SHIRE OF CARNARVON

AGENDA

AGENDA BRIEFING

FRIDAY 16 OCTOBER 2026

Shire Council Chambers,
Stuart Street Carnarvon,
Western Australia
Phone: (08) 9941 0000
Fax: (08) 9941 1099
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
Ordinary Council Meeting
will be held
on Monday 19 October 2026
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 5:30 PM.

Amanda Leighton
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

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Any discussion or comment made during a meeting about a planning application, licence, permit, approval or other statutory matter is not formal notice of a decision or approval. Applicants and interested parties must rely only on WRITTEN CONFIRMATION issued by the Shire, including any formal decision notice and applicable conditions.

Members of the public should not act on any matter discussed or decision made at a Council or Committee meeting until formal written notification has been issued by the Shire, where applicable. Decisions may also be subject to revocation or change in accordance with legislative requirements.

In accordance with Regulation 11 of the *Local Government (Administration) Regulations 1996*, minutes are a record of decisions made, motions considered, disclosures made, documents attached to the agenda where required, and other matters required by legislation. Minutes include a summary of proceedings and are **not** a verbatim transcript of proceedings.

INFORMATION ON PUBLIC TIME

The following information is provided for members of the public wishing to participate in Ordinary or Special Council Meetings.

PUBLIC QUESTION TIME

Consistent with the Local Government Act, Administration Regulations and Shire By-Laws, the following information is provided for members of the public wishing to ask questions at Ordinary or Special Council Meetings:

- Public Question Time will be conducted for up to 15 minutes but can be extended by resolution of the Council.
- Questions at ordinary council meetings are limited to matters affecting the local government.
- Questions at special council meetings are limited to the purpose of that special council meeting.
- Members of the public are encouraged (but not required) to submit questions in advance or complete a Question Time form to assist with meeting administration.
- Questions submitted in writing prior to the meeting may assist in the preparation of a response; however, a question is only formally considered when it is asked at the meeting, unless otherwise dealt with as correspondence.
- The member of the public must first state their name and residential address, prior to asking their question.
- Each member of the public may ask up to two questions initially, after which other members of the public will be invited to ask their questions. Each member of the public has up to two minutes to ask their question(s).
- Questions must be clear, concise and asked as a question. The Presiding Member may refuse to accept questions that are:
    - defamatory, offensive, or questioning the competency of staff or Council members.
    - statements not framed as a question.
    - substantially the same as a question previously asked and answered.
- Conditional on time being availability, and an equal and fair opportunity being provided to others to ask their question(s) and receive their response(s), then Meeting Procedures Local Law 2021, 6.7(5) is interpreted as allowing the Presiding Member to permit a member of the public to ask additional questions beyond their initial two.
- The Presiding Member may nominate a Member or Officer to respond or may determine that a question be taken on notice.
- When a question is taken on notice, a written response will be provided, and a summary of that response will be included in the next Ordinary Council meeting agenda.
- If the Member or Officer allocated to answer the question has a financial or proximity interest, they must declare their interest and the question will then be responded to by another person.
- No debate or discussion is permitted in relation to any question or answer.
- A summary of each question and response will be included in the minutes of the meeting (Local Government (Administration) Regulations 1996 – r.11(e)).

PUBLIC DEPUTATION TIME

- As per Meeting Procedures Local Law 2021, Members of the public may request to make a deputation to address the Council on a matter. A deputation must be approved either:
    - in advance by the CEO; or
    - by the Presiding Member at the meeting
- The Deputation is not to exceed; five persons in total; more than two speakers; or to address the Council for more than ten minutes.
- Council may however approve; up to five persons to address the Council; and for the deputation's address to extend beyond 10 minutes.
- Deputations made at special council meetings are limited to the purpose of that special council meeting.
- The Presiding Member may rule that a delegation no longer continue if it:
    - includes defamatory remarks, offensive, language or questioning the competency of staff or Council members; or
    - diverts from the substance or direction of its deputation application.
- Where a matter is the subject of a deputation, the Council will not determine the matter until the deputation has completed its presentation.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open and may participate in Public Question Time or, with approval, make a deputation to the Council. Questions and deputations must relate to the purpose of the Special Meeting (Local Government Act 1995 – s.5.23; Local Government (Administration) Regulations 1996 – r.12(4); Meeting Procedures Local Law 2021 – cl. 6.9).

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1 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

2 DECLARATION 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 TIME

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

3.1.1 QUESTION ON NOTICE - ORDINARY COUNCIL MEETING – 22 SEPTEMBER 2026 – MR P. KELLY

The following question was taken on notice at the Ordinary Council meeting held on Tuesday 22 September 2026 from**:**

Mr Paul Kelly.

Questions two and three were answered by Council at the time of the meeting and the responses for those questions can be found in the minutes of that meeting.

Question one was taken on notice by Council.

Question One – ***"Was the decision to apply for the $115,000 REDS grant for the purchase of a 12-seat 4WD tour bus reported to Council through an Ordinary Council Meeting as required by Policy CD006? If so, please provide the relevant Council meeting and resolution number."***

Response Provided at the Ordinary Meeting of Council
Council advised that, with key officers involved in this funding application on leave, the question would be taken on notice.

Response to Question taken on Notice
A written response was provided to Mr Kelly by the Commissioner on 5 October 2026. The letter also responded to Mr Kelly's related correspondence of 28 and 31 August 2026, and was published on the Shire's website under Recently Answered Public Correspondence.

In response to the question taken on notice, the letter advised:

- that the grant has not yet been accepted, and no funding agreement has been entered into;
- The Chief Executive Officer authorised submission only of the REDS grant application and;
- A separate Council resolution authorising the agreement will need to be obtained by Council.

In summary, the letter advised that:

- the application was made in response to an external funding opportunity to advance tourism and economic development priorities established by Council, including those in the *Economic Development Strategy 2023–2028* and the Corporate Business Plan;
- the application included further external funding, a partnership with WAITOC (the Western Australian Indigenous Tourism Operators Council) and an operational funding contribution that can be met within the Visitor Centre's existing operational budget; and
- before any decision to accept the grant, Council will receive a report covering the grant conditions, Shire contributions, ownership and operating arrangements, and whole-of-life costs.

The full response is available on the Shire's website under Recently Answered Public Correspondence: https://www.carnarvon.wa.gov.au/recently-answered-public-questions.aspx

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3.2 PUBLIC QUESTION TIME

3.3 PUBLIC DEPUTATION TIME

3.3.1 PUBLIC DEPUTATION - WOORAMULLA ECO CULTURAL JOURNEYS - REDS GRANT FUNDING

FILE NO:	ADM2378
REPORT TYPE:	Deputation
AUTHOR(S):	Jasper Benthien, Executive Services Coordinator
AUTHORISER:	Amanda Leighton, Acting Chief Executive Officer
RELATED AGENDA ITEM:	REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM 2026 (CARNARVON TOURISM PRODUCT DEVELOPMENT & INCUBATOR PROJECT)
PRESENTER(S) / SPEAKER(S):	MS RENNEE TURNER, OWNER
NAME OF ORGANISATION:	WOORAMULLA ECO CULTURAL JOURNEYS
ATTACHMENTS:	NIL

PURPOSE

Ms Rennee Turner, Owner Of Wooramulla Eco Cultural Journeys, has been approved by Acting, Chief Executive Officer Amanda Leighton, to make a deputation to Council regarding The Regional Economic Development Grants Program 2026 (Carnarvon Tourism Product Development & Incubator Project) Item.

The Acting Chief Executive Officer approved the deputation request, which was received on 13 October 2026, After reviewing it with the Executive Manager, Lifestyle & Community.

SUMMARY

Ms Turner is a local tourism operator who supported and advocated to Shire administration to apply for red grant funding to support emerging and established tourism businesses in carnarvon.

Ms Turner intends to tell council that:

- for Wooramulla to grow as a local business, it requires partnerships
- Wooramulla is limited on its clientele who can participate in tours
- Wooramulla has developed tourism experience to Quobba and Kennedy Range,
- though clientele is limited to access, and by having a bus which the Wooramulla could partner with or hire, allows the tourism offering to grow in the region.
- the WA Tourism Conference held in Carnarvon earlier this year highlighted that partnerships is a growth area in tourism and it is essential for the growth of Wooramulla.

No presentation material or audio-visual support has been requested.

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 22 September 2026

5 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE - 25 AUGUST 2026

File No:	ADM2331
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Billie O'Sullivan, Executive Services Officer, Corporate Strategy & Performance
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 25 August 2026
Schedules:	1. Unconfirmed Minutes - 25 August 2026 - ARIC

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the unconfirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 25 August 2026 for Council to receive.

The Committee considered seven reports. Three resulted in recommendations to Council:

- Compliance Audit Return 2025 Council considered and adopted the return at its Ordinary Meeting on 22 September 2026.
- Policy Review: endorse four revised policies, repeal the Designated Senior Employees policy, and refer two policies back to ARIC for further work.
- Strategic Review of WorkSafe-Notified Incidents and Safety Improvement Actions:
  receive the report and support the CEO's organisation-wide safety improvement program.

Any Committee recommendations requiring a separate Council decision are provided separate to this report.

Background

The ARIC met on 25 August 2026 in Council Chambers at 9.00am. The Independent Chair and Deputy Chair attended electronically.

The Committee assists Council with financial reporting, internal control, risk management, legislative compliance, internal and external audit, and continuous improvement.

Stakeholder and Public Consultation

External Consultation
No public consultation is considered to be required for this report

It is to be noted that Committee meetings are publicly advertised and open to public attendance.

Internal Consultation
Audit, Risk and Improvement Committee
Office of the CEO
Corporate Strategy & Performance
Governance, Risk & Compliance Manager
Relevant Governance officers.

Statutory Environment

Local Government Act 1995
Section 5.8 – *Establishment of committees. Allows a local government to establish committees to assist the council. The Audit, Risk and Improvement Committee was established by Council under this section.*

Section 5.20 – *Decisions of councils and committees. Requires a committee decision to be made by a simple majority, unless another kind of majority is prescribed.*

Section 5.22 – *Minutes of council and committee meetings. Requires minutes to be kept of each committee meeting and submitted to the committee's next ordinary meeting for confirmation. The minutes at Schedule One are unconfirmed and will be put to the Committee for confirmation at its next meeting.*

Local Government (Administration) Regulations 1996
Regulation 13 – *Minutes of council and committee meetings to be published. Requires unconfirmed committee minutes to be published on the Shire's official website within the prescribed timeframe after the meeting. Presenting them to Council does not replace that publication.*

Relevant Plans and Policy

Nil

Financial Implications

There are no direct financial implications associated with Council receiving the unconfirmed Audit, Risk and Improvement Committee minutes.

Risk Assessment

Consequence → / Likelihood ↓		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
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	Unbudgeted costs arising from WHS corrective actions and plant replacement	2-C Moderate	Costs prioritised through the budget, Long Term Financial Plan and Plant Replacement Program; separate Council approval where required
Health & Safety	Serious injury if identified safety deficiencies are not corrected and verified	4-B Extreme	Council support for the safety improvement program; quarterly progress reporting to ARIC
Reputation	Reduced confidence in governance if Committee recommendations are not acted on	2-C Moderate	Committee recommendations presented to Council for decision
Service disruption	N/A	N/A	N/A
Compliance	Outdated policies or recommendations not acted on may lead to non-compliance	2-C Moderate	Revised policies endorsed; minutes received and published
Property	N/A	N/A	N/A
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 community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The report presents the unconfirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 25 August 2026 for Council to receive.

The report will separate the Council actions that may arise from Committee business:

1. Council receives the unconfirmed Committee minutes; and
2. Council separately considers any Committee recommendation requiring a Council decision.

OFFICER'S RECOMMENDATION

That Council by Simple Majority, receive the unconfirmed minutes of the Audit, Risk and Improvement Committee meeting held on 25 August 2026.

7.1.2 MINUTES OF THE WALGA ANNUAL GENERAL MEETING - 17 SEPTEMBER 2026

File No:	ADM0184
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. 2026.09.17 - Minutes - WALGA AGM

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents to Council the minutes of the Western Australian Local Government Association (WALGA) Annual General Meeting held on Thursday 17 September 2026 at the Perth Convention and Exhibition Centre.

The minutes are provided at Schedule One for Council's information.

Background

WALGA holds an Annual General Meeting each year as part of the Local Government Convention. Member local governments may submit motions for debate, and each member local government may be represented by two voting delegates. Carried resolutions guide WALGA's advocacy to the State and Australian Governments on behalf of the sector.

The 2026 meeting opened at 3.17pm and closed at 4.24pm. WALGA circulated the minutes to member local governments on 25 September 2026.

At the meeting, members:

- adopted the Standing Orders;
- confirmed the minutes of the 2025 Annual General Meeting;
- received WALGA's 2025–2026 Annual Report and Audited Financial Statements; and
- considered nine member motions, eight of which were carried.

Stakeholder and Public Consultation

External Consultation
No public consultation was considered to be required.

Internal Consultation
Ordinary Council Meeting held on 28 July 2026, Council resolved to:

- appoint Commissioner Martin Aldridge and Chief Executive Officer Amanda Dexter as the Shire of Carnarvon's Voting Delegates for the WALGA 2026 Annual General Meeting.

Commissioner Martin Aldridge and Chief Executive Officer Amanda Dexter attended the Annual General Meeting on 17 September 2026 and represented the Shire as its Voting Delegates, along with Executive Manager Infrastructure Services, Colm Stanley as a non-voting delegate.

Statutory Environment

Local Government Act 1995
Section 9.58 – *Local Government associations. Provides for the constitution of the Western Australian Local Government Association as a body representing local governments in Western Australia. The Shire is a member of the Association.*

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

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	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Council may be unaware of sector advocacy positions affecting the Shire and its community.	1-D Low	WALGA AGM minutes are presented to Council for information.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A

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:

- *N/A*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The following resolutions were carried at the meeting:

Item	Motion	Mover	Outcome
7.1	Review of the National Construction Code to allow commercial buildings to be converted for residential use.	City of Fremantle	Carried
7.2	Rainfall Deficiency Assistance Framework, including a Livestock Fodder Freight Subsidy Scheme.	Shire of Esperance	Carried
7.3	Continued funding of the Community Water Supplies Partnership and Agricultural Area Dams programs.	Shire of Chittering	Carried
7.4	Review of the State's underground power programs.	Town of Bassendean	Carried
7.5	Untied annual State Assistance Grant to fund the gap between assessed need and Commonwealth Financial Assistance Grants	Shire of Chittering	Carried *limb 3 amended*
7.6	Mandatory NABERS energy ratings for apartment buildings	City of Perth	Lost
7.7	Funding support for Native Title, Indigenous Land Use Agreement and Traditional Owner engagement costs.	Shire of Dundas	Carried
7.8	Support for ALGA Motion 92 on national climate adaptation funding.	Towns of East Fremantle; City of Vincent; Shire of Augusta Margaret River.	Carried *as amended*
7.9	Equitable NBN fibre upgrade pathway.	City of Perth	Carried *new limb added*

Several resolutions relevant to the Shire of Carnarvon:

- Item 7.5 (State Assistance Grants
  This seeks State funding for non-minimum grant local governments, particularly regional, rural and remote local governments.
- Item 7.7 (Native Title and Traditional Owner engagement)
  This seeks a dedicated funding program that prioritises local governments with large geographic areas, significant Crown land and limited rate bases.
- Item 7.8 (climate adaptation funding)
  This calls for a Parliamentary Inquiry and a National Climate Compensation Fund with a dedicated stream for local governments. It is relevant to the Shire's coastal hazard and flood mitigation work.
- Item 7.9 (NBN)
  The meeting added a limb asking that funded upgrade pathways also recognise regional, rural and remote communities with poor reliability or no practical upgrade path.

WALGA will report on the action taken on these resolutions at its 2027 Annual General Meeting.

The 2027 AGM is yet to be confirmed.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, Receives the minutes of the Western Australia Local Government Association Annual General Meeting held on 17 September 2026.

7.1.3 MINUTES OF THE MAJOR PROJECTS & INFRASTRCUTURE COMMITTEE - 22 SEPTEMBER 2026

File No:	ADM2331
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator
Authoriser:	Mark Davis, Lead Strategic Projects Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 25 August 2026
Schedules:	1. Unconfirmed Minutes - Major Projects & Infrastructure Committee - 22 September 2026

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the unconfirmed minutes of the Major Projects & Infrastructure Committee Meeting held on 22 September 2026 for Council to receive.

The Committee considered projects and matters as identified in the Dashboard provided to the committee, and was noted.

Any Committee recommendation requiring a separate Council decision is provided separately to this report.

Background

The Major Projects & Infrastructure Committee met on 22 September 2026 in Council Chambers at 11.30am.

The Committee considers pertaining to the strategic overview of the Shire's major projects portfolio and is intended to function as a governance and project health check, including monitoring of program performance, project risks, funding and delivery progress.

Stakeholder and Public Consultation

External Consultation
No public consultation is considered to be required for this report

It is to be noted that Committee meetings are publicly advertised and open to attendance.

Internal Consultation
Major Projects & Infrastructure Committee
Office of the CEO
Infrastructure Services
Major Projects Officer's
Governance, Risk & Compliance Manager

Statutory Environment

Local Government Act 1995
Section 5.8 – *Establishment of committees. Allows a local government to establish committees to assist the council. The Major Projects & Infrastructure Committee was established by Council under this section.*

Section 5.20 – *Decisions of councils and committees. Requires a committee decision to be made by a simple majority, unless another kind of majority is prescribed.*

Section 5.22 – *Minutes of council and committee meetings. Requires minutes to be kept of each committee meeting and submitted to the committee's next ordinary meeting for confirmation. The minutes at Schedule One are unconfirmed and will be put to the Committee for confirmation at its next meeting.*

Local Government (Administration) Regulations 1996
Regulation 13 – *Minutes of council and committee meetings to be published. Requires unconfirmed committee minutes to be published on the Shire's official website within the prescribed timeframe after the meeting. Presenting them to Council does not replace that publication.*

Relevant Plans and Policy

Community Strategic Plan 2022-2032
Carnarvon Activation Plan
Other adopted Council strategies and project-specific governance documents, where applicable.

Financial Implications

There are no direct financial implications associated with Council receiving the unconfirmed Major Projects & Infrastructure Committee minutes.

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	N/A	N/A

Health & Safety	N/A	N/A	N/A
Reputation	Failure to receive and maintain a clear record of Committee proceedings may affect transparency and confidence in committee governance.	Low - D2	Committee minutes are presented to Council for receiving and retained as part of the Shire's public governance records.
Service disruption	N/A	N/A	N/A
Compliance	Committee minutes should be received by Council and confirmed by the relevant Committee in accordance with meeting procedure requirements.	Low - D2	Minutes are presented to Council for receiving, with confirmation to occur at the next Major Projects & Infrastructure Committee Meeting.
Property	N/A	N/A	N/A
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 infrastructure, housing and amenities are high quality and accessible*
- *Our equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The report presents the unconfirmed minutes of the Major Projects & Infrastructure Committee Meeting held on 22 September 2026 for Council to receive.

The report separates the two Council actions that may arise from Committee business:

1. Council receives the unconfirmed Committee minutes; and
2. Council separately considers any Committee recommendation requiring a Council decision.

In this instance, the Major Projects & Infrastructure Committee did not make any recommendation to go to Council.

OFFICER'S RECOMMENDATION

That Council by Simple Majority, receive the unconfirmed minutes of the Major Projects & Infrastructure Committee meeting held on 22 September 2026.

7.1.4 QUARTERLY STATUS OF COUNCIL DECISIONS - OCTOBER 2026

File No:	ADM0308
Location/Address:	Nil
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM - 30 June 2026
Schedules:	1. October 2026 - Outstanding Council Actions - Confidential 2. July to September 2026 - Completed Council Actions

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the Quarterly Status of Council Decisions for the month of October 2026 for Council's information.

This report covers the period 1 July 2026 to 30 September 2026, with updates current as at the time of agenda preparation.

The status of outstanding Council resolutions as at October 2026 is provided in Confidential Schedule One.

Completed Council resolutions for the quarter of July to September 2026 is provided in Schedule Two.

Background

Council has previously received periodic reports outlining the status of outstanding Council decisions on a monthly basis.

Following Council's review of the Ordinary Council Meeting reporting cadence, it is proposed that the Status of Council Decisions report be presented to Council on a quarterly basis as part of a rolling governance reporting cycle. The cycle is intended to provide Council with regular oversight of key

governance matters, while avoiding multiple standing governance reports being presented in the same agenda cycle.

The Status of Council Decisions report captures outstanding items where a decision has been made by Council and a status update has been provided by the relevant officer. Where a committee has made a recommendation that is subsequently determined by Council, only the final Council decision is included in the Status of Council Decisions report.

The report is generated through InfoCouncil and provides Council with an overview of outstanding actions, completed actions and matters requiring ongoing monitoring.

Stakeholder and Public Consultation

External
No external consultation is required in relation to this report.

Internal
Status and updates of Council actions has oocured with relevant officers responsible such as:

- Chief Executive Officer;
- Executive Manager's;
- Senior Management.

Statutory Environment

Nil

Relevant Plans and Policy

Nil

Financial Implications

Nil - There are no direct financial implications arising from this report.

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	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	If Council decisions are not monitored and reported in a timely manner, there may be reduced transparency and confidence in the implementation of Council resolutions.	Low – C1	Quarterly reporting provides Council and the community with regular visibility of outstanding actions and progress against Council decisions.

Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
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 community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Quarterly Status of Council Decisions report is a governance tool used to monitor progress against decisions made by Council.

Schedule One is to be considered confidential as some actions may provide updates containing information considered private or confidential in relation to contracts, tenders or employment.

The report assists Council to maintain visibility over outstanding actions, supports administrative accountability and provides a transparent record of progress for the community.

The shift to quarterly reporting is intended to align with the Shire's broader Ordinary Council Meeting reporting cadence, where key governance reports are presented on a rolling cycle. This approach reduces duplication, supports clearer agenda focus and ensures Council continues to receive regular information across decision implementation, delegated authority reporting and financial review.

OFFICER'S RECOMMENDATION

That Council by Simple Majority,

1. ***RECEIVES the Quarterly Status of Council Decisions Report – October 2026 as provided in Confidential - Schedule One and Schedule Two of this report.***
2. ***NOTES the Outstanding Actions for October 2026 in Confidential - Schedule One and;***
3. ***NOTES the Completed Actions for July to September 2026 in Schedule Two.***

7.1.5 POLICY REVIEW | EME024 CARETAKER POLICY - SHIRE ELECTION

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 25/06/2024 – Item 7.1.2 CIS 14/10/2026 – Item 5.2
Schedules:	1. WALGA Advice - Caretaker Policy 2. EME024 - Caretaker Policy - Shire Election 3. Shire of Carnarvon - Guide to Caretaker Period Requirements

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report seeks Council's consideration on Policy:

- EME024 Caretaker Policy – Shire Elections

Before the caretaker period for the 2026 Shire of Carnarvon election begins on 20 October 2026 at 4pm.

The policy was last reviewed in June 2024, before the uniform statutory caretaker provisions in the *Local Government Act 1995* took effect in October 2025. WALGA has advised that the policy is inconsistent with the current Act, including on when the caretaker period begins, and that its usefulness is uncertain.

The caretaker period is now governed directly by sections 1.4A and 3.73 of the Act and regulations 3A and 3B of the *Local Government (Functions and General) Regulations 1996*. If the policy is revoked, it is to be noted the Chief Executive Officer will issue operationally the Shire of Carnarvon Guide to Caretaker Period Requirements as practical guidance in place of the policy.

Background

At its Ordinary Meeting held on 28 July 2026, Council considered an initial report on the review of select policies (Item 7.1.10) as recommended by the Audit, Risk & improvement Committee. A further need for high level review of our policies was raised at a recent WALGA Convention attended by Chief Executive Officer, Amanda Dexter and Commissioner, Martin Aldridge. As select policies were identified as up for standardisation in the near future, administration began preliminary reviews. These findings of the 2026 Policy Review were presented to the Council Information Session on 14 October 2026. At that session, select policies were workshopped and feedback was sought on identified policies that were to be presented and reviewed further before, during and after (for incoming council) the caretaker period.

Statutory caretaker provisions

Before recent reforms, each local government set its own caretaker arrangements, usually through a Council policy. Amendments to the *Local Government Act 1995* introduced a uniform statutory caretaker period for all Western Australian local governments. The provisions took effect on 1 July 2024 and first applied at the October 2025 elections.

During the caretaker period, a local government must not do, or decide to do, a significant act unless a statutory exception applies.

The 2026 Shire of Carnarvon election is held under section 4.13 of the Act, following the appointment of a Commissioner. WALGA has confirmed that this is a relevant election under section 1.4A, so the caretaker period applies. The election will be held on 3 December 2026, and the caretaker period begins on 20 October 2026.

Current policy

EME024 Caretaker Policy – Shire Elections was adopted in August 2022 and last reviewed by Council in June 2024. That review made no material changes, and it took place before the statutory provisions took effect.

The policy states that it is to be reviewed annually, but it has not been reviewed since.

The first stage of this Policy Review identified that the policy:

Current Policy provision	Why it is incorrect or inconsistent	Risk of retaining
States that the caretaker period begins at the close of nominations, 37 days before election day	Section 1.4A of the Act starts the caretaker period on the day nominations close, the 44th day before the poll.	20 to 27 October 2026 could be wrongly treated as outside caretaker. A significant act, such as a tender award or funding agreement above $250,000, could then be decided or done unlawfully.
Applies an undefined "major policy decision" test to Council decisions during the caretaker period	The legislation doesn't use this term. The legal test is whether something is a significant act under section 3.73 or regulation 3A. WALGA advised the term is a hangover from caretaker policies written before the statutory provisions.	Two tests for the same decision create uncertainty. Lawful business could be deferred unnecessarily, or a significant act missed because it wasn't seen as "major".

Includes an "extraordinary circumstances" exemption, decided in the CEO's opinion, that allows a major policy decision to proceed	Section 3.73 sets out the only exceptions. Neither Council nor the CEO can create others.	An officer could rely on an exemption that has no legal effect and proceed without the Departmental CEO's authorisation.
Includes a list of significant acts headed "inserted list from the Reform Paper", taken from reform consultation material	WALGA noted the policy uses wording from the proposed reforms rather than the final legislation.	Staff may rely on draft wording that doesn't match the law in force. The list also lacks guidance on the $250,000 value, splitting arrangements, disposals and funding received.
Generally prohibits discretionary public consultation and limits Shire civic events during the caretaker period	The legislation only restricts significant acts. These restrictions go further than the law requires.	Lawful and beneficial activity, such as community engagement, award ceremonies and citizenship ceremonies, could be stopped unnecessarily for around seven weeks.
Is referred to in EME003 Elected Members Induction, Professional Development and Conference Attendance, which restricts training during the caretaker period	The training restriction isn't required by legislation.	Training and professional development for Council Members could be restricted unnecessarily.

Stakeholder and Public Consultation

External Consultation
Western Australian Local Government Association (WALGA)

The Shire sought multiple pieces of governance advice from WALGA on the caretaker period and the adoption of policies, contracts and agreements. In regard to caretaker specifically WALGA advised that:

- *the election following the appointment of a Commissioner is held under section 4.13 of the Act. It is a relevant election under section 1.4A, so the caretaker period applies;*
- *the Act and regulations do not prevent a local government from adopting, amending or revoking Council policies during the caretaker period, because these are not significant acts. Preparing, amending or revoking a local planning policy is the exception;*
- *committee recommendations that are not significant acts may be considered by Council during the caretaker period;*
- *the term "major policy decision" was commonly used in caretaker policies before the statutory provisions were introduced. EME024 does not align it with the statutory definition of a significant act or define it, so its intended meaning is unclear;*
- *the policy appears to use wording from the proposed reforms rather than the final legislation;*
- *the policy is inconsistent with the current Act on when the caretaker period begins. The policy says close of nominations (37 days before election day), but section 1.4A provides that the period begins on the day nominations close under section 4.49(a), the 44th day before the poll;*
- *a policy cannot operate in a way that is inconsistent with the Act or regulations, and the current usefulness of EME024 is uncertain; and*
- *whether a decision that is not a significant act should still be deferred to the incoming Council depends on the circumstances. That is a matter for the CEO's judgement, in discussion with the Commissioner.*

Between 6 and 14 October 2026, the Shire also received further WALGA advice on tender awards, funding and partnership agreements, and disposals during the caretaker period. That advice has been incorporated into the Guide at Schedule Three. WALGA provides general governance advice only and does not provide legal advice.

Department of Local Government, Industry Regulation and Safety
The Department's published guidance on the caretaker period for ordinary council elections has been considered in preparation of the *Guideline to Caretaker Period Requirements.*

No community consultation is considered to be required.

Internal Consultation

- Council (Council Information Session – 14 October 2026)
- Chief Executive Officer
- Executive Manager Corporate Strategy & Performance
- Strategic Advisor
- Executive Management Team
- Governance, Risk & Compliance Manager
- Executive Services Coordinator

Statutory Environment

Local Government Act 1995
Section 1.4A – Caretaker period Defines a relevant election and the caretaker period. For the 2026 election, held under section 4.13, the caretaker period begins on the day nominations close, 20 October 2026, and ends after the result is declared. This section now directly sets the dates EME024 attempted to define.

Section 1.7 – Local public notice Requires local public notice to be published on the Shire's website and given in at least three other prescribed ways. This applies to notices required under regulation 3B.
Section 2.7(2)(b) – Role of council Gives Council responsibility for determining the Shire's policies. This is the basis for Council revoking EME024.

Section 3.73 – Restrictions on local government during caretaker period Prohibits the Shire from doing, or deciding to do, a significant act during the caretaker period, and sets out the only exceptions:

- a decision made before the caretaker period (subsection (4));
- an act required to comply with a written law, a court or tribunal order, or a contract entered into before the caretaker period; and
- authorisation by the Departmental CEO in an emergency or to ensure the proper operation of the local government (subsection (6)).

No other exemption can be created by Council policy or the CEO.

Section 5.41 – Functions of CEO Gives the Chief Executive Officer responsibility for managing day-to-day operations. This supports the Guide being issued by the CEO as administrative guidance.

Local Government (Functions and General) Regulations 1996
Regulation 3A – Significant acts Prescribes further significant acts and the $250,000 consideration threshold. Subregulation (3) prevents an arrangement being split to avoid the threshold.

Regulation 3B – Decisions taken before caretaker period Requires the Shire, before carrying out a significant act decided before the caretaker period, to give local public notice of the act and the earlier decision, and to send a copy to the Departmental CEO.

Local Government (Administration) Regulations 1996
Regulation 3A – Requirements for local public notice Sets the prescribed methods of local public notice and the minimum period of 7 days for website publication where no other period is specified.

Relevant Plans and Policy

Shire of Carnarvon Council Policy Manual
Register of Council Delegations, Authorisations and Appointments
Meeting Procedures Local Law 2021
ME024 Caretaker Policy – Shire Elections (Schedule Two)
Shire of Carnarvon Guide to Caretaker Period Requirements (Schedule Three)

Financial Implications

Revoking EME024 has no direct financial implications. The Guide is an administrative document and introduces no new financial commitments.

Clear guidance on the caretaker provisions reduces the risk of project delays, procurement costs, legal exposure and rework, which can arise where significant acts are not identified early.

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	Significant acts not identified early may delay projects or procurement, or lead to contracts that cannot be executed during the caretaker period.	C-2 Moderate	Guide sets out the $250,000 threshold, how values are worked out, and the requirements for tenders, funding and disposals. Reports include a caretaker assessment.
Health & Safety	N/A	N/A	N/A
Reputation	Decisions during the caretaker period may be seen as binding the incoming Council or giving a candidate an advantage.	C-2 Moderate	Guide reflects the purpose of the caretaker provisions and supports early engagement with Council. Communications, events and resources are managed impartially.
Service disruption	Uncertainty about what can proceed during caretaker may cause lawful business to be deferred unnecessarily.	D-2 Low	Guide confirms that ordinary administration, service delivery and lawful Council business continue, with common examples.

