



SHIRE OF CARNARVON  
**AGENDA**  
ORDINARY COUNCIL MEETING  
TUESDAY 22 MARCH 2022

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

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# **NOTICE OF MEETING**

Notice is hereby given  
**Shire of Carnarvon**  
**Ordinary Council Meeting**  
will be held  
on Tuesday 22 March 2022  
Council Chambers, Stuart Street Carnarvon  
commencing at 1.00pm



Andrea Selvey  
CHIEF EXECUTIVE OFFICER

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## **DISCLAIMER**

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

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

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## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

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## SPECIAL MEETINGS OF COUNCIL

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

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## 1.0 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

## 2.0 DECLARATIONS OF INTEREST

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

## 3.0 PUBLIC QUESTION TIME

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

### 3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

### 3.2 PUBLIC QUESTION TIME

## 4.0 CONFIRMATION AND RECEIVING OF MINUTES

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4.1 Ordinary Meeting of Council – 22 February 2022

### RECEIVING OF MINUTES

4.2 Regional Road Group Committee Meeting – 18 February 2022

4.3 Gascoyne Country Zone Meeting – 18 February 2022

4.4 Audit & Risk Management Committee – 15 March 2022

## 5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

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**9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**9.1 Pro Choice**

Cr Maslen has put forward the following notice of motion -

*That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995, resolves to write a letter to the Hon. Mark McGowan, MLA, Premier of Western Australia to:*

1. *Express this Council’s support for:*
  - (a) *Allowing the residents of the Shire of Carnarvon and the residents across the State of Western Australia a greater level of choice in decisions relating to their personal health; and*
  - (b) *Offering the residents of the Shire of Carnarvon and the residents of Western Australia a real choice in relation to vaccinations and mask-wearing by removing the mandatory nature of these measures.*
2. *Cite real examples of where the current mandates for vaccinations and mask-wearing have impacted this Shire in relation to workforce attrition, thus impacting our ability to deliver services to our community.*

**10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**11.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL**

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

**13.0 DATE OF NEXT MEETING**

11.1 Next meeting of Council will be held on Tuesday 26 April 2022

**14.0 CLOSURE**

File No:	ADM0043
Date of Meeting:	10 March 2022
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

#### Authority / Discretion

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

#### Summary of Item:

To report on actions performed under delegated authority for the months of February and March 2022.

#### Background:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals issued
- Building Permits issued;
- Health Approvals issued;
- Affixing of Common Seal

#### Consultation:

Nil

#### Statutory Environment:

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2

TPS No. 10 – Section 2.4

Shire of Carnarvon Local Government Act Local Laws S.29

Health Act 1911 – S.107; Health Act 1911, Part VI

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications arising from receiving this report.

Risk Assessment:

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

**Comment:**

The following tables outline the action performed within the organisation relative to delegated authority for the months of February and March 2022 are submitted to Council for information.

**DELEGATIONS****COMMON SEAL**

10.03.22	Lease – Carnarvon Lions Club – Building 133 Carnarvon Airport
14.03.22	Deed of Settlement and Release – Coral Bay Investments Pty Ltd

**LAND USE AND DEVELOPMENT**

<b>PLANNING AND DEVELOPMENT ACT 2005 - PART 10: DIVISION 2</b>					
<b>Applications to subdivide, re-subdivide, or amalgamate land parcels</b>					
<b>File Ref:</b>	<b>WAPC Ref:</b>	<b>Subject Land</b>	<b>Purpose</b>	<b>Applicant/ Proponent</b>	<b>Advice Sent</b>
P1/22	161850	Lot 2, 3 North West Coastal Hwy	Subdivision	D & A Durmanich	16/02/2022

<b>Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68</b>					
<b>Applications to use/develop land</b>					
<b>File Ref:</b>	<b>Application Ref:</b>	<b>Subject Land (Incl. Scheme No)</b>	<b>Purpose</b>	<b>Applicant/ Proponent</b>	<b>Date Granted</b>
P3/22	A3215	Quobba Station	Caretaker dwelling	Tim Meecham	17/02/2022
P4/22	A1151	19 Saw Street, Carnarvon	Front fence	D Leif	22/02/2022
P47/21	A3841	Lot 308, Coral Bay	Workers Accommodation	RAC	22/02/2022
P2/22	A3595	Red Bluff campsite	Site Office	Tim Meecham	24/02/2022

**Hawkers, traders and stall holders**

Shire of Carnarvon Local Government Act Local Laws, s.29

<b>Date of decision</b>	<b>Decision Ref.</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>
P5/22	ADM2051	Mobile trading licence - Wingtopia	Tanya Palmer	Nil

**BUILDING SERVICES**

<b>Application No.</b>	<b>Owners Name</b>	<b>Lot &amp; Street</b>	<b>Type of Building Work</b>
B21/080	PETER WALKER	LOT 71 (64) SHALLCROSS ST, EAST CARNARVON	SOLAR PANEL INSTALLATION ON SHED
B21/081	ALEXANDRA HARPER MASLEN & BENJAMIN MASLIN	LOT 201 (139) OLIVIA TCE, SOUTH CARNARVON	SOLAR PANEL INSTALLATION ON EXISTING DWELLING
B21/086	PETER VAN BLOMMESTEIN	LOT 503 (163) BOOR STREET, KINGSFORD	SOLAR PANEL INSTALLATION ON EXISTING SHED

