



SHIRE OF CARNARVON  
**MINUTES**  
SPECIAL COUNCIL MEETING  
FRIDAY 20 DECEMBER 2024

**CONFIRMATION OF MINUTES**

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

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

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Chairman

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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.

### 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 2.00pm

*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 Paul Kelly ..... Councillor, Town Ward  
 Cr Dudley Maslen ..... Councillor, Town Ward  
 Mrs AD Dexter ..... Chief Executive Officer  
 Mrs Dannielle Hill ..... Senior Executive Officer

### Apologies

Cr Luke Skender ..... Councillor, Town Ward  
 Cr Luke Vandeleur ..... Councillor, Town Ward  
 Cr Adam Cottrell ..... Councillor, Coral Bay Ward

### Leave of Absence

Nil

**Press** ..... Nil

**Observers** ..... Audrey Robson; Denise Kealley; Jodi Richards; Cameron Perry; Max March; Michael Mallon

## 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 2.01pm

### 3.1 PUBLIC QUESTION TIME

Public Question Time was closed at 2.01pm

## 4 DEPARTMENTAL REPORTS

### 4.1 GOVERNANCE

#### 4.1.1 REOPENING OF BLOWHOLES TOILET FACILITIES OVER 2024 FESTIVE SEASON

File No:	ADM1999
Location/Address:	Blowholes, Quobba
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Amanda Dexter, Chief Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

#### 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 checked="" 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 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

To seek Council endorsement for the reopening of public toilets at the Blowholes Reserve during the festive season and school holiday period. This initiative aims to accommodate the anticipated use by locals and visitors, enhance the overall user experience, meet community needs, and mitigate potential negative environmental impacts during this busy time.

#### Background

Council at its meeting held on Tuesday 22 October 2024 resolved –

*COUNCIL RESOLUTION OCM 09/10/24*

*Moved: Cr Dudley Maslen*

*Seconded: Cr Paul Kelly*

*That Council, by Absolute Majority –*

1. *pursuant to Section 50 of the Land Administration Act 1997, resolves to–*
  - a. *confirms that the Shire of Carnarvon is unable, despite its best efforts, to achieve compliance with the Blowholes Reserve Management Plan (BRMP) due to intractability of issues;*
  - b. *requests that the Minister by formal order revokes the Shire management order over*

*Blowholes Reserve 37457.*

2. *supports the President and Chief Executive Officer in ongoing efforts to lobby the State Government to negotiate a viable path forward for the management of the Blowholes Reserve with a commitment to fulfilling the original intent of the Blowholes Reserve Management Plan 2014-2036, which sought to 'manage the reserve in a more strategic, coordinated, equitable and sustainable matter,' while acknowledging that government recreational reserves are established for the benefit of the public and community purposes.*
3. *pursuant to Section 3.18 of the Local Government Act 1995 instructs the Chief Executive Officer to -*
  - a. *cease provision of all camping/caravan area management services, all toilet facilities and services, all caravan dump point facilities and services and all rubbish facilities and services at the Blowholes Reserve effective from 30 November 2024;*
  - b. *suspend the collection of Blowholes campground fees effective from 30 November 2024;*
  - c. *issue formal Public Notice of the changes in management and the cessation of all municipal services at the Blowholes Reserve effective from 30 November 2024; and*
  - d. *install appropriate signage at the Blowholes Reserve advising that the area is no longer a serviced recreational camping area.*

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

*AGAINST: Crs Luke Skender and Paul Kelly*

*CARRIED BY ABSOLUTE MAJORITY 6/2*

In accordance with Council's resolution, as of 30 November 2024 the public toilets were boarded up, waste dump points made inaccessible, rubbish services ceased and no further camping fees collected.

**Stakeholder and Public Consultation**

Social Media Feedback

Community Public Meeting – 17 December 2024

**Statutory Environment**

N/A

**Relevant Plans and Policy**

N/A

**Financial Implications**

TBC

**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

<b>Risk Category</b>	<b>Description</b>	<b>Rating</b>	<b>Mitigating Action/s</b>
Financial			
Health & Safety	Closure of the toilets over the Festive Season could result in contamination of surrounding dune and camp areas causing health and environmental impact .		Re-open the toilets to the public over the Festive Season.
Reputation	Negative Impact on the Shire – closed to the local community at a known high use time.		Council supports the request to reopen the toilets.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	To not allow the public access to the toilets could be detrimental to the environment.		Re-open the toilets to the public to ensure that the surrounding environment is not impacted over the Festive Season due to high visitor numbers to the area.
Fraud	N/A		

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

- Our infrastructure, housing and amenities are high quality and accessible

**ADDITIONAL FOCUS AREAS:**

- Improve the trust between citizens and the Shire of Carnarvon
- Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)
- Monitor the implementation of our Community Strategic Plan



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

- ***N/A***

***Comments***

The closure of these facilities has raised significant concerns within the community, as the Blowholes is a popular holiday destination for both locals and visitors, especially during the festive season. With increased visitor numbers anticipated during this period, the absence of toilet facilities could result in detrimental environmental impacts.