Compliance	Retaining a policy with the wrong caretaker start date and non-statutory tests may lead to a significant act being decided or done unlawfully, particularly between 20 and 27 October 2026.	C-3 Moderate	Revoke EME024 before 20 October 2026. Rely on the statutory provisions, supported by the Guide, WALGA advice and referral to Governance and the CEO.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Shire resources may be used for an electoral purpose during the election period.	D-2 Low	Guide sets out controls on Shire resources, information and communications, consistent with the Code of Conduct.

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:
- *N/A*

ADDITIONAL FOCUS AREAS:
- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:
- *N/A*

Comments

Suggested Recommendation
The statutory caretaker provisions now set out what the Shire can and cannot do during the caretaker period. A Council policy cannot add to, reduce or change those provisions. As WALGA has advised, a policy cannot operate inconsistently with the Act.

EME024 was prepared for an earlier framework in which each local government set its own caretaker arrangements. Its 2024 review made no changes and took place before the statutory provisions took effect. The policy still contains wording from the reform consultation material rather than the final legislation.

The policy relies on a "major policy decision" test that is undefined and is not the test in the legislation. The legal question is whether a decision or action is a significant act under section 3.73 or regulation 3A, not whether it is described as a major decision. The policy's "extraordinary circumstances" exemption also has no statutory basis. The only exceptions are those in section 3.73, including authorisation by the Departmental CEO.

The suggested recommendation will be to revoke the current policy in favour of an operational guideline that can be updated by administration as required.

Risk of retaining the policy
Retaining EME024 would leave the Shire with a policy that gives the wrong start date for the caretaker period. The policy states that caretaker begins at the close of nominations, 37 days before election day, which for this election would be 27 October 2026. Under section 1.4A, the period begins when nominations close on 20 October 2026. A Council Member, officer or delegate relying on the policy could treat the week of 20 to

27 October as outside caretaker. They could then decide or carry out a significant act, such as awarding a tender, signing a funding agreement or inviting tenders above $250,000, in breach of section 3.73.
The policy also leaves two different tests in place for the same decisions. An officer applying the "major policy decision" test could defer lawful business that does not need to wait, or treat a matter as permitted because it is not "major" when its value makes it a significant act. An officer relying on the "extraordinary circumstances" exemption could proceed with a significant act without the Departmental CEO's authorisation.

The policy goes further than the legislation in some areas. It generally prohibits discretionary consultation and limits civic events. These restrictions have no current statutory basis.

These outcomes could expose the Shire to a decision being found invalid, a finding of non-compliance by the Department, or reputational damage during an election. Because the policy can only be changed by Council resolution, it would also need further amendment and considerable review process involving significant officer/team dedication and time to prepare reviews to committees and council, whenever the provisions or the Department's guidance change.

Guide to Caretaker Period Requirements
The Chief Executive Officer will issue the Guide at Schedule Three as practical guidance for Council Members, Committee Members, candidates and employees. It does not replace the Act, the regulations, the Code of Conduct or legal advice, and the legislation prevails if there is any inconsistency.

The Guide reflects WALGA's recent advice and is easily managed for future updates and reviews. It:

- explains when the caretaker period applies and the significant acts it restricts, including the $250,000 threshold and the prohibition on splitting arrangements;
- sets out how specific a decision made before the caretaker period must be, and the regulation 3B notice steps;
- addresses tenders, funding before award, tender documentation, disposals and trade-ins;
- supports judgement on whether matters that are not significant acts should still be deferred, consistent with WALGA's advice;
- requires reports to include a caretaker assessment and to summarise and attach any governance advice obtained; and
- includes common examples and a caretaker checklist.

Related policies
EME003 Elected Members Induction, Professional Development and Conference Attendance refers to EME024 and restricts training during the caretaker period. This reference will be addressed when EME003 is reviewed with the incoming Council. Until then, training during the caretaker period will be managed in line with the Guide and the Code of Conduct.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority:

1. ***REVOKES EME024 Caretaker Policy – Shire Elections, as provided at Schedule Two:***
2. ***NOTES the governance advice received from WALGA, as provided at Schedule One;***
3. ***NOTES that the Shire of Carnarvon Guide to Caretaker Period Requirements, as provided at Schedule Three, will be issued by the Chief Executive Officer as administrative guidance for caretaker periods.***

7.1.6 POLICY REVIEW | AUDIT, RISK & IMPROVEMENT COMMITTEE 2026 REVIEW

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Racheal King, Governance, Risk & Compliance Manager
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	ARIC 21/04/2026 – Item 5.2 ARIC 16/06/2026 – Item 5. ARIC 25/08/2026 – Item 5.4
Schedules:	1. EME008 – Designated Senior Employees 2. CF006 – Financial Hardship 3. CF007 – Debt Collection 4. CF011 – Recovery of Rates – Tracked Changes 5. CF012 – Rates Charges 6. CF019 – Rates Exemptions 7. ID005 – Memorials in Public Spaces – Tracked Changes 8. EME005 - Acting CEO Leave and Appointment of Acting CEO 9. CF014 - Investment Policy 10. CF010 – Corporate Credit Cards

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

For Council to consider the recommendations of the Audit, Risk and Improvement Committee (ARIC) arising from its meetings held in April and August 2026, relating to the review of Council policies, and to consider the adoption or revocation of the relevant policies.

The External Grants Policy and Loans and Borrowings Policy remain subject to further review and are not presented for adoption at this time.

Background

The Shire of Carnarvon undertakes periodic reviews of Council policies to ensure they remain relevant, consistent with legislative requirements and aligned with contemporary governance practices and the Shire's operational needs.

As part of the Shire's ongoing policy review program, a number of policies were presented to the Audit, Risk and Improvement Committee (ARIC) for consideration at its meetings held in April, June and August 2026.

The Committee reviewed the policies and provided recommendations regarding their suitability, proposed amendments and adoption by Council.

April 2026 – ARIC Meeting
The following policies were reviewed, with the Committee recommending all six policies for adoption by Council:

- Credit Card Policy
- Rates Exemption Policy
- Recovery of Rates Policy
- Debt Collection Policy
- Communication Policy
- Memorial Policy

August 2026 – ARIC Meeting
The Committee considered a further seven policies, with the following outcomes:

Policy	**ARIC Recommendation**
Acting/ Temporary CEO Policy	Recommended for adoption, subject to amendments identified by committee
Significant Investment Policy	Recommended for adoption, subject to amendments identified by committee
Rate Charges Policy	Recommended for adoption
Financial Hardship Policy	Recommended for adoption
Designated Senior Employee Policy	Recommended for revocation
External Grants Policy	Further review required
Loans & Borrowings Policy	Further review required

The policies recommended for adoption have been reviewed and updated, where applicable, to incorporate the Committee's recommendations.

The External Grants Policy and Loans and Borrowings Policy require further consideration and will be presented to Council separately once the reviews have been completed.

This report consolidates the outcomes of the three ARIC meetings and presents the relevant policies to Council for formal consideration and adoption, ensuring the Shire's policy framework remains current, consistent and appropriately governed.

Stakeholder and Public Consultation

External Consultation
Independent reviews from Audit, Risk and Improvement Committee members.

No community consultation is considered to be required at this time.

Internal Consultation
Internal consultation has been undertaken with:

- Council;
- Chief Executive Officer;
- Executive Manager Corporate Strategy and Performance;
- Governance, Risk & Compliance Manager
- Strategic Advisor; and
- Executive Services Coordinator

Statutory Environment

Local Government Act 1995
Section 2.7(2)(b) – Provides that Council is responsible for determining the local government's policies.

Section 5.39C – Requires a local government to prepare and adopt a policy relating to the employment of an Acting or Temporary Chief Executive Officer.

Section 5.103 – Requires a local government to prepare or adopt a Code of Conduct for Council Members, Committee Members and Candidates.

Local Government (Audit) Regulations 1996
Regulation 17 – Requires the Chief Executive Officer to review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance.

Local Government (Financial Management) Regulations 1996
Establishes requirements relating to financial management, including the administration of credit cards, investments and financial controls.

Local Government (Administration) Regulations 1996
Prescribes requirements relating to the Code of Conduct for Council Members, Committee Members and Candidates.

The review and adoption of Council policies supports the Shire's compliance with its statutory obligations and provides a framework for consistent and accountable decision-making.

Relevant Plans and Policy

Plans
Shire of Carnarvon Strategic Community Plan 2022–2032
Shire of Carnarvon Corporate Business Plan

Policies
Credit Card Policy
Rates Exemption Policy
Recovery of Rates Policy
Debt Collection Policy
Communication Policy
Memorial Policy
Acting/Temporary CEO Policy
Designated Senior Employees Policy
Significant Investment Policy
Financial Hardship Policy
Rate Charges Policy

The External Grants Policy and Loans and Borrowings Policy remain under review and are not presented for adoption at this time.

Financial Implications

There are no immediate financial implications associated with the adoption or revocation of the policies presented.

The policies relating to credit cards, rates, debt recovery, financial hardship and significant investments provide a framework for the Shire's financial management practices and decision-making.

Any financial implications arising from the application of individual policies will be managed in accordance with the Shire's adopted budget, relevant delegations and applicable legislative requirements.

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	Outdated or unclear policies on credit cards, investments, rates recovery, debt collection and financial hardship may lead to inconsistent financial management, delayed revenue collection or inconsistent treatment of outstanding debts.	C-2 Moderate	Adopt the reviewed financial and rates-related policies, supported by financial controls, operational procedures and monthly financial reporting to Council.
Health & Safety	N/A	N/A	N/A
Reputation	Inconsistent application of policies, particularly those relating to rates, financial hardship and memorials, may undermine community confidence in the Shire's fairness, transparency and accountability.	C-2 Moderate	Apply clear and consistent policy requirements, document and communicate decisions appropriately, and show transparent decision-making through the ARIC and Council processes.
Service disruption	Unclear arrangements for appointing an Acting or Temporary CEO may affect continuity of leadership and operational decision-making.	C-2 Moderate	Adopt the reviewed CEO Leave and Appointment of Acting or Temporary CEO Policy, which clarifies the authority, responsibilities and arrangements where the CEO position becomes vacant.

Compliance	Outdated policies may not reflect current legislative requirements, including those relating to the Council Member Code of Conduct, the Acting or Temporary CEO policy and risk management, and may lead to inconsistent or non-compliant decision-making.	C-2 Moderate	This item seeks to keep the policy framework current and legislatively aligned through periodic review, ARIC consideration and Council adoption, with responsibilities clearly defined.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Weak controls over corporate credit card use, reimbursement of personal expenditure and Council information held on personal devices may expose the Shire to misuse or misconduct.	D-2 Low	Adopt the reviewed Credit Card Policy, which strengthens safeguards on expenditure, reimbursement timeframes and information security.
Financial	Outdated or unclear policies on credit cards, investments, rates recovery, debt collection and financial hardship may lead to inconsistent financial management, delayed revenue collection or inconsistent treatment of outstanding debts.	C-2 Moderate	Adopt the reviewed financial and rates-related policies, supported by financial controls, operational procedures and monthly financial reporting to Council.

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:

- *N/A*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The review of Council policies forms part of the Shire's ongoing commitment to maintaining a contemporary, effective and legislatively compliant governance framework.

Across its April, and August 2026 meetings, the Audit, Risk and Improvement Committee (ARIC) considered 13 policies, with 11 recommended for adoption or revocation and two requiring further review.

The review process included consideration of:

- Legislative and regulatory compliance;
- Alignment with current organisational structures and operational practices;
- Adequacy of internal controls and governance arrangements;
- Clarity of roles, responsibilities and delegated authority; and
- Consistency with the Shire's broader risk management and integrated planning frameworks.

To assist Council in assessing the proposed amendments, changes have been classified according to their materiality:

Classification	Definition
Minor	Administrative or clarity improvements with minimal operational impact.
Moderate	Changes to existing policy provisions, responsibilities or administrative arrangements that improve governance and operational effectiveness without fundamentally altering the policy's intent.
Major	Meaningful changes to processes, controls or governance arrangements requiring implementation and awareness.

The following provides a summary of the amendments considered by ARIC at each meeting, including their significance and implications for Council.

April 2026 – Policy Reviews

The Committee reviewed six policies, recommending all six for adoption by Council.

Policy	Materiality	Summary of Amendments
Credit Card Policy	Major	Removes references to the discontinued Hospitality Policy; clarifies reward schemes and alcohol purchases; introduces reimbursement timeframes for personal expenditure; and strengthens controls relating to Council information stored on personal devices.
Rate Exemptions Policy	Major	Removes legislative provisions duplicated from the Local Government Act 1995, improves clarity and readability, and separates strategic policy requirements from operational procedures.
Recovery of Rates Policy	Major	Strengthens the rates recovery framework, clarifies escalation pathways and the definition of pensioners, and removes operational procedures to maintain a strategic policy focus.
Debt Collection Policy	Major	Strengthens debt recovery arrangements, escalation pathways, payment arrangements and hardship considerations, while separating policy principles from operational procedures.
Communication Policy	Minor	Clarifies communication responsibilities, establishes clearer approval pathways for external communications and strengthens guidance on communication channels, including social media
Memorial Policy	Major	Updates the policy name, improves clarity and enforceability, and introduces provisions allowing removal of memorials or commemorative items where previously unknown conduct subsequently brings the subject into disrepute.

The amendments to the financial management and rates-related policies are particularly relevant to strengthening the Shire's internal control environment and supporting consistent decision-making.

The Credit Card Policy introduces additional safeguards relating to expenditure, reimbursement and information security, while the Rate Exemptions, Recovery of Rates and Debt Collection Policies establish clearer principles for the administration of rates and outstanding debts.

A key consideration in reviewing these policies has been the separation of strategic policy requirements from operational procedures. This approach ensures that Council policies establish the principles and parameters for decision-making, while detailed administrative processes are maintained through supporting procedures under the responsibility of the Chief Executive Officer.

The Memorial Policy introduces a substantive provision allowing consideration of the removal of previously approved memorials or commemorative items where information subsequently becomes available that may affect the appropriateness of continued recognition.

These amendments provide greater clarity, strengthen accountability and improve the Shire's ability to respond consistently to operational and community matters.

August 2026 – Policy Reviews

The Committee considered seven policies, with five recommended for adoption or revocation and two requiring further review.

Policy	Materiality	Summary of Amendments
CEO Leave and Appointment of Acting or Temporary CEO Policy	Moderate	Removes references to the Deputy Chief Executive Officer (DCEO) position, clarifies the authority under which an Acting or Temporary CEO may perform their functions and addresses arrangements where the CEO position becomes vacant.
Designated Senior Employees Policy	Major	Recommended for revocation to reflect the current organisational structure and maintain appropriate separation between Council's governance responsibilities and the CEO's operational management responsibilities.
Investment Policy	Minor	Removes the requirement for a separate monthly investment report, as relevant information is already incorporated into the Monthly Financial Report presented to Council, including interest rates, maturity dates and total portfolio value.
Rate Charges Policy	Minor	Introduces minor wording amendments, updates responsible officer references to reflect the removal of the DCEO position and clarifies that debt recovery matters are addressed through the Debt Collection Policy.
Financial Hardship Policy	Moderate	Introduces a secondary review mechanism where a ratepayer is dissatisfied with a determination, removes references to the DCEO position and clarifies payment arrangement criteria
External Grants Policy	*Moderate – further review required*	
Loans & Borrowings	*Moderate – further review required*	

Organisational Structure and Governance Responsibilities

Several policies have been amended to remove references to the Deputy Chief Executive Officer position, which no longer exists within the Shire's organisational structure.

The proposed revocation of the Designated Senior Employees Policy reflects the current organisational structure and seeks to maintain an appropriate distinction between Council's governance responsibilities and the CEO's responsibility for operational management.

Executive Managers will continue to form part of the CEO's operational management structure and remain directly accountable to the CEO.
Where an Executive Manager is required to undertake the functions of the CEO, the appointment will be addressed through the CEO Leave and Appointment of Acting or Temporary CEO Policy, rather than through designation as a senior employee.

The amendments to the Acting or Temporary CEO Policy also clarify the authority under which an appointment operates and address arrangements where the substantive CEO position becomes vacant.

Financial Reporting and Administrative Efficiency
The Investment Policy removes the requirement for a separate monthly investment report to Council, recognising that the relevant information is already incorporated into the Monthly Financial Report.

This amendment reduces duplicated reporting requirements without diminishing the financial information available to Council or its oversight of the Shire's investments.

Rates Administration and Financial Hardship
The amendments to the Rate Charges and Financial Hardship Policies are intended to improve consistency and transparency in the administration of rates-related matters.

The Rate Charges Policy clarifies the relationship between rates administration and debt recovery, ensuring that recovery processes are appropriately addressed through the Debt Collection Policy.

The Financial Hardship Policy introduces an additional review mechanism for applicants dissatisfied with a determination and clarifies the criteria applicable to payment arrangements.

These amendments support consistent, transparent and equitable treatment of ratepayers while maintaining appropriate financial management practices.

Policies Requiring Further Review
The Committee identified that the External Grants Policy and Loans and Borrowings Policy require further refinement before being presented to Council for adoption.

The External Grants Policy review includes proposed amendments to the approval threshold for unbudgeted expenditure, strengthening of Grant Register requirements and clarification of the continued application of procurement requirements.

The proposed improvements to the Grant Register are particularly relevant to matters identified during the Shire's interim audit and are intended to strengthen the recording, monitoring and oversight of grant funding arrangements.

The Loans and Borrowings Policy review seeks to strengthen consideration of long-term financial sustainability, including the relationship between proposed borrowings and the Shire's Long Term Financial Plan.

Both policies will be presented to Council separately following completion of the required amendments and further consideration.

Overall Assessment
The proposed amendments represent a combination of administrative improvements, strengthened internal controls and changes to governance and operational arrangements.

Collectively, the policy reviews are intended to achieve:

- Improved financial management and procurement controls;
- Greater consistency in rates administration and debt recovery;
- Clearer allocation of responsibilities and decision-making authority;
- Enhanced transparency and accountability in community-facing matters;
- Stronger alignment with the Shire's current organisational structure;
- Improved integration between Council policies, risk management and operational procedures; and
- Reduced duplication and improved administrative efficiency.

The policies presented for adoption have been reviewed by ARIC and are considered appropriate for Council's formal determination.

The proposed amendments strengthen the Shire's governance framework while ensuring policies remain relevant, practical and consistent with legislative and operational requirements.

It is to be noted that policy *EME034 – Communications* is not being considered in this report. The following report '*Policy Review | October 2026'* deals with this policy, having taken into consideration the newly drafted Communications Agreement and further Policy review in October, being the recommended replacement of this policy, due to the agreement's substantial updates and further details for Communication between Elected Members and Administration.

It is recommended that Council adopt the reviewed policies as presented, revoke the Designated Senior Employees Policy and note that the External Grants Policy and Loans and Borrowings Policy will be presented separately following further review.

OFFICER'S RECOMMENDATION

That Council by Simple Majority:

1. ***ADOPTS, the following Council policies as presented in the attachments:***
    a. ***Credit Card Policy***
    b. ***Rate Exemptions Policy***
    c. ***Recovery of Rates Policy***
    d. ***Debt Collection Policy***
    e. ***Memorial Policy***
    f. ***CEO Leave and Appointment of Acting or Temporary CEO Policy***
    g. ***Investment Policy***
    h. ***Rate Charges Policy***
    i. ***Financial Hardship Policy***
2. ***REVOKES the Designated Senior Employees Policy.***
3. ***NOTES that the External Grants Policy and Loans and Borrowings Policy remain under review and will be presented separately following further consideration.***

7.1.7 COMMUNICATION AGREEMENT

File No:	ADM0089
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Jasper Benthien, Executive Services Coordinator
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Shire of Carnarvon - Communications Agreement

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

Council is requested to adopt the Communications Agreement at Schedule One as an interim agreement between Council and the Chief Executive Officer (CEO). The agreement sets out how members may request information and administrative assistance, who may respond, the applicable timeframes and how disputes are addressed.

The agreement supports informed Council decision-making while maintaining the CEO's responsibility for managing employees and organisational resources. It is intended to operate alongside existing legislation and Codes of Conduct and to be reviewed following the next caretaker period and commencement of the statutory communications-agreement framework.

Background

The Local Government Amendment Act 2023 introduced provisions for a mandatory communications agreement between each local government's Council and Chief Executive Officer. The forthcoming sections 5.92A–5.92C of the Local Government Act 1995 establish the framework for these agreements, including a default agreement where Council and the CEO have not agreed to their own arrangements.

These provisions have not yet commenced, with the supporting regulations and ministerial order establishing the default communications agreement still being developed. Draft instruments were released for consultation in June 2025 to inform the detailed requirements and operation of the framework. The State Government has not yet confirmed a commencement date.

The Shire is therefore proposing to adopt its own agreement ahead of the statutory requirement, with a review to follow commencement of the final framework. The proposed agreement is being presented for adoption ahead of this requirement to establish clear and consistent communication arrangements before the incoming Council commences its term. It sets out how Council and Committee members may request information and administrative assistance, the expected response timeframes and the process for resolving disagreements.

Adopting the agreement now will support member induction and provide employees with clear guidance for responding to requests, while maintaining the distinction between Council's governing role and the CEO's responsibility for managing employees and day-to-day operations. The agreement will be reviewed when the statutory framework commences to ensure it remains consistent with the final requirements.

Stakeholder and Public Consultation

The proposed agreement has been developed through consideration of drafts prepared by the Commissioner and the CEO.

Public consultation is not required as the agreement concerns communication between Council and Committee members, the CEO and employees. It does not change the community's existing avenues for contacting the Shire, raising concerns or accessing information.

Following adoption, the agreement will be provided to Council and committee members and relevant employees, and included in the incoming Council's induction.

Statutory Environment

<u>Local Government Amendment Act 2023</u>
Section 74 — Insertion of section 5.92A(1) into the Local Government Act 1995

(a) A local government must have a communications agreement.

This provision has not yet commenced. The supporting regulations and ministerial order establishing the default communications agreement remain under development, with commencement to be confirmed. The proposed agreement is presented for voluntary adoption ahead of the statutory requirement and will be reviewed when the final framework commences.

Relevant Plans and Policy

Community Strategic Plan 2022–2032.
EME001 Code of Conduct for Council Members, Committee Members and Candidates.
EME009 Records Management
EME031 Shire Social Media

Financial Implications

No additional budget allocation is sought. Implementation of the Communications Agreement will be managed within existing governance and administrative resources.

Responding to requests will involve employee time. The agreement provides for clarification of requests, use of existing information and consideration of resource impacts to help manage this workload.

Any external advice or additional expenditure arising from a request will remain subject to the Shire's budget, procurement and approval requirements.

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	Extensive requests may consume significant employee time or require external advice.	2C – Moderate	Clarify scope, use existing information and assess resource implications. Apply existing expenditure approvals.
Health & Safety	Unreasonable demands or competing instructions may contribute to employee stress and role confusion.	2C – Moderate	Maintain clear communication pathways, management boundaries and after-hours protections. Address inappropriate behaviour through existing processes.
Reputation	Delayed responses or inconsistent access to information may undermine confidence in the Administration and Council.	2C – Moderate	Apply response timeframes, explain delays or refusals, share information consistently and provide a clear dispute process.
Service disruption	Information requests may divert employees from planned work and service delivery.	2C – Moderate	Assess cumulative workload, clarify priorities and provide realistic response estimates where additional time is required.
Compliance	Improper disclosure or withholding of information may compromise statutory obligations or individual privacy.	3D – Moderate	Apply statutory access and confidentiality requirements, retain records and review the agreement when relevant legislation changes.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Informal requests may be used to seek preferential treatment or bypass established approvals.	2D – Low	Maintain written records, clear operational boundaries and existing financial and procurement controls.

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 community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The draft Communications Agreement was prepared in consultation with the CEO and the Commissioner, drawing on the Default Communications Agreement released by the State Government for consultation in June 2025. It has been adapted to the Shire's requirements, with provisions addressing clarification of requests, resource considerations and dispute resolution, including where the requesting member is the President.

The agreement provides a clear process for Council and committee members to obtain the information and administrative assistance needed to carry out their roles. It also gives employees guidance on handling requests, response timeframes and resolving disagreements.

The agreement balances members' access to information with the CEO's responsibility to manage employees and the Shire's operations. It complements the existing Codes of Conduct by setting out practical procedures for requesting and providing information, while maintaining clear boundaries between Council's governing role and operational responsibilities.

The agreement will support the induction of incoming Council members and will be reviewed when the statutory communications agreement framework commences to ensure it aligns with the final requirements. It is recommended that Council endorse the Communications Agreement to establish clear expectations for communication, support members in carrying out their responsibilities and provide employees with a consistent process for responding to requests.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, under section 5.92c of the Local Government Act 1995, ENDORSES the Communications Agreement as attached at Schedule One of this report.

7.1.8 POLICY REVIEW | OCTOBER 2026

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator Neil Hartley, Strategic Advisor
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 25/06/2024 – Item 7.1.2 CIS 14/10/2026 – Item 5.2
Schedules:	1. WALGA - Legislated Policy Requirements 2. EME012-Equal-Employment-Opportunity 3. EME014-Freedom-of-Information 4. EME020-Disruptive-Behaviour-at-Council-Meetings-and-Forums 5. EME028-Flying-of-Flags 6. EME033-Grievance-Investigation-and-Resolution 7. EME034 - Communications 8. CF005-Disposal-or-Surplus-IT-and-Minor-Assets 9. EME032 - Election Signs - Tracked Changes

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the first stage of the 2026 Policy Review and seeks Council's consideration on the following policies:

1. EME012 Equal Employment Opportunity
2. EME014 Freedom of Information
3. EME020 Disruptive Behaviour at Council Meetings and Forums
4. EME028 Flying of Flags
5. EME032 Election Signs
6. EME033 Grievance Investigation and Resolution
7. EME034 Communications
8. CF005 Disposal of Surplus IT and Minor Assets

Each policy has been assessed in four ways:

- against the applicable legislation;
- against WALGA's guidance on policies required by legislation;
- against a contemporary policy framework recently adopted by another Western Australian local government; and
- for its current relevance to the Shire of Carnarvon.

Any policy for revocation is now governed by legislation, a local law or delegations, or deals with an operational matter that is the responsibility of the Chief Executive Officer.

Any Policy to be amended or replaced is identified as substantially outdated against applicable legislation, rehashes details covered materially by legislation, details are no longer applicable or requires amendments for further clarification based on feedback.

Background

At its Ordinary Meeting held on 28 July 2026, Council considered a report on the review of its policies (Item 7.1.10). The preliminary findings of the 2026 Policy Review were then presented to the Council Information Session on 14 October 2026 (Item 2.2). At that session, Council gave direction on the matters to be presented before the caretaker period begins at 4.00pm on 20 October 2026.

In line with that direction, the following related items are presented at this meeting,:

1. **Caretaker Policy:** revocation of EME024 Caretaker Policy – Shire Elections before the caretaker period begins, and noting of the Guide to Caretaker Period Requirements;
2. **Policy Review | ARIC Policies:** policies reviewed by the Audit, Risk and Improvement Committee at its meetings in April, June and August 2026;
3. **Policy Review 2026 – October (this report):** revocation and amendment of policies now materially governed by legislation, local laws or delegations, or that deal with operational matters; and
4. **Communications Agreement:** developed with the Commissioner and the Chief Executive Officer on WALGA's advice, in preparation for the standardised Communications Agreement requirements being introduced by the Department of Local Government, Industry Regulation and Safety;

The Council Policy Manual contains more than 70 policies. Many were last adopted in 2022 and have had little substantial reviews since besides select updates.

Since then, amendments to the *Local Government Act 1995* and its regulations have come to govern some matters previously dealt with by Council policy. Some policies also restate legislation, local laws or delegations. Others deal with operational matters that sit with the Chief Executive Officer under section 5.41 of the Act.

EME034 Communication was reviewed by the Audit, Risk and Improvement Committee in April 2026, which recommended its adoption with changes. Following the recent requirement to develop the Communications Agreement, the policy has been withdrawn from the ARIC policies report and is presented in this report for consideration.

<u>Legislation</u>

Amendments to the *Local Government Act 1995* and its regulations now govern some matters previously dealt with by Council policy. These include the uniform caretaker provisions that first applied at the October 2025 elections. Future reforms yet to be passed or recently passed by Parliament will also require new instruments, including a Community Engagement Charter, a Communications Agreement and an annual Rates and Revenue Policy.

Some policies also duplicate other instruments. They restate legislation, local laws or delegations, or deal with operational matters that sit with the CEO under section 5.41 of the LGA.

Organisational structure

Changes to the Shire's structure and position titles have left references in several policies out of date. Many policies also list "Office of the CEO" as the responsible area or have no responsible officer. These have been reviewed and identified to be updated in the register attached.

Gaps

The manual was compared with the policy framework of the Town of Port Hedland, following a recent conversation between the Shire of Carnarvon's Strategic Advisor and CEO, Town of Port Hedland (recently completed substantial policy review before, during and after its own caretaker period) and reviews of Shire of Kalamunda & Mundaring's select policies. Initial comparison shows select subjects aren't covered by the Shire's current Council policy manual. A number of these policies are yet to be assessed/considered and may be best suited for future reviews by the incoming council.

Review Approach

Shire of Carnarvon, Strategic Advisor, carried out the initial comparative review. Initial review process was discussed with the Town of Port Hedland' CEO on its past and most recent policy changes before, during and after its most recent caretaker period in 2025 and its later review of policies with its incoming Council in 2026.

Administration then assessed each policy against the initial feedback, comments and recommendations further:

- against applicable legislation, to see whether state or federal law now substantially governs the matter, requires the policy to exist, or leaves it to a Local Government's discretion;
- against WALGA's summary of policies required under legislation, to confirm that every statutory policy is retained or replaced, that no required policy is recommended for repeal, and that policies required under forthcoming reforms are identified;
- against a policy framework recently adopted by another Western Australian local government;
- for relevance to current Shire operations and structure; and
- with input from the Executive Management Team and governance advice from WALGA on caretaker periods, policy review and adoption.

Policies Proposed for Revocation following further review and workshop at the Corporate Information Session on 14 October 2026:

Policy	Matters now governed by	Review comments	Arrangement in place of policy
EME012 Equal Employment Opportunity	*Equal Opportunity Act 1984* Part IX; s5.41 of the Act	Staffing is considered to be a CEO function, and revocation provides a clearer separation between Council and the organisation.	EEO Management Plan for 2026/2027 (actively being prepared)
EME014 Freedom of Information	*Freedom of Information Act 1992* and *Freedom of Information Regulations 1993*	Current policy only restates the *Freedom of Information Act 1992*, and some fees are set by the FOI Regulations, so the policy is inaccurate in saying charges are set through Council's Fees and Charges. Openness is better shown through the statutory Information	Procedures and information regarding requesting of information forms to refer to applicable legislation. Forms available on our website or for collection in the Shire Admin offices.

