

SHIRE OF CARNARVON

AGENDA

COUNCIL MEETING TUESDAY
23RD March 2021

Council Chambers, Stuart Street
CARNARVON, West Australia Phone: (08)
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Website – www.carnarvon.wa.gov.au

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon Ordinary Council Meeting

will be held
on Tuesday 23rd March 2021
in Council Chambers, Stuart Street Carnarvon
commencing at 1.00pm

Gary Martin
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

AGENDA

1.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR 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 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

5.0 CONFIRMATION & RECEIVING OF MINUTES

5.1 Ordinary Meeting of Council – 23 February 2021

5.2 Audit & Risk Committee – 15th March 2021

5.3 Audit & Risk Committee – 22nd March 2021

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

6.1 Mr Michael Edwards - Gascoyne Gateway – Single Jetty Deep Water Port Proposal (Exmouth)

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

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9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Tuesday 27 April 2021 commencing at 1.00pm

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

- 12.1 Outstanding Rates and Charges – Assessment A1644 (CONFIDENTIAL)
- 12.2 Outstanding Rates and Charges – Assessment A1459 (CONFIDENTIAL)
- 12.3 RFT 01-2021 – Carnarvon Aerodrome Northern Apron Reconstruction and Taxiway Bravo Repair (CONFIDENTIAL)

13.0 CLOSURE

8.1.1**ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF FEBRUARY/MARCH 2021**

Date of Meeting:	23 March 2021
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Gary Martin, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

To report back to Council actions performed under delegated authority for the months of February/March 2021.

Description of Proposal:

Refer above.

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

Health (Public Buildings) Regulations 1992

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

Reporting requirement only.

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 and are submitted to Council for information.

COMMON SEAL

Date Affixed	Agreement Details
25.02.21	Lease – Carnarvon Horse & Pony Club – 10 years (expiring November 2030)

DELEGATIONS

LAND USE AND DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
A1460	P10/21	Carport	Residential	DG Builders	9/03/21
A2983	P9/21	Extension to existing airstrip	RFDS	Portframe Enterprises Pty Ltd	25/02/21

MINING ACT 1978 - SECTION 41, 58, 70C, 74, 86,91, Reg 64 Local Government Recommendation on Mining Tenements					
File Ref:	DMP Ref:	Subject Land	Purpose	Proponent	Advice Sent
Nil	M 09/98	Carnarvon townsite	Miscellaneous Licence	Stratlands Investments	24/02/2021

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/168	VAN NGHIA LU & TUYET XUAN VO	LOT 83 (613) NORTH RIVER ROAD, NORTH PLANTATIONS	SHED EXTENSION
B20/176	RACHAEL STEADMAN	3114/435 WOORAMEL STATION	COMMERCIAL KITCHEN, MULTI-PURPOSE DINNING AND ALFESCO

OFFICER'S RECOMMENDATION

That Council accept the reports outlining the actions performed under delegated authority for the months February/March 2021.

Date of Meeting:	23 March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	Gary Martin, Acting CEO
Declaration of Interest:	Financial – relating to term of appointment
Voting Requirements:	Simple Majority

Summary of Item:

For Council to note that the original commencement date for the newly appointed Chief Executive Officer of 21 April 2021 has now been brought forward to 6st April 2021.

Description of Proposal:

As above

Background:

At the Special Meeting of Council held on Thursday 21st January 2021 Council endorsed the appointment of Ms Andrea Selvey to the position of Chief Executive Officer for a five year term commencing on or about Wednesday 21st April 2021.

Advice has been received from Ms Selvey that due to circumstances relating to availability of suitable flights from her current residence at Cocos/Keeling Islands and transition to Australia, her commencement date will now be Tuesday 6st April 2021. The employment contract will be amended accordingly.

This will not affect Council's Contract with Mr Gary Martin who is currently in the role of Acting CEO as it was always envisaged that his appointment will terminate on the commencement of the new CEO. Discussions are underway with Ms Selvey in regards to relocation and her commencement in the role of CEO, including her requirements for a handover/transition period. It is also relevant that Mr Eddie Piper has been engaged short term to assist the CEO position and that he will be available to assist in the handover process.

Consultation:

Nil

Statutory Environment:

The appointment of a CEO is undertaken pursuant to Section 5.36 (1a) of the *Local Government Act, 1995* that basically states that - A local government is to employ a person to be the CEO of the local government providing the Council is satisfied the selected person is suitably qualified and experienced to perform the role. This report amends the start date of the contract.

Relevant Plans and Policy:

There is no specific policy that applies to recruitment of a permanent CEO.

Financial Implications:

Provision of the remuneration package in the newly appointed CEO's contract will be allowed for in each annual budget over the term of the contract.

Risk Assessment:

The Council is required by legislation to employ a CEO. This is to ensure the continued and effective function of the Local Government in serving the community and meeting its statutory obligations.

The current Acting CEO is engaged until the 3 May 2021 but will terminate his employment to meet the commencement of the new CEO.

Community & Strategic Objectives:

There are no strategic implications or considerations associated with this matter as the appointment is a statutory requirement and the report is to note a new commencement date only.

OFFICER'S RECOMMENDATION

That Council note the new commencement date of the incoming Chief Executive Officer, Mrs Andrea Selvey, being Tuesday 6th April 2021 and that the employment contract be amended accordingly.

8.2.1 ACCOUNTS FOR PAYMENT FEBRUARY 2021

File No:	ADM0186
Date of Meeting:	23 RD March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Vika Nafetalai – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund. A list of all payments is provided in *Schedule 8.2.1*

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:

All accounts are paid as per the Shire of Carnarvon's 2020/2021 Budget.

Financial Implications:

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

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 Councilors
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

Comments:

N/A

OFFICER'S RECOMMENDATION

That Council

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totaling \$1,023,093.07 as presented for the month of February 2021 incorporating.*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD20221</i>	<i>DDdd38467.1</i>	<i>Bank Direct</i>	<i>\$232,895.81</i>
<i>47199</i>	<i>47200</i>	<i>Muni Cheques</i>	<i>\$560.00</i>
		<i>Trust Cheques</i>	<i>\$0.00</i>
<i>EFT32229</i>	<i>EFT32554</i>	<i>Muni EFT</i>	<i>\$ 789,390.66</i>
<i>EFT32555</i>	<i>EFT32556</i>	<i>Trust EFT</i>	<i>\$ 246.60</i>
<i>Total</i>			<i>\$ 1,023,093.07</i>

- b) *Note Sundry Creditors as of 28TH February 2021 \$336,539.03.*

Date of Meeting:	23 March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen A/ Manager Finance Megan Shirt and Jillian Brasil – Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

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.

Description of Proposal:

That Council receives the Financial Activity Statement for the period ending 28 February 2021.

Background:

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.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

Council would be contravening the Local Government Act should these statements not be received.

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 8.2.2*** for consideration is the completed Statement of Financial Activity for the period ended 28 February 2021.

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%, or \$10,000, whichever is the higher.

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 28 February 2021 as per Schedule 8.2.2.

8.2.4 PURCHASE OF PLANT BY LOAN BORROWINGS AND ASSOCIATED BUDGET AMENDMENT

Date of Meeting:	23 March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Eddie Piper - Assistant to the CEO
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

The 2020-21 Council budget has no inclusion for the purchase of a new Rubbish Truck and a New Water Truck. The purchase of the plant items has become necessary.

Description of Proposal:

N/A

Background:

The current rubbish truck (licence No C27745 - Plant no P292) has become uneconomic to continue to operate and the Operations Manager and the Acting CEO believe it is in Council's interest to replace this item of plant during the 2020-21 financial year. The water truck (licence no C27504 - Plant no PTRU1) was disposed of on 23 March 2020 (2019-20 financial year) for \$7,545.45.

There is no provision in the 2020-21 Budget for the disposal of the existing plant and the purchase of new plant to replace that being disposed of / sold.

Consultation:

David Nielsen - Executive Manager Infrastructure Services

Gary Martin - Acting CEO

Wayne Sanderson - Operations Manager

Statutory Environment:

Local Government Act 1995 Section 6.20(2) –

“6.20. Power to borrow

- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year –*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.”*

Relevant Plans and Policy:

Nil

Financial Implications:

Budget Amendment necessary. Must remain in balance.

Risk Assessment:

Service provision risk – The Shire operates with two (2) rubbish compactors. Both were purchased secondhand in 2014. Both are operating beyond their expected useful life of four (4) years. Maintenance requirements for both vehicles has increased. Failure to hold a fully serviceable waste collection vehicle is a risk to the shire to deliver a core local government function of waste collection.

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
5.4	Sound financial and asset management
5.4.1	The Shire has an Asset Management Plan in place for each asset class

Comment:

The 2020-21 budget does not include provision to replace the rubbish truck (Plant no P292) and the water truck (Plant no PTRU1) As stated previously operation of these items of plant has become either uneconomic or necessarily replaced. A budget amendment is necessary to allow replacement to occur.

The local Government Act 1995 section 6.20 (2) allows Council to borrow money even if not included in the budget provided resolution to borrow funds is carried by absolute majority.

Funding of these two (2) purchases needs to be addressed as the rubbish truck is Council owned (no lease) and therefore creates no savings to the budget. Council has over the past few years funded purchases via operating leases, however the author, supported by those he consulted with, believes a borrowing program should be utilized as interest rates are very low.

Details of the plant are:

	Licence Number	Plant Number	Current Status
Rubbish Truck	C27745	P292	Uneconomical To operate
Water Truck	C27504	PTRU1	Sold during 2019-20

The term of the proposed loan is determined by the life of the item of plant. From past experience, the Executive Manager Infrastructure Services has supplied the following estimates:

- Rubbish Truck 7 Years
- Water Truck 7 years

Interest Rates applicable are based on the rate as at 9 March 2021 –

- 5 years 0.6416% plus guarantee fee 0.7%
- 7 years 0.9762% plus guarantee fee 0.7%

For the information of Elected Members detailed below are the annual repayments including interest:

1. \$250,000 for 7 years \$34,649.78 plus year 1 guarantee \$1,353.82 Total \$36,003.60
2. \$380,000 for 7 years \$52,667.66 plus year 1 guarantee \$2,057.82 Total \$54,725.48

The total cost for the 7 years for each is: 1. \$265,891.60
2. \$404,155.31

Leasing costs over the same 7 year period are in the order of: 1. \$450,000
2. \$300,000

Further, under the Loan scenario the plant is always the property of the Shire and has value on disposal (trade-in) whilst under a leasing agreement plant ownership reverts to the leasing company who can dispose of it as they please.