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/088	BENEDETTO DEI GIUDICI	LOT 480 (14) RICHARDSON ST, SOUTH CARNARVON	GARAGE / CARPORT REPLACEMENT
B22/002	CORY RODGERS	LOT 353 (10) CASTRINI CRES, BROCKMAN	SOLAR PANEL INSTALLATION ONTO EXISTING DWELLING
B22/006	ALAN & MINH HENDERSON	LOT 41 (25) FANE CRES, BROCKMAN	SOLAR PANEL INSTALLATION ONTO EXISTING DWELLING
B22/008	BATAVIA HOLDINGS PTY LTD	LOT 10 (16) ROBINSON ST, CORAL BAY	AMENDMENT TO ORIGINAL BUILDING PERMIT B21/060 (STAGE 1 - RETAINING WALLS & CIVIL WORKS FOR TOURIST DEVELOPMENT - FIVE (5) CHALETs, TWELVE (12) CARAVAN SITES, CARETAKERS DWELLING AND STORAGE SHED)
B22/009	GRAEME SINCLAIR	LOT 11 (34) DOUGLAS STREET, SOUTH CARNARVON	FREESTANDING SKILLION ROOF PATIO, STEEL FRAMED WITH PROFILED SHEET METAL ROOF CLADDING & CONCRETE FOOTINGS
B22/011	NEW IMAGE HOLDINGS PTY LTD	LOT 30 (3) FANE CRES, BROCKMAN	FREESTANDING SKILLION ROOF PATIO
B22/012	NEW IMAGE HOLDINGS PTY LTD T/A TRAC BUILDING SERVICES	LOT 1070 (6) KILLICOAT ST, SOUTH CARNARVON	POST & RAIL COLORBOND FENCE
B22/013	BENEDETTO DEI GIUDICI	LOT 33 (19) SAW ST, EAST CARNARVON	POST & RAIL COLORBOND FENCE
B22/014	AK WATERS PTY LTD T/A NORTHERN ASPECT CONSTRUCTION	LOT 81 (54) CLEAVER ST, SOUTH CARNARVON	SINGLE STOREY EXTENSION TO EXISTING DWELLING
B22/015	PML INSTALLATIONS PTY LTD	LOT 1337 (107) HARBOUR ROAD, SOUTH CARNARVON	INSTALLATION OF PRE-ENGINEERED TOILET (AT CARNARVON BOAT HARBOUR)
B22/017	NEW IMAGE HOLDINGS PTY LTD T/A TRAC BUILDING SERVICES	LOT 309 (4) MASLEN ST, BROCKMAN	POST & RAIL COLORBOND FENCE
B22/019	RYAN PATTERSON (PHOENIX SHEDS PTY LTD)	LOT 547 (26) JAMES ST, CARNARVON	METAL FRAME & CLAD HELICOPTER HANGAR AT CARNARVON AIRPORT
B22/022	AK WATERS PTY LTD T/A NORTHERN ASPECT CONSTRUCTION	LOT 337 (21) JOHNSTON STREET, CARNARVON	STEEL FRAMED/CLAD & ROOF STAGE 6 CLASSROOM & LANDSCAPING AT ST MARY'S SCHOOL

#### **OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of February and March 2022.*

File No:	ADM0080
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon and Gascoyne Arts Society Inc.
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

#### Authority / Discretion

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

#### Summary of Item:

This item seeks Council's formal consideration of a proposal for the Shire of Carnarvon to partner with the Gascoyne Arts Society Inc. to deliver the annual Gascoyne Art Awards (the Awards).

#### Background:

The Awards were introduced in Carnarvon in 1983 by Shire President Wally Dale and the Gascoyne Arts Council offered to run it voluntarily using a free Shire venue with the Shire supplying the acquisitive over-all winner prize money and in-kind support. Much of the history of Awards is not readily available; however, it is known that in 2014 the event was run in partnership between the Arts Council and the Shire.

The event was put on hold and the Arts Council disbanded in 2015.

The Awards resumed in 2021 run by a newly formed Gascoyne Arts Society Inc. The Arts Society received \$10,000 in funding from the Shire via the Community Growth Fund for the event. The Awards were run entirely by the Gascoyne Arts Society, a group of volunteers who have a strong interest in the arts.

Over the one-week event, there were a total of 842 attendees, \$9,500 of artworks sold, and \$21,000 of prizes awarded. Many of the artworks entered were from local artists, including 17 pieces from Aboriginal artists.

Officers have met with the Arts Society members about this event and both parties would like to propose to Council that the event is organised as a collaboration between the Shire and the Arts Society and that the Awards is run in partnership.

There are several examples of other art awards in regional communities which are successfully run under partnership models (Mid-West Art Award at the City of Greater Geraldton, Shire of Broome, Shire of Morawa, FestivArty Shire of Collie, City of Busselton Art Award, City of Wanneroo to name a few).

Collaboration could include some cash (proposed to maintain the \$10,000 contribution for an acquisitive prize), marketing, venue, and some assistance from Shire staff in hanging the exhibition. The Library and Gallery Coordinator is supportive of this approach.

**Consultation:**

Gascoyne Arts Society Inc.

**Statutory Environment:**

Local Government Act 1995

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

The 2021 Gascoyne Arts Society Arts show cost \$32,600 with the majority of the expenditure allocated to engaging suitably qualified art judges and prize money.

It is proposed to continue to support this event with the same level of cash contribution from the Shire, i.e., \$10,000; however other costs to the Shire would include some staff time to assist with marketing and promotion and with logistics. These costs can be covered within the existing budget.

The Shire would also forego venue hire, which in 2021 was \$1300.

Funding the Art Award would be achieved by transferring \$10,000 from the Community Growth Fund. Community Growth Fund currently has a budget of \$125,000 of which approximately \$39,000 has been expended, and projects of \$55,000 are already approved.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence	Mitigating Action/s
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		x likelihood)	
Financial	N/A		
Health & Safety	N/A		
Reputation	Support for this event will assist in enhancing Carnarvon's reputation as a liveable town with cultural amenities.	Low	Support for the event and strong co-branding.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

### Community & Strategic Objectives:

#### Goal 3: Social

*Healthy, safe and resilient community, where everyone belongs*

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.2	Strong community identity and spirit through arts, culture and events
3.2.1	Provide and promote visual arts facilities and exhibitions/activities
3.3.2	Facilitate volunteering opportunities within the Shire
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.2.4	Support the delivery of public art initiatives

#### Comment:

The Gascoyne Arts Society provided the following statement in support of this proposal.

*The objectives of the Gascoyne Arts Awards are multiple. For example, to provide an opportunity:*

- *for the region to show case its environment – landscape and seascape sections stipulate Gascoyne scapes;*
- *to display local talent – majority of entries are local;*
- *for artists to gauge their talent against others and to compete for prizes judged by accredited and supportive judges – judges provide feedback to artists;*
- *for locals (and visitors) to buy good art;*
- *for artists to make sales;*
- *probably the most important objective and outcome, is to provide an event at which social cohesion and respect is increased and enjoyment had by all. One way to grasp the objectives is to equate enjoyment of art with enjoyment of sport which involves skills, healthy competition, friendships and, so important in today's world, improves mental health.*

The officer's recommendation for Council is that the partnership model is supported as it will have very little additional financial impact to the Shire but will assist support and grow an event that will assist in activating the town centre and enhancing Carnarvon's reputation as having a broad range of amenity for residents and visitors.