		Statement than a policy that repeats the Act.	
EME020 Disruptive Behaviour at Council Meetings and Forums	Meeting Procedures Local Law 2021; s5.41(d) of the Act; s70A of *The Criminal Code*; Delegation 12.1.1	Conduct at Council and committee meetings is already governed by the Meeting Procedures Local Law 2021. Clauses 6.17, 9.1, 9.7 and 17.3 give the presiding member enforceable powers to maintain order, deal with disruptive behaviour and have a person removed. Removing a person from Shire premises outside meetings is supported by section 70A of *The Criminal Code* and Delegation 12.1.1, and managing Shire premises is a CEO function under section 5.41 of the Act. A local law has the force of law, while a Council policy cannot add to or override those powers. The policy therefore duplicates existing instruments, and keeping it risks inconsistency with the Local Law.	Meeting Procedures Local Law 2021, supported by directive at the CEO's discretion.
EME028 Flying of Flags	*Flags Act 1953* (Cth) and Australian Government flag protocols	Flag use is governed by the *Flags Act 1953* (Cth) and national flag protocols, and flying flags on Shire buildings is an operational matter for the CEO under section 5.41. The policy adds no authority and risks falling out of compliance with national protocols. Any CEO Directive will follow the protocols as governed by applicable acts or state and federal requests, with requests outside protocol referred to Council.	Internal CEO operational directive or procedure for organisational consistency and compliance with National Protocols.
EME033 Grievance Investigation and Resolution	s5.41(g) of the Local Government Act	Staff grievances are handled through current operational procedures and reporting. Grievances against the CEO, and external grievances, are currently covered by EME030 Complaint Handling.	Operational procedures in place; EME030 Complaint Handling governs complaints against the CEO.
EME034 Communication	Communications Agreement; Code of Conduct for Council Members, Committee Members and Candidates (EME001), clauses 18 to 21;	The Communications Agreement will set the communication protocol between Council and the administration and will operate in preference to the policy. Much of the policy restates other instruments: access to information (s5.92), receipt of agendas (regulation 14), improper use of office, involvement in	Communications Agreement to succeed the policy, with greater direction and detail.

	ss5.41 and 5.92 of the Act; regulation 14 of the Administration Regulations	administration, directing employees and confidential information (Code of Conduct). The remaining content is operational. Keeping the policy would leave two instruments on the same subject and risk inconsistency.	
CF005 Disposal of Surplus IT and Minor Assets	s3.58 of the Act; regulation 30 of the Functions and General Regulations; Delegation 1.2.19	Operational.	Minor asset disposals under $20,000 are exempt from section 3.58 under regulation 30(3), and CEO holds authority under Delegation 1.2.19. A policy adds no authority. Data-wiping and disposal controls will continue through ICT procedures and systems that can be updated as required when security standards change.

Polices Proposed to Amend:

Policy	Review comments	Policy Recommendation
EME032 – Election Signs	Whether election signs are allowed on Shire land is a discretionary decision for Council, so the policy is to be kept. The current policy commits to "appropriate controls and standards" for private property without saying what they are.	Amend – as per tracked changes

Stakeholder and Public Consultation

External Consultation

The review has considered:

- current legislative requirements and Departmental guidance;
- WALGA guidance on legislated policy requirements, including policies required under reforms that have passed or are yet to be passed by Parliament and have not yet commenced;
- governance advice from WALGA on the caretaker provisions, which confirmed that adopting, amending or revoking a Council policy (other than a local planning policy) is not a significant act under section 3.73 of the Local Government Act 1995; and
- the policy framework of the Town of Port Hedland, as the most recent case study in completing a comprehensive policy review pre, during and post Caretaker.
- Select policies from:
    - Shire of Mundaring
    - Shire of Kalamunda

No community consultation is required at this stage. Consultation will be considered for individual policies where required.

Internal Consultation

- Council (Council Information Session – 14 October 2026);
- Chief Executive Officer;
- Strategic Advisor;
- Executive Management Team;
- Governance, Risk & Compliance Manager;

- Executive Services Coordinator;
- Coordinator Governance & Information and;
- Responsible officers as required.

Statutory Environment

Local Government Act 1995
Section 2.7(2)(b) – Role of council Gives Council responsibility for determining the Shire's policies. This is the basis for Council revoking the policies in this report.

Section 3.58 – Disposing of property Sets the requirements for disposing of Shire property. Together with regulation 30 and Delegation 1.2.19, it governs the disposals covered by CF005.

Section 3.73 – Restrictions on local government during caretaker period Restricts significant acts during the caretaker period, which begins at 4.00pm on 20 October 2026. Revoking a Council policy, other than a local planning policy, is not a significant act, so the policy review can lawfully continue during and after the caretaker period.

Section 5.41 – Functions of CEO Gives the Chief Executive Officer responsibility for day-to-day operations, including managing the Shire's buildings and employing, managing and directing employees. This supports moving the matters in EME012, EME020, EME028, EME033 and CF005 to CEO Directives, plans or procedures.

Local Government (Functions and General) Regulations 1996
Regulation 30 – Dispositions of property excluded from section 3.58 Exempts disposals of property other than land with a market value below $20,000. This covers the minor assets in CF005, which are valued under $5,000.

Equal Opportunity Act 1984
Part IX – Equal opportunity in public employment Requires the Shire to prepare and implement an Equal Employment Opportunity Management Plan. This statutory plan, rather than a Council policy, meets the obligations EME012 addressed.

Freedom of Information Act 1992
Part 5 – Publication of information about agencies Requires the Shire to publish an Information Statement setting out how documents can be accessed. The Act and the *Freedom of Information Regulations 1993* govern access rights, procedures and charges, so EME014 is not required.
Shire of Carnarvon Meeting Procedures Local Law 2021

Clauses 6.17, 9.1, 9.7 and 17.3 – Conduct and order at meetings Give the presiding member enforceable powers to deal with disorder at Council and committee meetings. Removing a person from Shire premises is supported by section 70A of *The Criminal Code* and Delegation 12.1.1. Together, these govern the matters in EME020.

Flags Act 1953 (Cth)
Together with the Australian Government's flag protocols, governs how Australian flags are used and flown for Government agencies/entities. Day-to-day flag practice is an operational matter.

Relevant Plans and Policy

Shire of Carnarvon Council Policy Manual
Register of Council Delegations, Authorisations and Appointments
Meeting Procedures Local Law 2021
EME001 Code of Conduct for Council Members, Committee Members and Candidates
EME030 Complaint Handling

EME032 Election Signs (amended)
EEO Management Plan 2026/2027 *(in development)*

Financial Implications

Revoking these policies and amending EME032 are considered to have no direct financial implications. Any CEO directives or procedures needed in their place will be prepared within existing resources.

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	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Revoking policies on freedom of information or flags may be seen as reducing the Shire's commitment to openness or civic protocol.	C-2 Moderate	Explain the reasons for revocation in this report. Keep the Information Statement current and published. Publish a CEO Directive on flags that follows national protocols, with requests outside protocol referred to Council.
Service disruption	Revoking operational policies may leave staff without guidance.	D-2 Low	Issue CEO Directives or procedures before, or at the same time as, revocation. Carry CF005's data-security requirements into ICT procedures.
Compliance	Revoking a policy required by legislation, or relying on an instrument that is not current, would cause non-compliance.	C-2 Moderate	Each policy has been checked against legislation and WALGA's summary of legislated policies; no required policy is proposed for revocation. The EEO Management Plan 2026/2027 is being prepared by the Human Resources Manager. The Information Statement will be confirmed as current before revocation.
Property	N/A	N/A	N/A
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:
- *N/A*

ADDITIONAL FOCUS AREAS:
- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:
- *N/A*

Comments

The review concluded that each of the seven policies in this report is now either governed by legislation, a local law or delegations, or deals with an operational matter for the Chief Executive Officer and is to be revoked in favour of keeping the Shire compliant or amended. Where there were raised concerns about revoking a policy, the review has sought feedback and advice to address proposed concerns.

EME012 Equal Employment Opportunity
Equal opportunity obligations are set by the *Equal Opportunity Act 1984* and met through the Shire's actively developed EEO Management Plan, through the People, Culture & Wellbeing team, and is preparing for 2026/2027. Revoking the policy gives a clearer governance management regarding the responsibility for equal employment. The Shire's continued commitment to equal opportunity continues through the plan and its employment practices.

Retaining the policy blurs the separation between Council's role and the Chief Executive Officer's responsibility for employing and managing staff under section 5.41 of the *Local Government Act 1995*. It also creates two documents covering the same obligations. If the policy and the statutory EEO Management Plan differ, it may be unclear which applies, which can expose the Shire in an employment dispute or a complaint to the Equal Opportunity Commission. Because the policy can only be changed by Council resolution, it is also likely to fall behind changes in equal opportunity law. The Management Plan is reviewed and updated administratively reducing the requirement around policy review preparation also limiting costs associated with officer preparation.

EME014 Freedom of Information
Upon review, revocation is recommended as:
- the policy only restates the Act; and
- it contains inaccurate information about charges and the governing legislation.

The Shire's commitment to openness is better shown through its statutory Information Statement (listed on our website *"FOI Statement 2026"*.

Retaining the policy, and any future outdated policy gives risk to the public around incorrect information about their access rights and costs. It currently states that FOI charges are set through Council's Fees and Charges, when they are set by the *Freedom of Information Regulations 1993*. Restating the Act in a policy creates a secondary, inaccurate version of the process. The Act prevails over the policy, staff relying on the policy could apply the wrong process, and decisions could be overturned on review by the Information Commissioner. Keeping the policy accurate would also need a Council decision every time FOI legislation changes. The Information Statement, which the Act actually requires, is maintained administratively.

EME020 Disruptive Behaviour at Council Meetings and Forums

A local law has the force of law and gives stronger authority than a Council policy, which cannot add to those powers. The Meeting Procedures Local Law 2021 and section 70A of *The Criminal Code* therefore provides firmer basis for the presiding member and the Chief Executive Officer to act than the current policy does. The practical steps for managing disruption will be managed operationally by the CEO, consistent with the Local Law.

The policy creates two instruments dealing with conduct at meetings. If the presiding member followed the policy's process rather than the Local Law's, a ruling on conduct or the removal of a person could be open to challenge. The current policy also refers to a non-existent "Criminal Code 2013" and "Public Question Time Policy", and relying on these references when dealing with a disruptive person would weaken the Shire's position. A policy cannot give the presiding member or the Chief Executive Officer any power beyond the Local Law and legislation. Keeping it may give a false impression of the authority available when managing a confrontation.

EME028 Flying of Flags

Flag practice is operational and governed by national legislation and protocols. Any request to fly a flag outside national protocols will be referred directly to Council.

Current policy can be at risk of falling out of compliance with Australian Government flag protocols and half-mast notices. These can change at short notice, for example on the death of a prominent public figure. A policy that can only be amended by Council resolution may be out of date when the Shire may need to act quickly to avoid non-compliance. Staff may then follow wrong instruction, causing the Shire public reputational damage or criticism. Keeping flag practice in a Council policy also invites requests to amend it for particular flags or causes. That could draw Council into contentious debate on routine operational matters that national protocols already settle and are override.

EME032 Election Signs

Committed the Shire to "appropriate controls and standards" for signs on private property without saying what they were. The amendment replaces this with the conditions of the deemed provisions. Candidates therefore have one clear, lawful standard, and the Shire avoids restrictions that could breach the implied freedom of political communication.

The policy previously allowed signs on Shire land unless they detracted from amenity or posed a safety risk. That wording invited argument over whether a particular sign met the test. Consistent with the policy's original intent, the amendment removes the qualifier, so signs are not permitted on facilities or land the Shire owns, manages or controls. Limited exceptions apply to electoral commission signs and polling place signs.

EME033 Grievance Investigation and Resolution

Staff grievances are an operational employment matter for the Chief Executive Officer and will be handled through a CEO Directive. Grievances against the Chief Executive Officer, and external grievances, remain covered by EME030 Complaint Handling, so revocation leaves no gap.

Retaining the policy can create an expectation that Council or individual members have a role in confidential staff grievances. That would be inconsistent with section 5.41 of the Act and with the Model Code of Conduct, which prevents members from directing or interfering with staff. Grievance processes must also stay in line with industrial instruments, employment legislation and procedural fairness requirements. A policy that can only be changed by Council resolution may fall out of step with these, exposing the Shire in an industrial or unfair dismissal claim. Keeping the policy alongside EME030 would also create two overlapping processes, increasing the risk that the wrong one is applied.

EME034 Communication

The Communications Agreement presented in this agenda now sets the protocol for communication between Council and the administration.

Much of the policy restates other instruments. The limits on improper use of office, involvement in administration, directing employees and the handling of confidential information are set by clauses 18 to 21 of the Code of Conduct.

Retaining the policy would leave two instruments dealing with communication between Council and the administration. If they differ, it may be unclear which applies. Where the policy restates the Code of Conduct, it also risks falling out of step when the Code or the Model Code Regulations change. Conduct matters are dealt with under the Code, not under the policy.

CF005 Disposal of Surplus IT and Minor Assets

These disposals are exempt from section 3.58 and fall within existing delegated authority, so a Council policy is not required. The data-wiping and environmental disposal requirements will continue through a CEO Directive or ICT procedure. The reference to CF005 in CSP07 Data Breach will be updated administratively.

Remaining Policies

Current policy ties data-wiping and device disposal standards to a Council instrument that can only be updated by resolution. Those standards change as technology changes, which in the ever-growing environment is happening at rapid paces in some areas, and outdated controls increase the risk of a data breach when devices are disposed of. This is particularly relevant as privacy obligations under the *Privacy and Responsible Information Sharing Act 2024* take effect. The policy also duplicates the authority already given by regulation 30 and Delegation 1.2.19. If its limits or processes differ from the delegation, staff may apply the wrong threshold, leading to audit or compliance risks.

Further Review

Remaining policies identified through the 2026 Policy Review will be presented and workshopped to Council and the incoming Council in November and in 2027. Many set strategic direction, deal with Elected Member entitlements or introduce new commitments, and are best considered by the incoming Council following the December 2026 election.

Administration will workshop these policies in advance, in preparation for the incoming Council's 2027 schedule and where considered appropriate with the Audit, Risk & Improvement Committee prior to seeking a Council decision. Policies will then be presented for consideration, review and input with the incoming Council. Policies required by legislation remain in force until any replacement is adopted.

Next Steps

Date	Action
From 20 October 2026	*CEO Directives and operational updates to procedural information issued where required*
17 November 2026	*Remaining policies workshopped for the November OCM and for incoming Council consideration*
24 November 2026	*Council decisions on workshopped policies and incoming council policy review*
2027	*Policies presented to the incoming Council through the 2027 Council schedule*

OFFICER'S RECOMMENDATION

That Council, by Simple Majority:

1. ***REVOKES the following Council policies, as provided at Schedules Two to Seven:***
    a. ***EME012 Equal Employment Opportunity;***
    b. ***EME014 Freedom of Information;***
    c. ***EME020 Disruptive Behaviour at Council Meetings and Forums;***
    d. ***EME028 Flying of Flags;***
    e. ***EME033 Grievance Investigation and Resolution;***
    f. ***EME034 Communications; and***
    g. ***CF005 Disposal of Surplus IT and Minor Assets;***
2. ***APPROVES amendments made to EME32 – Election Signs as displayed under tracked changes at Schedule Eight.***
2. ***NOTES that the Chief Executive Officer will issue CEO Directives or procedures for the matters previously covered by EME020, EME028, EME033 and CF005; and***
3. ***NOTES that further policies identified through future Policy Review will be workshopped in preparation for the 24 November 2026 Ordinary Council Meeting and for incoming Council's 2027 schedule, for its consideration, review and input.***

7.1.9 ANNUAL REVIEW – SHIRE OF CARNARVON REGISTER OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS 2026/2027

File No:	ADM0043
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Jasper Benthien, Executive Services Coordinator Neil Hartley, Strategic Advisor
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	OCM 22/07/2025 – Item 7.1.3 OCM 28/04/2026 – Item 7.1.3 OCM 22/09/2026 – Item 7.1.4
Schedules:	1. 2026/2027 Register of Delegations, Authorisations and Appointments - Tracked Changes

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the annual review of the Shire of Carnarvon Register of Delegations, Authorisations and Appointments for Council consideration. Schedule One provides the previous register with tracked changes for adoption attached in Schedule One.

The Local Government Act 1995 requires the Chief Executive Officer to keep a register of delegations and for those delegations to be reviewed by the delegator at least once every financial year (s.5.46(1) and (2)).

Following the registers most recent whole of document review in July 2025, this report presents the outcome of a subsequent detailed, clause by clause review of the Register undertaken to test its currency and internal consistency, benchmarked against relevant industry direction and examples.

The amendments proposed are limited to correcting drafting, organisational references citation and numbering matters within the existing, previously adopted delegation framework and do not majorly alter the scope of delegated powers.

The review also brings forward the following matters for Council's express consideration:

- confirmation of the delegation for the issue and revocation of Building Orders under the *Building Act 2011*
- amendment of Delegation 1.2.17 (Tenders and Variations) to correct an internal inconsistency in the tender evaluation and contract variation provisions; and
- amendment of the heading to Delegation 1.2.33 to remove reference to the common seal.

Background

At the 22 September 2026 Ordinary meeting of Council, Council determined to defer the reviewed register to the following October meeting to determine the changes further. This review has been updated with tracked changes at the feedback given by Commissioner Aldridge.

Western Australian local governments are empowered under various Acts and Regulations to perform certain duties and exercise certain powers.

The *Local Government Act 1995* allows Council to delegate certain powers and duties to the Chief Executive Officer or to Committees, where permitted. This supports timely and effective decision making and allows the organisation to operate efficiently while ensuring appropriate accountability remains in place.

Where delegations are made, the Chief Executive Officer is required to maintain a Register of Delegations. Delegations made under the *Local Government Act 1995* must be reviewed at least once every financial year by the delegator.

The Shire's Register of Delegations, Authorisations and Appointments was last reviewed and adopted by Council in July 2025. At its meeting on 28 April 2026, Council also resolved to delegate to the Chief Executive Officer the authority to issue and revoke Building Orders under the *Building Act 2011*. That delegation has been incorporated into the Shire’s Governance system and is now included in the reviewed Register presented with this report.

The 2026 review has been undertaken by the Office of the CEO, and has included a clause-by-clause assessment of each delegation against its head of power, function, conditions, sub-delegation provisions, record keeping requirements and current position titles.

The Register includes Council delegations, CEO sub-delegations, authorisations and appointments. Council is being asked to adopt the reviewed Register, noting that CEO sub-delegations, authorisations and appointments are maintained administratively by the Chief Executive Officer where they fall within the CEO’s authority.

Stakeholder and Public Consultation

External Consultation
WALGA governance guidance and template material has been considered as part of the review process.

No further external consultation was required, as the amendments proposed are limited to correcting drafting, citation and numbering matters within the existing, previously adopted delegation framework.

Internal Consultation
Council;
Chief Executive Officer;
Strategic Advisor;
Executive Management Team
Executive Services Coordinator

Governance, Risk and Compliance Manager
Coordinator Governance & Information
Relevant officers responsible for the exercise or oversight of delegated functions.

Statutory Environment

Local Government Act 1995
Section 5.16 – Delegation of some powers and duties to certain committees. Provides that a local government may delegate to a committee the exercise of certain powers or the discharge of certain duties.

Section 5.42 – Delegation of some powers and duties to CEO. Provides that a local government may, by absolute majority, delegate certain powers and duties to the Chief Executive Officer. A delegation must be in writing, may be general or limited, and may be revoked or varied at any time. This is the head of power for the delegations contained in the Register and determines the voting requirement for this report.

Section 5.43 – Limitations on delegations to the CEO. Sets out the matters that cannot be delegated to the Chief Executive Officer.

Section 5.44 – CEO may delegate powers and duties to other employees. Provides that the Chief Executive Officer may, in writing, delegate certain powers and duties to other employees. Sub-delegations recorded in the Register are made under this section by the Chief Executive Officer and are not the subject of Council's decision.

Section 5.45 – Other matters relevant to delegations under this Division. Provides for the effect of delegations, including the ability to act through another person.

Section 5.46 – Register of, and records relevant to, delegations to CEO and employees. Requires the Chief Executive Officer to keep a register of delegations and requires delegations to be reviewed at least once every financial year by the delegator. This is the provision under which the annual review the subject of this report is undertaken.

Building Act 2011
Section 127 – Delegation: special permit authorities and local governments. Provides the express power for a local government to delegate its functions under the Act, including the issue and revocation of Building Orders, and limits sub-delegation to the Chief Executive Officer.

The Register also includes delegations, authorisations and appointments made under other legislation relevant to local government functions, including the *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1976*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Local Government (Miscellaneous Provisions) Act 1960*, *Planning and Development Act 2005* and *Public Health Act 2016*, together with subsidiary regulations, local laws and other written laws referenced within individual delegations.

This is not an exhaustive list.

Relevant Plans and Policy

The Shire's Council policy framework does provide further information regarding the exercise of delegated authorities.

Where a policy is relevant to a specific delegation, it is referenced within the relevant section of that delegation.

Financial Implications

There are no direct financial implications considered to be associated with Council adopting the reviewed Register.

Risk Assessment

Consequence →		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		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	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Failure to maintain and review the Delegations Register may impact confidence in the Shire's governance, transparency and decision-making framework.	D1 – Low	The annual review ensures the Register remains current, supports transparent decision-making and demonstrates the Shire's commitment to good governance.
Service disruption	Outdated, unclear or inadequate delegations may delay operational decisions and service delivery by requiring matters to be referred to Council unnecessarily.	C2 – Moderate	Maintaining appropriate delegations allows the Chief Executive Officer and administration to perform day-to-day functions efficiently, while preserving Council's role in strategic and policy decisions.
Compliance	Failure to review delegations at least once every financial year may result in non-compliance with section 5.46 of the *Local Government Act 1995* and may be captured through the annual Compliance Audit Return process.	C3 - High	Council's consideration and adoption of the reviewed Register satisfies the annual review requirement and supports ongoing legislative compliance.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Unclear or outdated delegations may create uncertainty around who is authorised to make decisions, increasing the risk of decisions being made outside approved authority.	D2 – Low	The Register identifies the relevant head of power, delegate, conditions, limitations and record keeping requirements for the exercise of delegated authority.

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:
- *N/A*

ADDITIONAL FOCUS AREAS:
- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:
- *N/A*

Comments

Schedule One is the reviewed Register presented to Council for adoption for the 2026/2027 financial year. The Register provides the framework for how specific Council powers and duties are delegated to the Chief Executive Officer, Committees *(where applicable)*, and other authorised positions or persons.

The 2026 review has been undertaken to ensure section 5.46 compliance and that the Register remains current, legally supported and practical for day-to-day operations. This includes checking legislative references, position titles, conditions, limitations, record keeping requirements and alignment with the Shire's current operating environment.

The review has considered relevant WALGA guidance and template material, including recent sector updates relating to Audit, Risk and Improvement Committees and authorisations under the Model Code of Conduct framework.

Key changes and updates

- Position titles and organisational references updated throughout the Register to reflect the Shire's current structure;
- Delegation 1.2.17 (Tenders and Variations) — the tender evaluation provisions amended to include the requirement to determine which tender would be the most advantageous to the Shire to accept, and the contract variation and extension conditions amended to remove an internal inconsistency in the applicable threshold;
- Delegation 1.2.19 (Disposing of Property) — valuation and advertising conditions simplified, and a local public notice period specified;
- Delegation 1.2.22 (Power to Invest) — amended to require written confirmation of the Chief Executive Officer not just noting for investments exceeding $1 million;
- Delegation 1.2.33 — heading amended from "Application of Common Seal" to "Authority to Sign Documents on Behalf of the Shire", the delegation containing no reference to the use of the common seal;
- Delegations 1.3.1 and 1.3.2 — heading corrected and permit refusal and cancellation conditions clarified;
- Delegations 2.1.2, 2.1.4 and 2.1.6 — statutory references corrected, a redundant condition removed, and qualification requirements clarified for referred building surveyors;
- Delegation 2.1.10 (Issue and Revocation of Building Orders) — incorporated as a distinct delegation following Council's resolution of 28 April 2026;

- Delegations 6.1.4 and 12.4.1 — Function and Conditions restructured to clarify the prohibition under section 126 of the *Food Act 2008* on an officer both issuing and withdrawing an infringement notice; and
- Delegations 8.1.1, 10.1, 11.2, 12.1.1, 12.7.1 and 12.9.1 — legislative titles, years and section references corrected.

Section 5.42 of the *Local Government Act 1995* requires delegations to the Chief Executive Officer to be made by absolute majority. Recommendation 2 below confirms the Building Orders delegation on that basis.

Chief Executive Officer sub-delegations

The Register records Chief Executive Officer sub-delegations alongside Council delegations. Council's adoption of the Register does not of itself make or formalise a sub-delegation. Sub-delegations are made by the Chief Executive Officer under section 5.44 of the *Local Government Act 1995* and are recorded in the Register for Councillor reference, governance accountability and organisational efficiency, rather than for Council's consideration or approval.

The Chief Executive Officer will confirm each sub-delegation by separate written approval for every employee or position listed as a sub-delegate, so that the requirements of section 5.44 are satisfied.

Matters proposed for the 2027/2028 review

- Delegation 1.2.21 — the donations provision currently sits within a delegation otherwise dealing with the deferral, discounting, waiver and write-off of debts. It is proposed to be separated into a standalone delegation. The current placement does not affect the validity or operation of the delegation;
- Position titles and legislative references — a program of work will be undertaken to verify position titles, Act years and section references throughout the Register. While these matters do not affect the validity of the delegations, verification provides an important control against reliance on superseded legislation; and
- Delegations 14.1 to 14.4 — State delegations and authorisations require input from the Western Australian Local Government Association before amendment.
- The delegations contained in Part 9 – Planning and Part 6 – Food Act have been reviewed administratively and are proposed for referral to the Executive Manager Community Planning and Sustainability and the Senior Environmental Health Officer respectively for technical confirmation, including verification of the applicable Town Planning Scheme references. No deficiencies affecting the operation of those delegations have been identified through the review.

Delegations are an important governance tool. They allow routine and operational decisions to be made efficiently, while preserving Council's role in strategic, policy and high-level decision making. Clearly defined delegations also assist officers to understand the extent of their authority and support consistent record keeping when delegated powers are exercised.

Following Council's decision, the adopted Register will be retained as a corporate record and used as the current reference for Council delegations, authorisations and appointments. Any Chief Executive Officer sub-delegations or administrative appointments will continue to be managed by the Chief Executive Officer in accordance with the relevant legislation.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with section 5.46(2) of the Local Government Act 1995:

1. ***RECEIVES the annual review of the Shire's delegations has been undertaken for the 2026/2027 financial year;***

2. ***CONFIRMS the delegation to the Chief Executive Officer, pursuant to section 5.42 of the Local Government Act 1995 and section 127 of the Building Act 2011, of the authority to issue and revoke Building Orders under the Building Act 2011, as resolved by Council at its Ordinary Meeting held on 28 April 2026;***

3. ***ADOPTS the reviewed Shire of Carnarvon Register of Council Delegations and Authorisations 2026/2027, as provided in Schedule One; and***

    a. ***Notes that Chief Executive Officer sub-delegations, authorisations and appointments contained within the administrative register are maintained by the Chief Executive Officer in accordance with relevant legislative authority and approved changes will be implemented into the register.***

7.1.10 CARNARVON ARTESIAN BORE

File No:	ADM0271
Location/Address:	Lot 559 Plan 144299 Robinson Street Carnarvon
Name of Applicant:	Westralian Marine Group
Name of Owner:	Shire of Carnarvon
Author(s):	Sharmayne Halliday, Project Officer
Authoriser:	Mark Davis, Lead Strategic Projects Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Confidential: Legal Advice from McLeods Lawyers 07.10.2026 - Confidential 2. Survey Report 01.10.2026 3. Request from WMG

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report provides Council with an update on the formal request received by Westralian Marine Group on 23 September 2026 to access the artesian bore water to facilitate the landscape irrigation and greening of the proposed Babbage Island Resort and the adjoining One-Mile Jetty Heritage Precinct. This proposed development represents a significant private-sector tourism investment in Carnarvon and is anticipated to contribute to tourism and economic activity within the town.

The request is for approximately 150,000kL per annum of the Shire's artesian bore water with Westralian Marine Group to provide funding and construction of approximately 3.8 kilometres of new infrastructure required to extend the Shire's current artesian bore infrastructure to the proposed Babbage Island Resort site via the One-Mile Jetty Heritage Precinct.

This report seeks to inform Council of the current progress of this formal request and confirm the intent for the Shire to seek approval obtain a market valuation of the proposed disposition of a portion of the Carnarvon Airport Artesian Bore water supply at the 19 October 2026 Ordinary Council Meeting. This valuation will inform a future report to Council regarding the proposed disposition and any subsequent public notice required under section 3.58 of the *Local Government Act 1995*.

Background

The Carnarvon Airport artesian bore is located on Lot 559 Plan 144299 Robinson Street, Carnarvon, withi the Carnarvon Airport precinct. This is on freehold land owned by the Shire of Carnarvon and registered in the Department of Water and Environmental Regulation's database (AWRC reference number: 70411983) File No. VF350-3. The bore is a 612m deep artesian bore constructed in 1999 and historically recorded a free-flow rate of 3,452 kL/day. The water is sourced from the Gascoyne, Carnarvon – Birdrong resource. The existing 200mm diameter PVC water main extends from the bore to the Pump Track within the Carnarvon Youth Precinct on Babbage Island Road. The alignment was confirmed by a surveyor in early October 2026.

The current licence, Instrument No. GWL151245, granted by the Minister under section 5C of the Rights in Water and Irrigation Act 1914, is valid until 15 February 2034. This licence includes an annual water usage entitlement of 500,000kL, which has applied since 22 July 2013, with the following authorised activities:

Use of Water	Location of Activity
Earthwork and construction purposes	Roads and construction sites in Carnarvon town site.
General aquacultural purposes	Lot 559 on Plan 144299 Robinson St Carnarvon.
Irrigation of up to 16.5 ha of golf course	Crown Reserve 31811 Lot 1178 Cornish Street Massey Bay Golf Course.
Irrigation of up to 30 ha of public open space	Road verges, ovals, playing fields, public spaces, recreation area in Carnarvon town site.

The licence is subject to the following terms, conditions and restrictions:

1. The annual water year for water taken under this licence is defined as 1 January to 31 December;
2. The licensee shall measure the static head pressure of the well(s) every March, June, September and December and report the results to the Department of Water and Environmental Regulation, every 12 Months commencing 28/02/2025(*);
3. The licensee must measure and record the electrical conductivity of the water in milli-siemens per centimetre (mS/cm), measured at 25 degrees Celsius, from each production well every June and December;
4. The licensee shall forward all monitoring data for the preceding water year to the Department of Water and Environmental Regulation every 12 Months, commencing 28/02/2025(*);
5. The licensee shall not use water for irrigation between 9 am and 6 pm except for the establishment of newly planted areas. For newly planted areas water may be used within these hours for a period of up to 28 consecutive days, commencing from the date of planting;
6. The well must be adequately capped to prevent surface entry of contaminants. Flowing wells must be equipped with a valve to control the flow;
7. The wellhead shall be fitted with an appropriate device and/or removable plate directly above the borehole to provide vertical access for logging purposes; and
8. Any flowing well shall be fitted with a tapping (including a bayonet fitting) in the wellhead construction to enable the measurement of the aquifer's hydraulic pressure (potentiometric head pressure).

   (*) Note: Conditions 2 and 4 were updated on 5 July 2024, to rectify the term of the existing conditions.

The Shire of Carnarvon's water usage for the past 5 years has been approximately 13-23% of the 500,000kL entitlement, as indicated below. While historical usage indicates significant capacity within the current entitlement, future water requirements have also been considered, including the potential transition of existing recycled-water irrigation to artesian bore water.

The annual artesian water usage figures are included below, along with an overview of all usage in light of the current request:

Water Year (1 January - 31 December)	Abstraction Volume (kL)
2025	113,930
2024	74,328
2023	106,651
2022	96,864
2021	64,032

Water allocation	Annual volume
Current licensed entitlement	500,000 kL
Historical Shire use (13–23%)	65,000–115,000 kL
Proposed developer allocation	150,000 kL
Historical combined demand	215,000–265,000 kL
Remaining entitlement (illustrative)	235,000–285,000 kL

The Shire currently utilises recycled water for several irrigation purposes. There is potential for the Shire to transition some of these irrigation requirements to artesian bore water in the future, subject to operational and regulatory considerations. Accordingly, the Shire must retain sufficient capacity within its artesian water entitlement to accommodate potential future demand.

The recycled water figures are as follows:

Water Year (~1 January – 31 December)	Total Usage (kL)
2025	146,361
2024	128,298
2023	162,740

Shire Officers have liaised with the Department of Water and Environmental Regulation (DWER) and have confirmed that the Shire may apply for an Agreement that will allow the developer to use part of the Shire's current licence entitlement for a specified timeframe. DWER has advised that applications for Agreements under clause 30 of Schedule 1 to the *Rights in Water and Irrigation Act 1914* are common on larger licences where the full water entitlement is not being utilised. An Agreement will outline the proposed location/s, amount of water supply to be allocated to Westralian Marine Group, changes to the authorised activities and the relevant responsibilities of the parties. The Agreement will also specify the period of which the arrangement will apply.