OFFICER'S RECOMMENDATION

That Council in relation to the purchase of a new Rubbish Truck and Water Truck –

1. *Authorise the Chief Executive Officer (CEO) to amend the 2020-21 Council Budget as follows:*
 - a) *Increase Account no (New) in Schedule 10 (Purchase Plant) by \$380,000 to \$380,000*
 - b) *Increase Account no (New) in Schedule 12 (Purchase Plant) by \$250,000 to \$250,000*
 - c) *Increase Account no (New) in Schedule 16 (Loan no xxx) by \$380,000 to \$380,000*
 - d) *Increase Account no (New) in Schedule 16 (Loan no xxx) by \$250,000 to \$250,000*
2. *Authorise the CEO to negotiate a loan for up to \$380,000 over 7 years at the ruling interest rate at the time with 6 monthly repayments for the purchase of a Rubbish Truck complete with compactor and a further loan for up to \$250,000 for 7 years at the ruling interest rate at the time with 6 monthly repayments for the purchase of a Water Truck complete with an 12,000kl tank and ensure the provisions of Local Government Act 1995 section 6.20 (2) are complied with and any submissions made are presented to the next meeting of Council for consideration.*
3. *Authorise the Executive Manager Infrastructure Services to draw up specifications for the supply and delivery of a new Rubbish Truck and a new Water Truck and utilise the WALGA Preferred Supplier facility to obtain quotes for the supply of such plant.*

File No:	ADM1789
Date of Meeting:	23 rd March 2021
Location/Address:	Lot 1146 and 1205, Babbage Island Road, Carnarvon
Name of Applicant:	Water Corporation
Name of Owner:	Shire of Carnarvon
Author/s:	Sj Nixon, Coordinator of Governance
Declaration of Interest	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	24 th January 2017 full council meeting

Summary of Item:

For the Council to authorise the Shire president, under S9.49a of the Local Government Act 1995, to execute the necessary document for the transfer of Lot 1146 and 1205, Babbage Island Road to Water Corporation for \$1.

Description of Proposal:

During the full council meeting of January 2017, Council resolved to provide in-principle support for the transfer of lots 1146 and 1205 to Water corporation to construct a new water waste facility adjacent to the water treatment plant on Babbage island road. The council resolution was made according to S5.42 of the Local Government Act. The resolution, however, did not provide the President authorisation to execute the relevant documentation pursuant to Section 9.49a of the Local Government Act therefore settlement has been delayed to allow a resolution under the relevant legislative instrument.

Background:

In 2017, Water Corporation proposed to construct a new wastewater reuse facility adjacent to the Carnarvon wastewater treatment plan on Babbage Island Road. In return for transferring the required land, Water Corporation would gift the Shire of Carnarvon a pump station for its use for the town's irrigation.

The terms of the arrangement with Water Corporation are provided in *Schedule 8.2.4(a)* agenda item and Council resolution FC 17-18/1/207 and correspondence requesting support from the Council for transfer of land in *Schedule 8.2.4(b)*. The land transfer area of approximately 0.22ha is shown in *schedule 8.2.4(c)*.

The settlement could not be completed given the resolution. Further, Council had only provided "in principle" support of the land transfer at the time the resolution was made. Water Corporation has since constructed a water waste reuse facility and the pump station. Which handed to the Shire in 2018. The final requirement is therefore to complete the transfer of land to Water Corporation.

Consultation:

Consultation was undertaken with –

1. Steve Whittleston - Water Corporation
2. Kelly Robinson - Hopgood Gamin Conveyancing
3. David Nielsen – Executive Manager Infrastructure

Statutory Environment:

Local Government Act, 1995 applies regarding the disposal of Council property:

3.58. Disposing of property**3.58. Disposing of property**

(1) In this section –

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

9.49A Execution of documents

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
- (b) the CEO, each of whom is to sign the document to attest that the common seal was so affixed.

Local Government (Functions and General) Regulations 1996

30(2)(c) Disposition of property excluded from Act S.3.58

- (2) A disposition of land is an exempt disposition if
- (c) the land is disposed of to — (i) the Crown in right of the State or the Commonwealth; or (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or (iii) another local government or a regional local government; or (d) it is the leasing of land to an employee of the local

Relevant Plans and Policy:

E019 Execution of Documents and use of common seal

Financial Implications:

There is a \$1 consideration (payable upon demand) to be received from Water Corporation in completing this transaction.

Risk Assessment:

Reputational risk- Failing to complete the Shire's obligation under the agreement could present adverse reputational risk.

Community & Strategic Objectives:

Objective 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.2.3	Monitoring water quality
2.3	Flood control and stormwater management practices that are efficient and sustainable
2.3.1	Provide for effective management and maintenance of Council's flood control and stormwater infrastructure
2.3.2	Make most effective use of recycled water for irrigation for open space

2.5	Assessment and future planning of the three waters
2.5.1	Modeling and future planning of the three waters (water, wastewater, and stormwater) to identify requirements and meet future community need
2.7	Shire assets and facilities that support services and meet community need

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 relevant legislation and regulations

Comment:

It is noted the administrative requirements for this transaction have been completed and the purpose of this resolution is to correct the legislative instrument under which the resolution was issued in 2017.

OFFICER'S RECOMMENDATION

- Pursuant to section 3.58 of the Local Government Act (1995), referencing the exemption as stated in Section 30(2)(c) of the Local Government (functions and general) regulations 1996, resolve to dispose of Lot 1146 and 1205, Babbage Island Road, Carnarvon associated with the Carnarvon water reuse facility to Water Corporation for a sum of \$1 payable upon demand.
(Simple Majority Required)*
- "That Council Pursuant to Section 9.49A of the Local Government Act (1995), delegate authority to the Shire President to execute the necessary documents for the land transfer of Lots 1146 and 1205, Babbage Island Road, Carnarvon associated with the Carnarvon water reuse facility.
(Absolute Majority required)*

Date of Meeting:	23 March 2020
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Gary Martin, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This further report relates to Council's adoption of the Shire of Carnarvon annual Compliance Audit Return for 2020 and is additional to the report presented to the Audit and Risk Committee meeting held 15th March 2021. At that meeting the Committee raised numerous concerns and failed to make any report or recommendation to the Council. This item endeavours to clarify the process and the responsibilities of the Committee and to make appropriate recommendation(s) to the Council.

Description of Proposal:

That the Audit and Risk Committee review the completed Compliance Audit Return 2020 again and report the results to Council for adoption. The Compliance Audit Return should be certified by the President and CEO before being submitted to the Department of Local Government Sport and Cultural Industries (DLGSC) by 31 March 2021.

Failure to submit the completed CAR by that deadline will be a significant matter of non-compliance by the Shire and reflect poorly on Council governance. The CAR needs to be submitted to the Council meeting for its consideration with recommendation(s) by the Committee.

Background:

The Shire of Carnarvon is required under the Local Government (Audit) Regulation 1996 - Clause 14, to complete an annual Compliance Audit Return (CAR). The CAR represents an audit of the selected items of Shire compliance in the period 1 January until 31 December of each year. The following functions are included in the return, Commercial Enterprises by Local Governments, Delegation of Power, Disclosure of Interest, Disposal of Property, Finance, Integrated Planning and Reporting, Local Government Employees, Official Conduct, Optional Questions and Tenders are being evaluated based on questions provided by the Department of Local Government, Sport and Cultural Industries.

In this context the local government is required to undertake the audit and present the report to the Audit and Risk Committee for review. The CAR is required to be adopted by Council and presented to the Department, by the CEO, by 31 March 2021.

A copy of the completed Compliance Audit Return 2020 is provided at ***Schedule 8.2.5 Shire of Carnarvon Compliance Audit Return 2020.***

The CAR 2020 has been completed by Natasha Pulford of Assurance Advisory Group (AAG) following a Request for Quote to provide this service. The CAR may be completed internally by the CEO and authorised

employees but for greater accountability the decision had been previously made to have this CAR completed by an independent external consultant.

The Acting CEO (author of this report), as an independent consultant, has prepared numerous CAR audits for numerous local governments over a period of 20 years or more. The author fully supports the decision to have this year's CAR prepared externally to provide greater transparency.

Shire officers assisted in the provision of information for verification by AAG. Section 3. *Completed Sections with Comments*, of the report, provides a table that identifies those officers involved in providing this information.

It is noted that the Committee has expressed concerns that some answers to questions were marked as non-applicable (N/A) and should be either Yes or No responses. That view is not correct, and it is universally accepted within local government that the response "not-applicable" is not only acceptable but correct for questions where the particular provision has not been dealt with during the period of the review. For example, if the Council has not employed a CEO during the year, it cannot respond with "Yes" indicating compliance for a non-event, similarly a "No" is not relevant as that indicates non-compliance.

Not only is "Not Applicable" a standard response within local government and has been accepted by the Department of Local Government for many years, but it is also noted that the Shire's 2019 CAR contained numerous examples of "N/A".

The CAR and report have been prepared by an external and independent professional auditor and should remain as submitted. To meet its statutory requirements of reviewing the CAR and reporting to the Council it is recommended that the Committee amend or add appropriate comments to reflect its views regarding the appropriateness of either the status of compliance or the comment so that the Committee position is recorded. It is relevant that both the Shire President and the CEO are required to certify the accuracy of the CAR and if not signed, or not submitted by the 31 March deadline, the Shire will be non-compliant in respect of a significant governance function.

The objective and outcome of the CAR is to identify areas of non-compliance or weaknesses to enable rectification action.

