



SHIRE OF CARNARVON  
**MINUTES**  
COUNCIL MEETING  
TUESDAY 26 OCTOBER 2021

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CARNARVON, West Australia  
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## DISCLAIMER

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

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

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

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### INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

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### SPECIAL MEETINGS OF COUNCIL

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

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## 1.0 ATTENDANCES , APOLOGIES & 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 PUBLIC AND ELECTED MEMBER 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.)

### 2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING –

### 2.2 PUBLIC QUESTION TIME

## 3.0 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.)

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Next meeting of Council will be held on Tuesday 23 November 2021 commencing at 10.30am in Coral Bay

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET, CARNARVON ON TUESDAY 26 OCTOBER 2021**

The meeting was declared open by the Presiding Member at 1.00pm

*The Shire of Carnarvon acknowledges the Yingarrda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.*

Note - Councillors Elect Ferreirinha, Langley, Skender and Cottrell were sworn in at a swearing in ceremony conducted in Council Chambers prior to the commencement of the Ordinary Meeting of Council in accordance with Section 2.9 of the Local Government Act 1995.

The Declarations of Office for the Shire President and Councillors were conducted before Mr Vince Catania, MLA in accordance with Section 2.3 of the Local Government Act 1995.

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr L Skender.....	Councillor, Town Ward
Cr T Langley.....	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr A Cottrell.....	Councillor, Coral Bay Ward
Cr M Ferreirinha.....	Councillor, Plantation Ward
Mrs A Selvey.....	Chief Executive Officer
Mr D Nielsen.....	Executive Manager, Infrastructure Services
Mr D Perry.....	Executive Manager, Development & Community Services
Ms S Mizen.....	Manager, Finance
Mrs D Hill.....	Senior Executive Officer
Apologies.....	Nil
Leave of Absence.....	Nil
Observers.....	2

**1.1 ELECTION OF DEPUTY SHIRE PRESIDENT**

The Chief Executive Officer (CEO) informed the meeting of proceedings for the election of the Deputy Shire President, pursuant to Regulation 11A of the Local Government (Constitution) Regulations 1996.

Nominations were received from Cr Maslen and Cr Vandeleur. Candidates were asked if they wished to address Council on the reasoning for their nomination whereby Cr Maslen accepted. At completion of Cr

Maslen's address Cr Vandeleur was also asked if he wished to address Council on the reasoning for his nomination whereby Cr Vandeleur advised that he wished to withdraw his nomination. With Cr Vandeleur's withdrawal of his nomination, Cr Maslen was declared elected as Deputy Shire President.

The Declaration of Office for the Deputy Shire President was conducted before Mr Vince Catania, MLA in accordance with Section 2.3 of the Local Government Act 1995.

**FC 1/10/21**

**COUNCIL RESOLUTION**

***Cr Fullarton/Cr Vandeleur***

***That Cr Fullarton be granted leave of absence for the November 2021 Ordinary Meeting of Council.***

**CARRIED**

**F8/AO**

**FC 2/10/21**

**COUNCIL RESOLUTION**

***Cr Langley/Cr Maslen***

***That Cr Langley be granted leave of absence for the November 2021 Ordinary Meeting of Council.***

**CARRIED**

**F8/AO**

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**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.)*

President Smith (Financial) – Item 8.1.5 – Waiving of Tip Fees for Horticultural District Clean-up Campaign

Cr Ferreirinha (Financial) - Item 8.1.5 – Waiving of Tip Fees for Horticultural District Clean-up Campaign

Cr Skender (Financial) - Item 8.1.5 – Waiving of Tip Fees for Horticultural District Clean-up Campaign

Cr Skender (Impartiality) – Item 8.4.1 – LRCI Program Phase 3 – Project Nominations

Cr Langley (Indirect Financial) – Item 8.4.3 – Temporary Road Closure – Portion Meeragoolia Road

Cr Vandeleur – (Financial) – Item 8.4.4 – RFT 06/2021 – Supply Materials Harbour Road

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**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.)*

Public Question Time commenced at 1.09pm

**2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil

## 2.2 PUBLIC QUESTION TIME

Cr Fullarton asked why the Pioneer Cemetery was struck from the Heritage Register. CEO responded and advised that the question would be taken on notice and investigated as to the reasoning behind this decision.

Public Question Time was closed at 1.10pm

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## 4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

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## 5.0 CONFIRMATION AND RECEIVING OF MINUTES

### 5.1 ORDINARY MEETING OF COUNCIL – 28 SEPTEMBER 2021

**FC 3/10/21**

#### COUNCIL RESOLUTION

*Cr Fullarton/Cr Vandeleur*

*That the minutes of the Ordinary Meeting of Council held on 28 September 2021 be confirmed as a true record of proceedings.*

**CARRIED**  
**F8/AO**

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## 6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

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## 7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

The Shire President addressed Council – “I am sure that I speak for all when I say that we all hope and pray for the safe return of Cleo Smith to her family and acknowledge the efforts of our community, police and emergency services in achieving this outcome.”

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## 8.0 DEPARTMENTAL REPORTS

### 8.1 GOVERNANCE

#### 8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2021

File No:	ADM0043
Date of Meeting:	26 October 2021
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	28 September 2021
Schedules:	Nil

#### Authority / Discretion

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

#### Summary of Item:

To report on actions performed under delegated authority for the months of September and October 2021.

#### 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 arising from receiving this report.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions.
Property	N/A		
Environment	N/A		
Fraud	N/A		

## Community & Strategic Objectives:

### Goal 5: Civic

#### Strong and listening Council.

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

#### Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months of September and October 2021 are submitted to Council for information.

### DELEGATIONS

#### ENVIRONMENTAL HEALTH

##### Food

##### *Food Act 2008*

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
01-10-2021	HFO21/005	Approval of new food business registration	Alessio Rampolla Del Tindaro	n/a

##### On-site wastewater management

##### *Health Act 1911, s.107*

##### *Health (Apparatus for treatment of sewage and disposal of effluent and liquid waste) Regulations 1974*

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
23-09-2021	HOS21/006	Approval of new septic tank system	Valeria Lucchitto	Ricky Andreoli & Julian Andreoli
16-09-2021	HOS21/007	Application for Local Government Report	EcowaterWA	Horizon Power Carnarvon
27-09-2021	HOS21/008	Request for permission to interfere with apparatus	Dean White, Carnarvon Plumbing Service	Connie and Lionel Fletcher

#### BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/055	COLIN DAVID & PATRICIA ANN BURNETT	LOT 73 (979) NORTH WEST COASTAL HWY, KINGSFORD	INSTALLATION OF PHOTOVOLTAIC PANELS ONTO EXISTING ROOF STRUCTURE
B21/056	HOUSING AUTHORITY/DEPARTMENT OF COMMUNITIES	13A-E LUKIS PLACE, MORGANTOWN	BOUNDARY FENCE - STEEL POST AND RAIL CLAD WITH METAL SHEETING

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of September and October 2021.

**FC 4/10/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Skender*

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of September and October 2021.

CARRIED  
F8/AO

**8.1.2 SHIRE OF CARNARVON – ELECTED MEMBER AND STAFF END OF YEAR FUNCTION 2021**

File No: ADM0214  
Date of Meeting: 26 October 2021  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Dannielle Hill, Senior Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: Nil

Authority / Discretion

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

**Summary of Item:**

To seek Council approval to hold an Elected Member and Staff end of year function on Saturday 4 December as an acknowledgement to the contributions of both Members and Staff over the past 12 months. This item is being presented to Council as required under Policy E013 – Christmas Functions. The officer's recommendation is that Council revokes this Policy and allows the Chief Executive Officer to deal with the date, venue and format of the end of year function as an administrative matter.

**Background:**

In past years, the Shire Christmas Party has been held in various venues and has been well attended by both Elected Members and Staff. The Shire Christmas Party is an event where the contributions of the Members and Staff are recognised in an informal family orientated atmosphere. As per Council Policy E013, the function has been held in various venues over the past five years, and includes -

- 2014 – Carnarvon Yacht Club
- 2015 – Carnarvon Heritage Precinct
- 2016 – Premier Oval (Festival Grounds)
- 2017 – Civic Centre
- 2018 – Dalmacija Club
- 2019 – Yacht Club
- 2020 – None held

It is proposed that the 2021 end of year function be held at the Yacht Club. This venue provides the facilities necessary and is also a safe environment for children to attend.

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Relevant Plans and Policy:**

Policy E013 – Christmas Function

**Financial Implications:**

The holding of this event has been budgeted for and approved by Council with the costs to be taken from COA 101420 (Refreshments, Receptions & Civic Functions).

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	There will be costs associated with the hiring of the venue and catering for the function.	Low	Funds for the function have been allowed for in the 2021/2022 budget.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		

Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

Nil

**Comment:**

The Shire and Elected Members end of year function is a popular event looked forward to by Councillors and staff alike. It is recommended that this year's function be held at the Yacht Club. This is a family orientated occasion and provides the opportunity for Members and Staff to gather in an informal atmosphere and reflect on the year and celebrate achievements and effort.

OFFICER'S RECOMMENDATION PART ONE

*That Council, by Simple Majority, resolves to approve the 2021 Shire of Carnarvon Elected Member and Staff End of Year function be held at the Yacht Club on Saturday 4 December commencing at 6.30pm with the costs associated with this function being sourced from COA 101420.*

OFFICER'S RECOMMENDATION PART TWO

*That Council, by Simple Majority, pursuant to s.2.7 of the Local Government Act 1995, resolves to revoke Policy E013 – Christmas Function, to allow matters relating to the annual end of year function to be dealt with as an administrative matter, noting that Council will determine the budget allocation for this event via the annual budget process.*

**FC 5/10/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATIONS PART ONE AND TWO**

**Cr Vandeleur/Cr Maslen**

- 1. That Council, by Simple Majority, resolves to approve the 2021 Shire of Carnarvon Elected Member and Staff End of Year function be held at the Yacht Club on Saturday 4 December commencing at 6.30pm with the costs associated with this function being sourced from COA 101420.*
- 2. That Council, by Simple Majority, pursuant to s.2.7 of the Local Government Act 1995, resolves to revoke Policy E013 – Christmas Function, to allow matters relating to the annual end of year function to be dealt with as an administrative matter, noting that Council will determine the budget allocation for this event via the annual budget process.*

CARRIED

F8/AO

**8.1.3 ELECTED MEMBER SUPERANNUATION – DRAFT POLICY PROPOSAL – WA LOCAL GOVERNMENT ASSOCIATION**

File No: ADM1898  
Date of Meeting: 26 October 2021  
Location/Address: N/A  
Name of Applicant: WA Local Government Association (WALGA)  
Name of Owner: N/A  
Author/s: Andrea Selvey, CEO  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Schedules: Schedule 8.1.4 – Draft Policy Proposal

## Authority / Discretion

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

### Summary of Item:

WALGA is seeking feedback on a draft policy proposal, as per the attached paper (*Schedule 8.1.3 attached*) to advocate for Elected Members to be required to be paid superannuation. The recommended advocacy approach is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances. This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

Feedback from the Local Government sector will inform a State Council agenda item, which will be considered at November Zone meetings and the 1 December meeting of State Council. Following a State Council decision, advocacy will be undertaken with the Minister for Local Government. Feedback on the draft policy paper is due by Friday 29 October 2021.

### Stakeholder and Public Consultation:

Not applicable

### Statutory Environment:

S. 3.18 of the *Local Government Act 1995*

### Relevant Plans and Policy:

Not applicable

### Financial Implications:

There will be a cost associated with the payment of superannuation to Elected Members that would need to be included in the budget.

The table below, as provided by WALGA identifies the maximum possible cost of paying superannuation based on the current Salaries and Allowances Tribunal (SAT) determination, and the current superannuation guarantee of ten percent. The second column in the table identifies the maximum number of Elected Members currently elected to at least one Local Government in each SAT band in Western Australia. The third column then assumes that the maximum allowances are paid to all Councillors, the Mayor or President and the Deputy Mayor or Deputy President. From this, the maximum superannuation liability, based on the current SAT determination and the current superannuation guarantee of ten percent, per SAT band is calculated.