The specified timeframe outlined within the Agreement can only extend within the Shire's current licence period. The Agreement may be renewed, subject to DWER approval, or will otherwise lapse at the end of the specified timeframe. Once the Agreement has lapsed, Westralian Marine Group will no longer have access to the water supply; however, any amendments to the authorised activities will remain on the Shire's current licence until the licence expires. It is the Shire's responsibility to ensure that the Shire and Westralian Marine Group comply with all conditions of the DWER-approved Agreement and the current licence.

Matters relating to the price charged for water, ownership of infrastructure, maintenance and the respective responsibilities of the parties are separate to the DWER approval process and will be addressed through a separate commercial agreement between Westralian Marine Group and the Shire of Carnarvon.

Shire Officers have engaged McLeods Lawyers to provide legal advice and draft the proposed commercial agreement. This draft agreement will include the specified allocated water supply and outline details of the required infrastructure. The agreement will also outline any implications, responsibilities and processes in relation to failure of the artesian bore and its associated infrastructure and any leaks or other issues.

Stakeholder and Public Consultation

External Consultation
Shire Officers have engaged with Westralian Marine Group regarding the proposed use of the Shire's artesian bore supply and associated infrastructure.

The Shire has also liaised with the Department of Water and Environmental Regulation regarding the regulatory requirements associated with making a portion of the Shire's existing water entitlement available to an external party.

Subject to future Council decision to proceed with the proposed disposition, the proposal will be advertised through local public notice as required under Section 3.58(3) of the *Local Government Act 1995*.

Internal Consultation
- Infrastructure and Office of CEO

Statutory Environment

Local Government Act 1995
Section 3.18 – *Performing executive functions, requires a local government to satisfy itself that services and facilities it provides:*

a) integrate and coordinate, so far as practicable, with those provided by the Commonwealth, the State or any public body;
b) do not duplicate, to an extent considered inappropriate, services or facilities provided by another body or person; and
c) are managed efficiently and effectively.

The proposed arrangement will utilise an existing Shire water resource and infrastructure to provide a service to an external party. The Shire has considered its current and anticipated future water requirements as part of assessing the proposal. Historical water use indicates that the Shire has capacity within its existing water entitlement; however, the Shire must retain sufficient capacity to accommodate its current and anticipated future requirements. Subject to confirmation of the Shire's current and future water requirements and the technical capacity of the bore and associated infrastructure, the proposed arrangement may be capable of being accommodated without adversely affecting the Shire's existing or anticipated future water requirements.

The proposed arrangement may also support the Shire's broader objectives for tourism, economic development and community infrastructure through the greening of the Carnarvon Heritage Precinct and associated tourism benefits to the town.

Section 3.58 – *Disposing of property, establishes that a local government can dispose of property other than under subsection (2) if, before agreeing to the disposal of the property –*

A. *it gives local public notice of the proposed disposition*
i. *describing the property concerned; and*
ii. *giving details of the proposed disposition; and*

iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given*

and

B. *it considers any submissions made to it before the date specified in the notice, and if its decision is made by the council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Section 3.58(4) - *of the Local Government Act 1995 establishes that details of a proposed disposition that are required by subsection (3)(a)(ii) include –*

A. *the names of all other parties concerned; and*

B. *the consideration to be received by the local government for the disposition; and*

C. *the market value of the disposition –*

i. *as ascertained by a valuation carried out no more than 6 months before the proposed disposition; or*

ii. *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The applicability of these requirements to the proposed commercial supply of artesian bore water and associated infrastructure arrangements has been considered by the Shire's legal advisor. It has been confirmed that the proposed arrangement would constitute a disposition of property and, accordingly, a market valuation is required to inform the proposed disposition and any subsequent local public notice. Submissions must be invited for at least two weeks and considered prior to a decision being made. An Agreement will <u>not</u> be executed until this process is complete.

<u>Local Government (Functions and General) Regulations</u>

Regulation 30 - *identifies circumstances in which certain dispositions of property are excluded from the requirements of section 3.58. The proposed arrangement is expected to exceed the applicable $20,000 threshold and, therefore exemptions would not apply in this case.*

Regulation 11 - *may apply if the proposed commercial agreement includes the Shire providing separate consideration for the construction or provision of infrastructure. The final commercial structure will be developed having regard to the procurement requirements of the Regulations and the legal advice provided by McLeods Lawyers.*

<u>Rights in Water and Irrigation Act 1914</u>

The Shire's artesian bore is operated under water licence Instrument No. GWL151245, issued pursuant to the *Rights in Water and Irrigation Act 1914*. Clause 30 of Schedule 1 allows a licence holder to enter into an agreement with another person relating to the taking of water under the licence by that person for a limited period of time, subject to the approval of the Minister (being the proposed Agreement).

DWER has confirmed that the authorised activities and locations of water use can be amended as part of that approval process, that the maximum volume available to Westralian Marine Group shall be specified in the proposed Agreement, and that the Shire will remain responsible for compliance with the existing licence conditions, including compliance by Westralian Marine Group.

Once Westralian Marine Group are endorsed on the existing licence as a party to an approved Clause 30 Agreement, the Shire cannot apply to amend, transfer or surrender the existing licence without Westralian Marine Group's consent. It is proposed that the Shire consider including a clause in the proposed Agreement requiring Westralian Marine Group to provide its consent where reasonably requested by the Shire, with such consent not to be unreasonably withheld or delayed.

Relevant Plans and Policy

Nil

Financial Implications

The proposed arrangement may result in establishment costs for the Shire, including legal, valuation, technical, advertising and staff costs. McLeods Lawyers have recommended that, if an MOU is pursued, the Developer meet the Shire's costs associated with establishing the arrangement. Responsibility for the costs has not yet been confirmed and will need to be addressed in negotiations with Westralian Marine Group.

The Shire has engaged McLeods Lawyers to provide legal advice and draft the proposed commercial agreement. The current cost of this service is $8,580 including GST.

Westralian Marine Group proposes to fund the design and construction of the new infrastructure required to convey artesian water from the existing end of the Shire's water main to the proposed Babbage Island Resort via the One Mile Jetty Precinct.

The proposed infrastructure will comprise two sections:

Shire Section

- the portion extending from the existing end of the Shire's artesian water main to the One Mile Jetty Heritage Precinct. It is proposed that this section ultimately become Shire-owned infrastructure, subject to the final commercial and legal arrangements.

Developer Section

- the portion extending from the One Mile Jetty Heritage Precinct to the proposed Babbage Island Resort. This section will remain the responsibility and property of Westralian Marine Group.

The final commercial agreement will establish the arrangements for the design, construction, commissioning, ownership, transfer, maintenance, repair, renewal, insurance, access and associated costs for the infrastructure.

The commercial agreement will also establish the price payable by Westralian Marine Group for the artesian water supply. The pricing structure, including any fixed and/or volumetric charges, indexation, treatment of pumping and electricity costs, and arrangement where actual water consumption differs materially from the proposed allocation, remains subject to negotiation and finalisation.

Any financial commitment or expenditure by the Shire arising from the proposed arrangement will be subject to the final commercial terms, applicable budget provisions and the statutory requirements of the *Local Government Act 1995 (WA).*

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	Potential financial implications to the Shire arising from failure of the bore or associated infrastructure, including potential costs associated with compensation or rectification.	Moderate	Legal services have been engaged to advise on the proposed agreement and mitigate potential financial risks to the Shire. The agreement will clearly define the respective responsibilities and liabilities of the parties, including responsibility for infrastructure failure, water losses, repairs and associated costs. Technical assessment will also be undertaken to confirm the capacity and reliability of the bore and associated infrastructure.
Health & Safety	Potential impacts on public safety during the construction, installation, commissioning and future maintenance of new infrastructure.	Low	Works will be appropriately planned and coordinated, with public safety requirements, traffic / pedestrian management and applicable health and safety requirements addressed as part of the relevant approval and construction process.
Reputation	Potential negative community perception arising from the Shire entering into a commercial agreement with a private developer.	Moderate	The Shire will communicate relevant information transparently and ensure the agreement is appropriately documented and in the public interest.
Service disruption	Potential disruption to existing Shire operation and watering schedules during the installation of additional infrastructure.	Low	Infrastructure installation will be planned and coordinated to minimise disruption to existing operations and watering schedules where practicable.
Compliance	Risk that new infrastructure may not comply with relevant legislative, regulatory, technical or approval requirements.	Low	All new infrastructure will be required to comply with relevant legislation, standards, specifications and approval requirements, including applicable Shire requirements.
Property	Potential impacts on Shire-owned land, assets or existing infrastructure arising from the installation, operation and maintenance of the new infrastructure.	Low	The location and design of the infrastructure will be appropriately assessed prior to installation. Responsibilities for ownership, access, maintenance, repair and reinstatement will be clearly defined in the agreement.

Environment	Potential environmental impacts associated with the installation and operation of new infrastructure.	Low	Environmental impacts will be minimised where practicable. All relevant environmental approvals, licences and permits will be obtained prior to works commencing.
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 infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The proposal presents an opportunity to utilise an existing Shire water resource to support significant private-sector tourism investment, while potentially delivering broader community benefits through the greening of the One Mile Jetty Heritage Precinct.

Historical water usage indicates that the Shire has capacity within its existing licensed entitlement to accommodate additional demand. However, consideration must also be given to the Shire's current and anticipated future water requirements, including the potential transition of existing recycled-water irrigation to artesian bore water. Any proposed allocation will therefore be subject to confirmation of the technical and operational capacity of the bore and associated infrastructure, ensuring that existing and future Shire requirements are appropriately protected.

The proposed arrangement remains subject to DWER approval, completion of the applicable statutory processes and negotiation of satisfactory commercial terms. These arrangements will need to appropriately address water pricing, infrastructure ownership, ongoing maintenance and renewal obligations, operational responsibilities and the allocation of risk between the parties.

Shire Officers have sought advice from WALGA and McLeods Lawyers regarding the statutory requirements associated with the proposed arrangement. In accordance with section 3.58 of the *Local Government Act 1995*, a market valuation is required to inform the proposed disposition and any subsequent public advertising process.

Officers intend to progress the valuation alongside technical investigations and outstanding legal and commercial matters. Once sufficient information is available, a further report will be presented to Council, anticipated for the 15 December 2026 Ordinary Council Meeting, seeking approval to advertise the proposed disposition and progress the necessary DWER application.

Following the statutory public advertising period, Council will be provided with details of any submissions received, the proposed commercial arrangements and relevant regulatory considerations before being requested to determine whether the disposition should proceed.

At this stage, no commitment has been made to allocate artesian bore water to Westralian Marine Group or enter into a commercial agreement. The proposed process is intended to ensure Council is provided with sufficient technical, financial and commercial information to make an informed decision, while protecting the Shire's long-term interests.

Next Steps

Council to consider the Shire's proposal to seek approval to obtain a market valuation for the proposed disposition of a portion of the Carnarvon Airport Artesian Bore water supply, in accordance with section 3.58(4) of the Local Government Act 1995 and the advice from McLeods Lawyers,

The valuation will be used to inform a future report to Council regarding the proposed disposition, including the proposed consideration and any subsequent public notice required under section 3.58 of the Local Government Act 1995.

This approval does not constitute approval of the proposed disposition or the proposed commercial agreement.

The following table outlines the proposed pathway for progressing the request from Westralian Marine Group, including the statutory disposal process, DWER approvals, commercial arrangements and infrastructure delivery.

Step	Indicative Timing	Action / Process	Required Approval or Outcome
1. Initial Council consideration	19 October 2026	Council to consider the proposal and endorse to obtain an independent market valuation of the proposed disposition of artesian bore water.	Council endorsement to progress valuation. No approval of the disposition or commercial agreement at this stage.
2. Valuation and technical investigations	October–November 2026	Obtain market valuation, confirm bore and infrastructure capacity, assess future Shire water requirements and progress outstanding legal and commercial matters.	Valuation and supporting technical and commercial information prepared for Council consideration.
3. Council consideration of proposed disposition	15 December 2026 (anticipated)	Present valuation, proposed consideration, technical findings and preliminary commercial arrangements. Seek approval to advertise the proposed disposition under section 3.58 of the Local Government Act 1995 and progress a Clause 30 application to DWER.	Council determines whether to authorise statutory advertising and the DWER application.
4. Public advertising and DWER assessment	December 2026–February 2027 (indicative)	Undertake statutory public advertising for a minimum of 14 days and invite submissions. Progress DWER application addressing water allocation, authorised activities, locations, duration and responsibilities.	Public submissions received and recorded. DWER assessment progressed, noting indicative assessment timeframes.

5. Final Council consideration	Earliest available Council meeting following advertising	Present public submissions, final proposed commercial terms, technical findings and regulatory status. Council considers whether the proposed disposition should proceed.	Council determines whether to approve the proposed disposition, having considered submissions received.
6. Finalise regulatory and commercial agreements	Following Council approval	Obtain outstanding DWER approvals and finalise commercial arrangements addressing water pricing, infrastructure ownership, maintenance, liability, operational responsibilities and costs.	Required regulatory approvals obtained and commercial agreement executed following completion of statutory requirements.
7. Infrastructure delivery and commissioning	Subject to approvals and agreements	Finalise infrastructure design and approvals. Westralian Marine Group funds and delivers approximately 3.8 km of new infrastructure, with ownership and maintenance arrangements confirmed. Complete testing and commissioning prior to commencement of supply.	Infrastructure commissioned and water supply arrangements implemented in accordance with relevant approvals and agreements.

The above timeframes are indicative and subject to completion of technical investigations, statutory processes, regulatory approvals and satisfactory commercial negotiations. Progressing the DWER application concurrently with the statutory advertising process is intended to minimise delays, while ensuring Council retains oversight of the proposed disposition and any associated commitments.

OFFICER'S RECOMMENDATION

That Council

1. ***Approves the Shire obtaining an independent market valuation of the proposed disposition of a portion of the Carnarvon Airport Artesian Bore water supply, for the purposes of section 3.58 of the*** **Local Government Act 1995*****, having regard to the legal advice provided by McLeods Lawyers in Confidential Attachment 1.***
2. ***Notes that the market valuation, together with outstanding technical, operational and commercial information, will inform a future report to Council seeking consideration of the proposed disposition, including the proposed consideration and any statutory public notice requirements under section 3.58 of the*** **Local Government Act 1995*****.***
3. ***Notes that approval to obtain the market valuation does not constitute approval of the proposed disposition, any allocation of water to Westralian Marine Group, or any associated commercial agreement.***

7.2 CORPORATE & FINANCIAL

7.2.1 MONTHLY FINANCIAL REPORT - AUGUST 2026

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Racheal King, Governance, Risk & Compliance Manager
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 28 July 2026
Schedules:	1. Monthly Financial Report - August 2026 2. Matters Identified - August 2026

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

The Shire prepares a Statement of Financial Activity each month, reporting on the revenue and expenditure for the month as set out in the budget. The *Local Government (Financial Management) Regulations* provide that the statements be presented at an Ordinary Meeting of Council within two months after the end of the month to which the statement relates.

This is a monthly process advising Council of the current financial position of the Shire. Financial integrity is not only essential to the operational viability of the Shire, but also important to produce as the custodian of community assets and provider of local services. An ability to monitor and report on financial operations, activities, and capital projects, is imperative to ensure that financial risk is managed at an acceptable level of comfort.

Background

The Monthly Financial Report (Schedule 1) contains:

- Statement of Financial Activity (by Nature or Type), with Explanation of Material Variances*;
- Note 1 - Composition of Net Current Assets*; and
- Note 2 - Statement of Financial Position*.

(* required by legislation)

Notes for other supporting Information include:

- Basis of Preparation;
- Cash and Financial Assets;
- Cash Reserves;
- Capital Acquisition;
- Non-operating grants and contributions;
- Operating grants and contributions;
- Borrowings; and
- Lease Liabilities.

The August 2026 Monthly Financial Report was prepared by Moore Australia financial consultants.

Stakeholder and Public Consultation

Internal
Acting Chief Executive Officer
Corporate Strategy & Performance Directorate

External
MOORE Australia

Statutory Environment

Local Government Act 1995 (WA)
Section 6.4 – *requires a local government to prepare an annual financial report for the preceding financial year, and any other prescribed financial reports, in the prescribed form and manner and containing the prescribed information. The local government must submit its accounts and annual financial report to its auditor by 30 September following each financial year, unless an extension is allowed by the Minister.*

Local Government (Financial Management) Regulations 1996
Regulation 34 **–** *requires a local government to prepare a monthly statement of financial activity reporting on revenue and expenditure against the annual budget, including budget estimates, actual amounts, material variances, and net current assets. The statement and accompanying documents must be presented at an ordinary Council meeting within 2 months after the end of the relevant month and recorded in the minutes.*

Regulation 34(5) **–** *requires the local government to adopt, each financial year, a percentage or value to be used for reporting material variances in statements of financial activity.*

Note: ***Schedule 1*** *Statement of Financial Activity is structured to include the statutory requirements plus further notes to assist Council in understanding the Shire's financial position at the time of reporting.*

Relevant Plans and Policy

CF013 Significant Accounting Policies

Financial Implications

Nil

Risk Assessment

Consequence → / Likelihood ↓		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
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	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	C1 - Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	N/A	N/A	N/A
Reputation	The delay in achieving timely reporting has the potential to damage the Shire's reputation.	B2 - High	High priority has been placed on preparing Statutory reporting within legislated timeframes
Service disruption	N/A	N/A	N/A
Compliance	*Local Government Act 1995* requires Council receives these statements within two months of the end of the applicable month.	C1 - Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The tabling of information relative to the Statement of Financial Activity does not align itself with any specific Community Strategic Plan 2022-2032 objective. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

<u>OBJECTIVES</u>

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:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Key points of interest for Council consideration:

Funding Position

At 31 August 2026, the Shire recorded a closing funding surplus of $3,819,855, compared with a year-to-date budget surplus of $1,753,884, representing a favourable variance of $2,065,971.

The favourable variance primarily reflects capital expenditure below the year-to-date budget and the timing of operating expenditure and grant revenue. It should not be regarded as additional funding available for allocation.

The opening funding surplus of $5,313,756 is $128,396 below budget, following year-end adjustments. Opening balances remain unaudited and may change following finalisation of the 2025/26 financial statements.

Operating Activities

Operating activities recorded a funding deficit of $1,774,991, compared with a budgeted deficit of $2,281,428, representing a favourable variance of $506,437. This funding result excludes non-cash depreciation.

Operating Revenue

Operating revenue totalled $1,567,459, which was $53,407 below the year-to-date budget.

Key variances include:

- Grants, subsidies and contributions: $61,818 below budget, principally due to the timing of grant revenue recognition.
- Fees and charges: $20,940 below budget, with lower building and airport passenger fees partially offset by higher tip fees, Blowholes income, airport lease repayments, airside parking fees and function room hire.
- Interest revenue: $24,658 below budget, reflecting the timing and level of funds invested.
- Other revenue: $45,220 above budget, including higher scrap sales, art gallery income and LGIS reimbursement.
- Rates excluding general rates: $8,789 in unbudgeted ex gratia revenue.

General rates revenue had not been recognised at 31 August 2026. The 2026/27 rates notices were subsequently issued on 7 September 2026, and the resulting revenue will be reflected in the September financial report.

Operating Expenditure

Operating expenditure, including depreciation, totalled $4,804,712, which was $551,330 below the year-to-date budget.

The principal variances were:

- Employee costs: $225,812 below budget, reflecting vacant positions and delayed processing of the first instalment of workers' compensation insurance.
- Insurance: $348,005 below budget due to delayed processing of the first premium instalment.
- Utility charges: $53,468 below budget across several facilities and service areas, partially offset by higher street lighting expenditure.
- Finance costs: $11,437 below budget due to the timing of borrowing interest accruals.
- Materials and contracts: $75,511 above budget, principally associated with computer operations, AGRN1280 works, parks and gardens, and mosquito eradication, partially offset by lower expenditure in other areas.

Depreciation totalled $1,462,262, broadly consistent with budget. Several favourable expenditure variances relate to processing and timing and are expected to reduce as outstanding costs are recognised.

Investing Activities (Capital Works)
Capital acquisitions totalled $1,267,472, compared with a year-to-date budget of $4,279,395, representing expenditure $3,011,923 below budget.

This comprises $1,246,726 in property, plant, equipment and infrastructure acquisitions, together with $20,746 in non-cash right-of-use assets for administration and depot copiers.

Major expenditure included:

- Regional Precincts and Partnerships Program: $650,541.
- Other infrastructure works: $428,168.
- Housing Development Northwater: $88,711.
- Road infrastructure: $74,385.

Capital grants, subsidies and contributions recognised totalled $1,593,283, which was $1,338,653 below budget. This principally reflects the timing of funding, acquittals and revenue recognition. The report notes that capital grant revenue remains subject to further adjustments for applicable recognition requirements.

Key Point:
Capital expenditure below budget primarily reflects the timing of project commencement and delivery, including building, plant, road, drainage, footpath, airport and precinct projects. With the annual budget adopted on 28 August 2026, the August results represent an early stage of the capital program. Project delivery and grant milestones require continued monitoring.

Cash and Investments
*Cash and cash equivalents totalled **$12,683,999** at 31 August 2026, comprising:*
Cash and investments totalled $12.68 million, comprising:

- Unrestricted Cash – $9.81 million
- Restricted Reserve Funds – $2.87 million
- Trust Funds – $223,277

Cash holdings remain strong at year end, largely reflecting the receipt of grant funding in advance of expenditure and the timing of capital projects

Although $9.81 million is classified as unrestricted in the cash schedule, the Shire reports $8,005,640 in operating and capital grant-related liabilities. The cash balance therefore needs to be considered alongside grant obligations, committed expenditure and upcoming payments when assessing available funds.

Receivables

Debtor & Rates Receivables
Current trade and other receivables totalled $2,400,766, comprising net rates receivables of $2,136,960 and other general receivables of $263,806.

Gross rates outstanding totalled $2,236,960, before an impairment allowance of $100,000. Collections for the year to date totalled $133,051, representing 5.6% of rates collectible before impairment. As the 2026/27 annual rates had not been issued at the reporting date, these balances principally relate to prior-year rates.

Gross sundry trade debtors totalled $518,950, of which $486,284, or 93.7%, was aged more than 90 days. The report includes an impairment allowance of $420,461 against receivables from contracts with customers. The aged balance remains a significant collection issue requiring ongoing attention.

Pensioner Deferred Rates
Non-current receivables totalled $177,623, representing deferred pensioner rates. These are reported separately from current receivables and are not expected to be collected within the ordinary annual rates payment cycle.

Instalments Due
The 2026/27 rates notices were issued after the reporting period on 7 September 2026. The first instalment, and payment in full for ratepayers not electing instalments, fell due on 12 October 2026.
The August report therefore does not reflect collections against the current year's annual levy.

Rates Debt Recovery
The gross rates balance of $2,236,960 highlights the importance of continued recovery of prior-year arrears, including monitoring payment arrangements and following up accounts without an agreed arrangement.

Reserves
Reserve balances totalled $2,870,858, increasing by $6,086 from the opening balance of $2,864,772. No transfers from reserves had occurred at 31 August 2026.

The adopted budget provides for transfers totalling $865,000, comprising:
- Plant Reserve: $365,000.
- Asset Upgrades and Renewal Reserve: $200,000.
- Strategic Projects Reserve: $300,000.

Reserve funds remain allocated to their designated purposes, with budgeted transfers to occur as the associated expenditure progresses.

Overall Financial Position
The Shire recorded a positive funding position at 31 August 2026, with a $3.82 million funding surplus and $12.68 million in cash and cash equivalents.

These results are influenced by the timing of capital delivery, grant revenue recognition and operating expenditure. Cash holdings also support reserve allocations and substantial grant obligations.
The immediate financial management priorities are monitoring capital delivery and grant acquittals, recognising outstanding expenditure, collecting rates and sundry debts, and finalising the audited opening balances.
The August result does not, on its own, establish an ongoing budget saving or additional capacity for unbudgeted expenditure.

OFFICER'S RECOMMENDATION

That Council by Simple Majority,

RECEIVES the Statement of Financial Activity for the period ending 31 August 2026, in Schedule One, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

7.2.2 MONTHLY FINANCIAL REPORT - SEPTEMBER 2026

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Racheal King, Governance, Risk & Compliance Manager
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 28 July 2026
Schedules:	1. Monthly Financial Report - September 2026 2. Matters Identified - September 2026

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

The Shire prepares a Statement of Financial Activity each month, reporting on the revenue and expenditure for the month as set out in the budget. The *Local Government (Financial Management) Regulations* provide that the statements be presented at an Ordinary Meeting of Council within two months after the end of the month to which the statement relates.

This is a monthly process advising Council of the current financial position of the Shire. Financial integrity is not only essential to the operational viability of the Shire, but also important to produce as the custodian of community assets and provider of local services. An ability to monitor and report on financial operations, activities, and capital projects, is imperative to ensure that financial risk is managed at an acceptable level of comfort.

Background

The Monthly Financial Report (Schedule 1) contains:

- Statement of Financial Activity (by Nature or Type), with Explanation of Material Variances*;
- Note 1 - Composition of Net Current Assets*; and
- Note 2 - Statement of Financial Position*.

(* required by legislation)

Notes for other supporting Information include:

- Basis of Preparation;
- Cash and Financial Assets;
- Cash Reserves;
- Capital Acquisition;
- Non-operating grants and contributions;
- Operating grants and contributions;
- Borrowings; and
- Lease Liabilities.

The July 2026 Monthly Financial Report was prepared by Moore Australia financial consultants.

Stakeholder and Public Consultation

Internal
Corporate Strategy & Performance Directorate

External
MOORE Australia

Statutory Environment

Local Government Act 1995 (WA)
Section 6.4 – *requires a local government to prepare an annual financial report for the preceding financial year, and any other prescribed financial reports, in the prescribed form and manner and containing the prescribed information. The local government must submit its accounts and annual financial report to its auditor by 30 September following each financial year, unless an extension is allowed by the Minister.*

Local Government (Financial Management) Regulations 1996
Regulation 34 **–** *requires a local government to prepare a monthly statement of financial activity reporting on revenue and expenditure against the annual budget, including budget estimates, actual amounts, material variances, and net current assets. The statement and accompanying documents must be presented at an ordinary Council meeting within 2 months after the end of the relevant month and recorded in the minutes.*

Regulation 34(5) **–** *requires the local government to adopt, each financial year, a percentage or value to be used for reporting material variances in statements of financial activity.*

Note: ***Schedule 1*** *Statement of Financial Activity is structured to include the statutory requirements plus further notes to assist Council in understanding the Shire's financial position at the time of reporting.*

Relevant Plans and Policy

CF013 Significant Accounting Policies

Financial Implications

Nil

Risk Assessment

Consequence → / Likelihood ↓		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
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	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	C1 - Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	N/A	N/A	N/A
Reputation	The delay in achieving timely reporting has the potential to damage the Shire's reputation.	B2 - High	High priority has been placed on preparing Statutory reporting within legislated timeframes
Service disruption	N/A	N/A	N/A
Compliance	*Local Government Act 1995* requires Council receives these statements within two months of the end of the applicable month.	C1 - Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The tabling of information relative to the Statement of Financial Activity does not align itself with any specific Community Strategic Plan 2022-2032 objective. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

<u>OBJECTIVES</u>

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:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Key points of interest for Councillors' consideration:

Funding Position

At 30 September 2026, the Shire recorded a closing funding surplus of $11,287,312, compared with a year-to-date budget surplus of $11,497,101, representing an unfavourable variance of $209,789, or 1.82%.

The increase in the funding surplus since August principally reflects recognition of the 2026/27 annual rates levy. This includes rates still outstanding and does not represent cash available for additional expenditure.

The opening funding surplus remains $5,313,756, which is $128,396 below budget following year-end adjustments. Opening balances remain subject to finalisation and audit of the 2025/26 Annual Financial Report which is currently under way.

Operating Activities

Operating activities generated a funding surplus of $6,975,791, compared with a year-to-date budget surplus of $7,023,733, representing an unfavourable variance of $47,942.

This funding result excludes non-cash depreciation and includes recognition of the annual rates levy, which supports service delivery throughout the financial year.

Operating Revenue

Operating revenue totalled $12,849,811, which was $334,741 above the year-to-date budget.

Key variances include:

- General rates: $84,512 below budget, reflecting rates exemptions approved before the annual levy was raised. This is identified as a permanent variance.
- Grants, subsidies and contributions: $419,982 above budget, principally reflecting higher RJED and recovery delivery grant income, together with differences between revenue recognition and monthly budget profiles.
- Fees and charges: $4,624 above budget and broadly consistent with expectations.
- Interest revenue: $48,753 below budget, reflecting lower investment interest and rates interest revenue.
- Other revenue: $49,629 above budget, including higher scrap sales, art gallery income, LGIS reimbursement and merchandise sales, partially offset by the timing of lease revenue.

General rates revenue of $7,230,791 and rates excluding general rates of $1,107,891 were recognised following issue of the annual rates notices on 7 September 2026.

Operating Expenditure

Operating expenditure, including depreciation, totalled $8,061,273, which was $389,314 above the year-to-date budget.

The principal variances were:

- Employee costs: $595,079 below budget, principally reflecting vacant positions.
- Materials and contracts: $1,026,562 above budget. The report identifies differences in expenditure timing and budget profiling, together with higher expenditure on computer operations, AGRN1280 works, tip maintenance, parks and gardens, area promotion and mesquite eradication. These were partially offset by audit fee accruals and lower road maintenance expenditure.
- Utility charges: $57,986 below budget across several facilities and service areas, partially offset by higher street lighting expenditure.
- Finance costs: $18,599 below budget, reflecting the timing of borrowing interest accruals.

- Insurance: $19,376 above budget, with the report identifying expenditure other than insurance premiums allocated to this category.
- Other expenditure: $8,409 above budget, principally reflecting elected member expenses, partially offset by lower Community Growth Fund expenditure.

Depreciation totalled $2,187,253, which was $6,631 above budget.

The materials and contracts variance warrants particular attention to distinguish timing differences from expenditure that may affect the full-year budget. The favourable employee cost variance reflects vacancies and should also be considered alongside service delivery requirements.

Investing Activities (Capital Works)
Capital acquisitions totalled $2,530,095, compared with a year-to-date budget of $5,289,555, representing expenditure $2,759,460 below budget.

This comprises $2,509,349 in property, plant, equipment and infrastructure acquisitions, together with $20,746 in non-cash right-of-use assets for administration and depot copiers.

Major expenditure included:

- Regional Precincts and Partnerships Program: $1,515,611.
- Other infrastructure works: $753,095.
- Road infrastructure: $138,571.
- Housing Development Northwater: $88,711.

Capital grants, subsidies and contributions recognised totalled $1,593,283, which was $2,804,621 below budget. This principally reflects the timing of capital funding, acquittals and revenue recognition. The report notes that further adjustments are required to fully reflect applicable grant revenue recognition requirements.

Key Point: Capital expenditure remains below the year-to-date budget, particularly for precinct, road, building, plant, drainage, footpath and airport projects. However, other infrastructure expenditure is $188,959 above its year-to-date budget, principally associated with the activation project.

These variances primarily reflect project delivery timing and the late adoption of the budget on 28 August 2026 which impacted the authority to commence new Capital works. Continued monitoring of project schedules, expenditure commitments and grant milestones is required; expenditure below budget should not be treated as an available saving.

Cash and Cash Equivalents

Cash and cash equivalents totalled **$13,608,517** at 30 September 2026, comprising:
Cash and investments totalled $13.60 million, comprising:

- Unrestricted Cash – $10.73 million
- Restricted Reserve Funds – $2.87 million
- Trust Funds – $223,227
-

Cash holdings remain strong at year end, largely reflecting the receipt of grant funding in advance of expenditure and the timing of capital projects

The Shire reports $9,363,063 in operating and capital grant-related liabilities, comprising operating contract liabilities of $1,390,895 and capital grant liabilities of $7,972,168. Cash classified as unrestricted in the bank schedule therefore needs to be considered alongside grant obligations, committed expenditure and upcoming payments when assessing available funds.

