accommodate a commercial kitchen exhaust system, which is essential for food safety and compliance.

RECOMMENDATION

- The applicant should provide further details addressing:
 1. Noise impact mitigation and responsibilities of neighbouring businesses.
 2. Water & sewerage capacity confirmation from Water Corporation.
 3. Clarification on family accommodation provisions.
 4. Waste storage location alternatives to minimise odour impact.
 5. Traffic and vehicle access considerations.
 6. Revised ventilation design to ensure compliance with natural airflow requirements.
 7. HVAC noise assessment and mitigation strategies.
 8. Detailed commercial kitchen specifications including food storage capacity and extraction system feasibility.
- Pool:

- The swimming pool would be regarded as an aquatic facility requiring design and construction approval from the Department of Health and monthly sampling from the Shire. This is because it services more than 30 dwellings.

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

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	Approving developments at all costs could be a reputational risk to Council in that undesirable precedents could be set.	Low	Assessing each development on its own merits against the Shire of Carnarvon Local Planning Scheme No. 13 requirements and relevant State Planning Policies will prevent this from happening. This application was subject to a robust assessment in accordance with planning scheme requirements as well as State Policy.
Service disruption	N/A		
Compliance	Complying with conditions	Low	Including measurable conditions on the Development Approval.
Property	N/A		
Environment	Removal of native vegetation without permission.	Low	No remnant native vegetation exists on the land.

Fraud	N/A		
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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

Government's Expectation

The Gascoyne Development Commission (GDC) previously advertised the subject land as a premier commercial and tourism property, in alignment with the Carnarvon Civic Precinct Revitalisation Plan 2020. The site was envisioned as a transformational development that would enhance the streetscape, activate the frontage, and contribute to a vibrant town centre.

At the time, the State Government's expectation was that the development would support key strategic objectives, including:

- Regional prosperity;
- A liveable environment;
- Job creation; and
- A strong and diversified economy.

This vision aligned with the State Government's ongoing investment in the waterfront precinct and the nearby boat launching facility. The anticipated development included boutique accommodation, flexible commercial spaces, a wellness centre, and retail offerings, comparable to regional centres such as Broome, Geraldton, and Exmouth. These objectives were largely achieved through the current development approval.

Current Proposal & Key Concerns

The current development proposal before Council represents a significant departure from the original expectations for the site. In many respects, it may be viewed as a regression in terms of the site's potential as a landmark location.

Despite officers' efforts to communicate these concerns to the applicant, each application must be assessed on its own merits. While the proposal must be considered independently, one positive outcome from discussions with the applicant is the ground floor dwellings along Robinson Street have been designed to allow for future conversion into commercial spaces, if required.

Officers Conclusion

The proposal demonstrates merit, particularly as the nature, range, and mix of proposed uses align with several objectives of the Regional Centre zoning and contribute to achieving key aims of Local Planning Scheme No. 13 (LPS 13).

From an urban design perspective, the sleeving of buildings along Robinson Street and Olivia Terrace, which screens onsite car parking from street view, is a positive design element. This layout aligns with the Regional Centre zone objective to:

"Encourage pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre and to develop areas for public interaction."

However, despite these merits, the design of the development, particularly the multiple dwellings along Robinson Street, presents several fundamental shortcomings, which are summarised as follows:

Ground Floor Multiple Dwellings:

- The proposal includes multiple dwellings on the ground floor, which is contrary to scheme provisions that restrict such uses to upper floors.
- Given the current commercial climate and ongoing state-wide housing crisis, it is difficult to argue against the proposal at this time.
- The applicant has also demonstrated that these dwellings could be modified into commercial spaces in the future, providing flexibility in land use.

Shortfall in Onsite Parking:

- The development proposes at least 9 fewer onsite bays than the required 71 bays, which presents a parking shortfall that must be addressed.

Lack of Detail on Key Infrastructure Elements:

- The application lacks detail regarding:
 - Drainage and disposal of stormwater
 - Internal and external lighting
 - Potential light overspill onto surrounding properties and key environmental areas

These issues can be addressed through the imposition of appropriate conditions should development approval be granted.

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 P51/24 for a mixed use development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:

- 1) This decision constitutes planning approval only and is valid for a period of 2 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;***
- 2) The development is to be generally in accordance with the approved plans dated 14 February 2025 (attached), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by the following conditions or with the prior written approval of the Shire of Carnarvon.***
- 3) The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within 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;***
- 4) Prior to development commencing, a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.***

A stormwater and drainage management plan shall specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.

It shall include details regarding the impact of any stormwater run-off from the development on the capacity of existing public stormwater infrastructure.