OFFICER'S RECOMMENDATION PART ONE

*That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995, resolves to support the proposal for the Gascoyne Art Award to be run in partnership between the Shire and the Gascoyne Arts Society Inc.*

OFFICER'S RECOMMENDATION PART TWO

*That Council, by Absolute Majority, pursuant to s.6.8 of the Local Government Act 1995, resolves to approve a budget variation as follows:*

<i>Account 02J2 Community Growth Fund</i>	<i>-\$10,000</i>
<i>New Account, Gascoyne Art Award</i>	<i>\$10,000</i>

File No:	ADM0124
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 7.1.3(a) – Draft Policy E066 - Live Streaming of Meetings of Council

#### Authority / Discretion

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

#### Summary of Item:

This item presents a draft Policy to guide the live streaming of Council meetings. The policy has been developed in response to Council wanting to provide more opportunities for community members to engage in the decision-making process of Council and to reflect proposed changes to legislation under the Local Government Act reform. The officer's recommendation is that the draft policy be adopted by Council and reviewed regularly as part of the regular policy review process.

#### Background:

Over the past several months, particularly following the October elections, Council has been considering options to improve community participation and engagement in Council meetings. In this context, live streaming of Council meetings has been discussed as an option that may assist Council in achieving that objective.

Concurrently with these discussions at the Shire of Carnarvon, the Minister for Local Government has proposed a range of reforms to the *Local Government Act 1995*; and, under the theme of "Greater Transparency and Accountability" it is proposed that all Band 1 and 2 Councils would be required to live-stream their meetings. These Councils would also be required to make video recordings of meetings available as public archives. This requirement would apply to the Shire of Carnarvon as a Band 2 Council.

**Stakeholder and Public Consultation:**

The live streaming of Council meetings would enhance stakeholder and public consultation.

**Statutory Environment:**

Section 2.7 of the *Local Government Act 1995* defines the Council’s role which includes determining policies. While live-streaming is not yet mandatory, it is likely to become a requirement for Band 2 Councils.

**Relevant Plans and Policy:**

Should Council endorse Policy E066 – Live Streaming of Meetings of Council, this Policy will be included in the Shire of Carnarvon Policy manual and guide decisions on this matter.

**Financial Implications:**

There are no direct financial implications associated with adopting this policy as the required technology is currently in place. Should technology upgrades be required, these will be presented as part of the annual budget process.

**Risk Assessment:**

		<b>STEP 3 – Risk Tolerance Chart Used to Determine Risk</b>				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Consequence</b>						
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Perceptions of lack of transparency of decision-making can impact the Shire’s reputation.	Moderate	Live streaming will assist in improving the transparency of decision-making.
Service disruption			
Compliance	While this is not yet a legislative requirement, it is likely to become one under the proposed reform of the Local Government Act.	Low	The proposed policy will ensure compliance when/if the change to legislation is enacted.
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the Community Strategic Plan 2018-2028:

**Goal 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability

**Comment:**

The key underpinning principle for this policy is to assist in providing more opportunity for members of the public to observe the Council decision-making process by eliminating some barriers to meeting attendance particularly geographic, transport, and physical access.

It is to be noted that, where a matter is deemed confidential in accordance with section 5.23 of the *Local Government Act 1995*, the live stream will be suspended.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority, pursuant to s.2.17 of the Local Government Act 1995, resolves to adopt Policy E066–Live Streaming of Meetings of Council as presented in Schedule 7.1.3(a).***

File No:	ADM0124
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 7.1.4 – Draft Policy E67- Communication between Elected Members and the Administration

#### Authority / Discretion

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

#### Summary of Item:

This item presents a draft policy to provide a clear protocol for two-way communication between the Council and the administration. The need for this policy was identified during the Independent Governance Review conducted by Hammond and Woodhouse in June 2021.

The officer's recommendation is that the draft policy is adopted by Council and reviewed regularly as part of the regular policy review process.

#### Background:

In May 2021, the Shire engaged Andrew Hammond and John Woodhouse to conduct an independent review of the Shire's Governance. Following on-site interviews with several Councillors and staff, and an investigation into systems and processes, Mr. Hammond and Mr. Woodhouse handed down their Review Report in June 2021. The Report was received by Council at the Ordinary Meeting of Council on 16 June 2021.

One of the recommendations in the Report was that the Shire should develop a communication protocol.

#### *6.3 Recommendations*

*(1) A "Communications Protocol" should be prepared providing for a uniform approach in which Council) and the CEO (and certain staff) communicate on a day-to-day basis outside of the formal meeting, workshop, and briefing process.*

The attached draft *Policy E067 – Communication between Elected Members and the Administration* actions that recommendation.

While the Report recommendation states that the protocol should address communication outside the formal meeting, workshop, and briefing process, it is the officer’s recommendation that policy also covers formal communication channels.

**Stakeholder and Public Consultation:**

Nil

**Statutory Environment:**

Section 2.7 of the *Local Government Act 1995* defines the Council’s role which includes determining policies.

**Relevant Plans and Policy:**

Should Council endorse *Policy E067 – Communication between Elected Members and the Administration*, this Policy will be included in the Shire of Carnarvon Policy manual and guide decisions on this matter.

**Financial Implications:**

There are no direct financial implications associated with adopting this policy.

**Risk Assessment:**

		<b>STEP 3 – Risk Tolerance Chart Used to Determine Risk</b>				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood	Almost certain	High	High	Extreme	Extreme	Extreme
	Likely	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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A	Moderate	
Service disruption	A lack of a clear process for communication that is understood and agreed to by all can impact the efficiency of service delivery.	Moderate	This policy aims to provide clarity on roles, responsibilities, and protocols for communication to ensure all parties to the policy can function efficiently and effectively.
Compliance	Poor communication can result in areas of non-compliance.	Moderate	Clear policy guidelines will assist in maintaining compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the Community Strategic Plan 2018-2028:

**Goal 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability

**Comment:**

Effective communication between Councillors and Officers is critical to the success of the entire organisation. This policy aims to provide clarity for maintaining appropriate and positive communication to assist Elected Members and the administration in the performance of their roles.

**OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority, pursuant to s.2.17 of the Local Government Act 1995, resolves to adopt Policy E067—Communication between Elected Members and the Administration, as presented in Schedule 7.1.4.*

File No:	ADM1879
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Carnarvon Yacht Club.
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

#### Authority / Discretion

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

#### Summary of Item:

This item seeks Council's formal consideration of a request from the Carnarvon Yacht Club (CYC) for Council to support the CYC's application for funding under the Community Sport and Recreation Facilities Fund (CSRFF) Fund Annual and Forward Planning Round 2022/2023. The officer's recommendation is that the application is supported by Council as the application is sound and, if successful, the project would enhance a very well-used community facility.

#### Background:

The Carnarvon Yacht Club is seeking funding via the Community Sport and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Round to support the redevelopment of the Carnarvon Yacht Club Marina. One of the standard requirements for CSRFF funding is proof of endorsement from the relevant local government, in this case, the Shire of Carnarvon.