Band	Maximum number of Elected Members (currently)	Maximum fees and allowances	Maximum Superannuation liability
1	15	\$603,199	\$60,320
2	13	\$389,101	\$38,910
3	11	\$235,208	\$23,521
4	11	\$139,653	\$13,965

#### CARNARVON – BAND 2 – BASED ON MAXIMUM ALLOWABLE

No. of Elected Members	Max fees and allowances (Note that Shire of Carnarvon Councillors currently do not receive the maximum allowable.)	Maximum Superannuation Liability
8	\$239,446	\$23,944

#### CARNARVON – BAND 2 – BASED ON CURRENT PAYMENTS

No. of Elected Members	Current fees and allowances paid	Current Superannuation Liability
8	\$198,500	\$19,850

#### Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	The cost is not able to be accommodated within the budget	Low	The financial impact per annum based on current fees and charges will be very modest and can be accommodated within the budget.
Health & Safety	N/A		
Reputation	The payment is not supported by the Community	Low	Most Community members will recognise the significant time that is required for Council business in an environment of ever-increasing compliance and improved governance and as such that Elected Members, like

			elected officials in other tiers of government should be reasonably recompensed for their time, including superannuation.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

## Community & Strategic Objectives:

### Goal 5: Civic

ITEM	OUTCOMES AND STRATEGIES
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors

#### Comment:

As advised by WALGA, under current arrangements, Elected Members can voluntarily decide to have all or a portion of their allowances paid into a superannuation fund.

In addition, under the *Superannuation Guarantee (Administration) Act 1992* (Cth), Local Governments can unanimously resolve to be considered an 'eligible local governing body' through the *Taxation Administration Act 1953* (Cth).

As a consequence of such a resolution, Elected Members would then be treated similarly to employees and the Local Government would be required to make superannuation contributions in addition to payment of allowances. However, a resolution of this nature also has significant implications: pay as you go (PAYG) tax would be required to be withheld for remission to the Australian Taxation Office (ATO), and Fringe Benefit Tax (FBT) would be applicable to all benefits provided to Elected Members. For these reasons, Local Governments in Australia typically do not pursue this course of action.

The recommended advocacy approach is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances. This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

A fundamental question relates to whether the proposed amendment to the Local Government Act should require Local Governments to pay superannuation, or whether the decision to pay superannuation should be a decision of Council. Under the principle of general competence, Local Governments should be empowered to manage their own affairs and the case could be made that this ought to extend to the payment of superannuation to Elected Members. However, as the superannuation system is underpinned by its universality, and there is potential for payment of superannuation to [www.walga.asn.au](http://www.walga.asn.au) become a political debate around the Council table, a strong case can be made for the payment of superannuation to Elected Members to be a legislative requirement.

On balance, it is positioned that, to achieve the objectives of the superannuation system and to avoid politicisation of the decision at a local level, payment of superannuation should be a universal entitlement for Elected Members and therefore a requirement of Local Governments contained in the Local Government Act.

With this in mind, WALGA has requested feedback from Local Governments on the following:

***Should Local Governments be enabled or required to pay superannuation to Elected Members?  
Why is that approach preferred?***

**OFFICER'S RECOMMENDATION PART 1**

*That Council, by Simple Majority pursuant to S.3.18 of the Local Government Act 1995, resolves to provide the following feedback to WALGA:*

- 1. That the Shire of Carnarvon supports changes to the Local Government Act 1995 so that Local Governments are required to pay superannuation to Elected Members; and*
- 2. Council's position is based on the recognition that Elected Members in Local Government are being increasingly required to perform at a high level of governance and accountability, undertake formal mandated training and contribute a significant amount of time and effort in the performance of their role.*

**FC 6/10/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

***Cr Vandeleur/Cr Skender***

*That Council, by Simple Majority pursuant to S.3.18 of the Local Government Act 1995, resolves to provide the following feedback to WALGA:*

- 1. That the Shire of Carnarvon supports changes to the Local Government Act 1995 so that Local Governments are required to pay superannuation to Elected Members; and*
- 2. Council's position is based on the recognition that Elected Members in Local Government are being increasingly required to perform at a high level of governance and accountability, undertake formal mandated training and contribute a significant amount of time and effort in the performance of their role.*

**CARRIED**

**F5/A3**

*Cr Fullarton voted against the motion*

**8.1.4**

**DRAFT CEO KEY PERFORMANCE INDICATORS**

File No:  
 Date of Meeting: 26 October 2021  
 Location/Address: N/A  
 Name of Applicant: The Shire of Carnarvon  
 Name of Owner: N/A  
 Author/s: Amanda Leighton, HR Business Partner  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Schedules: Hammond Woodhouse Advisory – Draft Key Performance Areas

**Authority / Discretion**

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

It is a requirement of the *Local Government Act 1995* that Council must review the performance of the CEO on an annual basis. In order for the performance review to be effective, there must be clear and mutually agreed upon key performance indicators (KPIs) upon which the performance of the CEO can be measured and evaluated. This item presents a draft set of KFAs for the CEO for Council's consideration.

**Background:**

A performance review of the CEO is required to be conducted annually by the Council in order for the Council to meet their obligations under the Act. For the process to be effective the Council need to establish KPIs upon which the CEO's performance can be measured and evaluated. These KPIs need to be created with consultation between the Council and the CEO; and mutually agreed upon to ensure that both parties have a clear understanding of the expectations. An agenda item was presented to Council on 20 July 2021 to appoint an external contractor to facilitate this process, as per council resolution 070721 the contractor appointed was Hammond Woodhouse Advisory.

In developing the draft KPIs for the CEO, Hammond Woodhouse Advisory worked in consultation with Council via surveys and in a workshop. This process has resulted in the draft documentation of KPIs to be endorsed by Council (please see **Schedule 8.1.4**).

**Stakeholder and Public Consultation:**

Shire President and Councillors  
 Chief Executive Officer  
 Hammond Woodhouse Advisory

**Statutory Environment:**

Local Government Act 1995 section 5.4  
 Local Government (Administration) Amendment Regulations 2021

**Relevant Plans and Policy:**

E008 – CEO Performance Review  
 E016 – Management Review Committee

**Financial Implications:**

Nil

**Risk Assessment:**



Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	If clear guidelines and expectations are not set, both the Council and the CEO may be exposed to financial risk.	High	A mutually agreed upon set of key performance indicators will mitigate the potential risk of financial functions.
Health & Safety	N/A		
Reputation	If clear guidelines and expectations are not set, both the Council and the CEO may be at risk of reputational damage both professionally and personally.	High	A mutually agreed upon set of key performance indicators will mitigate the potential risk to reputation for both the Council and the CEO. Ensuring that clear guidelines and expectations are communicated to both parties will reduce the risk of a breakdown in communication.
Service disruption	N/A		
Compliance	If clear guidelines and expectations are not set, both the Council and the CEO risk that non-compliance.	Medium	A mutually agreed upon set of key performance indicators will mitigate the potential risk of non-compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

#### Community & Strategic Objectives:

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

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

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.5	The right people with the right skills in a productive workplace
5.5.5	Organisation and strategic workforce development

**Comment:**

Procedural fairness has occurred whereby both Council and the CEO were engaged in the process of developing the draft KPIs by Hammond Woodhouse Advisory. In order for the draft KPIs to be incorporated into the CEOs performance review the officer recommends that Council endorse the draft KPIs as a published document.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to section 5.38(1) of the Local Government Act 1995, resolves to:*

- a. endorse the Key Performance Indicators developed in consultation between Council and Hammond Woodhouse Advisory for the CEO; and*
- b. Review the CEO's performance against these Key Performance Indicators in May 2022.*

**FC 7/10/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Skender*

*That Council, by Simple Majority, pursuant to section 5.38(1) of the Local Government Act 1995, resolves to:*

- c. endorse the Key Performance Indicators developed in consultation between Council and Hammond Woodhouse Advisory for the CEO; and*
- d. Review the CEO's performance against these Key Performance Indicators in May 2022.*

CARRIED

F8/AO

**8.1.5**

**WAIVING OF TIP FEES FOR HORTICULTURAL DISTRICT CLEAN-UP CAMPAIGN**

1.26pm – President Smith declared a Financial Interests in this matter as he owns a Plantation. He therefore left the meeting.

1.26pm – Cr Ferreirinha declared a Financial Interests in this matter as he owns a Plantation. He therefore left the meeting.

1.26pm – Cr Skender declared a Financial Interest in this matter as his grandparents own a Plantation. He therefore left the meeting.

1.26pm – Deputy Shire President Cr Maslen assumed the Chair.

**FC 8/10/21**

COUNCIL RESOLUTION

*Cr Fullarton/Cr Langley*

*That in accordance with Section 5.68(1)(a) of the Local Government Act, the Shire President and Crs' Ferreirinha and Skender be asked to return to the meeting to enable them to participate in the debate and vote on Item 8.1.5 Waiving of Tip Fees for Horticultural District Clean-up Campaign.*

CARRIED

F5/AO

1.30pm –Cr Maslen left the meeting to request that the Shire President and Crs' Skender and Ferreirinha return to the meeting.

1.34pm – The Shire President and Crs' Maslen, Skender and Ferreirinha returned to the meeting.

1.34pm – The Shire President resumed the Chair.

File No: ADM0002  
Date of Meeting: 28 October 2021  
Location/Address: Browns Plains Waste Disposal Site  
Name of Applicant: Department of Water and Environmental Regulation  
Name of Owner: N/A  
Author/s: A Selvey, Chief Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Absolute Majority  
Schedules: Carnarvon Horticultural District Waste Audit – 24 to 27 August 2021

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#### Authority / Discretion

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

#### Summary of Item:

This item brings the results of a waste audit before Council and includes a request for Council to waive the waste disposal fees for waste collected under a river and gullies clean-up campaign being coordinated by Department of Water and Environmental Regulation (DWER). The Shire is a partner in this project and the officer's recommendation is that this request is supported as the Shire's contribution to this campaign.

#### Background:

The flood event in early February 2021 that impacted Carnarvon, brought the management of waste materials from some areas in the Horticultural district to the attention of DWER, the Shire and other government agencies.

A report on this issue states:

*"The use of plastic in agriculture is extensive and the recovery pathways for the material is largely lacking. The variety of plastics is significant and the state of the plastic after use can compromise its capacity for being recycled. It is a complicated process to remove the plastics from use (i.e., fields, glasshouses, silage), to collect it and then seek a collection and processing option. The distance from recycling markets further adds to the lack of options for responsible collection.*

*In summary, the cost of labour and transport and lack of services to recycle agricultural plastics is grossly limiting and results in most material ending up in landfill at best. Other harmful and largely undocumented practices include burning, on-farm burying and dumping which in-turn can have detrimental environmental impacts and implications for the quality of agricultural produce sent to*

*market. Non-packaging agricultural plastics are defined as those plastics that are used in the production of farm, forestry and fishery outputs by producers.” (Department of Agriculture, Water and Environment, National Non-Packaging Agricultural Plastics Stewardship Scheme, 2021)*

The Shire has participated in a local working group led by DWER, with representation from DPIRD, Keep Australia Beautiful Council WA and the Carnarvon Growers Association to consider this issue and to find options to improve waste management practices in this local industry. This issue has also been raised as one of the priority issues to be considered by the Floodplain Management Working Group led by DPIRD.

To provide a more rigorous and quantified assessment of the scale and nature of the problem, DWER funded a Waste Audit in late August 2021 – **see schedule 8.1.5** for the report from the Audit. A summary of the findings of the Audit are as follows:

- 78 individual sites were logged
- 48 sites showed evidence of obvious intentional dumping
- 24 sites contain high risk materials
- 22 sites were located within 50m of a watercourse
- 9 sites within 50m of watercourses contain high risk materials

Types of high-risk waste materials found included hydrocarbons (e.g. oil, diesel, petrol), plastic pile / poly pipe; car/truck/caravan bodies and parts; corrugated iron; chemical drums; tyres and asbestos material.

The Audit notes that while an estimated 1,474 cubic metres of waste material was lodged, the real figure is likely to be much higher given the significant amount of plant growth/ cover that prevented visual determination or physical access to stockpiles.

The Audit report also notes that the Carnarvon Horticultural District is subject to significant environmental impact from the inappropriate storage and dumping of waste and that the issue needs to be addressed as some the waste material, including hazardous waste, becomes mobile during flood events.

The Audit recommends that consideration be given to offering an amnesty on tip fees to encourage growers to clean-up waste from their properties. The report provides suggestions on how that amnesty could be managed. Should Council support the officer’s recommendation and offer the amnesty via waiving of tip fees for a two-month period, the Shire Administration will work with DWER, CGA and other stakeholders to find the most suitable and practical way to implement the amnesty.

The intent is to run an education and awareness raising campaign which will be followed by a ‘clean-up campaign’ later this year and early next year. To ensure long term behaviour change is achieved, a focus on compliance and enforcement post the campaigns is important. This focus is currently being considered by the working group and with a focus on the use of Local Government and State legislation.

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

The Department of Water and Environmental Regulation issued a letter to approximately 200 landowners in the horticultural district in August 2021 raising the issue of inappropriate waste management practices, the importance of working together to enact change and outlined landowners responsibilities and key legislative powers available to the agency. The working group received no adverse commentary from the community to date in response to this correspondence.

There has been no direct broader community engagement to-date; however, the working group does support the need for community-wide education and awareness programs recommended in the waste audit and will consider how to implement this in due course.