- 5) *Any necessary augmentation to existing public stormwater infrastructure shall be at no cost to the Shire of Carnarvon and shall be to the specifications and satisfaction of the Shire of Carnarvon.*
- 6) *Prior to occupancy of the development the approved stormwater management plan and any necessary augmentation to existing public stormwater infrastructure must be implemented to the satisfaction of the Shire of Carnarvon.*
- 7) *Prior to development commencing, a waste management plan shall be prepared and approved by the Shire of Carnarvon.*
- 8) *All bin storage areas shall be fitted with appropriate mains water supply with floors graded to sewer plumbed drainage outlet/s to allow for the washing of all storage area surfaces and for the cleaning of bins as required.*
- 9) *Arrangements shall always be in place to the satisfaction of the Shire of Carnarvon for the storage, collection and disposal of all waste generated by the development.*
- 10) *The ground floor dwellings fronting Robinson Street must be capable of adaptation to accommodate commercial activity.*
- 11) *Prior to development commencing, 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*
- 12) *Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.*
 - 13) *Prior to the development commencing, an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.*
 - 14) *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.*
 - 15) *Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;*

- 16) *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;*
- 17) *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;*
- 18) *Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;*
- 19) *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;

- 20) *Occupancy of 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;*
- 21) *Prior to occupancy of the development a tenant management plan must be prepared and submitted to the Shire of Carnarvon for approval.*

Advice Notes

- (a) 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;
- (b) All building development is to comply with the National Construction Code Series;
- (c) 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 resolves to refuse the request from the applicant to waive the planning application fee of \$ 15,708.00.

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION SCM 11/02/25****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, Luke Vandeleur, Paul Kelly, Dudley Maslen and Adam Cottrell

AGAINST: Nil

ABSENT: Crs L Skender

CARRIED BY SIMPLE MAJORITY 7/0

RESUMPTION OF STANDING ORDERS**COUNCIL RESOLUTION SCM 12/02/25****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, Luke Vandeleur, Paul Kelly, Dudley Maslen and Adam Cottrell

AGAINST: Nil

ABSENT: Crs L Skender

CARRIED BY SIMPLE MAJORITY 7/0

President Smith requested that the following clause be added to the conditions included in the motion –

“Within 3 months of the date of this permit, submit amended plans for approval by the Shire of Carnarvon showing an increase of the proposed café floor area equal to a bistro style restaurant to the satisfaction of the Shire of Carnarvon.”

Note to Minute: The mover and seconder of Resolution SCM 13/02/25 agreed to add the additional condition (No. 3).

Council are of the view that the inclusion of a bistro style restaurant and not a café on the bottom level would add more street appeal to the development and be a more acceptable option.

COUNCIL RESOLUTION SCM 13/02/25**Moved: Cr Dudley Maslen****Seconded: Cr Marco Ferreirinha**

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 P51/24 for a mixed use development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:

- 1) ***This decision constitutes planning approval only and is valid for a period of 2 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;***
- 2) ***The development is to be generally in accordance with the approved plans dated 14 February 2025 (attached), including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by the following conditions or with the prior written approval of the Shire of Carnarvon.***
- 3) ***Within 3 months of the date of this permit, submit amended plans for approval by the Shire of Carnarvon showing an increase of the proposed café floor area equal to a bistro style restaurant to the satisfaction of the Shire of Carnarvon.***
- 4) ***The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within 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;***
- 5) ***Prior to development commencing, a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.***

A stormwater and drainage management plan shall specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.

It shall include details regarding the impact of any stormwater run-off from the development on the capacity of existing public stormwater infrastructure.

- 6) ***Any necessary augmentation to existing public stormwater infrastructure shall be at no cost to the Shire of Carnarvon and shall be to the specifications and satisfaction of the Shire of Carnarvon.***
- 7) ***Prior to occupancy of the development the approved stormwater management plan and any necessary augmentation to existing public stormwater infrastructure must be implemented to the satisfaction of the Shire of Carnarvon.***
- 8) ***Prior to development commencing, a waste management plan shall be prepared and approved by the Shire of Carnarvon.***
- 9) ***All bin storage areas shall be fitted with appropriate mains water supply with floors graded to sewer plumbed drainage outlet/s to allow for the washing of all storage area surfaces and for the cleaning of bins as required.***
- 10) ***Arrangements shall always be in place to the satisfaction of the Shire of Carnarvon for the storage, collection and disposal of all waste generated by the development.***
- 11) ***The ground floor dwellings fronting Robinson Street must be capable of adaptation to accommodate commercial activity.***
- 12) ***Prior to development commencing, 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*
- 13) Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.**
- 14) Prior to the development commencing, an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.**
- 15) 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.**
- 16) Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;**
- 17) 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;**
- 18) 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;**
- 19) Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;**
- 20) 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;*
- 21) Occupancy of 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;**
- 22) Prior to occupancy of the development a tenant management plan must be prepared and submitted to the Shire of Carnarvon for approval.**

Advice Notes

- (a) 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;
- (b) All building development is to comply with the National Construction Code Series;
- (c) 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*.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

COUNCIL RESOLUTION SCM 14/02/25

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreirinha

That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to refuse the request from the applicant to waive the planning application fee of \$ 15,708.00.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY ABSOLUTE MAJORITY 7/0

5 CLOSURE

The Presiding Member declared the meeting closed at 2.54pm