This application relates to Stage One of a redevelopment of the CYC which includes new infrastructure for small vessel and equipment storage, boat maintenance, rescue launches, ablutions with disability access, and laundry facilities.

The existing shed was constructed in the 1960s and is considered hazardous due to its poor condition and the presence of asbestos. This shed will be demolished which will allow for the beautification of the foreshore.

**Consultation:**

The CYC advised that they have consulted with their committee members and shared the meeting minutes with the wider CYC membership. Informal consultation has been carried out with the members and the proposal was shared at the CYC AGM. The CYC also consulted with the Department of Local Government, Sport and Cultural Industries, and Lotteries House in relation to funding and grant opportunities and to discuss project objectives.

**Statutory Environment:**

Local Government Act 1995

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

There are no direct financial implications for the Shire of Carnarvon arising from the officer’s recommendation. However, should the application be successful, the project would bring additional grant funding for capital work into our community and provide enhanced facilities to support tourism and economic development.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b> →						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

**Insert**

**Comment:**

The State Government has provided funding to open the Carnarvon Fascine entry and the Department of Transport is currently undertaking studies to establish the best location for a new channel with work expected to be completed in the next few years. Once ocean access is re-established from the Fascine, the CYC expects visitor numbers to return to the level pre-the Fascine entry closing and believe that this project

will ensure that they have the capacity to accommodate additional demand from visiting yachts. Improving the visitor experience through new ablutions and laundry facilities is expected to result in tourists staying longer in the town.

The project budget provided by the CYC shows that this project has a value of \$500,000, with the CYC contributing \$125,000.

The officer's recommendation is that Council provides confirmation of support for this project given that the CYC has a sound track record for delivering projects, the Club is financially viable, has strong membership support, and provides social and economic benefits for Carnarvon via its sailing program and social facilities.

**OFFICER'S RECOMMENDATION PART ONE**

***That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995, resolves to support the Carnarvon Yacht Club's application for funding under the Community Sport and Recreation Facilities Fund (CSRFF) Fund Annual and Forward Planning Round 2022/2023.***

File No:	ADM1707
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	Schedule 7.1.6 - Intensive Family and Community Intervention Support Program

#### Authority / Discretion

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

#### Summary of Item:

This item seeks Council's formal consideration of an Intensive Family Intervention Support Program (IFCI). The officer's recommendation is that the IFCI is endorsed by Council. Should it be endorsed, the IFCI will be used to guide decisions about Shire investment and activities and to advocate for other tiers of government

#### Background:

Like many other regional communities across the state, Carnarvon is currently under siege by a rapid rise in youth crime, violence, and antisocial behaviour in and around the town. The safety and wellbeing of the whole community is being compromised by daily acts of threatening, violent and antisocial behaviour, theft, property damage, and vandalism being committed by a cohort of unruly at-risk youth, some 8 years old and younger.

Many residents, especially vulnerable people, and businesses in the community are exhausted and, frustrated, with the lack of law and order, intervention, accountability, and justice.

As the Local Government Authority, the Shire is under extreme scrutiny and pressure to act on behalf of local residents to address youth crime and antisocial behaviour in the community. The Shire has engaged with stakeholders from the local community as well as State Government agencies to develop and implement place-based solutions where possible. The Shire also participates as a stakeholder in the Carnarvon District Leadership Group and has supported the efforts led by the Department of Communities to extend the trial of

the T120 program in Carnarvon. However, the limited resourcing and satellite service delivery of this program out of Geraldton is already presenting with gaps and flaws in its effectiveness and capacity to maximise impact and change with local families in crisis.

Escalating incidents of violence and break-ins committed by at-risk youth in Carnarvon have led the Shire to host crisis response meetings with key community representatives to discuss and develop a local intervention strategy to address youth crime and antisocial behaviour. The discussions and outcomes from this meeting have informed the development of the Intensive Family & Community Intervention (IFCI) which incorporates and integrates an Intensive Family Intervention Task Force, and an Intensive Family Intervention Support Program.

**Statutory Environment:**

S3.18 of the *Local Government Act 1995*, being the Executive Function of Council, applies.

**Relevant Plans and Policy:**

N/A

**Consultation:**

The Shire has engaged with key stakeholders and community leaders on the issues and potential solutions over many months. There has been dialogue with the Yinggarda Aboriginal Corporation, the Local Member, Aboriginal Community Leaders, the Chamber of Commerce and Industry, and the Carnarvon Community College.

**Financial Implications:**

Implementation of the IFCI will be resource-intensive; however, there are already considerable resources spent in Carnarvon. The intent is to advocate for the State Government to reallocate some of those resources to fund the IFCI.

It may be necessary for the Shire to also review our own services to ensure that we are achieving the objectives and principles of the IFCI. Should additional financial or human resources be required from Council, or resources need to be re-allocated, these requests will be presented to Council separately as part of the annual budget process, or as a specific request with a separate agenda item.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	The implementation of the IFCI is beyond the financial capacity of the Shire.	High	The intent is to advocate for other tiers of government to take the lead in resourcing the IFCI.
Health & Safety	The health and safety	Extreme	The IFCI aims to improve health and

	of our community is being compromised by the current situation.		safety outcomes.
<b>Reputation</b>	The reputation of Carnarvon is damaged by the social media and press coverage from the crime and antisocial behaviour that will emerge from advocating for the IFCI.	Extreme	While the initial press coverage may be a risk, the current press coverage is already damaging Carnarvon's reputation. The IFCI may provide a more positive focus for social media and press.
<b>Service disruption</b>	N/A		
<b>Compliance</b>	N/A		
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

**Community & Strategic Objectives:**

*Goal 3: Social*

*Healthy, safe and resilient community, where everyone belongs*

ITEM	OUTCOMES AND STRATEGIES
3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants
3.4	Healthy and safe community
3.4.2	Collaborate with other agencies to provide a safe community

**Comment:**

The Shire is aware that the IFCI is a completely new and different approach to addressing crime and social disorder and anticipates it may be condemned by some for being too radical. However, officers firmly believe that radical and extreme action is necessary and is the only plausible intervention option left to support the community in grappling with families in crisis and curb reckless youth crime and antisocial behaviour and this sense of urgency and need has informed the officer's recommendation.

**OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995, resolves to:*

- a. Endorse the Intensive Family and Community Intervention 2022-2023 as attached at Schedule 7.1.6;*
- b. Continue to engage and work with the Yinggarda Aboriginal Corporation (YAC), including co-branding the document, in recognition of the YAC's leadership role in Carnarvon;*
- c. Continue to work with stakeholders and community leaders to assess and refine this document as required.*
- d. Advocate to other tiers of Government to ensure the Intensive Family and Community Intervention is supported and appropriately resourced by the State Government and Federal Government as required.*

File No:	ADM0191
Date of Meeting:	22 March 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	WA Local Government Association
Author/s:	Andrea Selvey, Chief Executive Officer President Eddie Smith
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Nil

#### Authority / Discretion

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

#### Summary of Item:

This item seeks Council's endorsement to nominate fellow retired Councillor Mrs Julee Nelson for the Merit Award as part of the annual WALGA's Local Government Honours Awards 2022.

#### Background:

The WA Local Government Association annually calls for nominations from Local Governments for the Local Government Honours Program which entails nominating an existing or retired Councillor for various awards categorized as follows –

1. Local Government Medal
2. Life Membership
3. Eminent Service Award
4. Merit Award
5. Local Government Distinguished Officer Award
6. Young Achiever Award

Each of these categories have specific criteria that need to be met and after reviewing the awards, it would seem justified to nominate retired Councillor Julee Nelson for the Merit Award. The criteria for this award states –

- Notable contributions to WALGA, Local Government and/or the Local Government Sector
- Loyal service to WALGA, Local Government and/or the Local Government Sector; and
- Distinguished service and commitment to the community

Mrs Julee Nelson is worthy of receiving the Merit Award in recognition of her 8 years of service as a Councillor and for also contributing in many Council decisions whereby major projects have come to fruition including the Aged Care Facility, Fascine foreshore revitalization works, Shire Youth Hub Centre and the HMAS Sydney Memorial and memorial path. Mrs Nelson was also a member of many Council and external Committees/Working Groups and relinquished personal and business time in order to attend these meetings.

It should also be mentioned, that prior to relocating to Carnarvon, Mrs Nelson was also a Councillor for the Shire of Wyndham East Kimberley for 4 years.

**Stakeholder and Public Consultation:**

N/A

**Statutory Environment:**

S3.18 of the *Local Government Act 1995*

**Relevant Plans and Policy:**

There are no relevant plans or policies.

**Financial Implications:**

Nil

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b> ↓						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

**Goal 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

**Comment:**

The Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, the Local Government sector and the wider community.

On previous occasions, Council has submitted nominations for retired Councillors with presentations being held at the annual Local Government Convention conducted by the WA Local Government Association in Perth.

Mrs Nelson is a worthy recipient for the Merit Award and will recognise her valuable contribution as Councillor during her eight year term with the Shire of Carnarvon.

**OFFICER'S RECOMMENDATION PART 1**

***That Council, by Simple Majority, pursuant to S3.18 of the Local Government Act 1995, resolves to nominate Mrs Julee Nelson for the "Merit Award" as part of the 2022 WA Local Government Honours Awards.***

File No:	ADM0011
Date of Meeting:	22 Marc 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Amanda Leighton, Manager People, Culture & Systems Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 7.1.8(a) - Compliance Audit Return 2021 Schedule 7.1.8(b) - Letter from the Auditor General dated 23 December 2021

#### Authority / Discretion

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

#### Summary of Item:

To report to Council on the recommendations of the Audit and Risk Committee (ARC) regarding the 2021 Compliance Audit Return (CAR), and to recommend that Council adopt the 2021 CAR for submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March 2022.

The 2021 CAR is comprised of 11 categories with 98 questions. These questions require a response of YES, NO or N/A.

Yes- Indicates compliance

No- Indicates non-compliance

N/A- Indicates that this function was not required to be performed this year or is not a requirement for this Local Government.

#### Background:

Local governments are required to complete a compliance audit for the previous calendar year by the 31 March. The DLGSC provides the questions each year with the compliance audit being an in-house self-audit that is undertaken by the appropriate responsible officer. In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the ARC is to review the CAR and is to report to Council the results of

that review. The CAR is to be:

1. Presented to an Ordinary Meeting of Council
2. Adopted by Council; and
3. Recorded in the minutes of the meeting at which it is adopted.

Following the adoption by Council of the CAR, a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2022. The return requires the Shire President and the Chief Executive Officer to certify that the statutory obligations of the Shire of Carnarvon are compliant.

Upon review by the ARC, Question 22 under Disclosure of Interest, was initially identified as being NO, and was asked to be changed to YES subject to clarification. The Shire sought clarification and was advised that the requirement for the Code of Conduct to come into effect was the 3 May 2021, not the 3 February as previously interpreted. Council adopted the Code of Conduct at the April 2021 Ordinary Council Meeting, making the Shire compliant with this requirement. Therefore, the response to this question has been changed from NO to YES.

The ARC also queried questions 3-7 under Finance, which were identified as being NO in relation to the end of year Financial Audit. The ARC was not satisfied with the response of NO, as this answer did not reflect on the actions of the Shire of Carnarvon and was a result of the Office of the Auditor General (OAG) not providing their report to the Shire by the 31 December 2021.

The ARC requested that Council be advised that the non-compliance for questions 3-7 do not reflect on the performance of the Shire of Carnarvon, as these requirements were impacted by the response times from the Office of the Auditor General (OAG). Attached to this agenda item is the letter from the OAG apologising for the delay in returning the Audit Report.

The Shire contacted a senior advisor at the Department of Local Government, Sport and Cultural Industries (DLGSC) to ask if the response for question 3 could be left as NO, with questions 4-7 being changed to N/A, as the ARC felt that this would better reflect the Shire's actions. The DLGSC advised that the Shire would not be able to change the responses, but that numerous other Councils are in the same situation. The DLGSC will factor in the AOG's role when evaluating the Shire's CAR.

The ARC would also like Council to note, that during early 2021, The Shire of Carnarvon was experiencing local emergencies (i.e., a significant flood event), staff turnover including the change of CEO in April. Despite these impacts, the Shire of Carnarvon increased its compliance rating.

**Consultation:**

Audit and Risk Committee  
Department Local Government, Sport and Cultural Industries

**Statutory Environment:**

Regulation 14, *Local Government (Audit) Regulations 1996*.

**Relevant Plans and Policy:**

Nil.

**Financial Implications:**

Nil.