Stakeholders such as the CGA, DPIRD and Vegetables WA have been included as part of the working group and are fully supportive of this approach.

**Statutory Environment:**

S6.12 of the *Local Government Act 1995*, provides Council with the legislative power to grant discounts, waive or write off debts. This power has been delegated to the CEO with an upper limit of \$100. As the fee will exceed this amount the matter is referred to Council for a decision.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

There are no direct implications from a budget perspective as the fees from this waste stream have not been included as a revenue. However, there are implications from the perspective of foregone revenue.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Foregone revenue	Moderate	There is no way of mitigating this if the officer’s recommendation is supported as the revenue will be foregone. However, the supporting education and awareness along with compliance enforcement will likely result in increased waste disposal from this sector following the campaign.
Health & Safety	N/A		
Reputation	1. Not supporting this clean-up campaign could result in reputational damage to the Shire with the State Government and growers, particularly given the financial investment from the State. 2. Supporting the campaign could result in the perception by other industry groups/private and commercial entities	Moderate  Moderate	1. The officer’s recommendation is to support this program with the waiving of waste disposal fees for the period of the clean-up campaign.  2. The working group supported the waste audit recommendation to implement a community-wide to effect behaviour change

	and the general community that the Shire is not treating all stakeholders equally.		amongst the whole community on correct disposal and social and environmental impact.
<b>Service disruption</b>	N/A		
<b>Compliance</b>	N/A		
<b>Property</b>	N/A		
<b>Environment</b>	The environmental risk from the poor management of waste that impacts the river and ocean is significant.	Extreme	The clean-up campaign is an attempt to improve the waste management practices and reduce the environmental risk. The Shire's support, via waiving of waste disposal fees, is an important element of the campaign.
<b>Fraud</b>			

**Community & Strategic Objectives:**

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

*Goal 2: Natural and built environment*

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

ITEM	OUTCOMES AND STRATEGIES
2.1	Valued natural environment, for use and enjoyment by current and future generations
2.1.1	Work with other government and non-government organisations to control weeds and pests, and undertake other conservation measures
2.3.1	Provide for effective management and maintenance of Council's flood control and stormwater infrastructure
2.4.3	Provide education on waste reduction and reuse, and opportunities for reuse

**Comment:**

This request was put before Council at the Ordinary Meeting of Council on 27 July 2021. Council, at that meeting, resolved as follows:

***That the matter be deferred until such time as an audit on the scale and nature of the problem has been completed.***

The rationale behind the resolution was so that Council could consider the results of the Audit and get a better understanding of the level of the issue.

This report brings the information before Council as requested and presents an officer's recommendation that Council considers waiving waste disposal fees as an incentive for the river and gullies to be cleared of waste and debris.

The officer's support for this proposal is based on the partnership approach to addressing the critical need to address a significant environmental issue that is impacting this community and that has the potential to impact on perceptions of the local horticultural industry. The waiving of the waste disposal fee would be seen as a positive and meaningful contribution from the Council.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support the Horticultural District Clean-up Campaign by waiving waste disposal fees for waste collected under the umbrella of this campaign for a period of no-more than two months from the start date.*

**FC 9/10/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Fullarton/Cr Vandeleur*

*That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support the Horticultural District Clean-up Campaign by waiving waste disposal fees for waste collected under the umbrella of this campaign for a period of no-more than two months from the start date.*

FORESHADOWED MOTION

*Cr Maslen*

*That the matter be deferred pending clarity on ongoing management of compliance in respect of illegally dumped horticultural waste.*

Motion FC 9/10/21 was put

LOST

F2/A6

*Cr Fullarton voted for the motion*

The Foreshadowed Motion became the Substantive Motion and was put.

**FC 10/10/21**

COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That the matter be deferred pending clarity on ongoing management of compliance in respect of illegally dumped horticultural waste.*

CARRIED

F8/A0

(Note to Minute – Council requested further information in regard to follow up compliance in regard to illegal dumping of horticultural waste and therefore deferred a decision pending this information being received.)

File No:	ADM1895
Date of Meeting:	16 June 2021
Location/Address:	N/A
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Shire of Carnarvon Independent Governance Review Report Recommendations Action Plan

#### Authority / Discretion

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

#### Summary of Item:

The purpose of this agenda item is to formally present the action plan for implementing recommendations from the Shire of Carnarvon Governance Review Report by Andrew Hammond and John Woodhouse. The officer's recommendation is that the action plan is received by Council and that Council, and the CEO formally presents the action plan to Council again in six months to ensure Council is kept informed of improvements to governance as recommended by this independent review.

#### Background:

On 8 January 2018, the Deputy Director General of the Department of Local Government, Sport and Cultural Industries (the Department) authorised an inquiry under section 8.3(2) of the Local Government Act 1995 involving the Shire of Carnarvon.

The nature of the Inquiry was to encompass aspects of the Shire and associated business entities that has, has had, may have, or may have had dealings with the Shire, and the operations and practices related to tendering, procurement, and financial management from 1 January 2011 to the present day.

A recommendation from the Inquiry Report, was that the Shire of Carnarvon was to undertake a Governance Review which need to be made available to the Director General of the Department. That review was carried out by Hammond and Woodhouse in May 2021 and their report dated 2 June 2021 was formally received by Council at the Ordinary Meeting of Council on 16 June 2021. At this same meeting, Council resolved to *“Work with the Chief Executive Officer to develop an action plan to implement the recommendations with the action plan to be presented to Council formally by 28 September 2021.”*

Due to competing priorities, changes in the Governance team and the changes to Council as a result of the Local Government Elections, the action plan is being presented at the October Council meeting, being one month later than proposed.

**Stakeholder and Public Consultation:**

The Shire has consulted with the Department of Local Government, Sport and Cultural Industries in progressing this review.

**Statutory Environment:**

The inquiry was carried out under section 8.3(2) of the Local Government Act 1995; the Governance Review considered the compliance of the Shire of Carnarvon under various aspects of the Local Government Act 1995 and various subsidiary regulations.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

While there are no direct financial implications arising from the officer’s recommendation to receive this action plan, there are likely to be financial and human resource implications associated with implementing the recommendations. Where an action cannot be accommodated with the 2021/2022 budget, a separate item will be presented to Council, or the item will be presented for discussion during the 2022/23 budget process.

**Risk Assessment:**

		<b>STEP 3 – Risk Tolerance Chart Used to Determine Risk</b>				
<b>Consequence</b>		<b>Insignificant 1</b>	<b>Minor 2</b>	<b>Major 3</b>	<b>Critical 4</b>	<b>Extreme 5</b>
<b>Likelihood</b>						
<b>Almost certain</b>	<b>A</b>	<b>High</b>	<b>High</b>	<b>Extreme</b>	<b>Extreme</b>	<b>Extreme</b>
<b>Likely</b>	<b>B</b>	<b>Moderate</b>	<b>High</b>	<b>High</b>	<b>Extreme</b>	<b>Extreme</b>
<b>Possible</b>	<b>C</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>	<b>Extreme</b>
<b>Unlikely</b>	<b>D</b>	<b>Low</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>
<b>Rare</b>	<b>E</b>	<b>Low</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>High</b>

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x likelihood)</b>	<b>Mitigating Action/s</b>
<b>Financial</b>	The cost to implement recommendations will have an impact on the budget.	High	The action plan has prioritised actions to implement recommendations over a period of time to minimise the resourcing impact.
<b>Health &amp; Safety</b>	N/A		
<b>Reputation</b>	The recommendations may suggest that the Shire is being poorly managed.	High	The report demonstrates that there is already a reasonable level of governance and while there are improvements required, the action plan clearly demonstrates that this organisation is acting promptly and efficiently to

			improve performance; noting that every local government should always be open to continuous improvement.
<b>Service disruption</b>	Other services are delayed as a result of resources being deployed to implement these actions.	High	The action plan prioritises actions to ensure implementation minimises impacts on other areas of service.
<b>Compliance</b>	There are areas of non-compliance that have been highlighted	High	The action plan provides a path to improving compliance.
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

**Community & Strategic Objectives:**

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

*Goal 5: Civic*

***Strong and listening Council.***

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed, and supported Councillors
5.2.2	Highly capable executive leadership and management
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:**

It is intended that this action plan is formally presented to Council on a bi-annual basis to demonstrate ongoing progress to implement recommendations from the Governance Review.

OFFICER'S RECOMMENDATION PART 1

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

- a. Receive the action plan to implement recommendations from the Shire of Carnarvon Independent Governance Review Report by Hammond Woodhouse Advisory dated 2 June 2021; and*

*Consider the action plan six months (April 2022) to measure progress of actions.*

**FC 11/10/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

***Cr Maslen/Cr Skender***

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

- a. Receive the action plan to implement recommendations from the Shire of Carnarvon Independent Governance Review Report by Hammond Woodhouse Advisory dated 2 June 2021; and*
- b. Consider the action plan six months (April 2022) to measure progress of actions.*

**CARRIED**  
**F8/AO**

File No:	ADM1918
Date of Meeting:	28 October 2021
Location/Address:	Priority project for potential investment
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Fascine Waterway and Environs Masterplan.

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**Authority / Discretion**

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

**Summary of Item:**

In preparing for potential funding opportunities in the near future, e.g. Building Better Regions Fund Round Six, the administration is seeking direction from Council in relation to commencing preparatory work to provide to candidates in the upcoming Federal elections.

The officer's recommendation is that the priority project is to progress elements of the Fascine development that remain outstanding from the December 2010 Fascine Waterway and Environs Masterplan. **See schedule 8.1.7.**

**Background:**

At the Ordinary Meeting of Council on 14 December 2010 Council resolved to adopt the 2010 Fascine Waterway and Environs Masterplan –

*"FC 22/12/10*

*That Council –*

- (1) Adopt the Fascine Waterway and Environs Master Plan (December 2010) without modification and note that the plan will be subject to ongoing/periodic review and refinement.*
- (2) Receive the Report on the Master Plan Submissions (June 2020) and notify all submitters accordingly; and*
- (3) Establish an "Implementation Working Group" by the Shire President and CEO to oversee the implementation of the Master Plan.*

The adoption of this plan followed an extensive community and stakeholder engagement process including, but not limited to direct involvement from the Fascine Working Group consisting of key stakeholders and Councillors.

Since the Masterplan was adopted there has been significant progress and many of the elements have been completed. These have proven to be extremely popular with residents and visitors to Carnarvon and has created world-class public open space. However, several elements remain to be done. These include the following:

- Completing the connectivity from Yacht Club through to the Northern end of the Fascine (i.e. opposite Brockman Park). This includes decking to assist with the flow of pedestrian traffic and wheelchair access from the Fascine walk to town beach and then through to northern end.
- Restoration of the heritage icon - Tramway Bridge, including a heritage interpretation gazebo on Whitlock Island to recognise Indigenous heritage.
- Site prepared for a future hospitality style development including jetty for boat parking at the Northern end of the Fascine (opposite Brockman Park).
- Dredging of channel and basin to improve boat access to entire precinct.
- Solar lighting to improve usability and safety.
- Capping of the walk – renewal of existing capping and continue along abutment to give the high-quality finish to the walk that is commensurate with the high standard of the development.
- The philosophy for the development includes low maintenance materials to reduce life cycle costs

It should also be noted that the State Government, via the Department of Transport, has committed \$7million to open the Fascine to the ocean. This would re-establish ocean access for the vessels using the Yacht Club, moorings, Fascine boat ramps and Northwater development. Studies are underway to determine the preferred channel alignment, to estimate future maintenance requirements, and to support the application for environmental approvals. Studies are expected to be complete by mid-2022. Dredging of the Fascine entrance is expected to be complete by 2023-24 pending environmental approvals. This investment would be complemented by progressing the elements of the Masterplan that remain to be completed.

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

The development of the Masterplan included a significant amount of community and stakeholder consultation including a public exhibition and eight week comment period which elicited 30 submissions and a detailed review by the Fascine Working Group. Details of the community and stakeholder engagement were provided to Council when they adopted the Masterplan in December 2010. Should funding be made available, Shire officers would carry out appropriate community engagement on the intent to continue with implementation of the Masterplan.

#### **Statutory Environment:**

*Local Government Act 1995*

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

Carnarvon and Fascine Waterway and Environs Masterplan

#### **Financial Implications:**

Pending a decision of Council on which (if any) elements of the Masterplan should be considered for funding applications, officers will calculate costs to inform any discussions with Federal and State Government Ministers and officials.

The intent is to seek funding opportunities from Federal and State Governments. Should there be a requirement for a co-contribution from the Shire, the matter and associated costs would be presented to Council during negotiations, noting that acceptance of any final agreement would require a formal resolution of Council.