Cash and cash equivalents increased by $924,518 from August. The year-to-date statements also include the maturity of a $1 million term deposit, which was not reinvested. This represents a transfer between financial assets and cash rather than additional revenue.

The Shire reports $9,363,063 in operating and capital grant-related liabilities, comprising operating contract liabilities of $1,390,895 and capital grant liabilities of $7,972,168. Cash classified as unrestricted in the bank schedule therefore needs to be considered alongside grant obligations, committed expenditure and upcoming payments when assessing available funds.

Receivables

Debtor & Rates Receivables

Current trade and other receivables totalled $10,196,419, comprising net rates receivables of $9,403,690 and other general receivables of $792,729.

Gross rates outstanding totalled $9,503,690, before an impairment allowance of $100,000. The rates schedule records an opening arrears balance of $2,303,657, current-year levies of $8,338,682 and collections of $1,138,649, representing 10.7% of total rates collectible.

The substantial increase in rates receivables reflects the rates levied in September following the budget adoption. The first payment date fell after the reporting period, so the outstanding balance should not be interpreted as wholly overdue.

Ageing Category	Outstanding Amount	Percentage
Current	$430,283	47.17%
Greater than 30 days	$784	0.09%
Greater than 60 days	$3,296	0.36%
Greater than 90 days	$493,723	54.13%
Credit balances	($15,959)	(1.75%)
Total	$912,127	100.00%

Balances aged more than 90 days represent 54.1% of gross sundry trade debtors. The report includes an impairment allowance of $420,461 against receivables from contracts with customers. Aged accounts remain a focus for recovery, resolution of disputes and consideration of write-offs where appropriate.

Pensioner Deferred Rates

Non-current receivables totalled $177,623, representing deferred pensioner rates. These are reported separately from current receivables and are not expected to be collected within the ordinary annual rates payment cycle. This balance is expected to remain consistent through out the financial year.

Instalments Due

The 2026/27 rates notices were issued on 7 September 2026. The first instalment, and payment in full for ratepayers not electing instalments, fell due on 12 October 2026.

Accordingly, the September report precedes the first payment deadline. Subsequent monthly reports will provide a clearer indication of collections against the annual levy and compliance with instalment arrangements.

Rates Debt Recovery

Recovery activity should continue to focus on overdue prior-year balances, accounts without agreed payment arrangements and arrangements that are not being maintained.

The monthly financial report does not separately identify rates balances subject to formal recovery or covered by payment arrangements. These details are addressed through the separate debtors reporting process. Current-year rates outstanding at 30 September should be distinguished from overdue arrears, as the first payment deadline had not yet occurred.

Reserves

Reserve balances totalled $2,873,808, increasing by $9,036 from the opening balance of $2,864,772. No transfers from reserves had occurred at 30 September 2026.

The adopted budget provides for transfers totalling $865,000, comprising:

- Plant Reserve: $365,000.
- Asset Upgrades and Renewal Reserve: $200,000.
- Strategic Projects Reserve: $300,000.

Reserve funds remain allocated to their designated purposes, with budgeted transfers to occur as the associated expenditure progresses.

Overall Financial Position

The Shire recorded a funding surplus of $11.29 million and cash and cash equivalents of $13.61 million at 30 September 2026. The funding surplus was $209,789 below the year-to-date budget.

The funding position reflects recognition of the annual rates levy, including amounts still to be collected. Cash holdings also support reserve allocations and substantial grant obligations.

The principal matters requiring continued attention are the materials and contracts expenditure variance, capital project delivery, grant revenue recognition and acquittals, collection of rates and aged sundry debts, and finalisation of audited opening balances. The reported surplus does not establish additional capacity for unbudgeted expenditure.

OFFICER'S RECOMMENDATION

That Council by Simple Majority,

RECEIVES the Statement of Financial Activity for the period ending 30 September 2026, in Schedule One, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

7.2.3 ACCOUNTS PAID UNDER DELEGATION - SEPTEMBER 2026

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sachin Kumar, Accountant
Authoriser:	Racheal King, Governance, Risk & Compliance Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM – 22 September 2026
Schedules:	1. Schedule 1 - Credit Card Payment 2. Schedule 2 - List Of Accounts Paid 3. Schedule 3 - Direct Debits

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☑	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

To present Council the listing of accounts paid under delegation from the Municipal Fund and Trust Fund, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*, for the month of September 2026.

Background

Council has delegated to the Chief Executive Officer (CEO), the exercise of its power in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* and *Delegation 1.2.20* to make payments from Municipal Fund and Trust Fund (Delegation 1.2.20) with Regulation 13 requiring a list of accounts paid under delegated authority to be prepared monthly, presented to Council at the next ordinary meeting, and recorded in the minutes.

The list of payments is provided at *Schedule One - Credit Card Payments*, *Schedule Two - List of Accounts Paid* and *Schedule Three - Direct Debits* attached.

Stakeholder and Public Consultation

External
No Public Consultation is considered to be required at this time.

Internal
Corporate Strategy and Performance Directorate
Finance officers

Statutory Environment

Local Government Act 1995
Section 5.42 – *provides that a local government may delegate to the CEO the exercise of certain powers or the discharge of certain duties under the Act, except those listed under section 5.43. A delegation under this section must be in writing and requires an absolute majority.*

Section 5.46 – *requires the CEO to keep a register of delegations made to the CEO and employees. Delegations are to be reviewed at least once every financial year, and persons exercising delegated authority must keep records in accordance with the regulations.*

Local Government (Financial Management) Regulations 1996
Regulation 12 – *provides that payments from the municipal fund or trust fund may only be made by the CEO where the local government has delegated the power to make those payments, or otherwise by Council resolution.*

Regulation 13 – *requires a list of accounts paid by the CEO under delegated authority to be prepared each month. The list must include the payee's name, amount paid, payment date and sufficient information to identify each transaction, and must be presented to Council at the next ordinary meeting and recorded in the minutes.*

Regulation 13A – *requires a monthly list of payments made by employees using purchasing cards, including credit cards, debit cards and other purchasing cards, to be presented to Council and recorded in the minutes.*

Relevant Plans and Policy

Nil

Financial Implications

There are no additional financial implications arising from this report.

Payments have been made in accordance with the adopted budget, relevant delegations, procurement requirements and financial management procedures.

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	Payments are made without appropriate budget authority	C1 - Low	Internal controls are in place to manage this potential risk
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	Failure to present the monthly list of payments and purchasing card transactions to Council may result in non-compliance with the Local Government (Financial Management) Regulations 1996.	C2 - Moderate	Monthly payment schedules are prepared, checked and presented to Council in accordance with Regulations 13 and 13A.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Fraudulent, unauthorised or incorrectly amended creditor details may result in inappropriate payments.	C2 - Moderate	Internal controls are in place, including background checks and regular updates of Sundry Creditors. Sign off by Finance Manager of any Creditor changes (Bank Accounts).

Community and Strategic Objectives

The tabling of information relative to payments made under delegation is solely a legislative requirement common to all local governments within Western Australia. Whilst it does not align directly with the Community Strategic Plan 2022-2032 objective, adopting good governance and compliance practices does lessen the risk of the Shire not achieving its strategic and other community objectives.

OBJECTIVES

In 2040 Carnarvon is a place where:

- *N/A*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Nil

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Regulations 13 and 13A of the Local Government (Financial Management) Regulations 1996:

1. ***RECEIVES the list of payments made under delegation, as per Schedule One, Two & Three at a total value of $4,099,146.46 as presented for the month of September 2026, incorporating the following;***

Payment reference from:	*Payment reference to:*	*Payment type*	*Payment Amount*
EFT48606	*EFT48915*	*Muni EFT*	*$3,096,888.27*
-	*-*	*Trust EFT*	*$0.00*
-	*-*	*Cheque*	*$0.00*
DD42935.1	*DD42964.1*	*Bank Directs Debits*	*$1,002,258.19*
		TOTAL	*$4,099,146.46*

2. ***RECEIVES the credit card transactions for the statement period 23 July 2026 to 23 August 2026, paid on 7 September 2026, totalling $13,827.69, as provided in Schedule One.***

7.2.4 RATES WAIVER APPLICATION - ENERGY MADE CLEAN (SEED X)

File No:	A4114
Location/Address:	Lot 500, Cornish St, Massey Bay
Name of Applicant:	Energy Made Clean (Seed X)
Name of Owner:	N/A
Author(s):	Racheal King, Governance, Risk & Compliance Manager
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

To present Council with an application from Energy Made Clean (Seed X) seeking a rates waiver in relation to Lot 500 Cornish St, Massey Bay and determine:

- whether the property qualifies as non-rateable land under section 6.26(2)(g) of the *Local Government Act 1995*; and
- should the exemption application be declined, whether Council wishes to grant a defined rates concession under section 6.47 of the Act.

Background

SeedX has submitted a request seeking relief from rates in relation to Lot 500.

SeedX has proposed that the matter be resolved through either:

1. reverting the rating decision and confirming that Lot 500 carries a Gross Rental Value (GRV) of $0; or
2. granting a formal and indefinite waiver of rates based on the historical and site-specific circumstances associated with the property.

The property was historically not subject to rates and Seed X has referred to a previous Council decision associated with the establishment of the facility and the previous rating treatment of Lot 500.

The Shire has undertaken a review of available records but has not been able to identify a record of the Council resolution referred to by Seed X. Consequently, the Shire is unable to verify the terms of any previous resolution, the statutory basis upon which it may have been made, any conditions or limitations applying to it, or whether it was intended to have an ongoing effect.

Ownership and Lease Arrangements
The Shire has confirmed the registered contractual arrangements applying to the property:

- Lease L763056, registered 19 October 2011; and
- Sublease L962927, registered 14 June 2012.

A review of the registered Crown Lease L763056 and Sub-Lease L962927 confirms the following ownership and leasing arrangements for Lot 500 on Deposited Plan 72430, Carnarvon.

Interest	Entity	Details
Landowner	State of Western Australia	Crown land held by the State, with the Minister for Lands acting as lessor.
Head Lessee	Energy Made Clean Limited (formerly EMC Solar Limited)	Holds Crown Lease L763056, commencing 1 November 2011 for 21 years, with an option for a further 10 years.
Sub-Lessee	Solar Farm Carnarvon Pty Ltd	Holds Sub-Lease L962927, commencing 2 November 2011 for 20 years and 11 months, with a conditional further term of 10 years.
Corporate relationship	Energy Made Clean Limited and Solar Farm Carnarvon Pty Ltd	The sub-lease identifies Solar Farm Carnarvon Pty Ltd as a wholly owned subsidiary of Energy Made Clean Limited at the time of execution.

Lot 500 is Crown land owned by the State of Western Australia, rather than freehold land, and is subject to registered head lease and sublease arrangements for the operation of a commercial solar energy facility.

Clause 4.1 of the Lease provides for the payment by the lessee of rates, taxes and other governmental charges separately assessed against the premises. Clause 6 of the subsequent Sublease provides that:

"All rates and taxes are to be paid by the Sub-Lessee."

While the provisions of the Lease and Sublease do not determine whether the land is rateable under the *Local Government Act 1995*, they are relevant to the historical context as the registered arrangements expressly contemplated that rates and taxes could be imposed in relation to the property and allocated responsibility for their payment.

The property became subject to rates from the 2024/25 financial year. Since that time, the Shire and SeedX have corresponded on a number of occasions regarding the property's rateability and valuation.

On 12 November 2024, SeedX was advised that the land was considered rateable. On 19 November 2024, SeedX was provided with information regarding section 6.26 of the *Local Government Act 1995* and was advised that an objection to the valuation could be pursued through Landgate. Further advice was provided on 23 October 2025 that rates and charges remained payable, and on 22 January 2026 SeedX was advised that the Shire could not support a waiver of rates.

Information regarding the statutory valuation objection process has also been included on the reverse of the rates notices issued for the property in the 2024/25, 2025/26 and 2026/27 financial years.

The current application requires Council to formally determine whether Lot 500 satisfies the requirements for exemption from rates under section 6.26(2)(g) of the *Local Government Act 1995*. Should Council determine that the property does not qualify for exemption, Council may separately consider whether the historical and site-specific circumstances warrant a defined concession under section 6.47 of the Act.

The exemption and concession are separate considerations. An exemption is dependent upon the property satisfying the statutory requirements for non-rateable land, whereas a concession is a discretionary decision available to Council notwithstanding that the property remains rateable.

SeedX has been invited to provide a copy of the historical Council resolution, or any other contemporaneous documentation upon which it relies, for consideration as part of this application.

Stakeholder and Public Consultation

SeedX has corresponded with the Shire regarding the rating of Lot 500 and has been provided with information regarding the applicable rating provisions and valuation objection process.

The Shire has corresponded directly with SeedX regarding the current application and has invited SeedX to provide any historical Council resolution or other documentation upon which it relies.

Statutory Environment

The following provisions of the *Local Government Act 1995* are relevant:

- *Section 6.26 – Rateable land*
  Provides that, except as otherwise provided, all land within a district is rateable. Section 6.26(2)(g) provides an exemption for land used exclusively for charitable purposes.

- *Section 6.47 – Concessions*
  Provides Council with discretion to waive a rate or service charge or grant another concession in relation to a rate or service charge. A decision under section 6.47 requires an absolute majority.

The *Valuation of Land Act 1978* is also relevant to the GRV applied to the property. Valuations used for rating purposes are determined by the Valuer-General, with statutory mechanisms available for objections to valuations.

Relevant Plans and Policy

Shire of Carnarvon Rates Exemptions and Discounts Policy

Financial Implications

If Council declines both the exemption application and a concession, the general rates levied against Lot 500 will remain payable in full.

If Council declines the exemption but grants a concession under section 6.47, rates revenue will be reduced by the value of the concession approved by Council.

Any concession recommended would apply to general rates only.

Rates Levied History

2024/25	$3,777.55
2025/26	$4,089.80
2026/27	$4,226.37

Inclusive of ESL

Risk Assessment

Consequence →		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		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	Granting a concession will reduce rates revenue for the period of the concession.	Low	Clearly quantify the financial impact and limit any concession to a defined period.
Health & Safety	N/A	N/A	N/A
Reputation	There is a risk of perceived inconsistent treatment if a concession is granted without clearly documented reasons. Conversely, the historical circumstances may result in reputational concerns if they are not appropriately considered.	Moderate	Clearly document the statutory assessment, historical circumstances and reasons supporting Council's determination.
Service disruption	N/A	N/A	N/A
Compliance	There is a risk that an exemption or concession could be granted without satisfying the relevant statutory requirements or decision-making process.	Moderate	Determine an exemption under s 6.26 and any concession under s 6.47 and apply the appropriate voting requirement.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	Existing governance and decision-making controls apply.

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:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Aim towards 100% Renewable Energy*

Comments

The application requires Council to consider two separate matters: firstly, whether Lot 500 meets the statutory requirements to be treated as non-rateable land; and secondly, if the property remains rateable, whether the particular circumstances justify Council exercising its discretion to grant a concession on the general rates imposed.

Assessment of Rates Exemption

Section 6.26(1) of the *Local Government Act 1995* establishes the general principle that all land within a district is rateable unless it falls within one of the categories of non-rateable land specified by the Act. SeedX's application has been considered against section 6.26(2)(g), which provides that land used exclusively for charitable purposes is not rateable.

The assessment is concerned principally with the use of the land, rather than simply the nature, structure or objectives of the organisation occupying it. For an exemption under section 6.26(2)(g), the relevant land must be used exclusively for a charitable purpose. The recognised charitable-purpose framework includes the relief of poverty, advancement of education, advancement of religion, and other purposes beneficial to the community, subject to the applicable public-benefit requirements.

The Shire's Rates Exemptions and Discounts Policy similarly requires an applicant to demonstrate its entitlement to an exemption and that the land is used exclusively for charitable purposes. The policy is intended to support a fair, equitable and defensible application of the statutory exemption provisions.

Based on the information provided with the application and the current use of Lot 500, officers do not consider that the statutory test under section 6.26(2)(g) has been satisfied. The fact that an activity may provide an economic, environmental or broader community benefit does not, of itself, establish that the land is used exclusively for a charitable purpose for the purposes of section 6.26(2)(g).

It is therefore recommended that Council decline the application for a statutory rates exemption.

Historical and Site-Specific Circumstances

In determining the separate question of whether a discretionary concession should be granted, Council may consider the particular history and circumstances of the property.

The land comprising Lot 500 was previously used as landfill. The subsequent development and use of the site therefore occurred within circumstances that differ from those applying to a conventional commercial property.

SeedX has also referred to a historical Council decision concerning the rating treatment of the property. The Shire has undertaken a review of available records but has not been able to identify a record of the Council resolution referred to. The Shire is consequently unable to verify the terms of any such resolution, its statutory basis, any conditions or limitations attached to it, or whether it was intended to have an ongoing effect.

The registered Lease and Sublease subsequently entered into in relation to the property expressly contemplate the payment of rates and taxes. In particular, the Sublease provides that all rates and taxes are payable by the Sub-Lessee.

Lot 500 has been treated as rateable from the 2024/25 financial year. The current rates applicable to the property total $4,226.37.

While these historical and site-specific circumstances do not establish an entitlement to an exemption under section 6.26, they are matters Council may take into account when considering whether to exercise its separate discretionary concession power.

Commercial Activities and Rating Considerations

Council recognises the contribution of commercial enterprises to the district through investment, employment, economic development and broader community benefits.

Discretionary rates concessions have generally been provided to local community clubs and not-for-profit organisations in recognition of their community services and activities, rather than to commercial enterprises.

While the solar facility contributes to renewable energy generation and aligns with the Shire's strategic objectives, these benefits do not, justify rates relief.

The commercial viability or financial sustainability of an individual business is primarily the responsibility of that business and is not, of itself, a basis for the Shire to provide rates relief. Council's assessment should be guided by the legislative requirements, the fair and equitable treatment of all ratepayers, and the existence of circumstances that warrant discretionary rates relief.

Valuation of the Property

SeedX has requested, as one possible resolution, that the property revert to a GRV of $0.
The Shire does not determine the GRV applied to the property. The valuation is determined by the Valuer-General and the Shire applies the relevant rate in the dollar to that valuation when calculating general rates.

SeedX has previously been advised of the statutory process available to object to the valuation through Landgate. Valuation objection information has also been provided with the rates notices issued for the property.

Council granting a rates exemption or concession should not be used as a mechanism to substitute a different GRV. Any challenge to the valuation itself should be pursued through the statutory valuation process.

Consideration of a Rates Concession

Section 6.47 of the *Local Government Act 1995* provides Council with discretion to waive a rate or service charge or grant another concession in relation to a rate or service charge. The exercise of this power requires an absolute majority decision of Council.

The Department of Local Government has also cautioned against the use of discretionary concessions as a mechanism for effectively altering the adopted rating framework across categories of ratepayers. This application is distinguishable in that Council is considering the individual and site-specific circumstances of a particular property.

In considering whether a concession is appropriate, Council should have regard to the principle of fair and equitable treatment of all ratepayers. Rates fund services, facilities and infrastructure provided for the broader community, and granting a concession to one ratepayer necessarily transfers that portion of the rating burden away from that property.

Council should therefore be satisfied that there are sufficiently particular circumstances to justify treating Lot 500 differently from other rateable properties.

Council may also consider the consequences of its decision for local business and economic activity. Local businesses contribute to employment, investment, economic diversification and the utilisation or redevelopment of land within the district. In this instance, Council may consider the unusual history of the site, including its former landfill use, together with the history of the project and the property's previous rating treatment.

Supporting local business is a legitimate consideration in determining whether the circumstances justify discretionary relief; however, it should be balanced against Council's responsibility to administer rates consistently and equitably. A concession should therefore be based on the particular circumstances of this property rather than establishing an expectation that commercial or local businesses generally will receive rates relief.

For this reason, officers do not support SeedX's request for an indefinite waiver. If Council determines that some relief is appropriate, a defined concession under section 6.47 provides a more appropriate mechanism. The State's local-government guidance confirms that concessions under s 6.47 can range from partial to full relief, although the decision must be made through the appropriate Council process.

A time-limited concession would allow Council to recognise the history and circumstances of Lot 500 while preserving the property's status as rateable land and allowing the arrangement to be reviewed in the future.

<u>Emergency Services Levy</u>
The Emergency Services Levy (ESL) should be treated separately from the Shire's general rates.

The ESL is a State Government levy administered through the Department of Fire and Emergency Services (DFES), with local governments responsible for billing and collection. A concession granted by Council in relation to the Shire's general rates does not automatically authorise the Shire to waive or write off the ESL.

DFES requires local governments to seek approval for applicable ESL write-offs through its prescribed process. Accordingly, any request by SeedX for an exemption from, adjustment to, or write-off of the ESL would need to be considered under the applicable DFES framework and cannot be determined by Council as part of the proposed concession on general rates.

<u>Overall Assessment</u>
Officers consider that the information provided does not demonstrate that Lot 500 meets the statutory requirements for exemption under section 6.26(2)(g). The application for exemption is therefore recommended to be declined.

There are historical and site-specific circumstances which Council may consider relevant when determining whether a discretionary concession under section 6.47 is appropriate. These include the former landfill use of the land, the history surrounding the establishment of the facility and the property's previous rating treatment.

Council must balance those circumstances against the need for consistent and equitable treatment of the Shire's broader ratepayer base and the precedent that may be created when discretionary relief is provided to an individual ratepayer.

The officer recommendation therefore separates the two decisions. The statutory exemption is recommended to be declined, while Council is provided with the option to either grant a defined concession on the current general rates or decline to provide a concession.

Any concession approved by Council would apply to the Shire's general rates only and would not alter the property's GRV, its status as rateable land, or the ESL imposed under the State Government framework.

OFFICER'S RECOMMENDATION

That Council:

1. ***DECLINES the application from Energy Made Clean (SeedX) for Lot 500 to be treated as non-rateable land pursuant to section 6.26(2)(g) of the Local Government Act 1995, on the basis that the information provided does not demonstrate that the property satisfies the requirements for exemption;***
2. ***NOTES that the Gross Rental Value applied to Lot 500 is determined by the Valuer-General and that any objection to the valuation is to be pursued through the applicable statutory valuation objection process;***
3. ***DECLINES SeedX's request for a formal and indefinite waiver of rates; and***
4. ***CONSIDERS the historical and site-specific circumstances associated with Lot 500 and resolves to:***

Option A – Grant a Concession

GRANT, pursuant to section 6.47 of the Local Government Act 1995, a concession of [XX]% of the general rates levied against Lot 500 for a period of [XX] financial years, commencing financial year (XX/XXXX) with the concession to be reviewed at the conclusion of that period;

OR

Option B – Decline a Concession

DECLINE to grant SeedX a concession in relation to the general rates levied against Lot 500 pursuant to section 6.47 of the Local Government Act 1995

7.2.5 SUNDRY DEBTORS WRITE-OFF PROPOSAL

File No:	ADM0026
Location/Address:	N/A
Name of Applicant:	Hire of Canrarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Racheal King, Governance, Risk & Compliance Manager
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report seeks Council approval to write off an outstanding sundry debtor balance of $390,707 relating to REX Holdings.

The Shire has received $355,188 in operating grant funding to address the financial impact of the outstanding debt. As the funding was recognised as operating grant revenue rather than fees and charges revenue, the original debtor balance remains outstanding in the Shire's financial records.

The proposed write-off will enable the Shire to appropriately recognise the unrecoverable debt and reconcile its sundry debtors ledger, subject to finalisation of the applicable GST treatment.

Background

REX Holdings entered voluntary administration in July 2024, resulting in an outstanding sundry debtor balance of $390,707 relating to airport fees and charges owed to the Shire of Carnarvon.

Following REX Holdings entering administration, the Shire successfully applied for financial assistance through the Regional and Remote Airport Support Program to mitigate the financial impact of the outstanding debt.
On 10 June 2026, the Shire received grant funding of $355,188, representing the GST-exclusive value of the outstanding debt.

The funding was recognised as operating grant revenue in the 2025/26 financial year, rather than as fees and charges revenue or a direct payment against the outstanding debtor account. Consequently, the original debtor balance of $390,707 remains recorded in the Shire's sundry debtors ledger.

The Shire has recognised an impairment expense and associated allowance for doubtful debts in relation to the outstanding balance.

As the grant funding excluded the GST component of $35,519, the Shire is seeking recovery of the GST previously remitted through the Australian Taxation Office.

The matter is presented to Council for consideration of the proposed write-off of the outstanding debt.

Stakeholder and Public Consultation

No public consultation is required in relation to the proposed write-off.

Following REX Holdings entering voluntary administration, the Shire successfully applied for financial assistance through the Regional and Remote Airport Support Program. The grant funding was specifically intended to address the outstanding airport fees and charges owed by REX Holdings.

The Shire is also seeking recovery of the GST component previously remitted to the Australian Taxation Office following taxation advice.

Statutory Environment

Local Government Act 1995

Section 6.12(1)(c) provides that a local government may write off any amount of money owed to the local government.

Local Government (Financial Management) Regulations 1996

Regulation 5 establishes requirements relating to the Chief Executive Officer's responsibility for maintaining appropriate financial management systems and procedures, including the management and accounting of money owing to the local government.

A New Tax System (Goods and Services Tax) Act 1999

Division 21 provides for adjustments relating to bad debts, subject to the applicable legislative requirements.

Australian Accounting Standards

AASB 9 *Financial Instruments* establishes requirements for the recognition of impairment losses and the write-off of financial assets where there is no reasonable expectation of recovery.

Relevant Plans and Policy

Council Policy CF007 – Debt Collection

Establishes the framework for managing outstanding debts owed to the Shire, including debt recovery processes and consideration of debts deemed unrecoverable.

Delegation 1.2.21 – Defer, Grant Discounts, Waive or Write-Off Debts

Provides the framework for exercising delegated authority in relation to the write-off of debts. Given the value of the outstanding amount, the proposed write-off is presented to Council for determination.

Financial Implications

The outstanding REX Holdings sundry debtor balance totals $390,707.

On 10 June 2026, the Shire received operating grant funding of $355,188 to mitigate the financial impact of the outstanding debt. This funding was recognised as operating grant revenue in the 2025/26 financial year and was not applied against the original debtor account.

The outstanding debt was assessed for recoverability, with an allowance for doubtful debts recognised through impairment expense in the Shire's financial statements.

As the impairment expense has already been recognised, the proposed write-off will be applied against the existing allowance for doubtful debts and is not expected to result in an additional operating expense in the 2026/27 financial year.

The Shire is seeking a refund from the Australian Taxation Office of the $35,519 GST component previously remitted in relation to the unpaid invoices.

Any GST adjustment or refund will be recognised in accordance with the applicable taxation requirements and accounting standards.

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	Potential financial loss arising from the unrecoverable debt and uncertainty regarding recovery of the GST component.	Moderate	Operating grant funding of $355,188 has been received. An impairment allowance has previously been recognised, and recovery of the GST component is being pursued through the ATO.
Health & Safety	N/A	N/A	N/A
Reputation	Potential reputational risk associated with the write-off of a significant outstanding debt and public perception of financial management.	Low	Transparent reporting to Council, supported by the grant funding received and appropriate accounting treatment.

Service disruption	No anticipated disruption to Shire services arising from the proposed write-off.	Low	No additional mitigation required.
Compliance	Risk of incorrect accounting or GST treatment and non-compliance with statutory financial reporting requirements.	Moderate	Write-off presented to Council under section 6.12(1)(c) of the Local Government Act 1995. GST recovery being pursued with the ATO and accounting adjustments to be appropriately reconciled.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Risk of inappropriate debt adjustments or unauthorised write-offs.	Low	Council approval, supporting documentation and appropriate financial system controls ensure accountability and auditability.

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:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

REX Holdings entered voluntary administration in July 2024, resulting in outstanding airport fees and charges owed to the Shire of Carnarvon totalling $390,707, including GST.

Following REX Holdings entering administration, the Shire successfully applied for financial assistance through the Regional and Remote Airport Support Program. The program provided compensation to regional airports for unpaid invoices arising from REX's financial circumstances.

On 10 June 2026, the Shire received grant funding of $355,188, representing the GST-exclusive value of the outstanding debt. The funding was recognised as operating grant revenue in the 2025/26 financial year, rather than as fees and charges revenue or a direct payment against the outstanding debtor account.

Although the grant funding was specifically provided to compensate the Shire for the unpaid invoices, the original debtor balance of $390,707 remains recorded in the Shire's sundry debtors ledger.

The outstanding debt has previously been assessed for recoverability, with an impairment expense and associated allowance for doubtful debts recognised in the Shire's financial statements.

As the grant funding has compensated the Shire for the GST-exclusive value of the outstanding invoices, officers propose that the original debtor balance be formally written off against the existing impairment allowance. Subject to confirmation that the allowance fully covers the outstanding amount, the write-off is not expected to result in an additional operating expense in the 2026/27 financial year.

GST Recovery

The grant funding excluded the GST component of $35,519, which had previously been remitted to the Australian Taxation Office.

The Shire is seeking recovery of this amount through the applicable GST bad debt adjustment provisions under Division 21 of the *A New Tax System (Goods and Services Tax) Act 1999*.

The final amount recoverable will be subject to confirmation of the Shire's eligibility and the appropriate taxation treatment. It is anticipated that the proposed resolution will be required as evidence for the recovery.

Proposed Write-Off

The proposed write-off will enable the Shire to remove the historical receivable from its sundry debtors ledger and utilise the existing impairment allowance, ensuring that the financial records accurately reflect the assessed recoverability of the debt.

The grant funding and proposed GST recovery are separately accounted for and do not constitute payments received from REX Holdings.

Given the circumstances surrounding REX Holdings entering voluntary administration, the compensation received through the Regional and Remote Airport Support Program and the impairment allowance previously recognised, officers recommend that Council approve the write-off of the outstanding $390,707 pursuant to section 6.12(1)(c) of the *Local Government Act 1995*.

OFFICER'S RECOMMENDATION

That Council pursuant to section 6.12(1)(c) of the Local Government Act 1995:

1. ***APPROVES the write-off of the outstanding sundry debtor balance of $390,707 relating to REX Holdings.***
2. ***NOTES that compensation of $355,188 was received on 10 June 2026 through the Regional and Remote Airport Support Program and recognised as operating grant revenue in the 2025/26 financial year.***
3. ***NOTES that the Shire is pursuing recovery of the $35,519 GST component previously remitted to the Australian Taxation Office.***
4. ***AUTHORISES the Chief Executive Officer to undertake the necessary accounting adjustments to finalise the write-off against the existing allowance for doubtful debts, including any applicable GST adjustments.***

7.2.6 CHEVRON FUNDING – GNULLI FESTIVAL

File No:	ADM0207
Location/Address:	3 Francis Street, Carnarvon WA 6701
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Stephanie Leca, Executive Manager, Lifestyle & Community
Authoriser:	Amanda Leighton, Executive Manager, Corporate Strategy & Performance
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Signed Chevron Agreement - Gnulli Festival 2026 2. Correspondence_Chevron_16 October 2026

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report seeks Council's endorsement for the Shire of Carnarvon to commit to the delivery of the Gnulli Festival in 2027, in partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation. The Shire has been presented with an opportunity to secure $250,000 (excluding GST) in funding from Chevron as the proposed Principal Event Sponsor of the 2027 Gnulli Festival.

The proposed funding represents a significant opportunity to support the delivery of a major cultural event celebrating Aboriginal culture, heritage and connection to Country, while strengthening partnerships with Traditional Owner organisations and contributing to the Shire's broader tourism, economic development and community objectives.

Council approval is sought to confirm the Shire's commitment to the delivery of the event, accept the proposed sponsorship funding and authorise the Chief Executive Officer to finalise and execute the necessary agreements, including during the caretaker period.

Background

In 2026, the Shire of Carnarvon, in partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation, successfully delivered the inaugural Gnulli Festival from 22 to 24 May 2026, strategically scheduled to coincide with the weekend preceding the WA Tourism Conference hosted in Carnarvon.