Risk Assessment:

Consequence

STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5

Likelihood		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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non-compliances are reported.	Low	Pending the decision of the Council, this item can be submitted to the DLGSC in time to meet the compliance requirement. The compliance % rate is acceptable, and this report demonstrates that where there has been non-compliance, improvements are being made.
Service disruption	N/A		
Compliance	There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non compliances are reported.	Low	Pending the decision of the Council, this item can be submitted to the DLGSC in time to meet the compliance requirement. The compliance % rate is acceptable, and this report demonstrates that where there has been non-compliance, improvements are being made.
Property	N/A		
Environment	N/A		
Fraud	The CAR responses are fraudulent.	Low	The Governance Coordinator did a thorough audit of responses and the Manager People, Systems and Culture and the CEO conducted further spot check of responses. The report was then presented to the ARC for their review and recommendation to Council.

**Community & Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Objective 5: Civic – *Strong and Listening Council*.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability.
5.2.6	Compliance with the Local Government Act 1995 and all other legislation and regulations.

**Comment:**

The process for completing the 2021 CAR involved individual officers for each area being delegated the questions by the Governance & Information Coordinator. As officers returned their information, the information was verified by the Governance & Information Coordinator. Once the whole document was complete, it was then subject to further review by the Manager of People, Culture and Systems and the CEO. The review process resulted in changes to two answers from YES to N), to ensure that a high standard of compliance was set as the benchmark.

When comparing the 2021 CAR against the 2020 CAR (which was completed by an external consultant) the Shire of Carnarvon has increased its level of compliance by 10% (rounded %).

Compliance Audit Return categories	2020 Audit Questions	Non Compliance	Compliance Rating	2021 Audit Questions	Non Compliance	Compliance Rating
Commercial Enterprises by Local Government	5		100%	5		100%
Delegation of Power/Duty	13		100%	13	1	100%
Disclosure of Interest	21	2	90%	25	1	96%
Disposal of Property	2		100%	2		100%
Elections	3		100%	3		100%
Finance	11	7	36%	7	5	28%
Integrated Planning and Reporting	3		100%	3		100%
Local Government Employees	6		100%	6		100%
Official Conduct	4		100%	3		100%
Optional Questions	10	5	50%	9	1	88%
Tenders for Providing Goods and Services	18	3	83%	22		100%
<b>TOTAL</b>	<b>96</b>	<b>17</b>	<b>82%</b>	<b>98</b>	<b>8</b>	<b>92%</b>

The following are areas were identified as being non-compliant:

**Delegation of Power/Duty**

12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	No	A review was conducted at the Ordinary Council Meeting held 24 August 2021 - 2 months late	caroline ballard
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To minimize the risk of future non-compliance, iAuditor software is being implemented in the coming months to ensure that all statutory and legislative functions are captured and monitored on a system, as opposed to being captured and monitored by a person.

Please see below extracts from the CAR on all areas of non-compliance with a brief explanation for the reason for non-compliance and how compliance will be improved.

## Disclosure of Interest

25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	No	Code of Conduct is being reviewed by an external contractor who is reviewing the whole suite of Policies	caroline ballard
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This new legislation was introduced at a time of significant upheaval in the organisation with an Acting CEO, various staff positions vacant, and the major flood event. This period of instability at the Shire coincided with a time of major changes in legislation. Hence this deadline was missed.

## Finance

3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	No	Apology letter from OAG for the delay received	caroline ballard
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	No	Apology letter from OAG for the delay received	caroline ballard
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	No	Apology letter from OAG for the delay received	caroline ballard
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	No	Apology letter from OAG for the delay received	caroline ballard
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	No	Apology letter from OAG for the delay received	caroline ballard

The non-compliance in this area was a result of timing issues with the Office of the Auditor General (OAG) and beyond the control of the Shire of Carnarvon. (See Schedule 7.1.8(b) - letter from the OAG.) Councillors at the WALGA Zone meeting heard directly from a representative of the OAG about the issues that have prevented them from finalising Local Government audits (not just at the Shire of Carnarvon).

## Optional Questions

2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	No	Reviewed by Audit Committee on 31 August 2021, but not presented to Council	caroline ballard
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This non-compliance was a result of an oversight. The Reg 17 Report was presented to the ARC and would usually be presented to Council at the following Ordinary Meeting of Council. We will include this requirement to iAuditor to ensure future compliance.

**OFFICER'S RECOMMENDATION**

*That Council, pursuant to the Local Government (Audit) Regulations 1996, resolves to:*

- 1. Note the review and recommendations of the Shire of Carnarvon Audit and Risk Committee regarding the 2021 Compliance Audit Return for the Shire; and*
- 2. Adopt the Shire of Carnarvon's Compliance Audit Return for the period 1 January 2021 to 31 December 2021 as presented as Schedule 7.1.8(a); and*
- 3. Authorise the Shire President and Chief Executive Officer to certify the Shire of Carnarvon Compliance Audit Return for the period 1 January 2021 to 31 December 2021 and submit the certified copy to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.*

File No:	ADM0247
Date of Meeting:	22 March 2022
Location/Address:	Lot 421 Robinson Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Caroline Ballard – Governance & Information Coordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	PCYC Termination of Lease Request Lease of Portion of Lot 421 Robinson Street

#### Authority / Discretion

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

#### Summary of Item:

This item formally presents a written request dated 3 March 2022 from the WA Police and Community Youth Centres (PCYC) to terminate their lease known as Portion of Lot 421 Robinson Street, Carnarvon for Carparking & Access. The officer recommends that the request is approved.

#### Background:

An initial lease for the portion of land mentioned above was granted to PCYC on 1 March 2012 for period of 20 years, the lease was due to expire on 28 February 2032. The land lies adjacent to Lot 406 Robinson Street, Carnarvon which was owned by PCYC and was used as a Recreation Centre for Youth and Community Sport & activities. During 2021 PCYC obtained from the Department of Education, a portion of the facilities associated with the former Carnarvon Community College, Cleaver Street, Carnarvon and formally relocated to these premises in September 2021. PCYC no longer use their previous building adjacent their lease and have sold this building, which has resulted in their request to terminate their lease as it is no longer required.

#### Stakeholder and Public Consultation:

Police & Community Youth Centres – PCYC – David van Oran CEO

#### Statutory Environment:

- Local Government act 1995, S. 3.58 Disposing of Property
- Local Government act 1995, S. 5.42 Delegation of some powers and duties to CEO

**Relevant Plans and Policy:**

- Policy C016 Lease and Licensing Classification; Tier One – \$1 Peppercorn rent.
- Delegation No: 1034 Executing and Affixing of Common Seal to Documents.

**Financial Implications:**

The annual fee charged for the lease is \$1 per annum. Should Council accept the request to terminate the lease, this would provide Council with the option to lease the land as a commercial lease at market value or dispose of the property through sale at market value.