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Financial	The cost of any future development of the Fascine will have a capital and / or operational impact on the budget and put additional pressure on the Shire’s budget.	Moderate	Capital and operational financial impacts will be presented to Council prior to any formal agreement. Any proposed development would include the use of low maintenance and lasting materials.
Health & Safety	N/A		
Reputation	Lack of community and stakeholder support for further development of the Fascine.	Low	Any further development will be entirely consistent with the Fascine Masterplan which involved robust community input and has strong community support.
Service disruption	N/A		
Compliance	N/A		
Property	N/A	Low	
Environment	The development has an impact on the natural or built environment.	Low	There was significant consideration of the natural and built environment to ensure minimal negative impact on the environment during the development of the Masterplan. Indeed, the Masterplan aims to enhance the environment via the Fascine development and make it more accessible and usable.
Fraud	N/A		

Community & Strategic Objectives:

Nil

Comment:

This item does not commit the Shire to any actual works or financial contribution. It only seeks guidance from Council for the Administration to actively seek funding opportunities. Opportunities, if they are identified, will be brought before Council to seek Council’s formal endorsement for negotiations and prior to any agreements being finalised.

The officer's recommendation seeks Council's endorsement to invest time and resources in developing documents and updated cost estimates to assist the Shire President and CEO in seeking funding support from the Federal and State Governments for progressing the Fascine development.

#### OFFICER'S RECOMMENDATION

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

1. *Authorise the Chief Executive Officer to develop preliminary documents such updated cost estimates and supporting business case, to progress the following elements of the Council endorsed 2010 Carnarvon Fascine Waterway and Environs Masterplan:*
  - *Completing the connectivity from Yacht Club through to the northern end of the Fascine (i.e. opposite Brockman Park). This includes decking to assist with the flow of pedestrian traffic and wheelchair access from the Fascine walk to town beach and then through to northern end.*
  - *Restoration of the iconic heritage Tramway Bridge, including a heritage interpretation gazebo on Whitlock Island to recognise Indigenous heritage.*
  - *Site prepared for a future hospitality style development including jetty for boat parking at the northern end of the Fascine (opposite Brockman Park).*
  - *Dredging of channel and basin to improve boat access to entire precinct.*
  - *Solar lighting to improve usability and safety.*
  - *Capping of the walk – renewal of existing capping and continue along abutment to give the high-quality finish to the walk that is commensurate with the high standard of the development.*
  - *The philosophy for the development includes low maintenance materials to reduce life cycle costs.*
2. *Authorise the Shire President and Chief Executive Officer to discuss Council's aspirations to progress development of the Carnarvon Fascine Waterway and Environs, as outlined in the officer's recommendation above, with Federal and State Government representatives and bring details of any potential funding before Council prior to any formal agreement being finalised.*

**FC 12/10/21**

#### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Vandeleur/Cr Skender*

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

1. *Authorise the Chief Executive Officer to develop preliminary documents such updated cost estimates and supporting business case, to progress the following elements of the Council endorsed 2010 Carnarvon Fascine Waterway and Environs Masterplan:*
  - *Completing the connectivity from Yacht Club through to the northern end of the Fascine (i.e. opposite Brockman Park). This includes decking to assist with the flow of pedestrian traffic and wheelchair access from the Fascine walk to town beach and then through to northern end.*
  - *Restoration of the iconic heritage Tramway Bridge, including a heritage interpretation gazebo on Whitlock Island to recognise Indigenous heritage.*
  - *Site prepared for a future hospitality style development including jetty for boat parking at the northern end of the Fascine (opposite Brockman Park).*
  - *Dredging of channel and basin to improve boat access to entire precinct.*
  - *Solar lighting to improve usability and safety.*
  - *Capping of the walk – renewal of existing capping and continue along abutment to give the high-quality finish to the walk that is commensurate with the high standard of the development.*

- *The philosophy for the development includes low maintenance materials to reduce life cycle costs.*
2. *Authorise the Shire President and Chief Executive Officer to discuss Council's aspirations to progress development of the Carnarvon Fascine Waterway and Environs, as outlined in the officer's recommendation above, with Federal and State Government representatives and bring details of any potential funding before Council prior to any formal agreement being finalised.*

CARRIED  
F8/AO

## 8.2 CORPORATE & COMMUNITY SERVICES

### 8.2.1 CREDITORS REPORT OF ACCOUNTS PAID UNDER DELEGATION 1 TO 31 SEPTEMBER 2021

File No: ADM0186  
 Date of Meeting: 26 October 2021  
 Location/Address: Shire of Carnarvon  
 Name of Applicant: Shire of Carnarvon  
 Author/s: Cheryl King – Creditor Officer  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Reports: Presented every month  
 Schedules: Schedule 8.2.1

#### Authority / Discretion

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

#### Summary of Item:

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

**Background:**

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

**Stakeholder and Public Consultation:** Nil

**Statutory Environment:**

Local Government Act 1995 – Section 5.42

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

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

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

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Slow payment of creditors	Low	Can impact financial statements. Set proper close off dates
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	Accounting Fraud	Moderate	Regular background check and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts)

**OFFICER'S RECOMMENDATION**

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

- (a) Receive the list of payments made under delegation, as per Schedule 8.2.1 (a) totalling \$1,772,292.43 and Schedule 8.2.1 (b) totalling \$24,903.67 as presented for the month of September 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38943.1	DD38943.1	Bank Direct- Muni	\$3,295.70

DD38944.1	DD38944.1	Bank Direct -Muni	\$5,548.40
DD38948.1	DD38948.1	Bank Direct- Muni	\$66.30
DD38949.1	DD38949.1	Bank Direct- Muni	\$171.60
DD38950.1	DD38950.1	Bank Direct- Muni	\$2,217.84
DD38955.1	DD38955.1	Bank Direct- Muni	\$1,914.64
Chq 47225	Chq 47225	Bank Direct- Muni	\$471.90
EFT33691	EFT33887	MUNI EFT	\$1,759,243.05
		TOTAL	\$1,772,929.43
DD38990.1	ANZ Credit Card – February 2021	Bank Direct- Muni	\$2515.52
DD38579.1	ANZ Credit Card – March 2021	Bank Direct- Muni	\$2902.22
DD38983.1	ANZ Credit Card – April 2021	Bank Direct- Muni	\$5287.69
DD38673.1	ANZ Credit Card – May 2021	Bank Direct- Muni	\$5446.54
DD38761.1	ANZ Credit Card – June 2021	Bank Direct- Muni	\$2500.74
DD38799.1	ANZ Credit Card – July 2021	Bank Direct- Muni	\$4336.32
DD38955.1	ANZ Credit Card – August 2021	Bank Direct- Muni	\$1914.64
		TOTAL	\$24,903.67

(b) Note Sundry Creditors as of 30 September 2021 \$437,637.97

#### FC 13/10/21

#### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Maslen

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

(a) Receive the list of payments made under delegation, as per Schedule 8.2.1 (a) totalling \$1,772,292.43 and Schedule 8.2.1 (b) totalling \$24,903.67 as presented for the month of September 2021 incorporating.

(b)

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38943.1	DD38943.1	Bank Direct- Muni	\$3,295.70
DD38944.1	DD38944.1	Bank Direct -Muni	\$5,548.40
DD38948.1	DD38948.1	Bank Direct- Muni	\$66.30
DD38949.1	DD38949.1	Bank Direct- Muni	\$171.60
DD38950.1	DD38950.1	Bank Direct- Muni	\$2,217.84
DD38955.1	DD38955.1	Bank Direct- Muni	\$1,914.64
Chq 47225	Chq 47225	Bank Direct- Muni	\$471.90
EFT33691	EFT33887	MUNI EFT	\$1,759,243.05
		TOTAL	\$1,772,929.43
DD38990.1	ANZ Credit Card – February 2021	Bank Direct- Muni	\$2515.52
DD38579.1	ANZ Credit Card – March 2021	Bank Direct- Muni	\$2902.22
DD38983.1	ANZ Credit Card – April 2021	Bank Direct- Muni	\$5287.69
DD38673.1	ANZ Credit Card – May 2021	Bank Direct- Muni	\$5446.54
DD38761.1	ANZ Credit Card – June 2021	Bank Direct- Muni	\$2500.74
DD38799.1	ANZ Credit Card – July 2021	Bank Direct- Muni	\$4336.32
DD38955.1	ANZ Credit Card – August 2021	Bank Direct- Muni	\$1914.64

		<b>TOTAL</b>	<b>\$24,903.67</b>
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(c) Note Sundry Creditors as of 30 September 2021 \$437,637.97

CARRIED  
F8/A0

## 8.2.2 DRAFT FINANCIAL ACTIVITY STATEMENT 31 AUGUST 2021

File No: ADM0186  
Date of Meeting: 26 October 2021  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Susan Mizen Manager Finance  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: Nil  
Schedules: Schedule 8.2.2

### Authority / Discretion

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

### Summary of Item:

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

### Background:

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

The statements should show the following:

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

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are to be made where variances are higher than the materiality thresholds set by Council which are the higher of 10% or \$10,000.

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

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

**Consultation:**

Nil

**Statutory Environment:**

*Local Government (Financial Management) Regulation 34.*

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	Local Government Act requires Council receive these statements within 2	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations

	months of the end of the applicable month		
Property	NA	NA	
Environment	NA	NA	

**Community & Strategic Objectives:**

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

**Comment:**

Attached as **Schedule 8.2.2** for consideration is the draft Statement of Financial Activity for the period ended 31 August 2021.

The accounts are listed as draft accounts as they do not become final until Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are expected mid December 2021. It is expected that some figures may change, due to audit opinions of the treatment of certain transactions. The closing surplus/deficit will not be known until the Audited figures are released.

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, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 August 2021 as per Schedule 8.2.2.*

**FC 14/10/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Skender/Cr Maslen*

*That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 August 2021 as per Schedule 8.2.2.*

CARRIED  
F8/AO

## 8.3 DEVELOPMENT SERVICES

### 8.3.1 PROPOSED SCHEME AMENDMENT NO. 2 LOCAL PLANNING SCHEME NO.13 – BINNING ROAD, BABBAGE ISLAND, CARNARVON

File No:	P32/21
Date of Meeting:	26 October 2021
Location/Address:	Lots 1044, 1198 & 626 Binning Rd, Babbage Island, Carnarvon
Name of Applicant:	Halsall & Associates
Name of Owner:	Nor-West Seafoods Pty Ltd
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	N/A
Schedules:	Schedule 8.3.1 (a) and (b) – Scheme amendment documentation

#### Authority / Discretion

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

#### Summary of Item:

This report relates to a request by Halsall & Associates, on behalf of the landowner, to amend the Local Planning Scheme maps to facilitate a tourist development on lots 1044, 1198 and 626 Binning Road Babbage Island, Carnarvon as depicted in the scheme amendment map below, Figure 4.

#### Background:

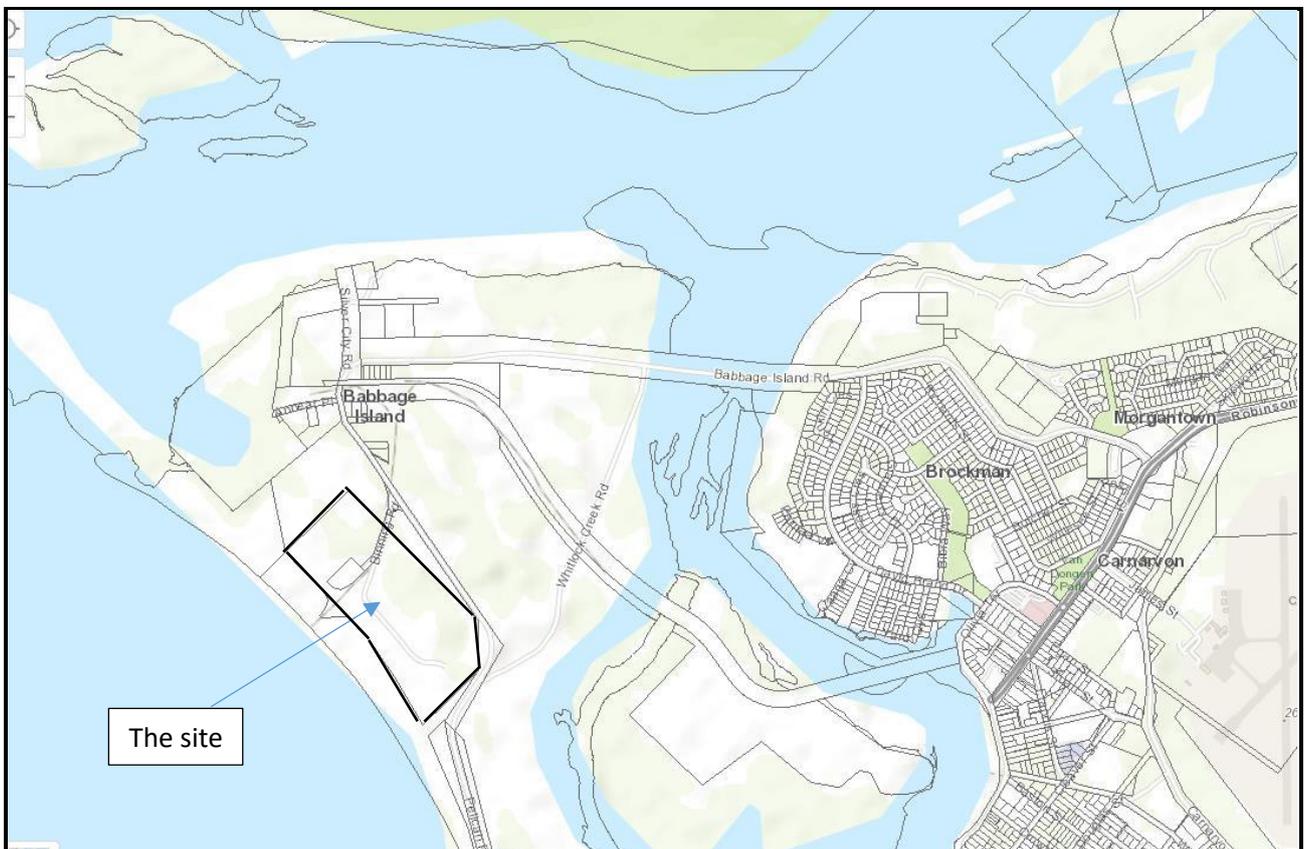
##### Location and existing conditions

The site is located south of the 'One Mile Jetty' precinct and is surrounded by foreshore reserve with Pelican Point Road generally west of the site, as can be seen on the aerial photo below.