While many modern caravans are equipped with bathroom facilities, concerns remain for visitors who wish to visit the Blowholes for the day or camp overnight. Reopening the toilet facilities will enhance visitor experience and provide a more comfortable and enjoyable stay.

The Shire is able to reopen the toilets by **24th December 2024**. However, cleaning services will not be available until **6th January 2025**, and the community will need to respect other users by maintaining cleanliness and supplying their own toilet paper and other essentials.

Cleaning services will resume from the 6<sup>th</sup> January 2025.

In light of this, it is recommended that the toilet facilities at the Blowholes Reserve be reopened for the period from 24 December 2024 to 31 January 2025.

Ongoing use of the Blowholes amenities will be considered at the January 2025 Council Meeting subject to further discussions between DPLH and the Shire of Carnarvon Administration

***OFFICER'S RECOMMENDATION***

***That Council endorses the decision to open the Blowholes Toilets for the period from 24 December 2024 to 31 January 2025.***

**COUNCIL RESOLUTION SCM 01/12/24**

**Moved: Mr Eddie Smith**

**Seconded: Cr Paul Kelly**

***That Council endorses the decision to open the Blowholes Toilets for the period from 24 December 2024 to 31 January 2025.***

**SUSPENSION OF STANDING ORDERS****COUNCIL RESOLUTION SCM 02/12/24****Moved:** Cr Burke Maslen**Seconded:** Cr Marco Ferreirinha

A motion was moved that Council suspend standing orders.

**FOR:** Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Paul Kelly and Dudley Maslen

**ABSENT:** Crs Luke Skender, Luke Vandeleur and Adam Cottrell

**CARRIED BY SIMPLE MAJORITY 5/3**

Note: Council has received correspondence from the Blowholes Protection Association offering to clean the toilet facilities during the reopening period. A copy of this correspondence is attached.

**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION SCM 03/12/24****Moved:** Cr Burke Maslen**Seconded:** Cr Marco Ferreirinha

A motion was moved that Council resume standing orders.

**FOR:** Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Paul Kelly and Dudley Maslen

**ABSENT:** Crs Luke Skender, Luke Vandeleur and Adam Cottrell

**CARRIED BY SIMPLE MAJORITY 5/3****COUNCIL RESOLUTION SCM 04/12/24****Moved:** Mr Eddie Smith**Seconded:** Cr Paul Kelly

***That Council endorses the decision to open the Blowholes Toilets for the period from 24 December 2024 to 31 January 2025.***

**FOR:** Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Paul Kelly and Dudley Maslen

**AGAINST:** Nil

**ABSENT:** Crs L Skender, L Vandeleur and AC Cottrell

**CARRIED BY SIMPLE MAJORITY 5/0****5 CLOSURE**

The Presiding Member declared the meeting closed at 2.07pm.

**From:** [Paul Kelly](#)  
**To:** [Eddie Smith](#); [Mandy Dexter](#)  
**Subject:** Fw: Blowholes toilets  
**Date:** Friday, 20 December 2024 1:52:48 PM

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FYI  
Cr. Paul Kelly  
Shire of Carnarvon  
0400995369

## Paul Kelly

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**From:** Cpc <cpc@wn.com.au>  
**Sent:** Friday, December 20, 2024 1:50:57 PM  
**To:** Paul Kelly <cr.kelly@carnarvon.wa.gov.au>  
**Subject:** Blowholes toilets

[You don't often get email from cpc@wn.com.au. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Paul

As discussed the BPA would like to take on the daily cleaning of the amenities at the blowholes over the Christmas and new year period. We are aware that many of the shire's employees are away and would like to volunteer to assist.

This will enable the toilet facilities to be available for towns people and tourists utilising the area during the holiday.

We feel that this is the first of many steps we can take to work with the shire to assist in the running of the blowholes reserve for the people of Carnarvon and the tourists we desperately need to come visit our town.

I will liaise with our members to organise coverage

Kind Regards  
Shane Aylmore  
President BPA  
Sent from my iPhone