The opportunity to establish the Gnulli Festival arose following the decision by Baiyungu Aboriginal Corporation to pause the Jamba Nyinayi Festival, traditionally held at Cardabia Station on Baiyungu Country.

The Jamba Nyinayi Festival was established in 2023 as part of the Total Solar Eclipse celebrations in Western Australia and had since been delivered by Baiyungu Aboriginal Corporation as an annual cultural event. The Corporation's Board resolved to pause the Festival to review its long-term outcomes, financial investment and future direction.

Recognising the cultural significance of the event and the opportunity to build on its success, the Shire of Carnarvon worked collaboratively with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation to establish the inaugural Gnulli Festival in Carnarvon.

The three-day Festival celebrated Aboriginal culture, storytelling, connection to Country, music and cultural experiences, providing opportunities for residents and visitors to engage with the region's rich cultural heritage. The program brought together cultural performances, community activities and experiences showcasing the traditions and stories of the Yinggarda and Baiyungu people.

A significant feature of the Festival was a specially commissioned drone show featuring Yinggarda Elder Kath Ryan, which provided a unique cultural storytelling experience and represented a major legacy outcome of the inaugural event.

The 2026 Gnulli Festival attracted a total of $415,000 (excluding GST) in external funding, comprising:

Funding Partner	Contribution (ex GST)
Chevron	$350,000
Tourism Western Australia	$40,000
Leichhardt	$25,000
Total	$415,000

Chevron was the Principal Event Sponsor, providing the largest financial contribution towards the Festival. The drone show represented the most significant individual expenditure associated with the inaugural event, reflecting the investment required to establish a distinctive cultural experience and create a legacy for the Festival.

Following the successful delivery of the 2026 Festival, representatives from Yinggarda Aboriginal Corporation, Baiyungu Aboriginal Corporation and the Shire of Carnarvon met with Chevron to review the event's outcomes, community benefits and opportunities for future delivery.

Through these discussions, there was a shared acknowledgement, including from the funding partner, that Carnarvon presented the most suitable location for the ongoing delivery of an event of this scale and significance. The availability of established infrastructure, accommodation, local services, distinctive landscapes and event delivery resources, together with the opportunity to attract visitors and generate economic activity, were identified as key advantages of continuing to host the Festival in Carnarvon.

Importantly, the discussions reinforced the value of maintaining a collaborative partnership between the Shire and the two Aboriginal corporations, ensuring that cultural leadership and representation remain central to the Festival's development and delivery.

Following these discussions, Chevron has advised of its commitment to continued sponsorship of the Gnulli Festival, proposing a contribution of $250,000 (excluding GST) towards the delivery of the 2027 event as Principal Event Sponsor.

The proposed investment provides an opportunity to build on the foundations established in 2026, further develop the Festival's cultural programming and visitor appeal, and establish the Gnulli Festival as an ongoing event within Carnarvon's annual events calendar.

Council's endorsement is therefore sought to confirm the Shire's commitment to delivering the Gnulli Festival in 2027, in partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation, and to accept the proposed sponsorship funding from Chevron.

Stakeholder and Public Consultation

Initial discussions have been undertaken with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation regarding the proposed continuation of the Gnulli Festival in 2027. Both organisations have provided in-principle support for the event to proceed, recognising the success of the inaugural Festival in 2026 and the opportunity to build on its cultural and community outcomes.

On 31 August 2026, the Shire received written correspondence from Baiyungu Aboriginal Corporation confirming that its Board, at a meeting held on 26 August 2026, had formally resolved to:

- Acknowledge the success and strong community support for the inaugural Gnulli Festival held in Carnarvon in May 2026.
- Confirm that the Jamba Nyinayi Festival could not be held at Cardabia Station in 2027 due to damage sustained from Cyclone Narelle, planned critical infrastructure upgrades and the additional complexity and costs associated with delivering the event at that location.
- Fully support the continuation of the Gnulli Festival in Carnarvon in 2027 as an 'All of Us' event on Yinggarda Country.
- Participate equally with Yinggarda Aboriginal Corporation, the Shire of Carnarvon and other community and cultural stakeholders in the planning, preparation and delivery of the Festival.

The correspondence provides formal confirmation of Baiyungu Aboriginal Corporation's support for the proposed 2027 Festival and reinforces the importance of a collaborative approach to its governance and delivery.

While Yinggarda Aboriginal Corporation has provided in-principle support through initial discussions, formal written endorsement from its Board has not been requested by Officers.

Subject to Council's endorsement, the following actions will be progressed:

1. Seek formal written endorsement from the Board of Yinggarda Aboriginal Corporation for the delivery of the 2027 Gnulli Festival on Yinggarda Country, including approval for the continued use of the Festival name.
2. Establish a Festival Working Group in partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation, including the development of Terms of Reference and nomination of one or two representatives from each organisation to support event planning and coordination.

These arrangements are being progressed ahead of the Shire's caretaker period, scheduled from 20 October to 3 December 2026, to provide clarity regarding the Festival's future direction and ensure that planning can progress in accordance with applicable legislative and policy requirements.

Statutory Environment

The following provisions of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 are relevant to the proposed sponsorship and delivery of the 2027 Gnulli Festival.

Local Government Act 1995

Section 2.7 – Role of Council, Section 2.7(1) provides that Council governs the local government's affairs and is responsible for the performance of its functions. Establishes Council's responsibility for overseeing the allocation of the local government's finances and resources and determining its policies.

Section 5.41 – Functions of CEO, S. 5.41(d) provides that the Chief Executive Officer is responsible for managing the day-to-day operations of the local government, while section 5.41(c) requires the CEO to cause Council decisions to be implemented.

Section 3.73 – Restrictions on What Local Government May Do During Caretaker Period, S. 3.73(2) provides that a local government must not undertake a significant act during a caretaker period, subject to the exceptions outlined in subsections (4) to (6). S. 3.73(4) permits a local government to undertake a significant act during a caretaker period where the decision to do so was made before the caretaker period commenced and any prescribed requirements are met.

Section 6.7(1) requires money received or receivable by a local government to be brought to account in its municipal fund, unless required by law to be held in the trust fund.

Section 6.8(1) provides that a local government must not incur expenditure from its municipal fund for an additional purpose except in the circumstances specified in that subsection. Under section 6.8(1)(b), expenditure for an additional purpose may be authorised in advance by Council resolution, requiring an absolute majority.

Local Government (Functions and General) Regulations 1996

Regulation 3A(2)(a) - prescribes that entering into a contract or other agreement or arrangement is a significant act where the local government is to provide or receive consideration valued, or expected to be valued, at more than $250,000 in total.

Regulation 3B - provides that, before undertaking a significant act during the caretaker period in reliance on section 3.73(4), the local government must give local public notice detailing the significant act, the intended date of implementation, the prior decision and the date of that decision. A copy of the notice must also be provided to the Departmental CEO.

The Shire of Carnarvon's caretaker period is scheduled from 20 October to 3 December 2026. Council approval is being sought prior to the commencement of this period to confirm the Shire's commitment to the 2027 Gnulli Festival and accept the proposed $250,000 (excluding GST) sponsorship from Chevron.

Subject to Council endorsement at the 19 October 2026 Ordinary Council Meeting, the Chief Executive Officer will then progress the necessary sponsorship and partnership agreements. Any agreements executed during the caretaker period will be assessed against the relevant statutory provisions, with prescribed notification requirements undertaken where applicable.

Relevant Plans and Policy

The proposed continuation of the Gnulli Festival in 2027 aligns with the Shire of Carnarvon's strategic objectives relating to reconciliation, cultural recognition, community development, tourism and economic development.

Strategic Community Plan 2022–2032

The Festival supports the Shire's strategic direction to foster a connected, inclusive and culturally diverse community, while creating opportunities for community participation, cultural celebration and economic growth. The event also contributes to strengthening Carnarvon's identity as a tourism destination and promoting the region's unique Aboriginal cultural heritage.

Innovate Reconciliation Action Plan 2025–2027
The Festival directly supports the Shire's Innovate Reconciliation Action Plan through strengthening relationships with Aboriginal organisations, recognising and celebrating Aboriginal cultures, and creating opportunities for meaningful participation and cultural exchange. The partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation provides an opportunity to embed Aboriginal cultural leadership, representation and protocols in the planning and delivery of the event.

Economic Development Strategy 2023–2028
The Festival supports the Shire's economic development priorities by attracting visitors, creating opportunities for local businesses and tourism operators, and contributing to visitor expenditure within the region. Establishing the Gnulli Festival as an ongoing cultural event will strengthen Carnarvon's destination appeal, support the development of Aboriginal cultural tourism experiences and contribute to the diversification and growth of the local economy.

Gascoyne Regional Arts Plan (2025)
The Festival aligns with regional arts and cultural development priorities by providing opportunities for Aboriginal artists, performers and cultural practitioners to showcase their work, share cultural knowledge and engage with local and visiting audiences. It supports collaboration, creative participation and the development of distinctive cultural tourism experiences across the Gascoyne.

Council Policy CD011 – Incoming Corporate Partnerships
The proposed sponsorship is consistent with Council Policy CD011 – Incoming Corporate Partnerships which establishes a framework for securing and managing corporate sponsorships that provide financial or in-kind contributions towards community initiatives.

The policy requires Council approval for partnerships valued at $10,001 and above. Accordingly, the proposed $250,000 sponsorship from Chevron is presented to Council for approval. The sponsorship agreement will outline the respective contributions, responsibilities and benefits of the parties in accordance with the policy.

Financial Implications

At the time of preparation and adoption of the Shire of Carnarvon's 2026/27 Annual Budget, the level of sponsorship funding available for the 2027 Gnulli Festival had not been confirmed.

In September 2026, Chevron advised of its commitment to provide $250,000 (excluding GST) as Principal Event Sponsor towards the delivery of the 2027 Gnulli Festival.

As this funding was not confirmed at the time of budget adoption, no corresponding income or expenditure allocation was included in the 2026/27 Annual Budget.

Council authorisation is therefore required to recognise the proposed sponsorship income and corresponding expenditure in the 2026/27 Annual Budget, as outlined below.

Project	Income Account	Expenditure Account	Income	Expenditure
Gnulli Festival 2027	136530	3584	$250,000	$250,000
Total			**$250,000**	**$250,000**

The proposed budget amendment will recognise the external sponsorship funding and establish the corresponding expenditure allocation to support the planning and delivery of the Festival. The amendment will have a net nil impact on the Shire's budget position, with the proposed expenditure fully offset by sponsorship income. No additional municipal financial contribution is proposed as part of this amendment.

Following Council's consideration of the proposed continuation of the Gnulli Festival in 2027, the Shire intends to formally notify the 2026 Festival's funding partners, Tourism Western Australia and Leichhardt, and invite them to consider providing financial support towards the delivery of the 2027 event.

Any additional sponsorship or external funding secured for the Festival will be presented to Council for consideration through a formal budget amendment process.

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	Event delivery costs exceed available sponsorship funding, resulting in additional financial obligations for the Shire.	C-3 high	Develop a detailed event budget, pursue additional sponsorship opportunities and ensure expenditure remains within approved budget allocations.
Health & Safety	Risks associated with public attendance, event activities, infrastructure and contractors.	C-2 - Moderate	Prepare an event management plan, risk assessments, emergency management arrangements and contractor safety requirements.
Reputation	Failure to proceed with the 2027 Gnulli Festival may negatively impact relationships established with Yinggarda Aboriginal Corporation, Baiyungu Aboriginal Corporation and funding partners, potentially undermining confidence in the Shire's commitment to cultural partnerships and reconciliation. Failure to meet community expectations, cultural protocols or sponsorship obligations during the planning and delivery of the Festival may result in reputational damage to the Shire and its partners.	C-2 Moderate	Seek Council endorsement to continue the Festival, accept the proposed sponsorship funding and maintain ongoing engagement with Traditional Owner organisations and funding partners. Establish a Festival Working Group with Aboriginal partner representation, develop clear Terms of Reference and maintain appropriate cultural governance, communication and event management processes.

Service disruption	Event planning and delivery place additional demands on existing Shire staff and operational resources.	D-2 Low	Establish an event delivery schedule, allocate responsibilities and identify resource requirements during planning.
Compliance	Failure to comply with sponsorship conditions, statutory obligations or caretaker requirements.	D-2 Low	Review agreements prior to execution, confirm statutory requirements and monitor contractual obligations throughout the project.
Property	Damage to Shire facilities, event infrastructure or equipment.	E-2 Low	Implement appropriate site management controls, inspections and insurance requirements.
Environment	Environmental impacts associated with event activities, waste generation and site management.	D-2 Low	Incorporate waste management and environmental controls into event planning.
Fraud	Mismanagement of sponsorship funding or non-compliance with procurement requirements.	D-2 Low	Apply the Shire's established financial management, purchasing and internal control procedures.

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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our sustainable livelihoods create a community that can flourish into the future*
- *Our community acknowledges our history and celebrates our diverse cultures*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The successful delivery of the inaugural Gnulli Festival in May 2026 demonstrated the value of collaboration between the Shire of Carnarvon, Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation in establishing a significant cultural event that celebrates Aboriginal culture, strengthens community connections and contributes to the local economy.

The 2026 Festival attracted $415,000 (excluding GST) in external funding and an estimated 2,000 attendees across the three-day program from 22 to 24 May 2026. All Festival events and activities were free to attend, with registrations not mandatory. This approach was intentionally adopted to reduce financial and administrative barriers to participation, ensuring the Festival was accessible and inclusive for residents, visitors and the broader community.

As formal registrations were not required for the 2026 Gnulli Festival, specific visitor information, including place of origin, length of stay and expenditure, was not collected.

Accordingly, the following estimates are based on overall event reporting and assumptions regarding visitor attendance and travel patterns, rather than verified visitor data.

It is estimated that approximately 20% of the 2,000 attendees travelled to Carnarvon, representing approximately 400 visitors. Assuming an average stay of three nights, this equates to an estimated 1,200 visitor nights. A significant proportion of these visitors is understood to have comprised delegates who travelled to Carnarvon ahead of the WA Tourism Conference. These estimates provide an indicative measure of visitor activity associated with the Festival and should not be interpreted as a formally verified economic impact assessment.

While a formal economic impact assessment has not been undertaken, the Festival is considered to have contributed to the local economy through visitor expenditure on accommodation, hospitality, retail and other services, together with expenditure associated with the planning and delivery of the event. This included the engagement of First Nations artists, performers and businesses to support the Festival's cultural programming and event delivery, creating opportunities for economic participation and showcasing Aboriginal culture and creative industries.

Beyond the economic benefits, the Festival provided significant cultural and social value by bringing together Aboriginal communities, residents and visitors to celebrate the region's cultural heritage and identity. Events of this nature support local businesses, provide opportunities for Aboriginal artists and cultural practitioners, boost community morale and pride, and strengthen social cohesion through shared cultural experiences.
The proposed continuation of the Festival in 2027 provides an opportunity to build on the investment, partnerships and cultural outcomes established through the inaugural event. The formal support received from Baiyungu Aboriginal Corporation and in-principle support from Yinggarda Aboriginal Corporation demonstrate a shared commitment to maintaining the Festival as an important cultural event on Yinggarda Country.

Chevron's proposed sponsorship of $250,000 (excluding GST) demonstrates continued confidence in the Festival and provides substantial external investment towards its delivery in 2027. The Shire also intends to approach previous funding partners, including Tourism Western Australia and Leichhardt, to explore opportunities for additional financial contributions.

The continuation of the Gnulli Festival aligns with the Shire's strategic objectives relating to reconciliation, cultural recognition, community development, tourism and economic growth. It also demonstrates the Shire's commitment to attracting external investment, supporting local businesses and delivering meaningful community events while minimising the financial impact on ratepayers.

Council's endorsement will provide the necessary commitment to progress the 2027 Festival, strengthen the relationships established with Traditional Owner organisations and funding partners, and build on the cultural, social and economic benefits demonstrated through the inaugural event.

OFFICER'S RECOMMENDATION

That Council by Absolute Majority:

1. ***ENDORSES the Shire of Carnarvon's commitment to the planning and delivery of the 2027 Gnulli Festival, in partnership with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation, subject to formal written endorsement from Yinggarda Aboriginal Corporation for the continuation of the Festival and use of the Gnulli Festival name.***
2. ***ACCEPTS the proposed sponsorship funding of $250,000 (excluding GST) from Chevron as Principal Event Sponsor of the 2027 Gnulli Festival, subject to the finalisation of a mutually acceptable sponsorship agreement.***
3. ***AUTHORISES, pursuant to section 6.8(1)(b) of the Local Government Act 1995, the following amendments to the 2026/27 Annual Budget:***

Project	*Account*	*Amendment*
Gnulli Festival 2027 – Sponsorship Income	*136530*	*Increase income by $250,000*
Gnulli Festival 2027 – Event Expenditure	*3584*	*Increase expenditure by $250,000*
Net Budget Impact		*Nil*

4. ***AUTHORISES the Chief Executive Officer to negotiate, finalise and execute a sponsorship agreement with Chevron for the 2027 Gnulli Festival subject to:***
    a. ***the requirements of s.3.73(4) of the Local Government Act 1995 and r.3B of the Local Government (Functions and General) Regulations 1996 for agreement execution during the 2026 caretaker period;***
    b. ***terms materially consistent with the 2026 sponsorship agreement, provided at Schedule One;***
    c. ***written confirmation from Chevron that the 2027 agreement will not be materially different from the 2026 agreement and its conditions, as provided at Schedule Two; and***
    d. ***the 2027 agreement reflecting the sponsorship contribution of $250,000 (excluding GST);***
5. ***REQUESTS the Chief Executive Officer to progress the establishment of a Festival Working Group in consultation with Yinggarda Aboriginal Corporation and Baiyungu Aboriginal Corporation, including the development of Terms of Reference and appropriate representation from both organisations to guide the planning and delivery of the 2027 Festival.***

7.2.7 REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM 2026

File No:	ADM2378
Location/Address:	3 Francis Street
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Stephanie Leca, Executive Manager, Lifestyle & Community
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple / Absolute Majority
Previous Report:	Nil
Schedules:	1. RED Grant - Tourism Product Development & Incubator Business Case

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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 report presents the Carnarvon Tourism Product Development & Incubator Project for Council's consideration, following notification of the Shire of Carnarvon's successful application under Round 8 of the Regional Economic Development (RED) Grants Program, and seeks approval to accept the offered funding of $115,000 (excluding GST).

The project aims to support tourism and economic development by facilitating new tourism experiences and opportunities for emerging operators, while contributing to the Shire's broader asset renewal and operational requirements through the proposed acquisition of a multi-purpose 12-seater four-wheel-drive (4WD) vehicle.

In the interests of transparency, and having regard to Council Policy CD006 – External Grants: Procurement and Grants, this report provides Council with an opportunity to formally consider the proposed acceptance of funding, associated financial and operational commitments, and anticipated community and economic benefits prior to the Shire entering into a binding Grant Agreement.

The funding offer has not been formally accepted, and Council approval is sought to progress the project through acceptance of the RED Grant funding, authorisation for the Chief Executive Officer to acquire a suitable 12-seater 4WD passenger vehicle and dispose of P340 through sale or trade-in, and approval of the associated budget amendments.

Background

The Shire of Carnarvon plays an established role in tourism and economic development through the operation of the Carnarvon Visitor Centre, destination marketing, tourism industry engagement, product development and support for local businesses.

The Shire's Economic Development Strategy and Action Plan 2023–2028, adopted by Council at the Ordinary Council Meeting held on Tuesday, 22 August 2023, identifies the visitor economy as a key economic growth pillar, with a focus on expanding tourism experiences, encouraging visitors to stay longer and increasing expenditure within the local economy.

While Carnarvon benefits from a range of established natural, cultural and heritage attractions, opportunities remain to diversify the availability of guided and bookable tourism experiences, particularly those extending beyond the Carnarvon town centre.

Tourism Western Australia's Visitor Expectations and Experiences Research 2023–24 demonstrates strong visitor interest in experience-based tourism, with 87% of surveyed visitors expressing interest in Aboriginal tourism experiences, compared with 36% who participated. This highlights opportunities to strengthen the availability and accessibility of tourism products that respond to visitor interests.

The development of additional bookable experiences also presents an opportunity to strengthen Carnarvon's online tourism presence. Tourism WA identifies the Australian Tourism Data Warehouse (ATDW) as an important distribution platform, enabling tourism products to be promoted across its consumer website and other tourism channels.

The development of these experiences can be challenging for emerging operators, with vehicle acquisition, insurance, accreditation, marketing and booking infrastructure representing significant barriers to establishing commercially viable tourism businesses.

In addition to these tourism opportunities, the Shire continues to face competing priorities in the renewal and replacement of its existing plant and fleet assets, including passenger vehicles utilised across youth services and community programs. These competing priorities have limited the Shire's capacity to replace ageing vehicles through its existing asset renewal program.

The availability of external funding therefore presented a broader strategic opportunity to acquire a versatile passenger vehicle that could support tourism development while contributing towards the Shire's fleet renewal requirements. The proposed 4WD vehicle would provide additional operational flexibility, enabling its use across tourism, youth services, community programs and approved external hire arrangements, subject to operational requirements and funding conditions.

While the proposed vehicle presents broader operational and asset management benefits, the funding application was developed and presented with a primary focus on supporting tourism growth and economic development, consistent with the objectives of the Regional Economic Development (RED) Grants Program. The application sought to demonstrate how the acquisition of a 4WD passenger vehicle could address existing barriers to tourism product development, support emerging local operators and create opportunities for Aboriginal employment and enterprise development, while providing a versatile asset capable of supporting multiple Shire functions.

In response to these opportunities, the Shire developed the Carnarvon Tourism Product Development & Incubator Project and submitted an application under Round 8 of the RED Grants Program on 8 January 2026.

The application was supported by a detailed business case, provided at ***Schedule 1***, which identifies opportunities to establish guided touring experiences while providing shared infrastructure and business development support to emerging tourism operators.

Existing Shire Vehicle Assets

The Shire currently owns two Toyota HiAce 12-seater buses, funded through a successful Lotterywest grant application in the 2013/2014 financial year. The vehicles were subsequently acquired in November 2018 and have primarily supported youth and community service delivery, with associated operating expenditure provided for within the Shire's Youth Services budget.

Until June 2026, one vehicle was utilised four nights per week to support the Department of Communities-funded Community Connectors Program, commonly known as Night Patrol. The second vehicle has primarily supported after-school programs, youth activities and broader community service delivery.

Existing Fleet Asset Details

Asset Information	**P340 – Proposed Disposal**	**P341 – Retained**
Vehicle	Toyota HiAce Commuter Bus	Toyota HiAce Commuter Bus
Seating capacity	12	12
Asset number	5070047	5070048
Acquisition date	7 November 2018	23 November 2018
Odometer reading	145,585 km	65,243 km
Recorded written-down asset value	$35,496.13	$35,396.13
Vehicle registration	C28428	C28437
Proposed action	Dispose and replace	Retain in service

Asset Renewal Considerations

Both vehicles are approaching a stage where replacement needs to be considered as part of the Shire's broader fleet asset management program.

P340 has travelled 145,585 kilometres, approximately 80,000 kilometres more than P341, and is identified as the preferred vehicle for disposal and replacement.

In 2024, the Shire commenced a process to dispose of the higher-kilometre vehicle through auction. However, the vehicle was subsequently withdrawn from the disposal process as sufficient funding was not available to meet the difference between the anticipated sale proceeds and the cost of acquiring a suitable replacement.

The Shire's asset register records a written-down value of $35,496.13 for P340. However, this represents its accounting value rather than its current market value, and it is unlikely that the Shire would realise this amount through sale or trade-in. The estimated market value is between $18,000 and $28,000, subject to the vehicle's condition and the disposal method.

The proposed disposal of P340 is recommended based on its higher accumulated kilometres and previously identified replacement requirement. Retaining P341 would enable the Shire to maintain an existing passenger vehicle for youth and community service delivery.

The proposed RED Grant project presents an opportunity to contribute external funding towards the replacement of P340, reducing the municipal contribution that would otherwise be required through the Shire's fleet replacement program.

It is important to note that both vehicles are ageing assets, and their future replacement will need to be considered as part of the Shire's ongoing plant and fleet asset renewal program.

Strategic opportunity through external funding

The RED Grants Program presented an opportunity for the Shire to pursue external funding towards the acquisition of a purpose-built 4WD passenger vehicle, while establishing a tourism development initiative consistent with its economic development priorities.

Unlike the Shire's existing two-wheel-drive HiAce buses, the proposed vehicle would provide access to regional tourism destinations where road conditions and accessibility can limit the development of guided experiences.

The acquisition would also provide an opportunity to replace one of the Shire's ageing passenger vehicles with a more versatile asset capable of supporting multiple service areas. While the vehicle's primary purpose would be tourism product development, it is proposed that it would also be available for youth programs, community activities and other approved Shire operations outside scheduled touring activities and during periods of lower tourism demand.

The Shire currently makes its 12-seater buses available for hire through its adopted Fees and Charges, including to the Department of Fire and Emergency Services (DFES) to support the deployment of personnel across the region and facilitate crew changeovers. The proposed 4WD vehicle would provide additional flexibility to accommodate these operational requirements.

This dual-purpose approach would enable the Shire to maximise the utilisation of the asset across tourism, youth services, community programs and external hire arrangements, rather than acquiring a vehicle for a single operational purpose.

By leveraging external funding to acquire a vehicle capable of supporting multiple functions, the Shire has an opportunity to address existing fleet renewal pressures while strengthening tourism infrastructure and supporting regional economic development. This represents a strategic investment in a versatile community asset, with the potential to generate hire revenue, reduce duplication of resources and deliver broader value to the Shire and community over the life of the vehicle.

Alignment with the Remote Jobs and Economic Development (RJED) Program

The Shire's successful funding applications under the Remote Jobs and Economic Development (RJED) Program provides a further opportunity to support the delivery of the Carnarvon Tourism Product Development & Incubator Project.

Through the RJED Program, the Shire has secured funding to establish Cultural Officer positions, providing opportunities to strengthen Aboriginal employment, cultural engagement and workforce development within the organisation.

These positions present an opportunity to support the development and delivery of Aboriginal cultural tourism experiences, including cultural interpretation, storytelling, community engagement and the development of new tourism products.

By aligning the Tourism Product Development & Incubator Project with the RJED Program, the Shire can leverage existing funded workforce resources to support project delivery, reducing the requirement to establish additional positions solely for the tourism initiative.

This approach provides an opportunity to maximise the outcomes of two complementary externally funded initiatives, while supporting the Shire's broader objectives of Aboriginal employment, economic participation and tourism industry development.

The involvement of Cultural Officers would be subject to the approved RJED funding arrangements, position responsibilities and relevant cultural protocols.

Stakeholder and Public Consultation

The proposed project has been informed by the Shire's ongoing engagement with local tourism operators, industry organisations and regional economic development stakeholders.

A key consideration has been the challenges experienced by emerging tourism businesses seeking to establish or expand guided tourism experiences beyond the Carnarvon town centre, particularly where access to suitable transport infrastructure presents a financial barrier.

Wooramulla Eco Cultural Journeys

On 17 November 2025, the Chief Executive Officer and Executive Manager Lifestyle and Community met with Wooramulla Eco Cultural Journeys to discuss the opportunity for the Shire to apply for funding under the Regional Economic Development (RED) Grants Program towards the acquisition of a 4WD passenger vehicle.

Wooramulla Eco Cultural Journeys had previously submitted two unsuccessful applications under the program. The discussion identified an opportunity for the Shire to take a broader leadership role in tourism product development through the provision of shared infrastructure, while recognising the potential strategic benefits of acquiring a multi-purpose vehicle that could also contribute towards the Shire's existing fleet renewal requirements.

While Wooramulla has established a local cultural tourism offering, its capacity to expand guided experiences into regional locations is constrained by access to suitable transport infrastructure and the capital investment required to acquire an appropriate vehicle.

This engagement informed the development of the proposed shared infrastructure and tourism incubator model, which seeks to reduce financial barriers for emerging tourism operators.

Rather than requiring individual businesses to undertake substantial capital investment before establishing new experiences, the proposed model would provide eligible operators with opportunities to access shared infrastructure and support to trial, refine and develop commercially viable tourism products.

Wooramulla Eco Cultural Journeys represents one example of a potential participant. Should Council approve the project, opportunities would be intended for a broader range of emerging local and Aboriginal tourism businesses, subject to appropriate eligibility criteria, governance arrangements and operational requirements.

Broader Stakeholder Engagement

The project's business case identifies opportunities for further collaboration with stakeholders, including:

- Gascoyne Development Commission;
- Western Australian Indigenous Tourism Operators Council (WAITOC);
- Gwoonwardu Mia;
- Traditional Owners and Aboriginal organisations;
- Real Futures; and
- Local tourism operators and regional tourism industry partners.

Subject to Council approving acceptance of the RED Grant funding and progression of the project, the Shire proposes to establish a Tourism Product Development Working Group, with engagement from Yinggarda Aboriginal Corporation and other relevant stakeholders.

The proposed working group would provide a coordinated approach to identifying and developing suitable tourism experiences, with consideration given to Aboriginal cultural tourism opportunities, cultural protocols, local employment and business development.

If the project proceeds, further stakeholder engagement would be undertaken during the establishment phase to identify potential pilot experiences, appropriate operating arrangements, workforce development opportunities and pathways for participating businesses to transition towards independent operation.

The proposed incubator model would be developed with appropriate eligibility criteria, access arrangements and governance controls to ensure opportunities are transparent, equitable and accessible to eligible operators, without providing an exclusive commercial benefit to any individual business.

Statutory Environment

The proposed acceptance of funding under the Regional Economic Development (RED) Grants Program, acquisition of a capital asset, disposal of an existing Shire vehicle and associated budget amendments involve several statutory considerations under the Local Government Act 1995 and associated regulations.

Local Government Act 1995

Section 3.58 – Disposing of Property, establishes the statutory requirements for the disposal of local government property, including disposal by public auction, public tender or private treaty, subject to applicable exemptions. Council will be requested to authorise the Chief Executive Officer to dispose of Toyota HiAce 12-seater bus P340, with an estimated market value of between $18,000 and $28,000, in accordance with the applicable statutory requirements.

Section 3.73 – Restrictions on local government during caretaker period, *Stops the Shire doing, or deciding to do, a significant act during the caretaker period, including entering into a contract, agreement or arrangement worth more than $250,000. The grant agreement ($115,000), the disposal of P340 (about $18,000 to $28,000) and the purchase of the replacement vehicle are each below this threshold.*

Sections 5.42 and 5.43 – Delegation of Powers and Duties, establish the framework for Council to delegate certain powers and duties to the Chief Executive Officer, including limitations on the exercise of delegated authority. Council approval will be sought for the proposed vehicle disposal, having regard to the estimated market value and the limitations of the Shire's existing delegated authority.

Section 6.2 – Annual Budget establishes the requirement for local governments to prepare and adopt an annual budget. The proposed acquisition of the vehicle requires amendments to the adopted 2026/2027 Annual Budget to appropriately recognise the grant funding as capital income and reallocate the existing $115,000 provision from operating expenditure to capital expenditure.

Section 6.8 – Expenditure from Municipal Fund Not Included in Annual Budget, establishes the requirements for authorising expenditure that has not been included in the adopted annual budget. Where the proposed capital expenditure is not already authorised through the adopted budget, Council approval will be required in accordance with section 6.8, including an absolute majority decision where applicable.

Local Government (Functions and General) Regulations 1996

Regulation 30 – Dispositions of property excluded from section 3.58 Exempts a disposal of property other than land where its market value is less than $20,000; or the entire proceeds are used to buy other property, and that property's total consideration is $75,000 or less. If P340's market value is $20,000 or more and the replacement vehicle costs more than $75,000, neither exemption applies. The disposal, including any trade-in, would then go through public auction or tender, or by private treaty after local public notice and at least two weeks for submissions under section 3.58(3).