*Aerial Photo*

The subject site comprises Lot 1044, Lot 1198 and Lot 626 Binning Road, Babbage Island, Carnarvon. Lot 1044 is 8088m<sup>2</sup> in area, Lot 1198 is 3650m<sup>2</sup> in area and Lot 626 is 26.0085 hectares. Lot 1044 and Lot 1198 are the subject of lease H133883; however, subject to this proposal the owner is to surrender the lease for this portion of land as it is considered surplus to the proposal. Lot 626 is also subject to the same lease and is the primary land area which is the subject of the future tourist development except for the north-western section of the land which is to be relinquished subject to the proposal.



*Figure 1: Lots 1044, 1198 & 626 Binning Road Babbage Island, Carnarvon*

Access to the site is available via Binning Road, which is a short spur road off Pelican Point Road that connects with Babbage Island Road to the town in the east.

The subject site is occupied by substantial development in the form of a previously established fish and prawn processing factory establishment in the central west. Buildings occupy an area of over 3,000m<sup>2</sup>. These buildings incorporate a number of rooms previously used for receiving, processing, storage and packing of seafood products. The site is also connected to reticulated water via Binning Road.

To the southeast is a substantial area that was established as accommodation for workers at the seafood/prawn processing premises and previous uses. Access to the buildings is in the form of gravel roads and power, telecommunications, reticulated water supply and onsite effluent disposal systems are in place. See Figure 2 below for the existing conditions.

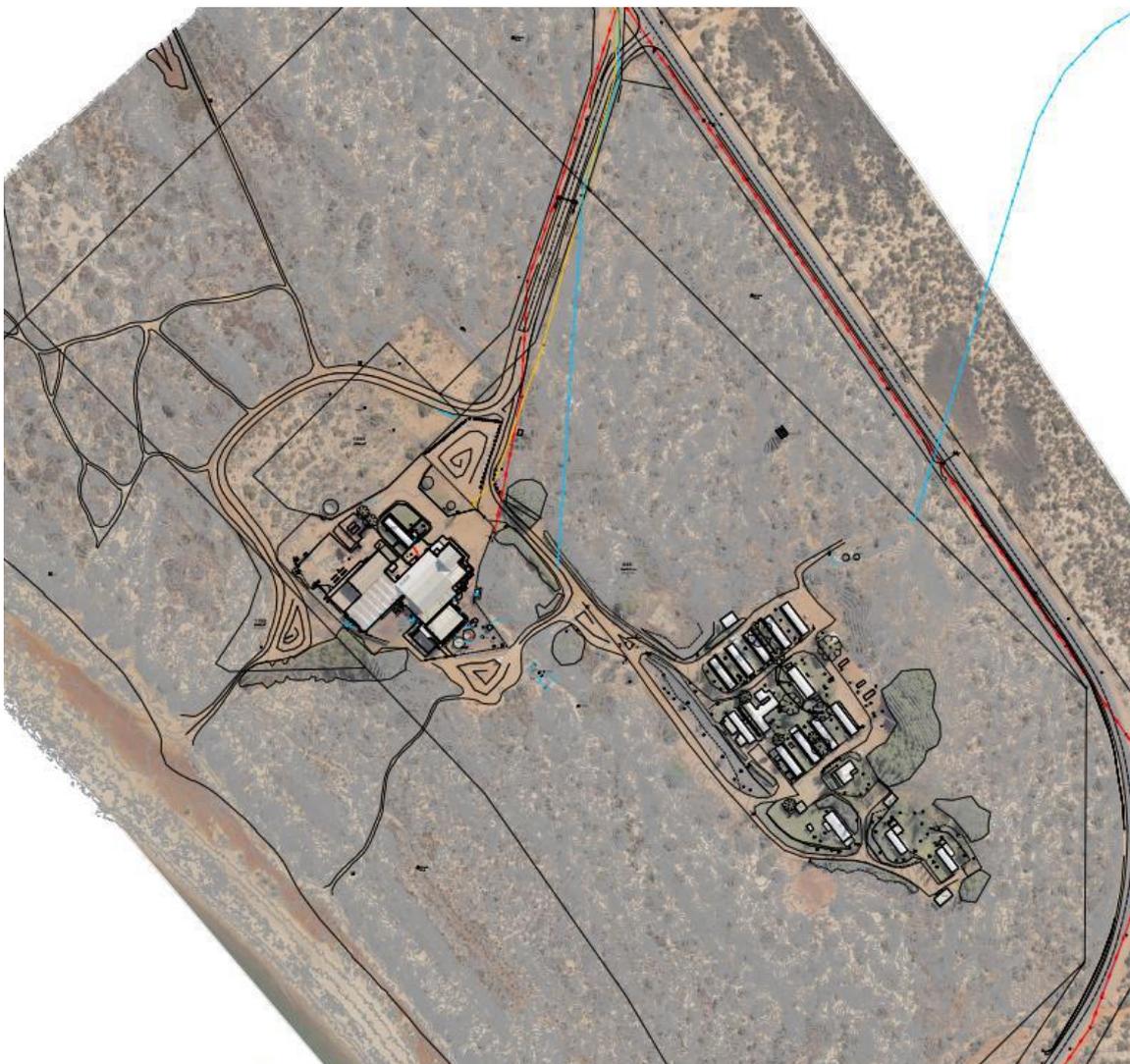


Figure 2: Existing conditions

## Proposal

### Scheme Amendment

Under Local Planning Scheme No.13 the subject site has had its zoning amended to 'Special Use No.2' and the surrounding land has been identified as 'Foreshore Reserve'. This is evident at Figure 3 below.

With reference to the Special Use Zone, Schedule 4 of the Scheme indicates that the primary uses are Industry Primary Production and Workforce Accommodation. Given that the previous use of the site as a fish and prawn processing factory is no longer in existence, this zoning relates to a defunct land use that is no longer a sustainable development outcome for the subject land.

The proposal is to amend the zoning of the land to 'Tourism' as per the draft LDP and those parts of the land in the northwest which are surplus to requirements, are to be zoned as "Foreshore Reserve" to be consistent with surrounding land.

Pursuant to the zoning table in the scheme, all the land uses that are proposed under the draft LDP are permissible under the Tourism Zone.



Figure 3: Zoning

The amendment to Local Planning Scheme No. 13 is simply to modify the allocation of the zoning of the land to suit ongoing land uses as presented under the LDP.

The proposed scheme amendment report with supporting documentation can be found at **Schedule 8.3.1(a)**.

Figure 4 below illustrate the existing and proposed Scheme zoning:

## SCHEME AMENDMENT MAP

### SHIRE OF CARNARVON LOCAL PLANNING SCHEME No.13 AMENDMENT No. 2



Figure 4: Local Planning Scheme No. 13 Zoning Map

## Draft Local Development Plan

Under the Deemed Provisions, a Local Development Plan in respect of an area of land in the Scheme may be prepared if:

- *“The Commission has identified the preparation of a Local Development Plan as a condition of approval of a plan for subdivision of an area;*
- *A Structure Plan requires a Local Development Plan to be prepared for the area;*
- *An Activity Centre requires a Local Development Plan to be prepared for the area;*
- *The Commission and the Local Government considers that a Local Development Plan is required for the purposes of orderly and planning.”*

The Local Development Plan has also informed the identification of foreshore reserve in the northwest of the site which is an area that is surplus for development and was previously used for other activities and is subject to inundation.

The Local Development Plan is described in greater detail within a separate report however, in summary, the plan proposes the following:

- Refurbishment and establishment of tourism use within and around the existing 59 accommodation units utilising the ablution facilities, lawn areas, access and services. This proposal is using the existing camp area and would rely on existing services. An emergency exit to Pelican Point Road in the southeast would be provided along with a new manager’s/reception residence adjacent to the entry.
- Further expansion under the Local Development Plan includes caravan and camping sites immediately to the west of the current accommodation proposing a further 150 caravan/camping sites. This will be located lower in the relatively flatter dune area with provision of supporting facilities including café/kiosk, numerous fire pits, ablution facilities at appropriate locations, recreation areas including swimming pool, bowling green, playgrounds, and other lawn areas. Coupled with this could be the establishment of a brewery, small scale aquarium and outdoor dining area in the seafront section of the seafood processing facility and a Rottneest Island style mini golf, trampolines, recreation area and associated café/kiosk.
- A later stage development includes new chalet accommodation on the higher ground with accommodation providing opportunities for views across the ocean and the jetty and back towards Carnarvon. A more significant bowling green arrangement could be established along with an Amphitheatre for outdoor screening of movies, sports events, etc. This would further add to the tourist development being presented as a destination-based accommodation premises on the beach, but also on the doorstep of Carnarvon.
- Further caravan and camping are proposed in the higher areas of the park providing views to the ocean from caravan and camping sites as well as glamping sites with appropriate ablutions, camp kitchen and further refurbishment and reuse of the existing seafood processing facility. Opportunities include possible ice creamery, badminton, or squash court, climbing wall, jungle gym, etc.

A standalone higher end accommodation facility is proposed in the north of the site with possibly 16 accommodation units and central pool, low key water park, indoor BBQ area, playground, and pump track to suit families staying and to also take advantage of other recreational opportunities on the site.

A possible staging of development as indicated above is provided on the Local Development Plan, however, it is possible that the stage sequencing could be modified depending on market forces and experiences when development occurs.

The proposal intends to commence with the existing 59 accommodation units and use the ablution facilities that are already in place so that the park can be established and start operating as soon as possible.

## Contamination

Given the previous uses of the land, a review of the contaminated sites data base was undertaken and it was found that Lot 1044 is potentially contaminated. It was also noted during the investigation that land north and west of Lot 1044 may also be subject to contamination. Therefore, the proposal is to avoid the use of Lot 1044 and land to the north and west of Lot 1044 and relinquish the use of this land from any lease associated with the ongoing proposed tourism use and to identify the land zoned as 'Foreshore Reserve', such that the land can continue to be managed by the Department of Lands.

## Flora and Fauna

A Flora and Fauna assessment was undertaken for the entire site by specialist consultants with the following recommendation:

- *There were no threatened flora, fauna or ecological communities identified within the site.*
- *One Priority 3 flora species was observed within the site, being *Carpobrotus sp.* Thevenard Island.*
- *Two Vegetation Communities were observed within the site, *Acacia open shrubland* and *Samphire closed heath*.*
- *The vegetation is ranked from Very Good to Completely Degraded condition. Impacts affecting the condition of the vegetation include aggressive weeds, clearing for development, vehicle tracks and grazing.*
- *Given there were no signs of threatened flora, fauna, or ecological communities, a referral under the EPBC Act is not considered a requirement, as any proposed actions are unlikely to significantly impact on threatened species or communities.*
- *An approved clearing permit is required prior to any vegetation modification in the site.*

### **Consultation:**

Internal consultation of the proposed amendment has been discussed with the CEO and Executive Officers who support the amendment. The proponent has also provided written evidence of principal support for the amendment from Mr. David Burton, previous Chief Executive Officer, Shire of Carnarvon.