A Committee recommendation at the meeting held 15th March to present the CAR return for 2020 with possible amendments to Council for adoption was lost F2/A3. This left the status of the CAR in limbo necessitating the requirement to resubmit to the Committee for consideration and to enable a recommendation to the Council meeting.

Consultation:

The CAR was completed by Natasha Pulford of Assurance Advisory Group, with input from officers of the Shire of Carnarvon. The Acting CEO had considered the CAR and report but has not independently checked the veracity of individual items.

Statutory Environment:

The Council is obliged to complete and submit the Carnarvon Compliance Audit Return 2020 in accordance with Regulations 14 and 15 the Local Government (Audit) Regulations, 1996.

The audit committee is to review the compliance audit return and is to report to the council the results of that review. After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be presented to the council at a meeting of the council; and adopted by the council; and recorded in the minutes of the meeting at which it is adopted.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil.

Risk Assessment:

There is a risk that Council will be in breach of its statutory obligations should it not complete and adopt the Compliance Audit Return 2020.

Community & Strategic Implications:

The proposed recommendations align with the Strategic Community 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
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The report contained 89 questions for completion, with an additional 10 questions which were optional. The Shire of Carnarvon selected to complete the optional questions.

Comments in relation to the findings of the report are summarised as follows:

1. Finance: The Annual Financial Audit was not received by the Department, by 31 December 2020. This was due, in part, to staffing issues within the Shire. The former Acting CEO, Mr John Attwood, engaged external support for the completion of the report and an extension was provided by the Department. The report was provided to the Office of the Auditor General (OAG), but there is an identified backlog of audits still to be completed by the OAG.
2. Disclosure of Interest: On the Shire website, registers contained the names of past Shire employees. These will be removed. <https://www.carnarvon.wa.gov.au/Council/Disclosure-of-Gifts-Contributions-to-Travel>
3. Disclosure of Interest: A gift register is provided on the Shire website, but the Code of Conduct does not identify this as a requirement for the CEO to maintain. This is being addressed in the review of the Code of Conduct.
4. Tenders for Providing Goods and Services: The process for procurement of goods and services, under \$150,000, are identified in the Shire Policy C002. There are occasions where officers are not compliant with the Policy, such as when an invoice is received prior to a purchase order being issued. Officers provide a file note on these occasions, outlining why this has occurred, which is signed off by the relevant Executive Manager and/or CEO. The introduction of the Altus Procurement module will reduce the incidence of non-compliance.

5. Tenders for Providing Goods and Services: The Shire does not provide a register of tenders on its current website. A review of the current website is in progress, and this will be included in the new website. <https://www.carnarvon.wa.gov.au/Council/Tenders-and-EOIs>
6. Optional Question: The Shire policy for attendance at events has not yet been adopted but will be put on the website once adopted. <https://www.carnarvon.wa.gov.au/Council/Shire-Documents-and-Forms/Policies>
7. Optional Question: The Shire website does not contain a map of the district or ward boundaries as required under 5.96A(1)(a) of the Local Government Act. (Act.) Section 5.96A(1)(e) of the Act requires *current plans for the future of the district made under section 5.56*. The author will confirm what plans are missing, as the Shire website does contain a number of current plans for the future of the district. <https://www.carnarvon.wa.gov.au/Council/Shire-Documents-and-Forms/Shire-Documents>
8. Optional Question: An extension was provided for the submission of annual financial accounts to the Auditor.

Overall and on review, the Compliance and Audit Return 2020 represents a high level of compliance by the Shire of Carnarvon. There are opportunities for improvement that have been identified through the completion of the CAR, and officers are working to address these areas.

The Shire of Carnarvon has also engaged AAG to complete the Regulation 17 Audit on behalf of the CEO. In accordance with the Local Government (Audit) Regulations 1996, the CEO is required to *review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*

- (a) Risk management; and
- (b) Internal control; and
- (c) Legislative compliance.

The Regulation 17 Audit is required to be completed not less than once in every 3 financial years, and the CEO to report to the Audit committee the results of that review. This, more comprehensive review, is currently in progress and with the intention of providing the incoming CEO an overview of the status of internal management systems.

OFFICER'S RECOMMENDATION

That the Audit and Risk Committee:

1. *Pursuant to Regulation 14(3A) of the Local Government (Audit) Regulations 1996, after review by the Audit and Risk Committee, present the Compliance Audit Return 2020 (as amended) to Council for adoption.*
2. *Recommend that Council authorises the President and Chief Executive Officer to certify and submit the Compliance Audit Return 2020 to the Department of Local Government and Cultural Industries, in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996, by 31 March 2021.*

File No:	ADM0031
Date of Meeting:	23 rd March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Sj Nixon, Coordinator of Governance
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

This report presents a copy of the Financial Management Review 2019 for the Council's consideration.

Description of Proposal:

Regulation 5(2)(c) of the Local Government (Financial management) regulation 1996 makes it a requirement for the CEO to conduct a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years). A financial management review was conducted in April 2019 and this report presents the finding of the review and reports to the Local Government the results of those reviews.

Background:

The Local Government Act and Regulations require a local government to review financial management systems once every three years.

This review was completed in April 2019 and examined 18 key areas. The review considered 14 of these to have controls and procedures in place which were deemed effective and appropriate for the Shire's current scope and operation. 4 areas were identified for improvement of which 3 were assessed as posing moderate risk and 1 attracted a minor risk rating. The specified areas for improvement were Bank reconciliations, payroll, cost, and administration allocations and investments.

The review examined the financial systems in place between 1st July 2018 and 28th February 2019. The report is attached as ***schedule 8.2.6 Financial Management Review April 2019***

Consultation:

The Review was completed by Moore Stephen in consultation with Shire staff.

Statutory Environment:

It is a legislative requirement for Council to review financial management systems not less than once in every three (3) financial years.

Regulation 5(2)(c) A of the Local Government (Financial Management) Regulations 1996 state:

(2) The CEO is to —

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Relevant Plans and Policy:

C026 Legislative Compliance

Financial Implications:

The final report noted that there were a few uncleared reconciling items in the 2019 municipal back reconciliation since 2009. These have since been reconciled therefore there is no outstanding financial implication to the Shire relating to this item.

Risk Assessment:

The Shire would be at risk of legislative non-compliance should it fail to present the findings from the review to the Local Government.

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 Councilors
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:

Since the completion of the review, the identified areas of non-compliance have been addressed with processes put in place to ensure ongoing compliance as stated in the report.

OFFICER'S RECOMMENDATION

That Council according to section 5(2)(c) of the Local Government (Financial Management) regulation 1996 receives and notes the findings of the financial management report completed by Moore Stephens in April 2019.

8.3.1

MOBILE TRADING LICENCE APPLICATION – LOT 800 (NO. 79) BANKSIA DRIVE, CORAL BAY

File No:	ADM2051/A3892, P8/21
Date of Meeting:	23 March 2021
Location/Address:	Lot 800 (No. 79) Banksia Drive, Coral Bay
Name of Applicant:	Lisa Michelle Eveson / Mandu Holdings Pty Ltd
Name of Owner:	Baiyungu Aboriginal Corporation (BAC)
Author:	John Meggitt, Principal Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	25 February 2020; 28 July 2020; 25 August 2020

Summary of Item:

This item relates to an application for a mobile trading license to trade as an Australia Post and Lotterywest agent and to provide news and gifts products and merchandise sales and services at Lot 800 (No. 79) Banksia Drive, Coral Bay. The applicant previously operated as a mobile trader providing Australia Post and Lotterywest products and services within the road reserve of Banksia Drive, this licence expired on 14 March 2021.

The licence application is consistent with the site requirements set out in the “Coral Bay Mobile Trading Policy” (Policy D003) see Schedule 8.3.1. The licence application complies with the Policy and this report recommends that the licence application be approved.

Description of Proposal:

The applicant is seeking approval to use the expandable trailer van used for the Australia Post/Lotterywest licence at the northern end of Banksia Drive, see Figure 1. The hours of operation sought are from 1:00pm until 5:00pm Monday to Friday. Mobile trading licences can be issued for a maximum period of 12 months.



Figure 1. Location Plan

Site for proposed
mobile trading van

Previous mobile
trading site

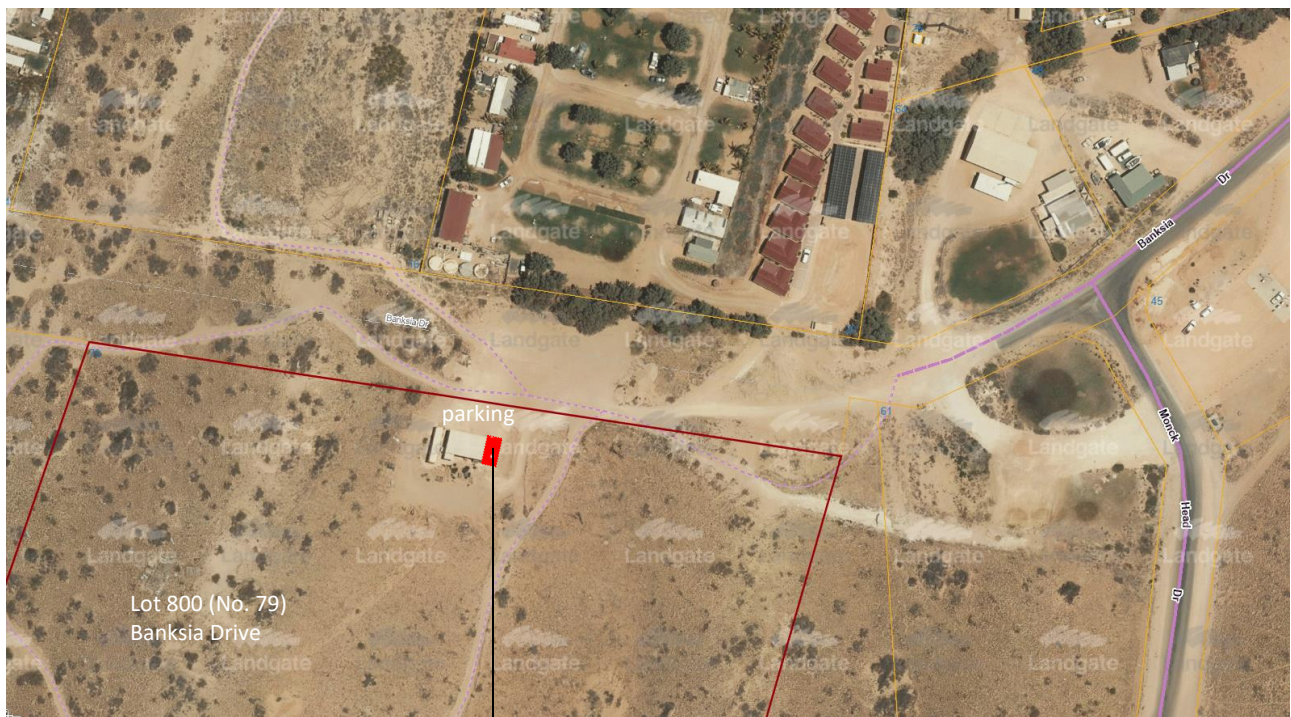


Figure 2. Proposed Mobile Trading Site

It is intended that the mobile trading van would operate from Lot 800 Banksia Drive, see Figure 2. The applicant has indicated the following range of goods and merchandise that are intended to be available:

- *Australia Post products – stamps, envelopes & packaging for National and International purposes*
- *Lotterywest products – Lottery tickets and scratchies*
- *Merchandise products – newspapers, phones, phone recharge, clothing, books and stationery*

Background:

The Shire of Carnarvon Local Law 'Hawkers, Traders and Stall Holders' relates to the temporary occupation of land either on a long term or periodic basis for the purpose of either selling or displaying goods or providing services to customers.

The site proposed by the applicant is owned by the Baiyungu Aboriginal Corporation. The applicant has stated that permission has been granted for the van to operate from the site and remain on the site when the van is not in use for mobile trading. It is intended that the mobile trading van would be located next to the building occupied by Parks and Wildlife.

The location of the mobile trader at Lot 800 Banksia Drive satisfies the site requirements of the Shire's Coral Bay Mobile Trading Policy D003. The Policy's site requirements state that a place will only be approved if it:

1. *Is located within a place identified in the Schedule of Declared Trading Locations. (private land).*
2. *Is readily and safely accessible to customers;*
3. *Provides adequate parking for customers;*
4. *Does not present a traffic hazard or danger to the public;*
5. *Has adequate rubbish disposal facilities;*
6. *Does not breach any regulatory or signposted car parking restrictions;*
7. *Takes place where the goods displayed and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and*
8. *Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).*

Vehicle Access and Parking

Vehicle access is proposed from the unsealed western end of Banksia Drive. With regard to the adequacy of the proposed access the Executive Manager Infrastructure Services has advised that:

- the speed environment is low;
- a traffic volume increase from the existing condition is likely to result from the mobile trading service however overall traffic volumes are anticipated to remain low;
- the road does not have through traffic and is a dead end; and
- a small crest on the road does limit sight distances in both directions of travel however an existing widening at the crest allows for two vehicles to pass safely.

Placement of 'CREST' warning signage combined with an advisory speed of 20km/h is recommended for placement at each end of the crest. Signage shall be installed by Shire (or its agents) at the full cost of the applicant.

Parking is proposed within Lot 800 between the trading van and the road boundary.

Signage

Currently there is an Australia Post sign at the entrance to Coral Bay at the junction of Robinson Street and Banksia Drive which, if the application is supported, would be redirected towards the new site. It is also noted that the existing Australia Post mobile trading site is located on Google maps.

The applicant has indicated a desire for signage at the junction of Robinson Street and Banksia Drive, an additional signage crossbar to the Parks and Wildlife 'no thru road' sign on Banksia Drive and a banner sign at Lot 800.

If the application was to be supported, it is proposed that the Shire not provide any additional signage however the applicant may negotiate with Parks and Wildlife to modify their sign. A banner sign at the van indicating that the business is open would be acceptable.

Consultation:

No public consultation is required for mobile trading applications.

Statutory Environment:

Shire of Carnarvon Local Government Act Local Laws, s. 29 – Hawkers, Traders & Stall Holders

The local law provides guidance on the method and information required for applications, assessment considerations, grounds for refusing, license renewals, licence conditions, and the grounds for revoking licences; as well as fee and licence transfer management.

Cl. 29.4 of the Policy states that:

the Council when considering an application for a licence shall have regard to any relevant policy statement, the location of the proposed activity and the circumstances in the case.

Cl. 29.5 states that:

The Council may Grant the licence or renewal, or refuse to grant the licence or renewal and it may so refuse the on any of the following grounds-

Cl. 29.5.4 states that:

The proposed activity or place of trading is in the opinion of Council undesirable;

The applicant has indicated a desire to commence development from 14 March and is seeking Council's retrospective approval from that date. The Supreme Court has confirmed that approvals can be issued under section 164 of the Planning and Development Act 2005 for already existing uses. However, the approval is only from the date of determination and cannot be applied retrospectively for the period before the determination. (*Bright Image Dental Pty Ltd -v- City of Gosnells [2017] WASC 229*).

Relevant Plans and Policy:Shire of Carnarvon Policy: D003 Coral Bay Mobile Trading

On 23 June 2020, the Shire adopted Policy D003 Coral Bay Mobile Trading. Policy D003 has a site requirement that states that a place will only be approved for mobile trading if it is identified in the Schedule of Declared Trading Locations. The Schedule specifies private land as the only permitted location for mobile trading in Coral Bay.

As the site identified in the application is located within private land it satisfies the site requirements of Policy D003.

Financial Implications:

There are no identified financial implications.

Risk Assessment:

There are no identified risks associated with the officer's recommendation.

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.1	Local business growth

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

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

The licence application complies with the Shire's Mobile Trading Policy and is supported. The question of convenience of the proposed mobile trading site for the Coral Bay community is not a factor in the consideration of the application. Any concerns regarding the level of service being provided by the Australia Post agency will need to be taken up with Australia Post.

As stated in the Statutory Environment section of this report approval can only be granted only from the date of determination and cannot be applied retrospectively to a period before the determination.

The Shire's *Policy D003 Coral Bay Mobile Trading* limits trading to land in private ownership. The site subject to this licence application complies with the site requirements for mobile trading activity. It is therefore recommended that the application be approved.

OFFICER'S RECOMMENDATION

Pursuant to Shire of Carnarvon Local Government Act Local Laws, s.29 – Hawkers, Traders & Stall Holder and the Shire of Carnarvon Policy D003 Coral Bay Mobile Trading approve the application from Lisa Michelle Eveson / Mandu Holdings Pty Ltd to hold a 12-month, Traders Licence as an Australia Post and Lotterywest agent and for the trading of news related goods, gifts and merchandise at Lot 800 (No. 79) BANKSIA DRIVE, CORAL BAY subject to the following conditions:

- 1) This licence is valid for a period of 12 months from the date of approval.*
- 2) Trading is limited to the period Monday to Friday between the hours of 1:00PM and 5:00PM.*
- 3) The applicant will be responsible for costs associated with the provision by the Shire of two 'CREST' road signs on Banksia Drive.*
- 4) This licence excludes the use of existing or future buildings or shipping containers on Lot 800 Banksia Drive for the storage of goods and products or the management of the mobile trading business.*
- 5) A banner sign is permitted at Lot 800 (No. 79) Banksia Drive during trading hours.*
- 6) External advertising on the trading van is to be limited to products and services provided by the trader.*
- 7) The licensee must legibly and conspicuously display the licence on the vehicle used for trading.*
- 8) The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out.*
- 9) The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.*
- 10) The licensee must not trade at any given place and time unless it is safe to do so and must consider the safety of other vehicles and pedestrians.*
- 11) The trading activity must not cause unreasonable nuisance considering the trading environment.*

8.3.2 EMERGENCY MANAGEMENT TRAINING AWARE GRANT FUNDING- REQUEST TO SUPPORT APPLICATION

File No:	ADM1704
Date of Meeting:	23 rd March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Warren Hatt on behalf of the Shire of Carnarvon
Author/s:	Warren Hatt, Community Emergency Services Manager
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

The purpose of this report is to seek council's support for a grant application on behalf of the Shire of Carnarvon for a number of staff to undertake Emergency Management Training offered by the West Australian Local Government Association (WALGA).

Description of Proposal:

The application proposal includes having a number of staff from the Shires of Carnarvon, Upper Gascoyne and Ashburton to complete the full suite of EM courses provided by WA Local Government Association:

- AllIMS Awareness
- Emergency Management Fundamentals
- Participate in Local Government Emergency Management Preparation
- Manage Recovery Activities for Local Government
- Local Recovery Coordinator

Background:

A recent Emergency Management Capability Summary for the Shire of Carnarvon highlighted key areas for improvement. In particular, the capacity to respond and recover to an emergency incident while maintaining business continuity.

The recent flood events in February 2021 highlighted the need for Emergency Management training for shire staff which would improve efficiency of operation within an emergency context.

This project aims to increase the ability of local government to raise the awareness of emergency management and provide greater understanding of functions undertaken in the event of a disaster within the shire. This project will also provide staff with the training to perform roles to assist local government in the Prevention, Preparedness, Response and Recovery to emergency events.

Neighbouring local governments of Upper Gascoyne and Ashburton have small shires which could benefit from emergency management training to increase their capacity and awareness of emergency management with the training of 2 members of staff from each of these shires included in the costing for this project.

The project will enhance emergency management by providing numerous personnel with the knowledge to undertake emergency management roles at local government level. The suite of WA Local Government Association (WALGA) courses are tailored and accessible emergency management education for all Local Government emergency management personnel (including volunteers), CEOs, Executives, Elected Members and Officers.

The proposed training will address the fundamental skills required to operate effectively in the Local Government Emergency Management environment from planning and preparation responsibilities through to recovery.