Should Council not accept the request to terminate the lease, the Shire would continue to incur administrative costs to manage the lease.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	Should the lease not be terminated. The Shire will risk loss of market value income and ongoing administrative costs associated with managing the lease.	Moderate	To mitigate this risk, Council should terminate the lease as requested.
Health & Safety	N/A	N/A	N/A
Reputation	Should the lease not be terminated, the lessee would be required to maintain this parcel of land in addition to their new premises. The Shire will risk reputational damage by forcing a non-profit organisation to continue to maintain land that they no longer require, and may jeopardise the relationship between the two organisations.	Moderate	To mitigate this risk, it is recommended that Council approves the request to terminate the lease.

Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Should the lease be terminated, the property will need to be inspected to ensure that the surrendered parcel of land is in good condition. Failure to complete the inspection may result in additional works and financial implications to the Shire.	Low	To mitigate this risk, a property inspection will be conducted by the Shire and a report of findings and actions sent to the lessee to address areas of concern in accordance with the lease.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

**Community & Strategic Objectives:**

**Goal 1: Economic**

**A strong and growing economy, with a thriving regional center, abundant business opportunities and jobs.**

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth

**Goal 3: Social**

**Healthy, safe and resilient community, where everyone belongs**

ITEM	OUTCOMES AND STRATEGIES
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation

**Comment:**

As PCYC vacated the premises and officially opened their new facility in September 2021, the Officers recommendation is to accept the request from PCYC to terminate the lease as it would offer commercial leasing opportunities and therefore a greater return for this property.

**OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to accept the request From PCYC to terminate the lease of a portion of Lot 421 Robinson Street, Carnarvon subject to the area being fully remediated as per their lease conditions.*

File No:	ADM0186
Date of Meeting:	22 March 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Angie Nguyen - Creditor
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Presented every month
Schedules:	Schedule 7.2.1

#### Authority / Discretion

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

#### Summary of Item:

To present the listing of accounts paid from the Municipal Fund, Visitor Centre Account and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of November 2021.

#### Background:

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund, Visitor Centre Account and Trust Fund. A list of all payments is provided in *Schedule 7.2.1*

**Stakeholder and Public Consultation:** Nil

#### Statutory Environment:

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

#### Relevant Plans and Policy:

N/A

#### Financial Implications:

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

Risk Assessment:

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	Slow payment of creditors	Low	Can impact financial statements. Set proper close off dates
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	Accounting Fraud	Moderate	Regular background check and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts)

**OFFICER'S RECOMMENDATION**

That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$1,704,164.03 as presented for the month of February 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT344666	EFT34955	Muni EFT	\$ 1,693,763.78
DD39301.1	DD39301.1	Muni Bank Direct (ANZ Credit Card)	\$7,445.73
		Muni Cheques	\$0.00
		Trust EFT	\$0.00
DD39307.1	DD39307.8	Visitor Centre Bank Direct	\$2,954.52
		Visitor Centre EFT	\$0.00
		TOTAL	\$1,704,164.03

- b) Note Sundry Creditors as of 28 February 2022 - \$553,919.91

File No:	ADM0186
Date of Meeting:	22 March 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.2

#### Authority / Discretion

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

#### Summary of Item:

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire Administration is required to prepare a monthly Statement of Financial Activity for approval by Council.

#### Background:

Each month a local government is to prepare a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d).

The statements should show the following:

- annual budget, and the estimated year to date budget end of that month,
- the actual amount for expenditure and income,
- any variance between the actual income and expenditure, as compared to the estimated year to date budget,
- the net current assets at the end of that month.

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are to be made where variances are higher than the materiality thresholds set by Council which are plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

The financial statements presented as an attachment to this item are in excess to the minimum requirements to portray a fuller financial picture of the Shire at this point in time.

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances. The Audited Financial Statements for 30 June 2021 are currently being audited, and the closing surplus figure, which will become the opening surplus figure for 2022, will be finalised. Until the end of year Audit is finalised, the opening surplus is subject to change and the accounts remain in draft.

**Consultation:**

Nil

**Statutory Environment:**

*Local Government (Financial Management) Regulation 34.*

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
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 (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	Local Government Act requires Council receive these statements within 2 months of the end of the applicable month	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	

## Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

### Comment:

Attached as **Schedule 7.2.2** for consideration is the draft Statement of Financial Activity for the period ended 28 February 2022.

The accounts are listed as draft accounts as they do not become final until Financial Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are not expected until March 2022. The delay is because Contracted and OAG Auditors take leave over the festive season and into the New Year. It is expected that some figures may change due to audit opinions of the treatment of certain transactions.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

### OFFICER'S RECOMMENDATION

***That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month of February 2022 as per Schedule 8.2.2.***

File No:	
Date of Meeting:	22 March 2022
Location/Address:	Carnarvon and Coral Bay town sites
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	N/A
Schedules:	Nil

#### Authority / Discretion:

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

#### Summary of Item:

This report seeks a Council resolution to support a grant opportunity to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Carnarvon and/or Coral Bay town sites, which involve a maximum co-contribution of \$100,000 over a two-year period.

#### Background:

The Coastal Management Plan Assistance Program (CMPAP) is a Western Australian Planning Commission (WAPC) initiative, administered by the Department of Planning, Lands and Heritage (DPLH).

The primary objective of CMPAP is to support the *State Planning Policy 2.6 State Coastal Planning Policy (SPP2.6)* and associated policies by providing grants to coastal land managers to prepare and implement plans and strategies that:

- plan for long-term management of areas that are, or are predicted to become, under pressure from challenges including the impacts of climate change, coastal hazards such as erosion and inundation, population growth, and competing land uses;
- develop community appreciation for the coast as a contested space and facilitate informed community input into local decision making about coastal planning issues.

Applications are invited for grants of up to \$200,000.

Funding is available to:

1. Local governments with responsibility for coastal land management;
2. Aboriginal corporations/land councils with responsibility for coastal land management;
3. Natural resource management organisations in partnership with (1) and/or (2) above.

Applicants are expected to contribute at least 50 per cent of the total project value.

#### Description of Proposal

CMPAP will fund:

- coastal hazard risk management and adaptation plan (CHRMAP), including hazard assessment
- CHRMAP component(s);
- implementing actions of an adopted CHRMAP;
- review of CHRMAP;
- coastal strategy (or review of existing);
- foreshore management plan (or review of existing).

To be eligible for funding, applicants must demonstrate that proposed projects are consistent with and implement the objectives of *SPP2.6*.

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

N/A

#### **Statutory Environment:**

##### Planning and Development Act 2005

Part 5, Local Planning Schemes is in force under this Act and has the objective of making suitable provision for improvement, development, and use of the land as described in the local planning scheme area.