If Council agrees to proceed with the proposed scheme amendment the application will be referred to the Environmental Protection Authority (EPA) in accordance with S.81 of the *Planning and Development Act 2005* and will be advertised in accordance with the requirements of the *Planning and Development Regulations (Local Planning Schemes) Regulations 2015*.

### **Statutory Environment:**

The Shire of Carnarvon Town Planning Scheme No. 13 provides the statutory framework for the planned future development of land within Carnarvon.

The Scheme Amendment is required to be prepared pursuant to Section 75 of the *Planning and Development Act 2005*, with the process to amend the zoning enacted under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Section 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* defines scheme amendments in the three (3) following ways: basic amendment, standard amendment or complex amendment. The proponent has defined the amendment as falling within the 'complex amendment'

Regarding an assessment of the amendment "definition" as outlined in the Section 34 of the Regulations, it is considered that the amendment is 'complex' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- It is an amendment that is not consistent with the local planning strategy for the scheme endorsed by the Commission, and;
- It is an amendment relating to development of significant scale relative to other development in the area.

The applicant has assessed the proposed amendment against the requirements of the Local Planning Scheme No. 13 and the requirements of the Planning and Development Regulations 2015 and justified the amendment against the objectives and provisions of these documents and other strategic documents as listed below.

Overall, the conclusions reached are consistent with the objectives and provisions of relevant policy documents applicable to the site and, therefore, the proposed amendment should be supported.

### **Relevant Plans and Policies**

Concerning consistency with established relevant policies, the applicant's report provides a comprehensive assessment of the proposal against the following relevant documents:

- Shire of Carnarvon Local Planning Strategy 2017

The Local Planning Strategy recognizes the importance of tourism and the need to support unique activities, however, it currently continues to recognize the site's previous land use. Given the previous land use is now defunct and the Babbage and Whitlock Island Structure Plan is silent with respect to the future use of the land, there is scope to entertain the proposal through a complex amendment to the scheme.

- Babbage and Whitlock Island Structure Plan 2014

The subject site is recognized as an existing area with no change proposed. The structure plan does not need to be modified to facilitate the proposal as it will be done under the provisions of a LDP.

- State Planning Policy 2.0 (SPP2.0) – Environment and Natural Resources Policy

The environment and natural resources policy define the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy.

- State Planning Policy 2.6 (SPP2.6) – Coastal Hazard and Inundation

There are pressures on the coastal zone for land use and development for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. The policy provides a balanced approach to these often competing needs and desires in a way that takes into account the values of the coastal zone. The policy ensures that current and future generations of Western Australians can benefit from opportunities presented by the values and resources of the Western Australian coast.

Guidance is provided for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values. The policy recognises and responds to regional diversity in coastal types; requires that coastal hazard risk management and adaptation is appropriately planned for; encourages innovative approaches to managing coastal hazard risk and provides for public ownership of coastal foreshore reserves.

- State Planning Policy 3.7 (SPP3.7) – Planning in Bushfire Prone Areas

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas.

**SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher**

order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

A Bushfire Management Plan and Emergency Evacuation Plan have been prepared for the site based on the proposed development as shown on the draft LDP. The scheme amendment and associated documentation will be referred to the relevant authority for comment.

- State Planning Policy 6.3 (SPP6.3) – Ningaloo Coast

The Ningaloo Coast Statement of Planning Policy 6.3 applies to all land within the Ningaloo Coast Policy area.

**Financial Implications:**

N/A

**Strategic Implications:**

The request to amend Local Planning Scheme No. 13 also generally accords with the following Shire desired outcome as expressed in the Strategic Community Plan 2018 – 2028.

**Objective 2: Natural and built environment**

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

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

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	The landowner's ability to development tourist accommodation within the site is constrained by current zoning in the Scheme.	Low	The scheme amendment will remove the zoning constraint to facilitate future development of the site.
Environment	Removal of native vegetation.	N/A	A Flora and Fauna assessment was undertaken and no signs of threatened flora, fauna or ecological communities have been presented.
Fraud	N/A	N/A	N/A

**Comment:**

The amendment to rezone parts of the land to Tourism Zone and Foreshore Reserve will ensure that the appropriate zoning is in place to provide for tourist development and for those parts of the land that are not proposed for any development be turned into a reserve consistent with adjacent land. For an amendment to a Local Planning Scheme, other than an amendment initiated (prepared) by the Local Council, it is a requirement of the Western Australian Planning Commission (WAPC) that when Council is in support of the that amendment, to adopt the amendment and determine that the rezoning is a 'complex' amendment before it can be considered by the WAPC. By adopting the amendment Council is merely showing its support of an amendment prepared by a third party, and not approving it.

It is noted that a Local Development Plan has also been prepared for the site to guide future development in an orderly fashion. The amendment to the Scheme is simply to modify the allocation of the zoning to the land to suit ongoing land uses as presented under the proposed Local Development Plan (LDP).

Regardless of whether future development will occur as indicated on the draft LDP, the new zoning provides the potential for new development to the area.

**OFFICER'S RECOMMENDATION**

*That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to adopt the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by:*

1. *Rezoning portion of Lot 626 Binning Road, Babbage Island, Carnarvon from 'Special Use' (SU2) to 'Tourism' and rezoning a portion of Lot 626 and all of lot 1044 and Lot 1198 Binning Road, Babbage Island, Carnarvon as 'Foreshore Reserve' as depicted on the Scheme map;*
2. *Accept the report 'Scheme amendment No. 2 to the Local Planning Scheme No. 13, Lots 1044, 1198 & 626 Binning Road, Babbage Island, Carnarvon' as formal documentation for the purpose of the proposed Scheme amendment;*

3. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 2 is a complex scheme amendment on the basis that it is:
  - a) an amendment that is not consistent with the local planning strategy for the scheme endorsed by the Commission;
  - b) an amendment relating to development of significant scale relative to other development in the area.
4. Resolves to authorise the Shire President and the Chief Executive Officer to execute the relevant documentation for adoption to enable referral of the amendment, pursuant to Section 81 and 82 of the Planning and Development Act 2005, to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;
5. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Geraldton Guardian, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and
6. Pursuant to Regulation 37 of the Planning and Development Regulations 2015, resolves to forward the proposal to the Western Australian Planning Commission.

FC 15/10/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Fullarton

That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to adopt the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by:

7. Rezoning portion of Lot 626 Binning Road, Babbage Island, Carnarvon from 'Special Use' (SU2) to 'Tourism' and rezoning a portion of Lot 626 and all of lot 1044 and Lot 1198 Binning Road, Babbage Island, Carnarvon as 'Foreshore Reserve' as depicted on the Scheme map;
8. Accept the report 'Scheme amendment No. 2 to the Local Planning Scheme No. 13, Lots 1044, 1198 & 626 Binning Road, Babbage Island, Carnarvon' as formal documentation for the purpose of the proposed Scheme amendment;
9. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 2 is a complex scheme amendment on the basis that it is:
  - c) an amendment that is not consistent with the local planning strategy for the scheme endorsed by the Commission;
  - d) an amendment relating to development of significant scale relative to other development in the area.
10. Resolves to authorise the Shire President and the Chief Executive Officer to execute the relevant documentation for adoption to enable referral of the amendment, pursuant to Section 81 and 82 of the Planning and Development Act 2005, to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;

11. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Geraldton Guardian, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and

12. Pursuant to Regulation 37 of the Planning and Development Regulations 2015, resolves to forward the proposal to the Western Australian Planning Commission.

CARRIED BY ABSOLUTE MAJORITY  
F8/A0

## 8.4 INFRASTRUCTURE SERVICES

### 8.4.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3 – PROJECT NOMINATIONS

1.57pm – Cr Skender declared an Impartiality Interest in this matter as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No.	ADM2131
Date of Meeting:	26 October 2021
Location/Address:	Various
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Operations Manager Corporate & Community David Nielsen – Executive Manager Infrastructure Services Susan Mizen – Manager Finance
Declaration of Interest:	Nil
Schedules:	Schedule 8.4.1(a) – LRCI Project Budget Table Schedule 8.4.1(b) – LRCI Project Budget Variations, Borrowings and Reserve Fund Transfers
Previous Reports:	September 2021 - Item 8.1.3 and FC 4/9/21
Voting Requirements:	Recommendation 1 Simple Majority Recommendation 2 Absolute Majority

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning

		applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

Council approval of nominated Local Roads and Community Infrastructure (LRCI) phase 3 projects is sought along with the necessary budget variations, borrowings, and reserve transfers. All variations, reserve transfers and borrowings are subject to successful funding applications and nominated project acceptance.

**Background:**

In July 2020, the Shire was the recipient of \$844,041 of LRCI Phase 1 funding from the Federal Department of Infrastructure, Transport, Regional Development and Communications.

In November 2020 LRCI Phase 2 was announced with a further \$698,912 allocation to the Shire. A completion date extension for LRCI Phases 1 and 2 projects until 30 June 2022 was recently announced.

In May 2021 the Shire was advised of a further commitment of \$1,688,082 as LRCI, Phase 3. This funding will be available from 1 January 2022. Construction of Phase 3 projects is to be completed by 30 June 2023.

By providing a longer delivery timeframe, the Shire has time to consider broader scopes and potentially take on larger, more complex projects. Phase 3 will continue to assist local governments to deliver local road and community infrastructure projects, as well as create local job opportunities particularly where employment in other sectors have been negatively impacted.

The LRCI program encourages projects that maximise the opportunity for a range of workers to be retained or redeployed to deliver economic stimulus and benefits to local communities.

Project nominations for Phase 3 are now required.

Several projects have been identified and discussed informally with Council as follows:

Project Number	Description
1.	The development of three, three-bedroom two-bathroom residential dwellings for accommodation.
2.	Baxter Park ablution block replacement.
3.	Replacement of Shire admin building asbestos roof and other minor refurbishments.
4.	Fascine wall cathodic protection system.
5.	Fascine wall capping beam replacement.

**Stakeholder and Public Consultation:**

Nil applicable.

**Statutory Environment:**

Local Government Act 1995 - 5.42 Delegation of some powers and duties to CEO.

Local Government Act 1995 - Section 6.8 Expenditure from municipal fund not included in annual budget

**Relevant Plans and Policy:**

Nil applicable.

**Financial Implications:**

The table provided in **Schedule 8.4.1(a)** indicates the proposed project budgets with project funding sources identified. Council may wish to note the following:

- Council resolved at its September 2021 meeting (Minute FC 4/9/21) to support a housing development project consisting of an LRCI Phase 3 contribution of \$1,000,000, borrowings of \$565,000 and Regional Economic Development (RED) funding of \$250,000. A funding application under the RED program has been lodged for the \$250,000 project contribution.
- Council resolved at its August meeting to not proceed with refurbishment of the existing Baxter Park toilet. Debate centred around the members majority preference to install a new facility rather than upgrade the existing. Phase 3 LRCI funding is an opportunity to allow this project to progress with nil impact upon ratepayers.
- Installation of a cathodic protection system for the Fascine wall is included in the existing 21/22 Council adopted budget. Installation in 2021 is recommended by the MP Rogers Carnarvon Fascine Wall Maintenance Plan.
- Replacement of the Fascine wall capping beam is identified in the MP Rogers Carnarvon Fascine Wall Maintenance Plan for completion in 2022. Inclusion here brings this project forward to take advantage of the available LRCI funding reducing the direct Shire contribution toward the works.
- The additional Shire contribution of \$181,918 toward the capping beam replacement may be sourced from the Fascine Wall/Surge Wall reserve which has a balance of \$414,441.
- Economies of scale may be achieved by combining Fascine wall project items 4 and 5 into a single project for the purposes of the LRCI project nomination.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Cost escalation due to current marketplace circumstances.	B2 - High	Contingency has been applied to project budgets.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Inability to deliver projects within the required timeframe	C2 - Moderate	Allowance for external project management included if additional resourcing required.

Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

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

**Goal 2: Natural and built environment**

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.4	Parks, gardens and open space 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:**

The nominated projects contain allowances for project management where required. This may require external project management resources to be procured.

The nominated projects are larger in scale than previous LRCI projects which is the preferred course of action for Phase 3 of the LRCI program.

The budget variations, borrowings and reserve fund transfers are conditional upon a successful Regional Economic Development (RED) funding application of \$250,000 and acceptance of the LRCI program of the nominated projects. The nominated projects provide a mix of asset renewal, asset protection and economic development and it is expected they will meet the LRCI funding program requirements.

It is appreciated that makes for a more detailed resolution now. However, if the project funding applications are successful, the matter does not need to be returned to Council for additional procedural type decisions and will allow the projects to commence with minimal delay.