Strategically, it will:

- provide Local Government staff with the underpinning knowledge and skills to effectively coordinate recovery operations across natural, built, social and economic environments within their Local Government Area
- provide Local Government staff with a better understanding of interoperability and promote engagement with agencies across the Emergency Management continuum
- highlight to Local Government staff the importance of information sharing with a variety of stakeholders to promote resilience, ensure an effective response to, and recover from a disaster.

Total Estimate budget for Emergency Management Training through WALGA (Inclusive of Travel Costs)

ITEMS	AMOUNT
Local Recovery Coordinator (2 day, up to 15 attendees)	\$6,000
Manage Recover Activities for LG (1 day, up to 15 attendees)	\$4,000
Participate in LG Emergency Management Preparation (1 day, up to 15 attendees)	\$4,000
12mth Subscription - AIIMS Awareness (for 12 participants)	\$2,340
12mth Subscription - Emergency Management Fundamentals (for 12 participants)	\$2,340
Return Flights from Perth- REX Airlines (1 person)	\$440
Accommodation - Carnarvon Motel (5 persons)	\$3,500
Hire Car - 5 days-approx.	\$362
Meals - Breakfast and dinner (5 days) approx. Based on menu options	\$500
Catering for morning tea and lunch - 12 participants, 1 trainer/assessor (4 days) estimate \$400 per day	\$1,600
Sub-Total	\$25,082
Contingencies	\$918
TOTAL	\$26,000

Table 1: Total Estimate budget for Emergency Management Training through WALGA including flights and car hire for trainer/assessor, and accommodation for all travelling participants.

Consultation:

- Former CEO – David Burton
- Former A/CEO – John Attwood
- Executive Manager Corporate and Community – Jenny MacKellin
- Executive Manager Infrastructure– David Nielsen
- Executive Manager Development Services– David Perry

Statutory Environment:

Section 5.42 of the Local Government Act 1995 applies as follows:

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

Section 6.8(1)(b) of the Local Government Act 1995 applies as follows,

6.8(1)(b) Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(b) is authorised in advance by resolution; or*

** Absolute majority required.*

Section 36 of the *Emergency Management Act 2005, Part 3 — Local arrangements:*

36. Functions of local government

It is a function of a local government —

(a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and

(b) to manage recovery following an emergency affecting the community in its district; and

(c) to perform other functions given to the local government under this Act

Relevant Plans and Policy:

- SHIRE OF CARNARVON Policy No. C030 External Grants – Procurement and Management
- SHIRE OF CARNARVON Local Emergency Management Arrangements and
- SHIRE OF CARNARVON Local Recovery Plan 2019

Financial Implications:

The only financial implications are the requirement of a budget variation to include this item in the yearly budget figures and the allowance to setup an expenditure account for the administration of funds. The grant funding application will finance the entire cost of the project.

Risk Assessment:

Failure to undertake this emergency management training could place Shire staff and volunteers involved in incident management, response and recovery to an emergency in a position where they are not formally protected under the provisions of the *Emergency Management Act 2005*.

Community & Strategic Objectives:

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

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

3.4	Healthy and safe community
3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education

Objective 5: Civic

Strong and listening Council.

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
5.5	The right people with the right skills in a productive workplace
5.5.1	All staff are provided with adequate training and equipment to undertake their role, including cultural awareness training
5.5.2	A high standard of occupational safety and health is maintained
5.5.5	Organisation and strategic workforce development

Policy Implications

Approval to apply for a grant is required under Policy C030 – External Grants – Procurement and Management.

As per *State EM Policy 4.14 TRAINING*

4.14.1 Training needs, both within an agency and interagency, must be determined by the agencies so staff and volunteers have the appropriate skills to ensure provision of services in accordance with the relevant State Hazard Plans (Westplan) or State Support Plans.

Comment:

The Shire of Carnarvon currently does not have at this stage, a Council trained person with the skills to undertake the role of Local Recovery Coordinator which is a required function of Local Government under the Emergency Management Act 2005. It is recommended that every Local Government has at least 2 or more persons trained in this role to allow for fatigue management, staff holidays and extended duration recovery efforts.

The project allows for 8 persons from the Shire of Carnarvon, 2 Persons from Shire of Upper Gascoyne and 2 persons from Shire of Ashburton to undertake the listed training which will be facilitated by WALGA. Costs not covered by this grant application include travel by participants from Shire of Upper Gascoyne and Shire of Ashburton and meals for those participants which will need to be both physically and financially managed by those local governments.

Project Management of this proposal will be undertaken by the Executive Manager Development Services and the Community Emergency Services Manager in conjunction with the Governance and Finance sections of the Shire of Carnarvon. All training will be held in Carnarvon.

OFFICER'S RECOMMENDATION

That Council:

- ***Pursuant to Section 5.42 of the Local Government Act (1995) authorise to the CEO to make any necessary non-material amendments and finalise execution of a funding agreement between the Shire of Carnarvon and the Department of Fire and Emergency Services, for \$26,000 to be used for Emergency Management Training.***
- ***Pursuant to Section 6.8(1)(b) of the Local Government Act, adopt a budget variation to receive the grant amount of \$26,000 in COA 11E3***

File No:	ADM1690
Date of Meeting:	23 rd March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Warren Hatt on behalf of the Shire of Carnarvon
Name of Owner:	
Author/s:	Warren Hatt, Community Emergency Services Manager
Declaration of Interest:	Nil
Voting Requirements:	Absolute majority
Previous Report:	Nil

Summary of Item:

The purpose of this report is to seek council's support for a grant application through the WA Recovery Plan Bush Fire Brigade Water Tank Initiative on behalf of the Shire of Carnarvon for strategically located water tanks to be supplied and installed for firefighting purposes.

Description of Proposal:

The application proposal includes the supply and installation of 6x 200,000 litre water tanks to the following locations:

Carnarvon Airport
 Carnarvon Waste Facility
 Coral Bay
 Blowholes
 Bibbawarra Bore Road
 Oyster Creek Rd/Carnarvon Road

Background:

Through the State Government's WA Recovery Plan, Department of Fire and Emergency Services (DFES) was provided \$2.0 million over two years (2020/21 & 2021/22) for the provision of water tanks at existing bush fire facilities (not funded through Emergency Services Levy (ESL) collections). The additional funding is intended for bush fire brigades (BFB's) located in high bushfire risk areas that do not already have a water tank.

Applications for Round Two builds on the success of the previous round, which committed grant support for 61 applications totaling \$829,437. Strategically located water tanks, for firefighting purposes only, will also be considered in Round Two. *The criteria to be applied to these requests is that the tanks must be located on Local Government owned or managed land, nominated at the time of the request.*

The allocation of funds for the successful second round applications will be prioritised by the Bushfire Operations Committee (BOC) subsequent to consideration and final approval by the Local Government Grant Scheme (LGGS) Bush Fire Service Capital Grants Committee (BFB CGC).

The grant requires single submissions for each site with quotes to cover the following requirements:

- Water Tank size with standard fittings including delivery and installation
- Tank level gauge
- Dust and vermin proofing seal
- Pump kit (Ensure pump capacity is sufficient)
- Electrical requirements – if required
- Plumbing requirements
- Site works

TOTAL ESTIMATE BUDGET

ITEMS	AMOUNT
Carnarvon Airport- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings Supply and install STARLINE 100-80-160 1.1kw 4 pole Pump Motor on base 415v	\$123,535.50 GST Inclusive
Carnarvon Waste Facility- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings Supply and install STARLINE 100-80-160 1.1kw 4 pole Pump Motor on base 415v	\$114,834.50 GST Inclusive
Coral Bay- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings Supply PC SUM - Custom trailer pump set Diesel 700l/m (Portable pump option)	\$172,179.81 GST Inclusive
Bibbawarra Bore Road- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings Supply PC SUM - Custom trailer pump set Diesel 700l/m (Portable pump option)	\$110,506.00 GST Inclusive
Oyster Creek Road- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings	\$104,258.00 GST Inclusive
Blowholes- Supply and install RCT-200-22 Corrugated Colorbond Commercial Tank with manifold and 2" and 3" male camlock fittings	\$131,285.00 GST Inclusive
TOTAL	\$756,598.81

Table 1: Total Estimate budget for supply and installation of 6x tanks and associated pumps through the WA Recovery Plan - Bush Fire Brigade Water Tank Initiative as per supplied quotes.



Figure 1: Photo of Rhino water tank as example of type of commercial tank being supplied, for illustration purposes only and not indicative of correct sizing of RCT-200-22 Corrugated Colorbond Commercial Tank.

Consultation:

- Executive Manager Development Services– David Perry
- Executive Manager Infrastructure– David Nielsen
- Bushfire Risk Planning Coordinator– Scott Medhurst

Statutory Environment:

Section 5.42 of the Local Government Act 1995 applies as follows:

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

Section 6.8(1)(b) of the Local Government Act 1995 applies as follows:

6.8(1)(b) Expenditure from municipal fund not included in annual budget.

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(b) is authorised in advance by resolution; or*

** Absolute majority required.*

Relevant Plans and Policy:

- SHIRE OF CARNARVON Policy No. C030 EXTERNAL GRANTS – PROCUREMENT AND MANAGEMENT
- STATE EMERGENCY MANAGEMENT POLICY – 3.1 PREVENTION ACTIVITIES
- STATE HAZARD PLAN Fire – 1.3 ORGANISATIONAL ROLES AND RESPONSIBILITIES
2.1 RESPONSIBILITY FOR PREVENTION AND MITIGATION

Financial Implications:

Costs not covered by this grant application include physical unloading of tank parts at the chosen locations. On advice from Rhino/Kingspan Tanks this can be undertaken through the use of a Hiab or forklift, which the Shire of Carnarvon currently possess. *This activity can be managed as an in-kind donation to the project.*

There is also requirement for a budget variation to include this item in the yearly budget figures and the allowance to setup an expenditure account for the administration of funds.

Risk Assessment:

The Shire of Carnarvon does not currently have strategically placed water sources for the purpose of firefighting and currently manage the risk accordingly. The acquisition of funding to strategically locate water tanks and pump sets will assist the Shire of Carnarvon and associated Bush Fire Brigade in fulfilling the legislated responsibility to bushfire as per the *Bush Fires Act 1954*.