Relevant Plans and Policy

Economic Development Strategy and Action Plan 2023–2028

The Shire's Economic Development Strategy and Action Plan 2023–2028, adopted by Council on 22 August 2023, identifies tourism as a key economic growth opportunity, with a focus on strengthening the visitor economy, diversifying tourism experiences and supporting local business development.

The proposed project supports these strategic objectives by facilitating new tourism experiences, reducing barriers for emerging operators and encouraging increased visitor expenditure within the region.

Council Policy CD006 – External Grants: Procurement and Grants
Council Policy CD006 establishes the Shire's governance requirements for applying for, accepting and managing external grant funding, including the consideration of financial commitments associated with grant-funded projects.

While an item was not presented to Council seeking authorisation for officers to submit the original RED Grant application, it is important to distinguish between applying for funding and formally accepting a grant offer. The submission of a funding application does not commit Council to accepting the funding or proceeding with the proposed project.

The formal commitment arises upon acceptance and execution of the Grant Agreement, which establishes the Shire's contractual obligations and associated funding commitments.

Accordingly, this item is presented to the Ordinary Council Meeting seeking Council's approval to accept the RED Grant funding and authorise the Chief Executive Officer to execute the Grant Agreement, ensuring Council has the opportunity to consider the project's financial and operational commitments before the Shire enters into a binding agreement.

Council Policy CF016 – Asset Management
Council Policy CF016 establishes the Shire's commitment to financially sustainable asset management practices that support the delivery of services to the community.

The proposed acquisition of a multi-purpose 4WD passenger vehicle presents an opportunity to contribute towards the Shire's existing fleet renewal requirements while improving asset utilisation across tourism, youth services, community programs and other approved operational activities.

Register of Council Delegations and Authorisations – Delegation 1.2.19: Disposing of Property
The Shire's Register of Council Delegations and Authorisations provides the Chief Executive Officer with delegated authority to dispose of property, subject to specified conditions, including a maximum disposal value of $20,000.

Given the estimated market value of the proposed vehicle disposal is between $18,000 and $28,000, Council approval will be sought at the Ordinary Council Meeting on 19 October 2026 to authorise the Chief Executive Officer to dispose of either vehicle P340 or P341, in accordance with the applicable legislative requirements.

Financial Implications

The proposed project presents a strategic opportunity to leverage external grant funding towards the renewal of the Shire's existing passenger vehicle fleet while supporting tourism and economic development outcomes.

The Shire has received an offer of $115,000 (excluding GST) under Round 8 of the Regional Economic Development (RED) Grants Program, against its original funding request of $135,000 (excluding GST). The funding has not yet been formally accepted.

Project Funding and Shire Contribution

The RED Grants Program generally requires a minimum 50% cash contribution towards eligible project costs. The Shire's application was developed to leverage existing budget allocations and operational resources, minimising the requirement for additional municipal expenditure.

This includes existing expenditure associated with the Shire's passenger vehicle fleet and Visitor Centre operations, including subscription costs for booking platforms that can support the proposed tourism incubator model.

The proposed disposal of P340 is estimated to generate between $18,000 and $28,000 through sale or trade-in, with the proceeds intended to provide a cash contribution towards the acquisition of the replacement vehicle.

Capital Expenditure and Budget Amendments

The Shire's adopted 2026/2027 Annual Budget includes an allocation of $115,000 under Programme 13 – Economic Services, Sub-Programme 45 – Tourism and Area Promotions, specifically provided for the Carnarvon Tourism Product Development & Incubator Project.

While the funding was incorporated into the adopted budget for this project, the expenditure was classified as operating expenditure under Account 1957, rather than capital expenditure associated with the proposed vehicle acquisition.

To ensure the budget accurately reflects the intended capital nature of the expenditure, Council approval is sought to reclassify the existing $115,000 project allocation from operating expenditure to a newly established capital expenditure account.

This amendment represents a correction to the classification of an existing project budget allocation, rather than a redirection of funding from another Shire service or initiative.

The offered RED Grant funding of $115,000 (excluding GST) will also be appropriately recognised as capital grant income, subject to Council's acceptance of the funding.

The proceeds from the proposed disposal of P340 are intended to contribute towards the replacement vehicle's acquisition. The final capital expenditure allocation and treatment of disposal proceeds will be confirmed through the Shire's financial processes, with any additional expenditure requiring appropriate budget authorisation.

Operational Expenditure and Revenue Opportunities

The existing operational costs associated with the Shire's passenger vehicles, including registration, insurance, fuel, servicing and maintenance, are already provided for within the annual fleet operating budget.

As the proposed acquisition would replace an existing vehicle, the intention is to utilise these established budget allocations to support its ongoing operation. Any material variation in operating costs associated with the replacement 4WD vehicle would be assessed through the Shire's budget processes.

The proposed tourism incubator model would also utilise established Visitor Centre infrastructure and booking systems, reducing the need to establish additional administrative systems.

Subject to Council approval and the conditions of the Grant Agreement, the Shire intends to explore partnerships and appropriate fees and charges for vehicle hire and utilisation. These arrangements would build upon existing bus hire practices and provide opportunities for cost recovery and improved asset utilisation.

Overall Financial Considerations

The proposed project seeks to maximise existing Shire resources while directing external grant funding towards an identified asset renewal requirement.

The final financial commitments will depend on the vehicle acquisition cost, disposal proceeds, confirmation of eligible project contributions and the conditions of the Grant Agreement. Any additional municipal funding requirement would be subject to appropriate Council consideration and budget approval.

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	Vehicle acquisition costs may exceed available grant funding and anticipated disposal proceeds. Ongoing operating costs may also vary from existing fleet expenditure.	C-3 High	Confirm vehicle pricing and total project costs prior to procurement. Seek Council approval for any additional financial commitments and monitor expenditure against the approved budget.
Health & Safety	Operation of a 12-seater 4WD vehicle, particularly on unsealed roads and during tourism activities, presents risks to passengers, drivers and other road users.	C-2 Moderate	Implement vehicle-specific risk assessments, driver competency requirements, maintenance schedules, passenger safety procedures and appropriate insurance arrangements.
Reputation	Community concerns may arise regarding the allocation of grant funding, the project's tourism outcomes or the use of the vehicle by external organisations.	C-2 Moderate	Maintain transparent Council decision-making, establish clear eligibility and access arrangements, and demonstrate the project's broader community and economic benefits.
Service disruption	Vehicle availability may be limited by competing tourism, youth and community service requirements, or mechanical breakdowns.	C-2 Moderate	Establish a coordinated booking and vehicle allocation process, prioritise essential Shire services and maintain appropriate servicing arrangements.

Compliance	Failure to meet grant conditions, procurement requirements, vehicle disposal obligations or applicable passenger transport requirements could result in financial or regulatory consequences.	C-2 Moderate	Obtain Council approval on the 19 October 2026 before executing the Grant Agreement, comply with procurement and disposal requirements, review applicable transport licensing and insurance obligations, and maintain grant reporting and acquittal records.
Property	The vehicle may be damaged through off-road operation, accidents, inappropriate use or inadequate maintenance.	C-1 Low	Maintain appropriate insurance, scheduled servicing, vehicle inspections, asset tracking and clear conditions of use.
Environment	Vehicle operation in environmentally sensitive areas may result in damage to vegetation, tracks or natural habitats.	C-1 Low	Restrict vehicle access to approved routes, incorporate environmental requirements into operating procedures and ensure operators comply with relevant land access conditions.
Fraud	Potential misuse of the vehicle, unauthorised bookings or inappropriate financial arrangements with external users.	C-1 Low	Establish documented hire agreements, approved fees and charges, booking controls, payment processes and appropriate financial oversight.

Community and Strategic Objectives

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

<u>OBJECTIVES</u>
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*
- *Our infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Following the success of the 2026 WA Tourism Conference hosted in Carnarvon, the proposed Carnarvon Tourism Product Development & Incubator Project represents a further opportunity for the Shire to demonstrate its commitment to tourism growth, industry development and strengthening the regional visitor economy.

The project seeks to translate this commitment into practical outcomes by supporting the development of new, market-ready tourism experiences, reducing barriers for emerging operators and encouraging greater visitor expenditure within the region.

From an asset management perspective, the project also presents an opportunity to leverage external funding towards an identified fleet renewal requirement. The proposed acquisition of a multi-purpose 12-seater 4WD vehicle would provide broader operational benefits while supporting the Shire's existing youth and community services.

The proposed approach demonstrates how existing Shire resources and external funding can be aligned to deliver economic development outcomes while addressing operational priorities and minimising additional financial commitments.

Council's consideration is now sought to progress the project through acceptance of the RED Grant funding, authorisation for the Chief Executive Officer to acquire a suitable 12-seater 4WD passenger vehicle and dispose of P340 through sale or trade-in, and approval of the associated budget amendments.

OFFICER'S RECOMMENDATION PART 1

That Council by Simple Majority:

1. ***ACCEPTS, the offer of $115,000 (excluding GST) under Round 8 of the Regional Economic Development (RED) Grants Program for the Carnarvon Tourism Product Development & Incubator Project.***
2. ***AUTHORISES, the Chief Executive Officer to finalise and execute the RED Grant Agreement, subject to the agreement being consistent with the approved project scope and financial commitments.***
3. ***APPROVES, the disposal of Shire vehicle P340, being a Toyota HiAce 12-seater bus, through sale or trade-in, pursuant to section 3.58 of the Local Government Act 1995 and;***
4. ***APPROVES the Chief Executive Officer to undertake the disposal process in accordance with section 3.58 of the Local Government Act 1995, including local public notice under section 3.58(3) where no exemption under regulation 30 of the Local Government (Functions and General) Regulations 1996 applies.***
5. ***APPROVES, the acquisition of a replacement 12-seater four-wheel-drive (4WD) passenger vehicle and authorises the Chief Executive Officer to undertake the procurement and acquisition in accordance with the Shire's Purchasing Policy, applicable legislative requirements, approved budget allocation and conditions of the RED Grant Agreement.***

OFFICER'S RECOMMENDATION PART 2

That Council by Absolute Majority, pursuant to section 6.8(1)(b) of the Local Government Act 1995,

1. ***APPROVES the following amendments to the adopted 2026/2027 Annual Budget:***
    a) ***Decreases operating expenditure Account 1957 – Tourism and Area Promotions by $115,000; and***
    b) ***Creates a new capital expenditure account for the Carnarvon Tourism Product Development & Incubator Project – 12-Seater 4WD Vehicle Acquisition, with a budget allocation of $115,000.***

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7.3 PLANNING & DEVELOPMENT

7.3.1 OFF-ROAD VEHICLES AREA GRANTS PROGRAM - GASCOYNE OFF ROAD RACING CLUB

File No:	ADM1927
Location/Address:	Lot 356, North West Coastal Highway, Carnarvon WA 6701
Name of Applicant:	Gascoyne Off Road Racing Club Incorporated
Name of Owner:	Shire of Carnarvon
Author(s):	Stefan Louw, Executive Manager, Community Planning and Sustainability
Authoriser:	Stephanie Leca, Executive Manager, Lifestyle & Community
Declaration of Interest:	Nil
Voting Requirement:	Nil
Previous Report:	Nil
Schedules:	1. Project Plan - Gascoyne Off-Road Vehicle Recreation Area Upgrade – Stage 1 2. Letters of Support_ Shire of Carnarvon to Gascoyne Off Road Racing Club

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

The report seeks Council's approval to enter into a formal partnership arrangement with the Gascoyne Off Road Racing Club Incorporated (the Club) to support the progression of its application under Round 2 of the Off-road Vehicle Area Grants Program, administered by the Department of Local Government, Industry Regulation and Safety (the Department).

The Club has submitted an application seeking $521,000 (excluding GST) towards the Gascoyne Off-Road Vehicle Recreation Area Upgrade – Stage 1 project at Black Flats, with an estimated total project value of $845,600 (excluding GST).

Following correspondence from the Department on 6 October 2026, Council is requested to consider a formal partnership arrangement that would enable the Shire to contribute officer resources, technical advice and project guidance, while the Club retains responsibility for project delivery and funding administration.

Background

The Gascoyne Off Road Racing Club Incorporated (the Club) operates from the Black Flats site, located approximately 20 kilometres south of Carnarvon on Reserve 37127, Lot 356, North West Coastal Highway. The land is managed by the Shire of Carnarvon under a management order and is subject to an existing 20-year lease agreement with the Club, executed on 6 November 2019 and expiring in 2039.

The Club has an established history of delivering off-road motorsport activities, including the annual Gascoyne Dash, which attracts competitors, support crews, volunteers and spectators to the region.

In 2026, the Western Australian Government opened Round 2 of the Off-road Vehicle Area Grants Program, administered by the Department of Local Government, Industry Regulation and Safety (the Department), providing funding for the establishment of new off-road vehicle areas and upgrades to existing facilities.

Under the program guidelines, incorporated associations are eligible to apply in partnership with a Western Australian local government or State Government agency landholder.

The Club engaged Grants Empire to prepare its grant application and supporting Project Plan for the proposed Gascoyne Off-Road Vehicle Recreation Area Upgrade – Stage 1 project at Black Flats.

The proposed project includes upgrades to existing infrastructure and the development of additional recreational facilities, including improvements to the clubhouse, ablutions, entrance facilities, four-wheel-drive tracks and side-by-side vehicle course, together with the introduction of a dirt kart track and associated safety improvements.

The proposed project has the following financial structure:

Project funding	**Amount (ex GST)**
Grant funding requested	**$521,000**
Club and local business in-kind contributions *(breakdown below)*	**$324,600**
In-kind labour (Club and volunteers)	*$70,800*
In-kind machinery	*$85,800*
Community sponsorship	*$168,000*
Total project value	**$845,600**

The application identifies a proposed delivery period from January 2027 to May 2028.

<u>Previous Shire Support</u>

The Shire provided correspondence dated 27 August 2026 and 9 September 2026 supporting the Club's proposal.

The correspondence acknowledged the potential community, recreation and tourism benefits of the proposed development and confirmed the Shire's in-principle support, in its capacity as land manager and lessor, for the Club progressing the proposal.

Prior to the submission of the application, the Shire had not been formally approached by the Club to enter a partnership arrangement, nor had Shire officers been involved in developing the project concept or scope. The Shire's involvement was limited to requests for letters of support received through Grants Empire.

The correspondence outlined that the proposed development remained subject to the terms of the existing lease agreement and all necessary statutory and regulatory approvals.

The Shire's support did not constitute a financial commitment or an undertaking to deliver or manage the project, meet cost overruns or assume responsibility for the ongoing operation and maintenance of the

proposed facilities, other than obligations arising under the existing lease or separately approved arrangements.

Proposed Partnership Arrangements

On 6 October 2026, the Department contacted the Shire seeking clarification of the partnership arrangements associated with the Club's grant application, noting that the previous letters of support did not establish a formal partnership for the purposes of the grant program.

Following further consultation, the Department confirmed on 13 October 2026 that the Club may remain the grant recipient and retain responsibility for administering the funding. The Department also advised that a Council resolution confirming the Shire's commitment to a partnership would be sufficient to enable the application to progress through the assessment process, noting that eligibility remains subject to formal assessment.

In response, the Shire has identified a proposed partnership model that would enable the Club to progress its application while maintaining clear responsibilities for project delivery, financial administration and ongoing asset management.

The proposed partnership would primarily involve the Shire providing technical advice, project guidance and participation in periodic project reviews through existing officer resources. The Club would retain primary responsibility for the planning, coordination, financial administration and delivery of the project.

The proposed allocation of roles and responsibilities is outlined below:

Project Component	**Shire of Carnarvon – Proposed Role**	**Gascoyne Off Road Racing Club – Proposed Role**
Project planning	Review project program, milestones and delivery methodology.	Prepare, administer and manage the project plan.
Budget and funding	Review cost estimates and provide advice on potential cost risks.	Secure and administer funding, manage budgets, payments and grant acquittals.
Design development	Review designs and provide advice on suitability, durability and maintenance considerations.	Engage and manage designers and consultants.
Procurement	Provide guidance on procurement processes, specifications and evaluation methodology.	Prepare requests for quotation, seek quotations, evaluate submissions and award contracts.
Approvals and compliance	Provide guidance on applicable Shire approval processes, while maintaining independent statutory assessment functions.	Obtain all necessary approvals, permits and certifications before commencing relevant works.
Risk management	Review key project risks and provide guidance on potential mitigation measures.	Maintain the project risk register and implement appropriate controls.
Construction	Review proposed construction methodology and provide advice on emerging issues, where appropriate.	Engage, supervise and manage contractors and construction activities.
Quality assurance	Review key project documentation and provide advice on quality requirements.	Undertake inspections, testing and quality control.
Project monitoring	Participate in periodic project reviews and provide feedback.	Monitor and report on project progress, expenditure and milestones.
Project completion	Provide guidance on completion, certification, defects and handover requirements.	Manage practical completion, defects and handover documentation.

Asset management	Provide advice on maintenance requirements, lifecycle costs and applicable Shire asset standards.	Establish appropriate operational and maintenance arrangements, subject to confirmed asset ownership and lease obligations.

The proposed allocation of responsibilities is intended to establish the basis of the partnership for the purposes of the grant application and does not constitute a commitment by the Shire to undertake project management, construction, procurement or financial administration on behalf of the Club.

Should the Club be successful in securing grant funding, a formal partnership agreement would be developed to clearly define the respective roles, responsibilities and obligations of each party. This would include project governance, financial responsibilities, project and asset ownership, ongoing operational and maintenance obligations, reporting arrangements and the allocation of risks and liabilities.

The agreement would also have regard to the existing lease arrangements, applicable statutory requirements and any conditions associated with the approved grant funding. Its finalisation and execution would remain subject to the Shire's relevant governance and approval requirements.

The proposed partnership does not commit the Shire to providing a direct financial contribution towards the project, administering grant funding or accepting responsibility for project cost overruns. Any proposed additional financial contribution or material expansion of the Shire's responsibilities would require separate consideration and approval through the appropriate processes.

Stakeholder and Public Consultation

External Consultation

Department of Local Government, Industry Regulation and Safety: Shire officers corresponded with the Department on 6, 7 and 13 October 2026 to clarify the grant program's partnership requirements, the administration of grant funding and the respective roles and responsibilities of the Shire and the Club.

The Department confirmed that the Club may remain responsible for administering the grant funding and that a Council resolution confirming the Shire's commitment to a partnership would be sufficient to support the progression of the application through the assessment process, subject to the program's eligibility requirements.

Gascoyne Off Road Racing Club Incorporated

The Club, through its appointed consultant, Grants Empire, prepared and submitted the grant application and supporting Project Plan.

The Shire has engaged with the Club regarding the proposed partnership arrangements, including the allocation of responsibilities for project delivery, financial administration and the provision of technical advice and project guidance.

The Club's Project Plan also identifies consultation undertaken with the Yinggarda Aboriginal Corporation, Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation, Gascoyne Development Commission and relevant motorsport organisations.

Public Consultation

No broader public consultation has been undertaken by the Shire in relation to the proposed partnership arrangement, as public consultation is not required for Council to consider the proposed partnership.

The proposed partnership does not constitute development approval or authorisation to commence works. Any consultation or notification requirements arising from subsequent statutory approval processes would be addressed separately, where applicable.

Internal Consultation

Internal consultation has been undertaken with the following officers and teams:

- Acting Chief Executive Officer;
- Executive Manager Lifestyle & Community;
- Executive Manager Community Planning and Sustainability;
- Lead Strategic Projects Manager;
- Executive Services Coordinator; and
- Community Planning team.

Internal consultation has focused on the proposed partnership arrangements, the Shire's responsibilities as land manager and lessor, officer resourcing, statutory approval requirements and relevant governance considerations.

Statutory Environment

Local Government Act 1995

Section 3.1 – General function - Gives the Shire its general function of providing for the good government of people in its district.

Section 3.18 – Performing executive functions - Sets out the Shire's executive functions, including providing services and facilities and managing property it is responsible for. Any partnership must sit within these functions and the Shire's existing resources.

Section 3.73 – Restrictions on local government during caretaker period Stops the Shire doing, or deciding to do, a significant act during caretaker unless an exception applies. This includes entering into a contract, agreement or arrangement worth more than $250,000.

Having regard to WALGA's advice and the Department's confirmation:

- *the Club will receive and administer the grant;*
- *the Shire will not receive or provide any funds; and*
- *the Shire's contribution is limited to technical advice and guidance, valued at about $[X].*

On that basis, the proposed decision is not expected to be a significant act. The resolution does not authorise the Shire to enter into any funding or partnership agreement. Any such agreement will be assessed against s.3.73 once its terms are known.

Local Government (Functions and General) Regulations 1996

Regulation 3A – Significant acts Sets the $250,000 threshold and prevents an arrangement being split into smaller agreements to avoid it.

Regulation 3B – Decisions taken before caretaker period Requires local public notice, with a copy to the Departmental CEO, before a significant act decided before caretaker is carried out during caretaker.

Planning and Development Act 2005 and Building Act 2011

The works may need planning and building approvals. The Shire's role as partner is separate from its role in deciding statutory applications. Any application will be assessed on its merits, and the partnership does not give any approval. The applicant's statement that heritage approval is not required will be checked during the approval process.

Land Administration Act 1997

Section 46 – Care, control and management of reserves. The site is Crown land managed by the Shire under a management order and leased to the Club. Any development must be consistent with the management order and the lease.

Control of Vehicles (Off-road Areas) Act 1978
Sections 17 and 18 – Off-road Vehicles Advisory Committee Establish the committee that advises the Minister and is referred to in the program guidelines. Use of the site must comply with the Act.

Relevant Plans and Policy

Strategic Community Plan 2022–2032: The proposal has potential alignment with the Shire's strategic objectives relating to community participation, recreation, economic development and tourism.

Economic Development Strategy and Action Plan 2023–2028 (Adopted 22 August 2023): The project has potential to support the visitor economy through the development of recreational infrastructure and the attraction of motorsport participants and visitors to the region.

The Project Plan, provided in *Schedule 1,* also identifies several relevant local, regional and State strategic plans and frameworks with which the proposed project aligns.

Financial Implications

The Gascoyne Off Road Racing Club Incorporated has submitted a grant application seeking $521,000 (excluding GST) towards a project with an estimated total value of $845,600 (excluding GST).

The Project Plan identifies $324,600 in proposed in-kind contributions from the Club and local businesses.

The Shire has not committed any direct financial contribution to the proposed project. Under the proposed partnership arrangements, the Shire would not receive or administer grant funding and would not assume responsibility for project cost overruns.

The Shire's involvement in statutory and regulatory approval processes, including planning and building approvals, is considered part of its ordinary local government functions and would be undertaken in accordance with applicable legislative requirements.

The proposed partnership may also involve the provision of technical advice, project guidance and participation in periodic project reviews through existing officer resources. However, the extent of this involvement and the associated staff resourcing requirements cannot be accurately determined until the outcome of the grant application is known and the approved project scope, delivery arrangements and requirements have been further assessed.

Any proposed financial contribution by the Shire towards the project would be considered separately from the partnership arrangements and would be subject to Council consideration and approval through the formal budget process.

The grant application remains subject to assessment, and no funding has been awarded at this stage.

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	Potential additional costs, officer resourcing commitments or financial liabilities arising from the partnership.	C-2 Moderate	Define financial responsibilities, confirm the Club as grant administrator and exclude unapproved financial commitments.
Health & Safety	Risks associated with construction activities, contractors and future recreational use of the facility.	C-2 Moderate	Require the Club to maintain appropriate WHS arrangements, contractor management, insurance and operational safety procedures.
Reputation	Reputational impacts arising from project delays, unsuccessful delivery or uncertainty regarding the Shire's responsibilities.	C-2 Moderate	Establish clear partnership responsibilities, communication protocols and project reporting arrangements.
Service disruption	Officer resources allocated to the project may affect existing operational priorities.	D-2 Low	Limit Shire involvement to agreed technical advice and project guidance within available resources.
Compliance	Failure to obtain necessary planning, building, environmental or land tenure approvals.	C-2 Moderate	Require all relevant approvals before works commence and ensure the partnership does not imply regulatory approval.
Property	Potential damage to Shire-managed land or uncertainty regarding ownership and maintenance of new infrastructure.	C-2 Moderate	Confirm lease obligations, asset ownership, insurance and maintenance arrangements before project delivery.
Environment	Potential disturbance to vegetation, land, habitat or culturally significant areas during construction and operation.	C-3 High	Require relevant environmental assessments, consultation and approvals, with appropriate management controls.
Fraud	Potential misuse of grant funding or inadequate procurement and financial controls.	C-2 Moderate	Require the Club to maintain financial accountability, procurement records and acquittal arrangements in accordance with the grant conditions.

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*
- *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 Gascoyne Off Road Racing Club Incorporated is commended for its leadership and proactive approach in seeking external funding to support the ongoing development and improvement of recreational facilities at Black Flats.

The Club's initiative demonstrates a strong commitment to the continued growth of motorsport in the Gascoyne region and contributes to the broader vision of positioning Carnarvon as a regional hub for recreation, tourism and economic development. The proposed improvements have the potential to enhance local facilities, attract additional visitors and events, and generate economic opportunities for the wider community.

The Shire recognises the important contribution of community organisations and volunteers in developing and delivering initiatives that support regional growth. The Club's efforts to secure external investment demonstrate the value of community-led projects and partnerships in progressing infrastructure improvements and strengthening Carnarvon's visitor economy.

The proposed partnership provides an opportunity for the Shire to support the Club's initiative through technical advice and project guidance, while maintaining clear responsibilities for project delivery, financial administration and ongoing asset management.

OFFICER'S RECOMMENDATION

That Council, by simple majority, pursuant to section 5.20(1) of the Local Government Act 1995:

1. ***Endorses, pursuant to sections 3.1 and 3.18 of the Local Government Act 1995, the Shire of Carnarvon's participation in a partnership with the Gascoyne Off Road Racing Club Incorporated to support the Gascoyne Off-Road Vehicle Recreation Area Upgrade – Stage 1 project under Round 2 of the Off-road Vehicle Area Grants Program.***
2. ***Approves the proposed allocation of roles and responsibilities outlined in this report, with the Club retaining responsibility for project delivery and financial administration, and the Shire providing technical advice and project guidance within existing resources.***
3. ***Requests the Chief Executive Officer, in accordance with section 5.41 of the Local Government Act 1995, should the grant application be successful, to develop a formal partnership agreement defining the respective roles, responsibilities, financial obligations and asset management arrangements, for consideration and approval through the appropriate governance processes.***

7.3.2 COASTAL HAZARD RISK MANAGEMENT ADAPTATION PLAN - CARNARVON AND CORAL BAY

File No:	ADM2215
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
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:	28 July 2026
Schedules:	1. CHRMAP

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

To seek Council adoption of the Shire of Carnarvon Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) (refer Schedule 1), as advertised, following completion of the formal public advertising and stakeholder consultation process. No submissions were received that require amendment to the advertised CHRMAP, and it is therefore recommended that Council adopt the CHRMAP in the form advertised.

Background

The Shire of Carnarvon has prepared a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to provide a strategic framework for understanding, managing and adapting to coastal hazards affecting the Shire's coastal communities and assets.

The CHRMAP considers potential coastal hazards and associated risks over relevant planning timeframes and identifies appropriate adaptation responses to assist the Shire, community and other stakeholders in making informed decisions about future land use, infrastructure and coastal management.

Following preparation of the draft CHRMAP, the document was released for formal public advertising and stakeholder consultation.

At its Ordinary Council Meeting held on 28 July 2026, Council endorsed the draft CHRMAP for public advertising and stakeholder consultation. Council's endorsement was for consultation purposes only and did not constitute formal adoption of the CHRMAP.

Stakeholder and Public Consultation

External Consultation

The draft CHRMAP was advertised from 19 August 2026 to 07 September 2026 to provide the Carnarvon and Coral Bay community, affected stakeholders and relevant government agencies with an opportunity to review the document and provide feedback prior to its consideration for adoption.

As part of the consultation process, the Shire:

- advertised the draft CHRMAP in the local newspaper;
- made the document available for public review and comment;
- referred the draft CHRMAP to all relevant external government agencies for review and comment; and
- conducted community drop-in information sessions in Coral Bay and Carnarvon.

The community drop-in sessions were conducted over two days, comprising one session in Coral Bay and two sessions in Carnarvon. A total of 17 community members attended the sessions.

The sessions provided an opportunity for community members to speak directly with Shire representatives about the purpose of the CHRMAP, the coastal hazards identified, the risk assessment process and the proposed approach to managing and adapting to coastal hazards over time.

During the community consultation process, enquiries were also received as to why the CHRMAP does not investigate or address riverine flooding affecting Carnarvon. The CHRMAP has been prepared in accordance with State Planning Policy 2.6 - State Coastal Planning Policy and is specifically concerned with coastal hazards. Accordingly, the scope of the CHRMAP is limited to coastal erosion and coastal inundation, including the effects of storm surge and projected sea level rise. Riverine flooding is a separate flood risk and does not form part of the coastal hazard assessment undertaken through the CHRMAP.

Riverine flooding is being considered separately through the Floodplain Management Group led by the Department of Water and Environmental Regulation (DWER). This provides a separate process for considering riverine flood risk and associated floodplain management matters. The CHRMAP and the work of the Floodplain Management Group therefore address different, but potentially related, natural hazard risks affecting Carnarvon.

Overall, the engagement during the drop-in sessions was constructive, and the preparation of the CHRMAP was positively received by those who attended. The sessions were also useful in assisting community members to better understand the role of the CHRMAP and how it will inform longer-term planning and decision-making.

The formal advertising and consultation process has now been completed.

No submissions were received that would require amendments to the advertised CHRMAP. While attendance at the community drop-in sessions was relatively modest, discussions with the 17 attendees indicated general acceptance of the preparation of the CHRMAP and no issues were raised through the formal submission process that would prevent the document progressing towards adoption.

On this basis, no changes to the CHRMAP are recommended because of the formal advertising and consultation process.

The CHRMAP, as advertised, can therefore proceed to Council for consideration for adoption.

Internal Consultation

Extensive internal consultation and engagement have occurred throughout the preparation and consideration of the CHRMAP, including:

- Corporate Information Session presentations and briefings held on:
  - 8 February 2022;
  - 14 November 2023;
  - 8 October 2024;
  - 20 May 2025;
  - 20 January 2026
  - 12 February 2026;
- Council's consideration of matters relating to the CHRMAP at the Ordinary Council Meetings held on:
  - 22 March 2022, when Council considered support for preparing a CHRMAP;
  - 28 March 2023, when Council considered the award of the tender for town planning services to prepare the CHRMAP;
  - 27 January 2026, when Council considered endorsement of the draft CHRMAP for public consultation; and
  - 28 July 2026, Item 7.3.1, when Council considered endorsement of the draft CHRMAP for formal public advertising and stakeholder consultation.
- briefing of the Commissioner by Shire officers and the project consultant in June 2026; and

Statutory Environment

Local Government Act 1995

Section 2.7 of the *Local Government Act 1995* establishes the role of Council in governing the local government's affairs and being responsible for the performance of the local government's functions. Council's consideration and adoption of the CHRMAP provides the strategic direction for the Shire's future management of identified coastal hazards and adaptation responses.

Planning and Development Act 2005 and State Planning Policy 2.6 – State Coastal Planning Policy

State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6), established within the Western Australian planning framework, provides the principal State planning policy framework for planning and decision-making within the coastal zone. SPP 2.6 requires coastal hazard risk management and adaptation to be appropriately planned for and provides for coastal hazards to be considered in strategic and statutory planning processes.

Coastal Hazard Risk Management and Adaptation Planning Guidelines

The Western Australian Government's *Coastal Hazard Risk Management and Adaptation Planning Guidelines* provide guidance to decision-makers for the preparation and implementation of CHRMAPs and are to be read in conjunction with SPP 2.6 and the associated State Coastal Planning Policy Guidelines.

The Shire's CHRMAP has been prepared within this State planning policy framework and, following adoption by Council, will provide a strategic basis for informing future coastal planning, asset management, adaptation planning and decision-making within Carnarvon and Coral Bay.