**OFFICER'S RECOMMENDATION PART 1**

*That Council, by Simple Majority and in accordance with Section 3.18 of the Local Government Act 1995, nominates the following projects for completion under the Local Roads and Community Infrastructure (LRCI) Phase 3 funding program:*

Project Number	Description	Indicative Total Budget	LRCI Funding Contribution
1	Three x 3x2 residential dwelling development.	\$1,815,000	\$1,000,000
2	Baxter Park ablution block replacement	\$270,000	\$270,000

3	Replacement of Shire admin building roof and other minor building refurbishments.	\$300,000	\$300,000
4	Fascine Wall – Cathodic Protection	\$250,000	\$0
5	Fascine Wall capping beam replacement.	\$300,000	\$118,082
<b>TOTAL</b>		<b>\$2,935,000</b>	<b>\$1,688,082</b>

OFFICER'S RECOMMENDATION PART 2

That Council, by Absolute Majority and in accordance with Sections 6.8 and 6.20 of the Local Government Act 1995, approves budget variations, reserve transfer and borrowings in accordance with Schedule 8.4.1(b) subject to:

- a) a successful \$250,000 Regional Economic Development funding application; and
- b) acceptance of the nominated Local Roads and Community Infrastructure (LRCI) Phase 3 projects.

**FC 16/10/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART 1

*Cr Vandeleur/Cr Fullarton*

That Council, by Simple Majority and in accordance with Section 3.18 of the Local Government Act 1995, nominates the following projects for completion under the Local Roads and Community Infrastructure (LRCI) Phase 3 funding program:

<i>Project Number</i>	<i>Description</i>	<i>Indicative Total Budget</i>	<i>LRCI Funding Contribution</i>
1	<i>Three x 3x2 residential dwelling development.</i>	<i>\$1,815,000</i>	<i>\$1,000,000</i>
2	<i>Baxter Park ablution block replacement</i>	<i>\$270,000</i>	<i>\$270,000</i>
3	<i>Replacement of Shire admin building roof and other minor building refurbishments.</i>	<i>\$300,000</i>	<i>\$300,000</i>
4	<i>Fascine Wall – Cathodic Protection</i>	<i>\$250,000</i>	<i>\$0</i>
5	<i>Fascine Wall capping beam replacement.</i>	<i>\$300,000</i>	<i>\$118,082</i>
<b>TOTAL</b>		<b>\$2,935,000</b>	<b>\$1,688,082</b>

CARRIED  
F8/A0

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART 2***Cr Vandeleur/Cr Maslen*

*That Council, by Absolute Majority and in accordance with Sections 6.8 and 6.20 of the Local Government Act 1995, approves budget variations, reserve transfer and borrowings in accordance with Schedule 8.4.1(b) subject to:*

- a) a successful \$250,000 Regional Economic Development funding application; and*
- b) acceptance of the nominated Local Roads and Community Infrastructure (LRCl) Phase*

**CARRIED BY ABSOLUTE MAJORITY****F8/A0****8.4.2 REQUEST FOR WAIVER OF TIP FEE FOR BLOWHOLES PROTECTION ASSOCIATION (INC)**

File No.	ADM0122
Date of Meeting:	26 October 2021
Location/Address:	Blowholes Reserve, McLeod
Name of Applicant:	Blowholes Protection Association (Inc)
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	8.4.2 – Copy of Email from Blowholes Protection Association (Inc)

**Authority / Discretion**

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

**Summary of Item:**

This report seeks Council's consideration of the waiver of a tip fee for refuse collected as a result of a busy bee to be conducted by members of the Blowholes Protection Association Inc (BPA) and volunteers.

It is recommended Council does not approve this request.

**Background:**

The BPA emailed the Shire requesting the waiver of a tip fee at the Brown Range landfill site for disposal of rubbish from a busy bee at the Blowholes shack area on 30 October 2021 (see *Schedule 8.4.2*).

The busy bee will undertake the following activities:

- Collection of rubbish/items along the roadway
- Clean up around shack surrounds (where required)
- Collection of rubbish/items from the beach
- Maintenance on roped fence which is protecting the environment and installation of further roped fence.

The purpose of requesting a waiver of a tip fee is to avoid filling up the Shire bins on site at the Blowholes.

**Stakeholder and Public Consultation:**

Nil applicable.

**Statutory Environment:**

Local Government Act 1995 Section 6.16 – Imposition of fees and charges and Section 6.12 – Power to defer, grant discounts, waive or write off debts.

**Relevant Plans and Policy:**

Nil applicable.

**Financial Implications:**

The disposal of rubbish from the busy bee in the skip bins on site will not result in any increased costs to the Shire.

The cost for depositing non-putrescible waste at the Brown Range landfill site is \$15.00 per tonne. It is not possible to estimate the quantity of waste that would be collected from the busy bee. When inspected, Blowholes public areas were in a generally tidy state.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss of operating revenue for service delivery if fee is waived.	A1: High	Fees and charges for services are applied consistently to all users of the service.
Health & Safety	N/A		

<b>Reputation</b>	Perception of favouring one not-for-profit organisation over others.	C2: Moderate	Multiple not-for-profit organisations and clubs have been advised of the intention to apply the adopted fees and charges from 1 July 2021. The recommendation maintains consistency with previous decisions.
<b>Service disruption</b>	N/A		
<b>Compliance</b>	N/A		
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

**Community & Strategic Objectives:**

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

*Goal 5: Civic*

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

**Comment:**

Skip bins on site at the Blowholes consist of 2 x 3m<sup>3</sup> skip bins providing a total of 6m<sup>3</sup> capacity for rubbish. These skip bins are serviced by a local contractor on behalf of the Shire. The year-to-date cost of waste services to the Blowholes Reserve is \$8,551. Total cost for the 20/21 year was \$22,855.

Whilst the consideration shown by the BPA in not wanting to overload the Shire bins on site is appreciated, the need for consistency regarding waiver of tip fees for community organisations and clubs outweighs the benefit of having additional rubbish placed in Shire skip bins for one weekend.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to Section 6.16 of the Local Government Act 1995, resolves to refuse the Blowholes Protection Association Inc request for the waiver of waste facility fees and charges.*

**FC 18/10/21**

COUNCIL RESOLUTION

*Cr Fullarton/Cr Vandeleur*

*That Council, by Simple Majority, pursuant to Section 6.16 of the Local Government Act 1995, resolves to approve the Blowholes Protection Association Inc request for the waiver of waste facility fees and charges subject to the waste being general in nature and not structural waste.*

**CARRIED**

**F8/AO**

(Note – BPA have advised that the cleaning busy bee comprises all of the Blowholes area and therefore Council considered this a community service. However, it was to be made clear that the waste collected was to be general waste only and not structural waste from the shacks. Council also wished to make it known to all Clubs and sporting organisations that the Community Growth Fund is an avenue for applying for funding for waste management as part of their project and event management costs.

2.14pm – Cr Langley declared an Indirect Financial Interest in this matter as the property owner is relative. Cr Langley therefore left the meeting and did not vote or participate in the matter.

File No.	ADM0200
Date of Meeting:	26 October 2021
Location/Address:	Southern Section of Meeragoolia Road
Name of Applicant:	Meeragoolia Station
Name of Owner:	David and Genevieve Robinson
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Recommendation 1 – Simple Majority Recommendation 2 – Absolute Majority
Schedules:	Confidential Schedule 8.4.3(a) – Meeragoolia Station Correspondence Schedule 8.4.3(b) – Map Showing Extent of Proposed Temporary Closure

#### Authority / Discretion

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

#### Summary of Item:

This report seeks Council's approval to advertise a partial temporary closure of Meeragoolia Road from Meeragoolia Station to Calligiddy Road for an initial 12-month period. An opportunity for public submissions forms part of this process.

It is recommended Council approve this request.

#### Background:

The Shire has received correspondence from the Meeragoolia Station caretaker requesting the southern section of Meeragoolia Road be closed. The correspondence is provided in a **Confidential Schedule 8.4.3(a)** as it includes matters of a personal nature regarding the safety and security of the Station and may identify individuals. A map showing the extent of the proposed closure is provided in **Schedule 8.4.3(b)**.

The correspondence details several examples of unauthorised access and indiscriminate shooting on the property and from the road that has increased in intensity over the last two years to the point where the

caretaker residents are concerned for their safety and property. The owners and caretaker consider that closing the road may assist in reducing these behaviours.

**Stakeholder and Public Consultation:**

The CEO and Executive Manager Infrastructure Services met with both the Meeragoolia station caretaker and owners in August this year where initial advice of these issues was received. Concerns regarding unauthorised shooting and shooting from the public road were referred to Carnarvon Police

If the report recommendations are approved by Council, the proposed road closure will be advertised for public comment. If objections to the closure are received, the matter is to be returned to Council for consideration. If no or nil objections are received, it is recommended Council formally delegates authority to the CEO to execute the closure.

**Statutory Environment:**

Section 3.50 of the Local Government Act 1995 - Closing certain thoroughfares to vehicles  
 Section 5.42 of the Local Government Act 1995 - Delegation of some powers and duties to CEO

**Relevant Plans and Policy:**

Council Policy IS003 applies regarding Maintenance of Council Roads, Station Access Roads and Station Airstrips.

**Financial Implications:**

Minor costs (<\$1000) will be incurred to provide the required public notification. This cost can be accommodated under existing operational public notice budgets.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Closure of Meeragoolia Road was considered in 2014. Unfavourable media coverage resulted.  Affected stakeholders may be disgruntled about the closure reigniting unfavourable prior coverage.	C2 - Moderate	The 12-month temporary closure period proposed provides opportunity to trial the closure.  Stakeholders have opportunity to comment on the proposal through the public notice process and the matter must be returned to Council if objections are received.

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
			Direct contact with surrounding property owners will provide opportunity for submissions for Council to consider prior to making a final decision on this matter.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

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

**Goal 2: Natural and built environment**

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

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

**Goal 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

**Comment:**

The account provided by Meeragoolia describes unchecked and unauthorised actions by irresponsible shooters who have little apparent regard for the safety of station residents or other users of Meeragoolia Road. This proposed temporary closure action potentially affords the Station some relief from this anti-social behaviour that they claim has been increasing over the last two years.

A previous resolution by Council in 2014 about a permanent closure of the same section of road elicited a response resulting in unfavourable media attention. That closure decision was founded around a proposal to limit the number of station access roads.

This is not the prompt for this proposal. The southern section of Merragoolia Road receives minimal maintenance as it is Shire policy that the Shire, “*maintains one access road to the Station Homestead on each station. The access road is maintained up to the garden fence.*” The section of road was last graded in 2019/20, the first time in many years.

Should Council support the officer recommendation, neighbouring property owners and other stakeholders have an opportunity to make submissions for Council to consider the impact of the proposal. Council should note that the officer recommendation specifically includes the requirement write to affected neighbouring property owners which is a statutory requirement.

It should also be noted that any closure order may limit the closure to vehicles of any class, to times, or to such other case or class of case as may be specified in the order and may contain exceptions. If objections are received therefore, this mechanism may allow for specific access concerns to be addressed as part of the Council decision-making process.

#### OFFICER RECOMMENDATION 1

*That Council, by Simple Majority pursuant to Section 3.50 of the Local Government Act (1995):*

1. *Advertises its intent to temporarily close the southern section of Meeragoolia Road from Meeragoolia Station to Callagiddy Road for a period of twelve (12) months by:*
  - a) *Providing local public notice in accordance with Section 1.7 of the Local Government Act (1995);*
  - b) *Display of a notice on the Shire of Carnarvon website;*
  - c) *Written notice sent to the affected neighbouring property owners;*
  - d) *Includes in that notice advice that submissions regarding the proposed closure are to be received within a period of 21 days from the date of publication; and*
  - e) *Sending to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (a).*
2. *Directs the CEO to prepare a report for Council's consideration if objections to the proposed temporary closure are received.*

#### OFFICER RECOMMENDATION 2

*That Council, by Absolute Majority pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure of the southern section of Meeragoolia Road from Meeragoolia Station to Callagiddy Road for a period of twelve (12) months subject to there being either nil submissions received, or nil submissions received objecting to the proposal.*

**FC 19/10/21**

#### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART 1

*Cr Fullarton/Cr Skender*

*That Council, by Simple Majority pursuant to Section 3.50 of the Local Government Act (1995):*

3. *Advertises its intent to temporarily close the southern section of Meeragoolia Road from Meeragoolia Station to Callagiddy Road for a period of twelve (12) months by:*
  - f) *Providing local public notice in accordance with Section 1.7 of the Local Government Act (1995);*
  - g) *Display of a notice on the Shire of Carnarvon website;*
  - h) *Written notice sent to the affected neighbouring property owners;*
  - i) *Includes in that notice advice that submissions regarding the proposed closure are to be received within a period of 21 days from the date of publication; and*
  - j) *Sending to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (a).*
4. *Directs the CEO to prepare a report for Council's consideration if objections to the proposed temporary closure are received.*

LOST  
FO/A7

With Motion FC 19/10/21 being lost, Officer's Recommendation Part Two becomes void.