While failure to undertake this preparatory measure will mean the continuation of current practices, the ability to access strategic locations with a readily available water source (200,000 litres) will enhance our capacity to respond to bushfire and protect the communities of Carnarvon and Coral Bay.

Community & Strategic Objectives:

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

Objective 1: Economic

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

Item Outcomes and Strategies

1.3	Transport hubs that support a thriving region
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1.3.1	Provide and maintain airports at Carnarvon and Coral Bay
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Objective 3: Social

Healthy, safe and resilient community, where everyone belongs.

Item Outcomes and Strategies

3.4	Healthy and safe community
3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education

Objective 5: Civic

Strong and listening Council.

Item Outcomes and Strategies

5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

If grant application successful, the items within this project will need to be procured through the use of:

- SHIRE OF CARNARVON Policy No. C002 PURCHASING POLICY
- SHIRE OF CARNARVON Policy No. C013 TENDER SELECTION CRITERIA POLICY
- SHIRE OF CARNARVON Policy No. C034 TENDERS MANAGEMENT POLICY

Project Management of this proposal will be undertaken by the Executive Manager of Development Services and the Community Emergency Services Manager in conjunction with Governance, Finance, Planning and Infrastructure sections of the Shire of Carnarvon.

A recent 'Emergency Management Capability Summary' for the Shire of Carnarvon (File No. ADM1674) highlighted a decrease in the capacity for essential services protection and lack of existing infrastructure for the management of multiple or concurrent emergencies and subsequently received a 0% rating for these topics. With the approval of this grant and acquisition of even one of these strategically located assets will improve the rating in these areas and position the Shire of Carnarvon closer to most other Local Governments Authorities within the state.

OFFICER'S RECOMMENDATION

That Council:

- ***Support the submission of the WA Recovery Plan Bush Fire Brigade Water Tank Initiative***
- ***pursuant to Section 5.42 of the Local Government Act (1995) authorise the CEO to make any necessary non-material amendments and finalise execution of a funding agreement between the Shire of Carnarvon and the Department of Fire and Emergency Services, for \$756,598.81 or other approved amount. This is to be used for the supply and instalment of water tanks and associated pumping equipment as part of the WA Recovery Plan Bush Fire Brigade Water Tank Initiative.***
- ***pursuant to Section 6.8(1)(b) of the Local Government Act, include in the 2021/22 budget as follows:***
 - ***Account number (new) in schedule 5 (law order and public safety) - \$756,598.81 Income***
 - ***Account Number (new) in schedule 5 (law order and public safety) - \$756,598.81 Expenditure***
 - ***with budget text to identify the intended purpose being the installation of water tanks for firefighting.***

File No:	ADM1890
Date of Meeting:	23 March 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	David Perry, Executive Manager Development Services
Name of Owner:	
Author/s:	David Perry, Executive Manager Development Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

The Western Australian Government is committed to keeping the community as safe as possible when using our oceans. There is no one simple solution, shark encounters are rare and shark safety initiatives, operational responses and shark safety tips, allow the community to keep informed and help reduce the risk of a shark encounter.



Figure 1 Beach Emergency Numbers (BEN) system



Figure 2 SharkSmart App

Description of Proposal:

The Beach Emergency Numbers (BEN) system – named in honour of fatal shark bite victim Ben Gerring – is a coding system that aims to improve emergency response times by installing signs with unique codes at public beach access points. *See Figure 1 Beach Emergency Numbers (BEN) system*

These signs provide specific location information, vital when emergency services are deployed in the event of a shark sighting, attack or other beach emergencies. They also become part of the SharkSmart WA App that highlights beach safety features. *See Figure 2 SharkSmart App*

The program was initially implemented by the City of Mandurah. In December 2017, the Western Australian Government launched a grants program to provide funding for local government authorities (LGAs) to install BEN signs along the coast from Geraldton to the South Australian border. **The grants program was then extended in December 2020 to include coastal Local Government Authorities north of Geraldton to Kununurra, making the program accessible statewide.**

Background:

These signs are intended to assist emergency services to pinpoint exact locations and improve crucial response times for a range of serious incidents. Each BEN sign has a unique code, which is linked to emergency services navigation systems. Each sign is also reversible with a uniform red and green sign on the front and a beach closure alert on the back so staff can quickly close beaches in the event of

emergencies. As depicted in Figure 3 – BEN Signs front and Back as installed in Ravensthorpe



Figure 3 – BEN Signs front and Back as installed in Ravensthorpe

Consultation:

Department of Primary Industries and Regional Development (DPIRD) is the lead agency, responsible for:

- Review of proposed sign locations in conjunction with LGAs.
- Review of grant applications against the selection criteria.
- Development of the BEN codes, addresses and other data.
- Liaison with Local Government Authorities regarding sign production and installation.
- Audits to ensure signs have been installed at the correct locations.
- Provision and maintenance of BEN data on data.wa.gov.au for emergency services and SharkSmart.com.au for the public.

Department of Local Government, Sport and Cultural Industries (DLGSCI) - manages the Local Government Authorities grant agreements, payment and acquittal process.

Landgate provides assistance to register official geographic location names.

Emergency Services Organisations including WA Police, Department of Fire and Emergency Services and St John Ambulance integrate the BEN data into their Computer Aided Dispatch (CAD) systems.

Local Government Authorities are responsible for signage location assessment and installation, their own data and ongoing maintenance (and replacement) of BEN signs.

Statutory Environment:

Biosecurity Conservation Act 2016
Local Government Act 1995

Relevant Plans and Policy:

Shire of Carnarvon Local Emergency Management Arrangements, and
Shire of Carnarvon Local Recovery Plan 2019

Financial Implications:

Local Government location assessment, data management, installation or the ongoing maintenance and or replacement of signs are not covered in this grant.

Estimated cost of installation per sign from the Shire of Carnarvon Infrastructure Services is \$350.00

Estimated cost of the BEN sign per unit is \$350.00

The allocated grant funds for the BEN sign program is a maximum of \$50,000.00 per Local Government Authority.

Local Government Authorities involved in the program have installed an average of 30 BEN signs in their designated areas. Therefore, Council will need to allocate a maximum of \$10,500.00 towards the project based on the 30 sign average.

Grant funds not expended in accordance with the grant program must be returned to Department of Local Government, Sport and Cultural Industries.

Risk Assessment:

Promoting the BEN sign program and SharkSmart safety messages is an important aspect of the grant program. It will also help raise community awareness of the Local Government Authorities who have participated in the grant.

Local Government Authorities are required to ensure adequate local publicity and adopt the consistent messaging to help facilitate improved safety outcomes for the community. This includes:

- Creating a newsletter and/or website article;
- Promotion on Local Government Authorities social media channels such as Facebook, Twitter and Instagram – enabling sharing of information with people who are not regular visitors to your website;
- Engage with other entities that may help disseminate information about the program e.g. local community groups;
- Liaison with local media; and
- Internal communication – promote to colleagues within your organisation.

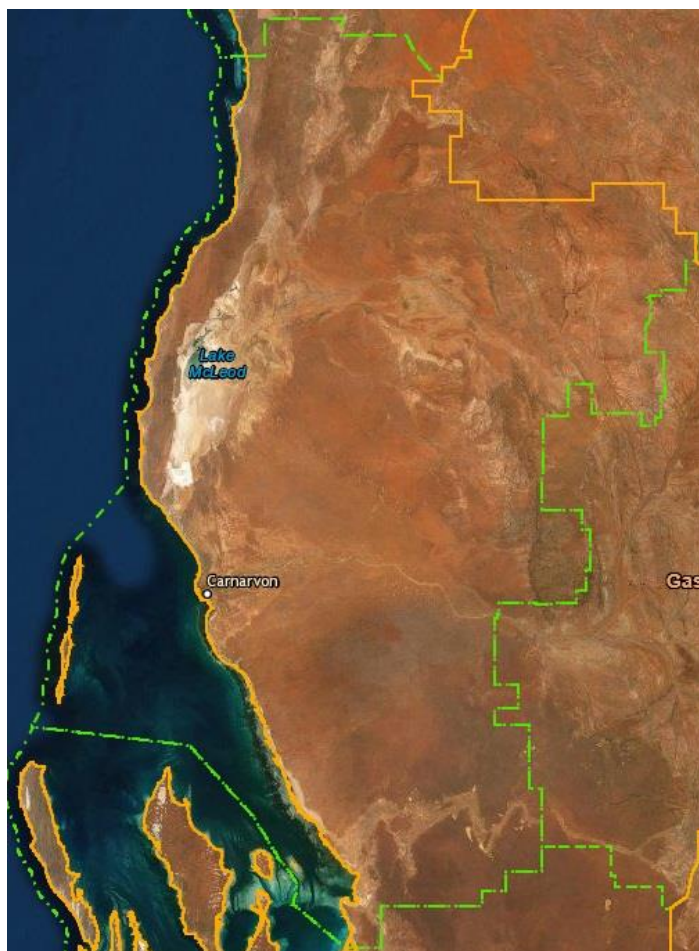


Figure 4 Shire of Carnarvon Boundaries

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic*

Plan 2018-2028.

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	Outcomes and Strategies
3.4	Healthy and safe community
3.4.2	Collaborate with other agencies to provide a safe community

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed

Comment:

Water use is at the heart of the Western Australian lifestyle and community, and the BEN sign program will have a positive impact by:

- improving emergency response times by integrating the unique codes into Computer Aided Dispatch (CAD) systems; and
- enabling beach managers to be in attendance earlier to implement beach closures in the event of a shark sighting, incident or other emergency, with accurate beach location descriptions and integrated beach closure signs.

Project Management of this proposal will be undertaken by the Executive Manager Development Services in conjunction with other sections of the Shire of Carnarvon.