##### Planning and Development (Local Planning Schemes) Regulations 2015

Part 2, Elements of local planning schemes is in force under the above regulations and requires any supporting plans, maps, diagrams, illustrations and other material to be part of the local planning scheme.

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

##### State Planning Policy 2.6 Coastal Planning Policy

The overarching objectives of this Policy are to protect and conserve coastal values and ensure any development in coastal reserves take into account coastal processes and hazards.

Clause 5.5 of the policy requires that adequate coastal hazard risk management and adaptation planning be undertaken by the responsible authority, specifically where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe.

#### **Financial Implications:**

The preparation of a CHRMAP has not been accommodated in the 2021/2022 budget. Council would have to set a total of \$50,000 aside in the 2022/23 financial year to undertake this project and a further \$50,000 for the 2023/2024 financial year to complete the project.

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 (Consequence x likelihood)	Mitigating Action/s
Financial	Costs associated with the preparation of the CHRMAP	Low	The program will be carefully managed to stay within the grant allocation.
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	Risk to infrastructure and natural assets from coastal hazards such as erosion and inundation	Low	Planning for long-term management of vulnerable coastal areas will inform decisions about how best to protect infrastructure.
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*.

**Objective 2: Natural and built environment.**

*A sustainable natural and built environment that meets current and future community needs.*

ITEM	Outcomes and Strategies
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

**Comment:**

The purpose of SPP2.6 is to provide guidance for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.

SPP2.6 also require Local Government to consideration coastal hazards in planning processes and to prepare Coastal Hazard Risk Management and Adaptation Plans (CHRMAPs) to preserve public interests and to inform landholders of coastal hazards.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995:*

- a. supports the submission of a grant application for the preparation of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Carnarvon and/or Coral Bay town sites.*
- b. Should the application be successful, consider allocating \$50,000 for the 2022/2023 financial year budget and \$50,000 for the 2023/2024 financial year budget during the annual budget process.*

**7.4.1 PROPOSED STREET NAME AND EXTENSION OF BANKSIA DRIVE, CORAL BAY**

File No. ADM1869  
 Date of Meeting: 22 March 2022  
 Location/Address: Portion of Lot 308 Banksia Drive, Coral Bay  
 Name of Applicant: McMullen Nolan Group Pty Ltd  
 Name of Owner: RAC Parks & Resorts  
 Author/s: David Nielsen - Executive Manager Infrastructure Services  
 Gloria Quinn - Executive Administrator  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Reports: NIL  
 Schedules: 7.4.1 - Location Plan

**Authority / Discretion**

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

**Summary of Item:**

This report seeks Council approval for the naming of a new road within the RAC Parks & Resorts development on Lot 308 Banksia Drive and the extension of Banksia Drive in Coral Bay.

**Background:**

McMullen Nolan Group Pty Ltd (MNG) recently followed up with the Shire on the status of the company’s application for the new road name of “Lily Street” and the extension of Banksia Drive which was lodged with the Shire in February 2019. The new road divides newly created lots 3 and 4 within the Worker’s Accommodation development and the Banksia Drive extension surrounds these lots intersecting with the new road at two junctions - see **Schedule 7.4.1**.

Investigations revealed that the proposal was never presented to Council and the process was stalled. This report seeks to address this oversight and progress the road name application without further delay.

Landgate's Geographic Names Committee make the final determination on the names of roads and other public places using criteria set out in the 'Policies and Standards for Geographical Naming in Western Australia'; however, as a first step, the process requires the formal support of the local government for the chosen name.

**Stakeholder and Public Consultation:**

Landgate's Geographical Naming Team  
 Rob Rhodes - Project Manager, MNG

**Statutory Environment:**

Section 26A of the *Land Administration Act 1997 - New subdivisions, names of roads and areas in*

**Relevant Plans and Policy:**

Landgate's 'Policies and Standards for Geographical Naming in Western Australia'.

**Financial Implications:**

There are no material financial implications associated with the recommendation.

**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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Delay in completing the road naming process has potential to cause delays for the developer which would not be viewed favourably.		Assist the developer by expediting the local government's responsibilities throughout the road naming process from this point forward.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

**Goal 2: Natural and built environment**

*A sustainable natural and built environment that meets current and future community needs*

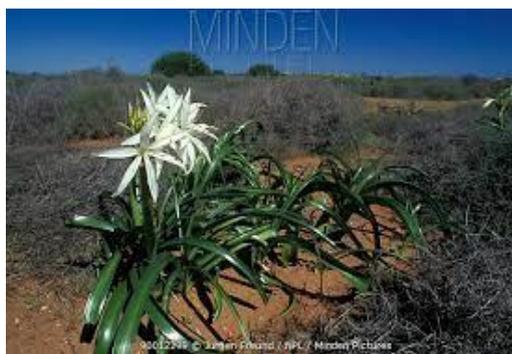
ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

**Comment:**

One of Landgate’s assessment criteria for road naming is that the name should have some reference to the local area or history.

Originally the road name “Regelia Street” was submitted to the Shire as the preferred name for the new road. This was rejected as having no relevance to Coral Bay. Regelia is a genus of flowering plants in the family Myrtaceae and is endemic to the south-west of Western Australia.

The alternative names “Daisy” or “Lily” was put forward by the Shire and the developer chose “Lily” being indicative of the Minilya Lily flowering plant which is found in the Coral Bay area -



**Coral Bay - Located off Minilya-Exmouth Road. The flat plains area between Minilya and Lyndon River is good for spotting the shiny dark leaves and white trumpet flowers of the Minilya lily. Other common sights include kurara, Cape Range grevillea, Thryplomene and Melaleuca.**

**Ref: *Ningaloo Visitor Centre Holiday Guide***

**On the 11-kilometre journey into Coral Bay, the flat plains area between Minilya and Lyndon River are good for spotting the shiny dark green leaves and white trumpet flowers of the Minilya lily.**

**Ref: *Australia’s Coral Coast - 11 Day Ultimate Wildflower Tour***

If supported, the proposed name will be forwarded to Landgate’s Geographic Names Committee for assessment. If the name meets the criteria contained in the ‘Policies and Standards for Geographical Naming in Western Australia’ it will be approved and the developer notified.

**OFFICER’S RECOMMENDATION PART ONE**

***That Council, by Simple Majority, pursuant to Section 26A of the Land Administration Act 1997 -***

- 1. approve the proposed road name “Lily Street” and the extension of Banksia Drive as shown on Schedule 7.4.1; and***

2. *authorise the proposed road name and road extension application be forwarded to Landgate for assessment under the 'Policies and Standards for Geographical Naming in Western Australia' criteria.*