Relevant Plans and Policy

Shire of Carnarvon Local Planning Scheme No. 13

Provides the statutory framework for land use and development within the Shire of Carnarvon. The CHRMAP may inform future amendments to the Scheme, including the possible introduction of planning controls or special control areas relating to coastal hazard risk.

State Planning Policy 2.6 – State Coastal Planning Policy

Provides the State planning policy framework for coastal planning and the management of coastal hazards, including erosion, inundation, storm surge and projected sea level rise.

Clause 5.5 - Coastal Hazard Risk Management and Adaptation Planning

(i) Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review, and communicate and consult.

(ii) Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate of title: VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

(iii) Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:

1) *Avoid the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with the guidelines provided in Schedule One.*
2) *Planned or Managed Retreat or the relocation or removal of assets within an*
3) *area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.*
4) *If sufficient justification can be provided for not avoiding development of land that is at risk from coastal hazards then Accommodation adaptation measures should be provided that suitably address the identified risks. Such measures would involve design and/or management strategies that render the risks from the identified coastal hazards acceptable.*
5) *Where sufficient justification can be provided for not avoiding the use or development of land that is at risk from coastal hazards and accommodation measures alone cannot adequately address the risks from coastal hazards, then coastal Protection works may be proposed for areas where there is a need to preserve the foreshore reserve, public access and public safety, property and infrastructure that is not expendable.*

(iv) Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the coastal hazard risk management and adaptation planning hierarchy above, as part of the ongoing monitoring and review process.

Clause 5.6 - Infill Development

(i) New development should be located on the least vulnerable portion of the development site.

(ii) Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management and adaptation planning measures (Section 5.5) should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.

Clause 5.7 - Coastal Protection Works

(i) New coastal protection works are not permitted, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process.

(ii) Existing coastal protection works that require significant upgrade or maintenance over the planning timeframe should be considered as new coastal protection works, including consideration of the most appropriate form.

(iii) Coastal protection works should only be supported:

a. *where it is demonstrated there are no significant negative impacts on the adjacent environment within the sediment cell; and*

b. *in conjunction with appropriate funding arrangements for the construction and ongoing care, control and maintenance being put in place.*

(iv) Coastal protection works, where necessary and justified should be:

a. *adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal zone;*

b. *primarily proposed in the public interest to ensure they maintain a coastal foreshore reserve, public access, public amenity and public safety as well as to protect high value property and infrastructure that is not expendable; and*

c. *evaluated at a sediment cell level and take into consideration the future protection requirements of adjoining development.*

Financial Implications

The CHRMAP has a total project budget of $250,000, comprising a $150,000 State Government contribution and $100,000 in Council own-source funding spread across four financial years.

Consideration or adoption of the CHRMAP does not create an immediate commitment to undertake any particular capital or operational works. Any future adaptation actions requiring expenditure will be subject to separate project planning, funding assessment, budget allocation and Council consideration.

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	The Shire owns and manages coastal infrastructure and community assets that may be exposed to erosion, inundation, storm surge and projected sea level rise. Without an endorsed CHRMAP, future coastal works may be reactive, more costly, and less aligned with long-term financial planning and external funding opportunities.	B3 - High	Adopting the CHRMAP will support long-term planning, prioritisation of coastal adaptation works, asset management, and future State and Federal funding applications.
Health & Safety	Coastal hazards may affect public safety, particularly where erosion, inundation or storm surge impacts roads, reserves, public facilities, emergency access points or low-lying areas.	C2 - Moderate	The CHRMAP provides an evidence-based framework to identify coastal hazard risks and inform future land use planning, emergency management, infrastructure planning and adaptation responses.

Reputation	Failure to progress coastal hazard risk planning may be perceived as a lack of leadership or preparedness in responding to known coastal risks affecting Carnarvon and Coral Bay.	B3 - High	Adopting and progressively implementing the CHRMAP, with regular monitoring, review and communication of coastal hazard management actions and priorities will show leadership and commitment to address coastal risks.
Service disruption	Coastal erosion, storm surge or inundation may disrupt access to roads, reserves, public infrastructure, utilities and community facilities. Without a strategic framework, responses may be inconsistent or reactive.	C3 - High	The CHRMAP will assist in identifying vulnerable assets and service areas, and support future planning for adaptation, maintenance, renewal and emergency response.
Compliance	State Planning Policy 2.6 requires coastal hazard risk management and adaptation planning where existing or proposed development, landholders or assets are at risk of coastal hazards over the planning timeframe. Failure to progress the CHRMAP may weaken the Shire's ability to demonstrate alignment with State planning policy.	B3 - High	Adopting the CHRMAP will demonstrate progression of coastal hazard planning in accordance with SPP2.6.
Property	Coastal hazards may affect private land, public land, reserves, roads, infrastructure and future development potential. Failure to identify and disclose coastal hazard risk may result in inconsistent planning decisions and increased exposure for affected landowners and the Shire.	B3 - High	The CHRMAP identifies coastal hazard risk areas and potential adaptation responses, and may inform future planning controls, asset management decisions and risk disclosure processes.
Environment	Coastal erosion, inundation and future adaptation responses may impact coastal landforms, habitats, reserves and foreshore areas. Poorly planned responses may create unintended impacts on adjoining areas or the broader sediment cell.	C3 - High	The CHRMAP supports a strategic, evidence-based approach to coastal management and will assist in considering long-term environmental impacts when assessing future adaptation or protection options.
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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our sustainable livelihoods create a community that can flourish into the future*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:
- *Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)*

BIG IDEAS FOR THE FUTURE OF CARNARVON:
- *N/A*

Comments

The consultation process has not identified any matters requiring amendment to the advertised CHRMAP.

No formal submissions were received and discussions during the three community information sessions did not identify any issues that would prevent the document progressing for consideration for adoption.

The CHRMAP is therefore considered suitable for adoption in the form advertised. Adoption will establish the CHRMAP as the Shire's strategic framework to inform future coastal planning, asset management and adaptation decisions. Adoption does not, of itself, approve any planning scheme amendment, coastal protection works, capital project or funding commitment. Any such actions will remain subject to separate statutory processes, project planning, budget allocation and Council consideration, as applicable.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, and pursuant to Section 2.7 of the Local Government Act 1995 (WA) ADOPTS the Shire of Carnarvon Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), as advertised and attached as Schedule 1, following completion of the formal public advertising and stakeholder consultation process.

7.3.3 CREATION OF COASTAL RESERVE - CORAL BAY

File No:	ADM1969
Location/Address:	Coral Bay
Name of Applicant:	Department of Biodiversity, Conservation and Attractions (DBCA)
Name of Owner:	State of Western Australia, Crown land
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. DBCA request for comment

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☑	**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
☐	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

To consider a request from the Department of Biodiversity, Conservation and Attractions (DBCA) for Council to provide its position on the proposed creation of a coastal reserve along the Nyinggulu Coast, and to consider how the proposed reserve boundaries may affect the future strategic planning of Coral Bay, particularly the preparation of the Coral Bay Precinct Structure Plan (PSP).

Background

DBCA has advised that, following the registration of an Indigenous Land Use Agreement (ILUA) in September 2024, it is progressing the creation of a series of contiguous coastal reserves along the Nyinggulu Coast. These reserves are intended to form part of the State's conservation estate and will formalise long-term environmental protection, cultural heritage recognition, and joint management arrangements with Traditional Owners.

The Nyinggulu Coast is recognised as an area of high environmental and cultural significance, forming part of the broader Ningaloo region. Historically, the State Government, through DBCA and its predecessor agencies, has progressively expanded the conservation estate along this coastline through the creation and consolidation of reserves for conservation and coastal management purposes, with increasing involvement of Traditional Owners through co-management frameworks.

The current proposal represents a continuation of this strategic approach, seeking to create a more continuous and coordinated reserve system along the Nyinggulu Coast.

Stakeholder and Public Consultation

DBCA is the lead agency responsible for the reserve-creation process and associated consultation. The Shire has not undertaken separate public consultation specifically on the indicative reserve boundary.

The Coral Bay Precinct Structure Plan will include community and stakeholder engagement on future land use, access, infrastructure and environmental considerations. The Shire will continue engaging with DBCA, the Department of Planning, Lands and Heritage, Traditional Owners and relevant government agencies as the reserve and Precinct Structure Plan processes progress.

Statutory Environment

The proposed creation of the coastal reserve, together with the proposed excision of land from the reserve boundary for potential future access, infrastructure or other public purposes, is principally a matter of Crown land administration and conservation estate management and is therefore subject to the State's statutory framework.

<u>Land Administration Act 1997</u>
The *Land Administration Act 1997* provides the principal statutory framework for the reservation, management and alteration of Crown land.

Under section 41 of the Act, the Minister for Lands may reserve Crown land to the Crown for one or more purposes in the public interest.

The Act also provides mechanisms for the subsequent amendment of reserve boundaries. In particular, section 51 provides that, subject to the relevant provisions of the Act, the Minister may by order cancel a reserve, change its purpose, reduce its area, excise an area from a reserve, or otherwise amend the boundaries, locations or lots comprising the reserve.

Accordingly, land may either be excluded from the proposed reserve at the time its boundaries are established or, where land has already been included within a reserve, an appropriate statutory process may subsequently be undertaken to excise that land or amend the reserve boundary.

For the purposes of the current proposal, the Shire's preferred approach is that the area identified as potentially necessary for future access, transport connectivity, infrastructure or other public purposes be excluded from the conservation reserve boundary before the reserve is finalised, rather than relying on a future reserve excision process.

Retaining this land outside the conservation reserve would preserve Crown land tenure flexibility while the Coral Bay Precinct Structure Plan is completed. Following completion of that strategic planning process, the land could then be considered for an appropriate Crown reserve or other tenure consistent with its identified long-term purpose, including access, public infrastructure, public open space or another public purpose.

<u>Conservation and Land Management Act 1984</u>
The *Conservation and Land Management Act 1984* provides the legislative framework for the management of the State's conservation estate and is relevant to the ongoing management of land reserved for conservation purposes.

Where the proposed coastal reserve forms part of the conservation estate and is managed under the *Conservation and Land Management Act 1984*, any future alteration to its tenure or boundaries may also

require consideration of the reserve's classification, management arrangements and the applicable requirements of both the *Land Administration Act 1997* and *Conservation and Land Management Act 1984*.

The Shire's proposed excision therefore seeks to resolve the strategic land requirement before the conservation tenure is finalised, thereby reducing the potential for more complex tenure amendments to be required at a later date.

Planning and Development Act 2005

The *Planning and Development Act 2005*, together with the *Planning and Development Regulations 2015*, establishes the State planning framework within which the Shire's local planning scheme and strategic planning instruments operate.

While the creation of the proposed conservation reserve, or the exclusion or excision of Crown land from that reserve, is primarily a Crown land administration matter rather than a local development approval, the resulting tenure arrangements have direct implications for the Shire's statutory and strategic planning functions.

The planning framework also provides mechanisms whereby land required through future subdivision or planning processes may be set aside or vested in the Crown for purposes including pedestrian access, rights-of-way, foreshore management, recreation and other public purposes. The ultimate tenure and purpose of any land excluded from the proposed conservation reserve should therefore be informed by the Coral Bay Precinct Structure Plan and any subsequent statutory planning or Crown land administration processes.

Shire of Carnarvon Local Planning Scheme No. 13

The proposed reserve and the proposed excision need to be considered in conjunction with Local Planning Scheme No. 13, the Coral Bay Settlement Structure Plan and the Coral Bay Precinct Structure Plan currently under preparation.

The Precinct Structure Plan will replace the Coral Bay Settlement Structure Plan and is intended to provide the strategic framework for determining the future land use, transport, infrastructure and community requirements of Coral Bay.

The Shire's statutory interest is therefore to ensure that the final conservation reserve boundary does not unnecessarily constrain land that may subsequently be identified through the Precinct Structure Plan as being required for:

- future road or access connections, including potential future transport connectivity associated with Banksia Drive;
- emergency or alternative access;
- public infrastructure and services;
- public open space or community facilities; or
- another public or strategic planning purpose.

Excluding the identified portion from the proposed conservation reserve at this stage does not determine its ultimate use or development. Rather, it preserves the land in Crown ownership and retains the flexibility necessary for its future purpose and tenure to be determined through the Coral Bay Precinct Structure Plan and subsequent statutory processes.

Relevant Plans and Policy

Coral Bay Settlement Structure Plan
Coral Bay Precinct Structure Plan (In preparation)

Financial Implications

There are no immediate financial implications associated with Council considering this information report.

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	The establishment of the reserve could limit future development or infrastructure opportunities, potentially increasing the cost of providing future roads, access, services or public facilities if alternative land or routes are subsequently required.	B3 - High	Ensure areas potentially required for future infrastructure are excluded from the reserve pending completion of the Coral Bay PSP. Use the PSP to identify future infrastructure requirements before final reserve boundaries are confirmed. Continue discussions with DBCA and DPLH regarding tenure boundaries.
Health & Safety	Reservation of land could constrain the Shire's ability to provide or modify access routes, emergency access, evacuation routes or other infrastructure required for public safety as Coral Bay develops.	B4 - Extreme	Ensure emergency access and evacuation requirements are considered through the PSP. Retain flexibility over potential transport and access corridors, including the potential extension of Banksia Drive. Engage with relevant emergency management agencies as the PSP progresses.
Reputation	The Shire could face criticism from the community, environmental interests, Traditional Owners, tourism operators or other stakeholders if it is perceived as either opposing environmental protection or allowing conservation decisions to compromise the future of Coral Bay.	C2 - Moderate	Clearly communicate that the Shire supports the conservation objectives while seeking to ensure appropriate planning flexibility. Base the Shire's position on the outcomes of the PSP and transparent planning considerations. Continue constructive engagement with DBCA, Traditional Owners and the community.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A

Property	Permanent reservation could sterilise land that may be required for future public infrastructure, access, public open space or other strategic purposes. This could reduce the Shire's ability to respond to future growth and may result in increased costs if alternative land is subsequently required.	B3 - High	Identify strategically important land through the Coral Bay PSP. Request excision of areas that may be required for future infrastructure or public purposes until the PSP is complete. Maintain an ongoing dialogue with DBCA regarding final reserve boundaries.
Environment	Delaying reservation of some areas could result in a perceived or actual risk that environmentally significant land is not afforded long-term protection. Conversely, inappropriate reservation boundaries could fail to appropriately balance conservation with future planning needs.	D2 - Low	Support the overall conservation objectives of the proposal. Allow the majority of the reserve to progress while retaining only those areas requiring further planning consideration. Use environmental assessment and the PSP to inform the final balance between conservation and development.
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 sustainable livelihoods create a community that can flourish into the future*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

PROPOSAL

DBCA proposes to create a coastal reserve forming part of a contiguous conservation corridor along the Nyinggulu Coast. The proposed reserve area is shown in Figure 1. Although the detailed tenure boundaries are yet to be finalised, part of the proposed reserve overlaps land that may have strategic importance to the future planning of Coral Bay, particularly in relation to the potential extension of Banksia Drive and land that may be required for public purposes.

Fig 1: Proposed reserve boundary

DBCA has indicated that a pragmatic way of progressing the reserve would be to exclude selected areas from the reserve boundary until the Coral Bay PSP is finalised. This would allow the majority of the proposed reserve to proceed in the short term while preserving flexibility for the Shire to respond to the final planning outcomes of the PSP.

Council has been requested to provide feedback on the proposal, including any concerns or considerations regarding future land use planning, infrastructure provision, and community development.

PLANNING CONTEXT

Coral Bay Precinct Structure Plan (PSP)

The Coral Bay PSP is currently under development and will provide a strategic framework to guide the future growth, infrastructure provision, and land use planning of Coral Bay.

The PSP will:

- Assess long-term settlement expansion options;
- Identify environmental and coastal constraints;
- Identify public community facility needs;
- Consider transport and access arrangements;
- Balance environmental protection with development needs.

No final land use configuration or development footprint has been endorsed by Council at this time.

Potential Extension of Banksia Drive and Land for Public Purposes

Early planning work has identified a potential long-term extension of Banksia Drive as an option to improve connectivity and support future development scenarios, should expansion of Coral Bay be required. This option has not been endorsed and remains subject to the outcomes of the Coral Bay PSP.

Notwithstanding its conceptual status, it is important that the current reserve creation process does not unnecessarily remove options that may be required for future access, movement, community facilities or other public purposes. Reserving land that may ultimately be required for these purposes could constrain the PSP before its strategic planning and community consultation processes are complete.

Consistent with DBCA's suggested approach, officers recommend that the area excluded from the proposed reserve include the existing closed road reserve, together with the additional area highlighted in yellow in Figure 2 that could facilitate a future connection to Robinson Street. It is also proposed that the 'orphaned area' between the closed road reserve and the RAC property be included in the excluded area for practical land management purposes. Retaining these areas outside the conservation reserve at this stage would preserve planning flexibility; it would not constitute approval of a future road extension, development or other land use, which would remain subject to the outcomes of the PSP and any subsequent statutory processes.

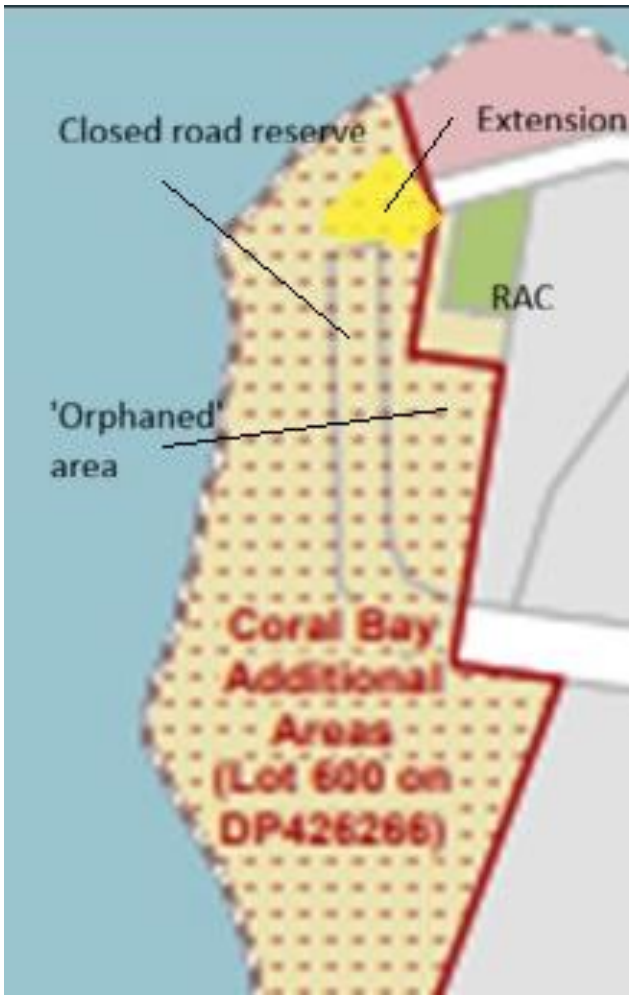

Fig 2: Proposed excise areas

PLANNING IMPLICATIONS

The proposed reserve provides several potential benefits, including:

- strengthening long-term environmental protection along the Nyinggulu Coast;
- supporting recognition and protection of cultural heritage values;
- supporting joint management arrangements with Traditional Owners;
- protecting the environmental values that underpin Coral Bay's tourism economy; and

- providing greater long-term certainty regarding the management of coastal land.

At the same time, establishing permanent reserve tenure before the completion of the PSP could potentially:
- sterilise land that may be required for future development or infrastructure;
- reduce flexibility in future transport and access planning;
- constrain potential expansion options for Coral Bay; and
- potentially prevent the outcomes of the PSP and associated community consultation.

The key issue for the Shire is therefore not whether the environmental and cultural values of the Nyinggulu Coast should be protected, but how the reserve boundaries can be established in a manner that does not unnecessarily constrain the future planning of Coral Bay.

Excision Approach

DBCA's suggested approach to excise specific areas from the reserve pending PSP finalisation provides a balanced pathway forward by:
- Allowing the majority of the coastal reserve to be established without delay;
- Retaining strategic flexibility for Council in areas where future infrastructure or development may be required;
- Ensuring that key planning decisions are informed by the outcomes of the PSP and its associated community consultation process.

This approach would preserve the Shire's strategic flexibility to consider options such as a potential extension of Banksia Drive, public open space, community facilities or other public purposes if these are supported through the PSP. Importantly, exclusion of the identified land at this stage would preserve options rather than predetermine its future use.

Strategic Planning Considerations

The Coral Bay PSP is the appropriate process for determining the long-term planning framework for the area.

In considering the proposed reserve boundaries, it is therefore important that:
- The PSP is not undermined by premature land reservation decisions;
- Sufficient flexibility is retained to respond to future growth, infrastructure, and emergency management needs;
- Conservation objectives are aligned with local planning outcomes.

The proposed excision approach provides a practical means of balancing these considerations by allowing conservation outcomes to progress while avoiding premature decisions about land that may have future strategic value to Coral Bay.

Comments

The Shire supports the intent of DBCA's proposal to expand the conservation estate along the Nyinggulu Coast and recognises the significant environmental, cultural and coastal values of the area.

The principal planning issue is not the importance of protecting these values, but ensuring that the final reserve boundaries do not unnecessarily constrain the strategic planning process currently underway through the Coral Bay PSP.

On balance, excluding the identified strategic areas from the reserve pending finalisation of the PSP is considered an appropriate and pragmatic approach because it:
- Enables conservation objectives to proceed;
- Maintains planning flexibility for the Shire;
- Ensures that future decisions are informed by robust strategic planning and community consultation.

OFFICER'S RECOMMENDATION

That Council by Simple Majority and pursuant to Section 3.18(1) of the Local Government Act 1995 (WA) resolves to:

1. ***Notes the proposal by the Department of Biodiversity, Conservation and Attractions to create a coastal reserve along the Nyinggulu Coast following the registration of an ILUA in September 2024;***

2. ***Supports in principle the protection of environmentally and culturally significant coastal areas as part of the State's conservation estate;***

3. ***Acknowledges the ongoing preparation of the Coral Bay Precinct Structure Plan as the primary mechanism for determining the long-term planning framework for Coral Bay;***

4. ***Supports DBCA's proposed approach to exclude identified areas from the proposed reserve boundary pending the finalisation of the Coral Bay PSP;***

5. ***Requests that DBCA exclude from the proposed reserve boundary, pending finalisation of the Coral Bay Precinct Structure Plan, the following areas as generally identified in Figure 2 of this report:***
   a) ***the existing closed road reserve;***
   b) ***sufficient land to preserve the option of establishing a future connection between Banksia Drive and Robinson Street; and***
   c) ***the area situated between the closed road reserve and the RAC property identified in this report as the "orphaned area"; and***

6. ***Requests that DBCA continue to consult with the Shire of Carnarvon during the finalisation of the proposed reserve boundaries to ensure that the State's conservation objectives are appropriately considered alongside the strategic planning and future infrastructure requirements for Coral Bay.***

7.3.4 CARNARVON MOBILE TRADING POLICY

File No:	ADM0181
Location/Address:	Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
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:	30 June 2026
Schedules:	1. Carnarvon Mobile Trading Policy 2. Schedule of Submissions 3. Submissions

Authority/Discretion:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**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
☑	**Legislative**	Includes adopting local laws, town planning schemes and policies.
☐	**Information**	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
☐	**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

The purpose of this report is to seek Council's adoption of the Carnarvon Mobile Trading Policy (Schedule 1), with modifications following the completion of the public advertising process.

Background

The Shire has prepared a revised Mobile Trading Policy to provide a clear and consistent framework for the regulation and management of mobile trading activities within the Carnarvon townsite. The policy seeks to balance opportunities for mobile trading with the interests of established businesses, public amenity, safety and the equitable use of public spaces.

The review of the Mobile Trading Policy has principally been driven by concerns raised by Council and the local business community regarding mobile trading in proximity to established businesses. On several occasions, local business owners and the Carnarvon Chamber of Commerce have requested that the Shire review its approach to mobile trading, particularly the provisions governing where mobile traders may operate in relation to existing businesses.

These concerns have generally centred on the potential impact of mobile traders operating near established businesses that have ongoing overheads associated with maintaining permanent commercial premises. The issue has also been raised by Council, which requested that the policy be reviewed to provide greater clarity

around appropriate trading locations and the relationship between mobile trading activities and established businesses.

Accordingly, the current review has been undertaken primarily in response to the concerns and requests of Council and local business owners, while also recognising the important role that mobile traders play in providing additional services, choice and economic activity within Carnarvon. The review therefore seeks to establish a balanced and transparent framework that provides reasonable opportunities for mobile traders while appropriately considering the interests of existing businesses.

Following the review, a draft Mobile Trading Policy was presented to Council and, at its meeting held on 30 June 2026, Council resolved to advertise the draft policy for public comment. The subsequent consultation process included direct engagement with mobile traders, the Carnarvon Chamber of Commerce and town centre food businesses, with seven submissions ultimately received.

Stakeholder and Public Consultation

External Consultation

The draft Carnarvon Mobile Trading Policy was advertised for public comment, which included:

- Publication in the local newspaper;
- Direct referral to all active mobile traders operating within the Shire and those that have held a traders permit in the last 12 months;
- Referral to the Carnarvon Chamber of Commerce; and
- Notice sent to food businesses within the town centre.

A total of seven (7) submissions were received during the advertising period.

The submissions (Schedule 3) identify differing views regarding mobile trading in and near the Carnarvon town centre.

Mobile traders and some submitters favour retaining the Main Street and Olivia Terrace locations because of their established visibility and customer patterns. Established hospitality businesses have requested greater separation between mobile traders and existing businesses.

The revised draft Policy addresses these competing interests by applying a 300-metre buffer from existing food businesses. Consequently, trading in Main Street and Olivia Terrace would not be supported where these locations fall within the prescribed buffer.

The preferred and suitable secondary locations identified in the draft Policy are considered visible and appropriate for mobile trading. Traders can further support customer awareness by regularly advertising their approved trading locations through social media.

The Museum location would only be available for special events or celebrations and would require approval from the Museum operator.

The revised draft Policy also addresses several administrative matters raised in the submissions, including operational self-sufficiency, trading from private property, assessment of discretionary locations, annual licensing and site-specific licence conditions.

The revised Policy does not impose a general cap on daily trading hours, although appropriate operating times may be included as a site-specific condition where necessary.

Please refer to the schedule of submissions (Schedule 2) attached for submission information and officer's comments.

Statutory Environment

Local Government Act 1995 – s.2.7(2)(b)
Section 2.7(2)(b) of the *Local Government Act 1995* provides that Council is responsible for determining the local government's policies.

Section 3.18 of the Act provides that a local government is to administer its local laws and may do all other things necessary or convenient to be done in connection with performing its functions under the Act.

Shire of Carnarvon Public Places and Local Government Property Local Law 2021
The Public Places and Local Government Property Local Law 2021 provide the regulatory framework relevant to activities undertaken on local government property and public places within the district.

The Mobile Trading Policy supports the administration of the Local Law by establishing a consistent and transparent framework, including principles and assessment criteria, for considering applications to undertake mobile trading activities on land under the care, control or management of the Shire and other applicable public places.

Food Act 2008 (WA)
This is the principal Act governing all food businesses in WA, including mobile food traders. It applies to fixed, temporary and mobile food premises (e.g. food vans, stalls).

Food Regulations 2009 (WA)
These sit under the Food Act and provide supporting regulatory requirements**,** including administrative and enforcement provisions.

Australia New Zealand Food Standards Code
This is where the actual operational requirements sit, including:

- *Food safety practices (Standard 3.2.2)*
- *Construction and fit-out of premises (Standard 3.2.3)*

These standards explicitly apply to mobile and temporary food premises.

Relevant Plans and Policy

D001 - Shire of Carnarvon Mobile Trading Policy

Financial Implications

There are no immediate financial implications arising from adopting the policy. However, the adopted policy over time should improve fee revenue certainty, reduce enforcement and complaint management costs and support economic activity.

Risk Assessment

Consequence → / Likelihood ↓		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
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	Los of revenue from under-pricing of permits.	C2 - Moderate	Adopt a cost recovery pricing model for licenses and regularly review fees and charges.
Health & Safety	Risk to public safety from traffic conflicts, unsafe food handling, or poor positioned mobile traders.	C3- High	Mandatory compliance with food safety standards and registration. Traffic management and safe siting assessments. Conditions on licences addressing safety concerns.
Reputation	Perception of unfair competition with local businesses or poor regulation of traders.	C3 - High	Clear and transparency policy framework. Defined preferred and secondary locations. Stakeholder engagement with local businesses.
Service disruption	Interference with existing public facilities and parking due to trader presence.	C1 - Low	Restrict trading to approved locations. Conditions to prevent interference with operations. Ability to revoke or relocate approvals if conflicts arise.
Compliance	Non-compliance with Local Laws, planning, health regulations and/or policy.	C1 - Low	Set clear licencing conditions and guidelines. Regular compliance inspections by Rangers.
Property	N/A	N/A	N/A
Environment	Litter, waste and noise at trader locations.	C2 - Moderate	Wate management requirements such as the provision of bins and removal of waste as part of conditions.
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*:

<u>OBJECTIVES</u>

In 2040 Carnarvon is a place where:

- *Our equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*

- *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*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:
- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:
- *N/A*

Comments

The review of the Mobile Trading Policy responds to concerns previously raised by Council, local business owners and the Carnarvon Chamber of Commerce regarding the operation of mobile traders in proximity to established businesses. The subsequent public advertising process provided an opportunity to test the proposed policy approach with affected stakeholders and the broader community.

The submissions received were reviewed and considered by officers. As a result of the feedback, minor modifications have been made to the policy to improve clarity and operational effectiveness. These changes do not alter the overall intent or direction of the policy.

The policy remains focused on:

- Supporting local business activity;
- Ensuring fair and equitable access to trading locations;
- Managing potential impacts on existing businesses and public amenity; and
- Maintaining safety and compliance standards.

OFFICER'S RECOMMENDATION

That Council by, Simple Majority, and pursuant to Section 2.7(2)(b) of the Local Government Act 1995 (WA):

1. ***Adopts the Carnarvon Mobile Trading Policy, as attached, with modifications following public advertising; and***
2. ***Authorises the Chief Executive Officer to make minor administrative amendments to the policy as required.***

7.4 INFRASTRUCTURE SERVICES

Nil

8 APPLICATIONS FOR LEAVE OF ABSENCE

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

11 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL

12 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:

12.1 RFT 06/2026 - CORAL BAY AIRSTRIP PAVEMENT RESHAPE AND STABILISATION - AWARDING OF TENDER

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that the information —

(i) Information that is the subject of a direction by the Director General of the Department of Local Government under section 5.23AA(2) of the Act that the matter is to be dealt with on a confidential basis by the meeting
(ii) is a tendered price; or a tendered methodology for calculating a price;.

12.2 RFQ 23/2026 GRADER PURCHASE - WALGA PREFERRED SUPPLIER PANEL

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that the information —

(i) Information that is the subject of a direction by the Director General of the Department of Local Government under section 5.23AA(2) of the Act that the matter is to be dealt with on a confidential basis by the meeting
(ii) is a tendered price; or a tendered methodology for calculating a price;.

12.3 RFQ 24/2026 SUPPLY AND DELIVERY OF ONE NEW CRANE TIPPER TRUCK - WALGA PREFERRED SUPPLIER PANEL

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that the information —

(i) Information that is the subject of a direction by the Director General of the Department of Local Government under section 5.23AA(2) of the Act that the matter is to be dealt with on a confidential basis by the meeting
(ii) is a tendered price; or a tendered methodology for calculating a price;.

12.4 RFQ 26/2026 SUPPLY AND DELIVERY OF TWO NEW TIPPER TRUCKS- WALGA PREFERRED SUPPLIER PANEL

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that the

information —
(i) Information that is the subject of a direction by the Director General of the Department of Local Government under section 5.23AA(2) of the Act that the matter is to be dealt with on a confidential basis by the meeting
(ii) is a tendered price; or
a tendered methodology for calculating a price;.

13 DATE OF NEXT MEETING

The next Ordinary Council Meeting is scheduled to be held 24 Novemeber 2026 at 05.30pm in Council Chambers.

14 CLOSURE