OFFICER'S RECOMMENDATION

That Council:

- ***Supports the submission of an application for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program and***
- ***pursuant to Section 6.8(1)(b) of the Local Government Act, include in the 2021/22 budget as follows:***
 - o ***Account number (new) in schedule 5 (law order and public safety) - \$21,000.00 Income***
 - o ***Account Number (new) in schedule 5 (law order and public safety) - \$21,000.00 Expenditure***
 - ***with budget text to identify the intended purpose application of grant funding and installation for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program with Shire budget allocation of \$10,500.00 for the installation costs.***

File No:	ADM1906 – Asset Disposals
Date of Meeting:	23 March 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

Vehicles, plant, and equipment assets surplus to requirements have been identified. Council endorsement for the sale of these items by public tender is recommended.

Description of Proposal:

To dispose of surplus equipment via a public tender process.

Background:

Items surplus to requirements have been identified. Items include vehicles, plant, and equipment.

Asset Number	Plant Number	Make	Model	Date Acquired	Written Down Value	Current Hours	Comments
5020002	PTC1	MASSEY FERGUSON	MF 5435	16/11/2004	\$14,471	5478	Used for Parks and Gardens – fitted with turf tyres.
5020003	PTC2	MASSEY FERGUSON	MF 5435	03/01/2006	\$14,661	2039	Based at Airport for airport slashing – fitted with turf tyres.
5020004	PTC3	MASSEY FERGUSON	MF 5445	29/06/2007	\$22,709	979	Used for Parks and Gardens.
5070044	PUTE28	MAZDA	BT50	28/05/2010	\$7,501	157458	Cleaners Ute – Surplus
5070045	PUTE29	MAZDA	BT50	28/05/2010	\$10,502	161248	Parks and Gardens General Vehicle – Replaced 2020.
5090010	PCAR12	TOYOTA	YARIS HATCH	08/10/2007	\$0	85328	IT Vehicle - Surplus
5128011	P324	Arrow	Kerbing Machine	06/03/2015	\$15,002	N/A	Surplus

Identification and disposal of these items forms part of a continuing program to rationalise the plant and equipment fleet and tidy the Robinson Street works depot.

Given potential local interest items, sale by public tender is proposed. A traditional tender process whereby tenders are hand delivered or posted to the Shire and placed in the tender box is proposed to maximise local opportunity to purchase.

Consultation:

Nil applicable

Statutory Environment:

Section 3.58 of the Local Government Act 1995 applies as follows:

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

No income from the sale of these items has been budgeted in the 2020/21 budget.

No formal valuation of the items offered for tender has been undertaken. Estimated values have been determined from recent trade in offers, online valuation guides and general knowledge and experience of operational staff.

Risk Assessment:

Nil applicable.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.4	Sound financial and asset management
5.4.1	The Shire has an Asset Management Plan in place for each asset class

Comment:

All items proposed for sale are identified in *Schedule 8.4.2*.

The Shire is not bound to accept the highest tender and may reject any or all tenders submitted. Tenders will be evaluated using the information provided in the tender document. The successful tender will be the tender considered the most advantageous to the Shire. This will typically be the highest amount offered.

A new tractor has been ordered under the existing 20/21 plant and equipment replacement budget. Delivery is expected in April 2021. A wide deck slasher will be ordered for that machine. This will consolidate and maximise the tractor fleet to a single, modern machine rather than the three underutilised existing machines.

If approved by Council, the tender will proceed in April with sales concluded by the end of May 2021.

OFFICER'S RECOMMENDATION NO. 1

That Council, pursuant to Section 3.58 2(b) of the Local Government Act (1995), disposes by public tender all surplus items of plant and equipment identified in Schedule 8.4.1.

(Simple Majority Required)

OFFICER'S RECOMMENDATION 2

That Council authorises the CEO to:

- a) undertake the sale by public tender of all surplus items of plant and equipment identified in Schedule 8.4.1;*
- b) include in that tender any additional surplus items of an estimated value less than \$20,000 identified prior to the tender advertising date;*
- c) accept the highest tender for each item offered for sale or reject, negotiate and finalise offers below the estimated sale prices.*

(Simple Majority Required)

8.4.2 REVISED ROUND 2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PROJECT NOMINATIONS

Date of Meeting:	23 March 2020
Location/Address:	Various
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Officers Recommendation 1 – 1/3 of Total Members Officers Recommendation 2 - Absolute Majority Officers Recommendation 3 - Simple Majority Officers Recommendation 4 - Simple Majority
Previous Report:	November 2020

Summary of Item:

Council approval of revised Round 2 Local Roads and Community Infrastructure (LRCI) project nominations is sought.

Description of Proposal:

Additional LRCI funding to the Shire of Carnarvon of \$698,912 has been announced. At its November ordinary meeting, Council approved a total of twelve projects as determined by Councillors at a workshop conducted on 12 November 2020.

A second workshop was held in March where Council reviewed the nominated projects considering the impact of the recent flood event.

Background:

In November 2020, a second round of the Local Roads and Community Infrastructure (LRCI) program was announced.

A workshop was conducted with Council to consider potential additional LRCI funded projects. At its November 2020 ordinary meeting, Council resolved to adopt the following project list:

FC 20/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Skender/Cr Vandeleur

That Council nominates the following projects for completion under the extension of the LRCI funding program:

<i>Project No</i>	<i>Item</i>	<i>Est Cost</i>	<i>Complexity</i>	<i>Procurement Requirement</i>	<i>Comments</i>
<i>12</i>	<i>Power Supply Main Street</i>	<i>\$20,000</i>	<i>Moderate</i>	<i>Shire contractor.</i>	<i>To be used for street functions and displays.</i>
<i>13</i>	<i>Install solar power at tipsite to reduce fuel usage, lighting and security system.</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content</i>	<i>Fuel usage up to \$8000 p.a. for existing generator supply.</i>
<i>14</i>	<i>Replace Information Bay on NWCH lighting, town map with photos of Fascine</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content</i>	<i>Prelim concept plans completed.</i>
<i>15</i>	<i>Remove old splash park and play equipment at Baxter Park and remediate.</i>	<i>\$30,000</i>	<i>Moderate</i>	<i>RFQ - Local Content</i>	<i>May need to include tree/garden planting.</i>

<i>Project No</i>	<i>Item</i>	<i>Est Cost</i>	<i>Complexity</i>	<i>Procurement Requirement</i>	<i>Comments</i>
16	<i>Pioneer Cemetery Remediation - Remove fencing, tree planting, lighting, water for trees</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content. Will require specialist restoration for any grave restoration work.</i>	<i>There is a small private contribution that can be utilised for part of this to develop entry statement.</i>
17	<i>Baston Oval Ablutions Upgrade</i>	<i>\$20,000</i>	<i>Low</i>	<i>RFQ - Local Content and Shire contractor.</i>	<i>Tiling and plumbing fixture upgrades required.</i>
18	<i>Horticultural district amenity and signage - road traffic control, cactus parking, fruit loop trail, standardised "No Work" Signs</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content</i>	<i>Will require coordination from Tourism section.</i>
19	<i>Public Toilet Baxter Park</i>	<i>\$100,000</i>	<i>Moderate</i>	<i>RFQ - some local content possible</i>	<i>Utilise prefabricated unit.</i>
20	<i>Brockman Park Reticulation and Public Toilet and Landscaping</i>	<i>\$198,912</i>	<i>High</i>	<i>RFT - Local content possible.</i>	
21	<i>Quobba Gnarlloo Information Bay - Tyre filling station</i>	<i>\$60,000</i>	<i>High</i>	<i>RFQ - some local content possible</i>	<i>Power supply to the unit may need to be via solar.</i>
22	<i>Tramway Bridge Shelter</i>	<i>\$40,000</i>	<i>Moderate</i>	<i>RFQ - some local content possible</i>	<i>Additional to initial LRCI allocation</i>
23	<i>Robinson Street Tree Planting</i>	<i>\$30,000</i>	<i>Low</i>	<i>RFT - Local content possible.</i>	<i>Utilise endemic species to minimise water requirements.</i>
	<i>Projects Total</i>	<i>\$698,912</i>			

CARRIED
F6/A0

FC 21/11/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council delegates authority to the CEO to procure external project management resources where necessary to ensure delivery of the nominated projects within the required funding program timeframe.

CARRIED BY ABSOLUTE MAJORITY
F6/A0

Revocation of these motions is required if Council chooses to amend the nominated projects.

Consultation:

A follow up workshop was completed with Councillors on 5th March 2021 to reconsider the nominated projects in the light of the recent flood event.

The list provided in **Schedule 8.4.2** represents summarised results of that workshop.

Consensus was reached on most items with the noted intent from Councillors present to allocate funding toward betterment of roads severely damaged in the recent rain event to mitigate future repetition of this damage. This can be achieved by the addition of culverts on Minilya Lyndon and Wahooronga Pimbee Roads and additional upstream

protection of the Midalya floodway.

Statutory Environment:

Regulation 10 of the Local Government (Administration) Regulations 1996 applies in relation to revoking or changing a decision.

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Relevant Plans and Policy:

The Shires Purchasing Policy will apply to all procurement undertaken as part of the projects.

Financial Implications:

The funding program will fund up to 100% of the project costs. The nominated projects have been developed on the basis that they are 100% funded therefore there is no impact on the bottom line of the 20/21 or 21/22 budget.

Risk Assessment:

Project Completion Risk – A date for projects nomination completion has not yet been provided. Projects in Stage 2 must be physically completed by 30 June 2022.

Limited resources within the Shire to detail and procure the projects risk meeting the required completion deadline. It will be necessary to outsource project planning, detailing and procurement to ensure the project completion deadline can be met.

Community & Strategic Objectives:

Objective 1: Economic

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

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay

Objective 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
2.6.3	Town footpaths and verges are appropriately managed according to their need and use
2.6.4	Parks and gardens and open spaces are appropriately managed according to their need and use
2.6.5	Buildings and facilities are appropriately managed according to their need and use
2.6.6	Maintain town centre, Fascine and town beach for enjoyment of locals and visitors, that the community can take pride in

Comment:

LRCI funding represents a significant opportunity for local amenity improvements and stimulation of the local economy. Most works can be sourced from local providers.

Reconsideration and reallocation of the LRCI projects to include betterment for key rural roads impacted by the recent floods is considered a strategic approach to improving road network robustness.