## OFFICER'S RECOMMENDATION PART 2

*That Council, by Absolute Majority pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure of the southern section of Meeragoolia Road from Meeragoolia Station to Callagiddy Road for a period of twelve (12) months subject to there being either nil submissions received, or nil submissions received objecting to the proposal.*

(Note to Minute – Council is of the view that there are alternative options to deterring trespassers on the property including signage and cameras and that these options should be discussed with the property owners.)

2.24pm – Cr Langley returned to the meeting and was advised of Council's decision on this matter.

### **8.4.4 RFT 06/2021 SUPPLY AND DELIVERY OF BASECOURSE PAVEMENT MATERIAL – HARBOUR ROAD**

2.24pm – Cr Vandeleur declared a Financial Interest in this matter as he is a Director of a company that tendered for these works. Cr Vandeleur therefore left the meeting and did not participate or vote on the matter.

File No.	ADM1665
Date of Meeting:	26 October 2021
Location/Address:	Harbour Road, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn - Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Confidential Item 5.1 – 29 <sup>th</sup> August 2018
Schedules:	NIL

#### Authority / Discretion

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

#### Summary of Item:

This report briefly details the tender process undertaken for Request for Tender RFT06/2021 – Supply and Delivery of Basecourse Pavement Material – Harbour Road.

It is recommended Council defers a decision on this matter until the November meeting of Council when the matter may be considered in conjunction with the Harbour Road Construction Tender that is currently open for submissions.

**Background:**

The project proposes to upgrade a 1.8km unsealed section of Harbour Road to a sealed standard with a minimum RAV 8 network rating.

Main Roads WA plan to install a roundabout at the intersection of Robinson and Cornish Street. Once installed, truck movements into and out of the industrial precinct via that intersection will be more restricted.

The Harbour Road project will provide the preferred route for heavy vehicles eliminating a requirement for heavy vehicles to negotiate the roundabout. It will also reduce and/or eliminate heavy vehicle movements on Robinson Street between Cornish Street and the North West Coastal Highway.

In, August 2018 Council resolved to accept no submission under tender RFT 04/2018 – Harbour Road Construction and that the project be deferred until adequate funding could be secured. Current project funding is discussed under Financial Implications of this report.

Greenfield Technical Services (Greenfield), acting on instruction from the Shire, prepared Request for Tender (RFT) documents for RFT 06/2021, Supply and Delivery of Basecourse Pavement Material – Harbour Road.

The RFT was advertised in The Midwest Times and The West Australian on 15 September 2021. No tender addendums were issued. Tenders closed on 4 October 2021. Only one tender submission was received.

Tender RFT 07/2021 for construction of Harbour Road was advertised on 13 October 2021. That tender closes on 10 November 2021. That tender contains a provisional item for the Supply and Delivery of Basecourse Pavement Material.

**Stakeholder and Public Consultation:**

Roads to Recovery  
Main Roads WA

**Statutory Environment:**

Local Government Act, 1995 – Section 3.57 *Tenders for providing goods or services.*  
Local Government (Functions and General) Regulations, 1996 – Division 2 *Requirements for Tendering.*  
Local Government Act 1995 - Section 3.18 Performing executive functions

**Relevant Plans and Policy:**

Policy C013 – Tender Selection Criteria Policy.  
Policy C002 – Purchasing Policy.

**Financial Implications:**

There are no direct financial implications associated with the recommendation.

There are potential financial implications associated with funding associated with the project and further project delays.

The 2021/22 project budget is comprised as follows:

Funding Source	Value
Roads to Recovery (Federal)	\$807,225.00
Main Roads WA (State)	\$647,640.00
Shire of Carnarvon	\$545,135.00
<b>TOTAL</b>	<b>\$2,000,000.00</b>

The 2018 Harbour Road construction tender did not separate supply and delivery of pavement material from the road construction works. The 2021/22 project budget estimate for basecourse pavement material supply and delivery was based on the average pricing received from the three lowest priced 2018 submissions for pricing item 501.01 Supply, lay, compact and trim 250mm thick basecourse.

The single tender submission received under RFT 06/2021 for the supply and delivery *only* of pavement material i.e. does not include the lay, compact and trim of that material, is 33% higher than the project budget estimate based on the 2018 tender submissions received for a lesser scope of works.

This escalation in price from the budget estimate *may* represent current market value for those goods and services. However, as only one tender submission has been received, it is not possible to make a reasonable assessment or comparison to determine if this single tender submission represents value for money for the Shire and the other project funding bodies.

**Risk Assessment:**

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Project overdue, Roads to Recovery funding could be at risk if the time frame for awarding the tender becomes unacceptable.  Accepting the tender for a 33% higher than anticipated amount risks having sufficient budget to complete the construction contract.	C4: Extreme  C4: Extreme	Apply for an extension of time from Roads to Recovery. Discussions have commenced.  Defer a decision on this tender as recommended until construction tender RFT 07/2021 is evaluated in November.
Health & Safety	N/A		
Reputation	This project has previously been deferred. Stakeholders may lose confidence in funding the project if delayed a second time.	C3: High	Apply for an extension of time from Roads to Recovery for the funding to be applied to this tender.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

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

**Goal 2: Natural and built environment**

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

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

**Comment:**

The Harbour Road project is a carryover from 2020/21 and is at least six months behind schedule. To ensure Roads to Recovery funding is utilised within the required timeframe, basecourse pavement material supply and delivery was separated from the construction works scope to expedite the tender process and secure project expenditure by December 2021 as per Roads to Recovery requirements. It was also considered that a separate supply and delivery contract would allow greater materials quality control transparency.

Disadvantages of a separate materials supply and delivery contract is not knowing the full project cost and the introduction of potential risk if the construction contractor does not accept the Principal supplied pavement materials.

Greenfield completed an evaluation of the single tender submission received for RFT06/2021. The evaluation concluded that the tender received has risks associated with meeting the specified delivery schedule for materials due to availability of machines and operators. The tender specified delivery of all material is to be completed by 21 December 2021.

Of greater concern however is having received only a single submission that is 33% greater than the estimated budget, puts at risk the ability to deliver the actual construction works.

Greenfield provided three options for consideration. The following option was the preferred course of action recommended by Greenfield.

***“8.1 – OPTION 1: AWARD THROUGH RFT 07/2021***

***Greenfield has included a provisional item for the supply of basecourse within RFT07/2021 – Harbour Road Construction which opened on 13 October 2021 and closes on 10 November 2021. This may provide more options to the Shire should it not be satisfied with the one tender received for the supply only (RFT 06/2021) scope.”***

Greenfield supplied a benefit and risk analysis for this option. This includes a recommendation that the Shire seek a Roads to Recovery funding extension of time. The time extension will allow the opportunity for additional pricing to be gained and a higher level of confidence that value for money can be achieved.

It is not a typical situation to have a tender closed for the delivery of goods and services, to then include those goods and services in another tender as a provisional item prior to having a formal decision made on the first tender. Officers could locate no regulatory prohibition on this action however in the interest of complete confidentiality, the name of the tenderer for RFT 06/2021 and any specific reference to the submission pricing has been deliberately omitted from this report.

Council will note that the poor response to this tender is indicative of a very low supply market for contractor services combined with high demand. This is being experienced across most Shire operations at present. Requests for quotations and requests for tender in the past six months have typically resulted in low numbers of submissions received and cost escalations out of proportion to estimated budgets.

This places Council in a difficult position regarding this tender. On balance, a decision deferral to better assess the achievement of value for money for each funding party is recommended as a more considered approach for Council.

#### OFFICER'S RECOMMENDATION

*That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, defers a decision on the award of a contract for Tender RFT06/2021 – Supply and Delivery of Basecourse Pavement Material – Harbour Road until its November ordinary meeting to be able to consider the value for money of the submission received when weighed against submissions received for RFT07/2021 – Harbour Road Construction.*

**FC 20/10/21**

#### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Skender/Cr Maslen*

*That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, defers a decision on the award of a contract for Tender RFT06/2021 – Supply and Delivery of Basecourse Pavement Material – Harbour Road until its November ordinary meeting to be able to consider the value for money of the submission received when weighed against submissions received for RFT07/2021 – Harbour Road Construction.*

CARRIED  
F7/AO

2.26pm – Cr Vandeleur returned to the meeting and was advised of Council's decision.

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

Nil

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

#### **10.1 COUNCIL REPRESENTATION – WALGA ZONE AND REGIONAL ROAD GROUP**

##### WALGA Zone State Council Representation

President Smith advised that Council has received notification from the WA Local Government Association seeking nominations for WALGA State Council and WALGA Zone Chair representatives including Deputy nominations for each position. Terms of office for elected State Councillors and Deputy State Councillors will be two years commencing 1 December 2021. For the Gascoyne Country Zone there is 1 State Councillor position and 1 Deputy State Councillor position on State Council.

Only Elected Members who are a nominated Zone Delegate are eligible to nominate for these positions. Nominations close 9am Tuesday 9 November 2021 therefore it will be too late to bring this matter to Council's attention at the November Meeting of Council. With this in mind, Council will need to nominate and elect a representative for the WALGA Zone at this meeting to be eligible to nominate for State Council and to meet the nomination timeline.

### Regional Road Group Representation

The President also requested that nominations be called for a Council representative on the Regional Road Group. Cr Fullarton nominated Cr Maslen who accepted the nomination. Cr Fullarton nominated for the proxy position.

**FC 21/10/21**

#### COUNCIL RESOLUTION

*Cr Fullarton/Cr Maslen*

*That Council, by simple majority, in accordance with Section 5.10 of the Local Government Act 1995, appoint Cr Maslen (Member) and Cr Fullarton (Proxy) as the Shire of Carnarvon Regional Road Group representatives.*

CARRIED

F8/AO

Cr Maslen nominated President Smith for the WALGA Zone. President Smith accepted the nomination. Cr Maslen nominated as proxy for the WALGA Zone.

**FC 22/10/21**

#### COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That Council, by simple majority, in accordance with Section 5.10 of the Local Government Act 1995, appoint Cr Smith (Member) and Cr Maslen (Proxy) as the Shire of Carnarvon WALGA Zone representatives.*

CARRIED

F8/AO

## **10.2 WRITE OFF – ASSESSMENT A271**

**FC 23/10/21**

#### COUNCIL RESOLUTION

*Cr Smith/Cr Maslen*

*That Council resolves to write-off the following amounts of money owed on the property with the assessment number A271, Carnarvon WA 6701, given the extraordinarily difficult circumstances facing the family:*

- 1. \$1158.58 being due 2021/2022 rates; and*
- 2. \$475.00 for service charges (bin service).*

*Note: ESL of \$88.00 would still apply as it is not a Shire charge and therefore the Shire has no ability to write off that amount.*

#### **Officer's Comment**

Section 6.12(c) of the Local Government Act 1995 grants Council the ability to write off any amount of money, which it is owed. A Simple Majority is required.

(Note to Minute - the ESL component of \$88.00 has generously been donated by the Shire of Carnarvon staff)

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## **11.0 DATE OF NEXT MEETING**

11.1 The next meeting will be held on Tuesday 23 November 2021 in Coral Bay commencing at 10.30am.

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

*FC 24/10/21*

### COUNCIL RESOLUTION

*Cr Skender/Cr Maslen*

*That the meeting be closed to the public in accordance with Section 5.23 (2) (b) as this item relates to a matter which may reveal the personal affairs of any person.*

CARRIED  
F8/AO

## **12.1 WAIVE OF INTEREST AND CHARGES**

File No:	ADM0072
Date of Meeting:	26 October 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	A3577
Author/s:	Andrea Selvey
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority required
Schedules:	Confidential Schedules 12.1(a)(b)(c)(d)(e)(f)(g)(h)(i)

*FC 25/10/21*

### COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE AND PART TWO

*Cr Maslen/Cr Fullarton*

- 1. That Council, by Simple Majority, pursuant to s.6.12 of the Local Government Act 1995, resolves to write off the interest component of its claim against the ratepayer A3577 at a value of approximately \$5,046.*
- 2. That Council, by Simple Majority, pursuant to s.6.56 of the Local Government Act 1995, resolves to commence proceedings against the ratepayer A3577 for recovery of the outstanding monies, and the costs of such proceedings should the ratepayer fail to pay the sum of \$123,987.84 or enter into a payment arrangement to the satisfaction of the CEO, within 28 days of receipt of a final demand.*

CARRIED  
F8/AO

*FC 26/10/21*

### COUNCIL RESOLUTION

*Cr Maslen/Cr Vandeleur*

*That the meeting be reopened to the public at 2.39pm.*

CARRIED  
F8/AO

## 13.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.39pm