The final project listing in the recommendation has been left blank to allow for further consideration by Council of the projects

OFFICER'S RECOMMENDATION 1

That Council consider revoking Motions FC 20/11/20 and FC 21/11/20

(At least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover required.)

OFFICER'S RECOMMENDATION 2

That Motion FC 20/11/20 at Councils meeting of 24 November 2020 resolving that:

That Council nominates the following projects for completion under the extension of the LRCI funding program:

Project No	Item	Est Cost	Complexity	Procurement Requirement	Comments
12	Power Supply Main Street	\$20,000	Moderate	Shire contractor.	To be used for street functions and displays.
13	Install solar power at tipsite to reduce fuel usage, lighting and security system.	\$50,000	Moderate	RFQ - Local Content	Fuel usage up to \$8000 p.a. for existing generator supply.
14	Replace Information Bay on NWCH lighting, town map with photos of Fascine	\$50,000	Moderate	RFQ - Local Content	Prelim concept plans completed.
15	Remove old splash park and play equipment at Baxter Park and remediate.	\$30,000	Moderate	RFQ - Local Content	May need to include tree/garden planting.

<i>Project No</i>	<i>Item</i>	<i>Est Cost</i>	<i>Complexity</i>	<i>Procurement Requirement</i>	<i>Comments</i>
16	<i>Pioneer Cemetery Remediation - Remove fencing, tree planting, lighting, water for trees</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content. Will require specialist restoration for any grave restoration work.</i>	<i>There is a small private contribution that can be utilised for part of this to develop entry statement.</i>
17	<i>Baston Oval Ablutions Upgrade</i>	<i>\$20,000</i>	<i>Low</i>	<i>RFQ - Local Content and Shire contractor.</i>	<i>Tiling and plumbing fixture upgrades required.</i>
18	<i>Horticultural district amenity and signage - road traffic control, cactus parking, fruit loop trail, standardised "No Work" Signs</i>	<i>\$50,000</i>	<i>Moderate</i>	<i>RFQ - Local Content</i>	<i>Will require coordination from Tourism section.</i>
19	<i>Public Toilet Baxter Park</i>	<i>\$100,000</i>	<i>Moderate</i>	<i>RFQ - some local content possible</i>	<i>Utilise prefabricated unit.</i>
20	<i>Brockman Park Reticulation and Public Toilet and Landscaping</i>	<i>\$198,912</i>	<i>High</i>	<i>RFT - Local content possible.</i>	
21	<i>Quobba Gnarlloo Information Bay - Tyre filling station</i>	<i>\$60,000</i>	<i>High</i>	<i>RFQ - some local content possible</i>	<i>Power supply to the unit may need to be via solar.</i>
22	<i>Tramway Bridge Shelter</i>	<i>\$40,000</i>	<i>Moderate</i>	<i>RFQ - some local content possible</i>	<i>Additional to initial LRCI allocation</i>
23	<i>Robinson Street Tree Planting</i>	<i>\$30,000</i>	<i>Low</i>	<i>RFT - Local content possible.</i>	<i>Utilise endemic species to minimise water requirements.</i>
	<i>Projects Total</i>	<i>\$698,912</i>			

and

That Motion FC 21/11/20 at Councils meeting of 24 November 2020 resolving that:

That Council delegates authority to the CEO to procure external project management resources where necessary to ensure delivery of the nominated projects within the required funding program timeframe.

be revoked.

OFFICER'S RECOMMENDATION 3

That Council nominates the following projects for completion under Round 2 of the LRCI funding program:

<i>Item</i>	<i>Est Cost</i>	<i>Comments</i>
<i>Power Supply Main Street</i>	<i>\$20,000</i>	<i>To be used for street functions and displays.</i>
<i>Install solar power at tipsite to reduce fuel usage, lighting and security system.</i>	<i>\$50,000</i>	<i>Fuel usage up to \$8000 p.a. for existing generator supply.</i>

<i>Item</i>	<i>Est Cost</i>	<i>Comments</i>
Replace Information Bay on NWCH lighting, town map with photos of Fascine	\$50,000	Prelim concept plans completed.
Remove old splash park and play equipment at Baxter Park and remediate.	\$30,000	May need to include tree/garden planting.
Pioneer Cemetery Remediation - Remove fencing, tree planting, lighting, water for trees	\$50,000	There is a small private contribution that can be utilised for part of this to develop entry statement.
Baston Oval Ablutions Upgrade	\$20,000	Tiling and plumbing fixture upgrades required.
Horticultural district amenity and signage- road traffic control, cactus parking, fruit loop trail, standardised "No Work" Signs	\$50,000	Will require coordination from Tourism section.
Public Toilet Baxter Park	\$100,000	Utilise prefabricated unit.
Brockman Park Reticulation and Public Toilet and Landscaping	\$148,912	
Quobba Gnoraloo Information Bay - Tyre filling station	\$60,000	Power supply to the unit may need to be via solar.
Tramway Bridge Shelter	\$40,000	Additional to initial LRCL allocation
Robinson Street Tree Planting	\$30,000	Utilise endemic species to minimise water requirements.
Install Culverts on Minilya Lyndon Road		Rural Road Betterment as part of DRFWA
Install Culverts on Wahrenonga Pimbee Road		Rural Road Betterment as part of DRFWA
Install Upstream Protection on Midalya Floodway		Rural Road Betterment as part of DRFWA
Projects Total	\$698,912	

(Simple majority required)

OFFICER'S RECOMMENDATION 4

That Council authorises the CEO to procure external project management resources where necessary to ensure delivery of the nominated projects within the required funding program timeframe.

(Simple majority required)

File No:	
Date of Meeting:	23 March 2021
Location/Address:	Quobba Gnaraloo Road, Gnaraloo Station
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

It is recommended Council proceed with surveys and preliminary road alignment plans to facilitate a later formal road reserve dedication required to maintain public access between Gnaraloo Station and Gnaraloo Bay.

Description of Proposal:

Dedication of a section of road reserve is required to ensure the continuity of a public road between Gnaraloo Station and Gnaraloo Bay. Survey and preparation of a plan is the first step in that dedication process.

Background:

It has come to attention that a continuous dedicated road reserve does not exist between Gnaraloo Station and Gnaraloo Bay. Reference should be made to **Schedule 8.4.3** which shows the main features, property boundaries and indicative road alignment required to maintain access past the Gnaraloo station homestead area.

It is understood that historically, through traffic to and from Gnaraloo Bay used to pass through the Gnaraloo Station homestead area. The station homestead area has over several years developed into a mixed-use facility providing tourist accommodation. Through traffic has been redirected by the station owner to the east of the homestead area for the safety and quiet enjoyment of homestead visitors.

That temporary diversion is still within part of the homestead lease area and does not provide secure public access. An alignment further east is considered feasible however prior to any formal road dedication process, preliminary survey and design work is recommended so that the most technically and economically feasible alignment can be selected and an appropriate plan prepared for later submission.

Consultation:

Gnaraloo Station
DPAW

Statutory Environment:

Elements of the Land Administration Act 1997 apply to the formal dedication of a road reserve. At this stage in the process, Section 56(1) is directly applicable.

56. Dedication of land as road

(1) If in the district of a local government —

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) If a local government resolves to make a request under subsection (1), it must —

(a) in accordance with the regulations prepare and deliver the request to the Minister; and

(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

(3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —

(a) subject to subsection (5), by order grant the request; or

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

(5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —

(a) unallocated Crown land or, in the case of a private road, alienated land; and

(b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.

(6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

Regulation 8 of the Land Administration Regulations 1998 also applies.

8. Local government request to dedicate land as a road (Act s. 56), requirements for

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

(a) written confirmation that the local government has resolved to make the request, details of the

date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and

(c) if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —
(i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years; and
(ii) a description of the section or sections of the public who have had that use; and
(iii) a description of how the private road is constructed; and

(d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions; and

(e) any other information the local government considers relevant to the Minister's consideration of the request; and

(f) written confirmation that the local government has complied with section 56(2) of the Act.

Native Title Act 1993, Section 24KA Facilities for services to the public:

Coverage of Subdivision

(1) This Subdivision applies to a future act if:

(a) it relates, to any extent, to an onshore place; and

(b) it either:

- (i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; or*
- (ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; and*

(c) it does not prevent native title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except:

- (i) while the thing is being constructed; or*
- (ii) for reasons of health and safety; and*

(d) a law of the Commonwealth, a State or a Territory makes provision in relation to the preservation or protection of areas, or sites, that may be:

- (i) in the area in which the act is done; and*
- (ii) of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions.*

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

Initial aerial survey and preliminary road alignment design is likely to cost in the order of \$5,500 - \$6,500. Budget is available under COA 1722 - Asset Management for that work.

Lodgement and completion of the formal road reserve dedication application is likely to cost an additional \$5,000 - \$6,000.

Construction cost of a basic paved and unsealed track are typically in the order of \$750,000/km.

Less costly construction standards (with lower serviceability) are –

- formed road only i.e. basic road formation shape is obtained with no gravel paved surface; or
- unformed track i.e. a grader blade or double blade width track only.

Risk Assessment:

There is a risk public access to and from Gnaraloo Bay and to and from the Gnaraloo Bay to Warroora Station coastal track could be restricted with no formal public road in place.

Dedication of a road reserve does not necessarily require the Shire to construct an actual road. It may be in the best interests of the Shire to negotiate with the station owner to maintain the existing east homestead side access until that area is required for future homestead site development.

Initial indications from the owner indicate however that the station prefers through traffic removed altogether from the homestead area. Commencing planning for a formal road reserve to guarantee public access will mitigate any risk of the access being restricted.

Community & Strategic Objectives:

Objective 1: Economic

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

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon

Objective 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

Objective 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed

Comment:

Nil additional comment required.

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 56 (1) of the Land Administration Act 1997, proceeds with survey and preparation of a plan showing land proposed to be dedicated as road reserve namely, an extension of the Quobba Gnarloo Road passing generally east, north then west through pastoral lease land as indicated approximately in Schedule 8.4.3.

(Simple Majority Required)