



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING 27th APRIL 2021

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

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.

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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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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No Report

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Fullarton has submitted the following Notice of Motion -

Cr Fullarton

That the Shire of Carnarvon cause action to be taken to commence the process and planning to seal the road known as Cornish Street up to, but not including, the Carnarvon Golf Club carpark.

Officer's Comment

The road in question is 790m in length. Preliminary cost estimates to construct this piece of road to a standard that would allow it to be able to be sealed and then to actually seal it is likely to be in the vicinity of approximately \$500K. It is also important to note that there is no road reserve for the majority of that length. If the road was constructed without securing tenure it would be constructed on Racecourse land which is a State Reserve with a Management order directly to the Carnarvon Race Club – i.e. the Shire does not have any tenure arrangement. Therefore, the Shire would need do a survey at a cost of approx. \$5K and possibly address native title issues. Officers would recommend that it is important for Council, when deliberating on this matter, to consider the resource implications of this request in the context of the demand on resource for the entire road network.

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

11.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Tuesday 25TH May 2021 commencing at 10.30am in Coral Bay

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

12.1 Back Rates – A442 40

13.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 27TH APRIL 2021**

The meeting was declared open by the Presiding Member at 1.01pm

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.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen	Councillor, Gascoyne/Minilya Ward
Cr J Nelson	Councillor, Town Ward
Cr K Pinner	Councillor, Town Ward
Cr A Fullarton	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Mrs A Selvey.....	Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Mr D Perry.....	Executive Manager, Development Services
Mrs D Hill	Senior Executive Officer

Apologies

Cr L Skender	Councillor, Plantation Ward
Cr K Simpson	Councillor, Coral Bay Ward

Leave of Absence Nil

Observers4

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.)

Nil

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 1.02pm

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC QUESTION TIME

Public Question Time was closed at 1.02pm

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

5.0 CONFIRMATION AND RECEIVING OF MINUTES

- 5.1 ORDINARY MEETING OF COUNCIL – 23RD MARCH 2021
SPECIAL MEETING OF COUNCIL – 19TH APRIL 2021

FC 1/4/21

COUNCIL RESOLUTION

Cr Vandeleur/Cr Pinner

That the minutes of the Ordinary Meeting of Council held on 23rd March 2021 and Special Meeting of Council held on 19th April 2021, be confirmed as a true record of proceedings.

CARRIED

F7/A0

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

8.0 DEPARTMENTAL REPORTS

8.1 GOVERNANCE

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

Date of Meeting: 27TH April 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

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
√	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	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 back to Council actions performed under delegated authority for the months of March/April 2021.

Description of Proposal:

Refer above.

Background:

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

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A
Planning & Development Act 2005 – Part 10 Div. 2

TPS No. 10 – Section 2.4
 Shire of Carnarvon Local Government Act Local Laws S.29
 Health Act 1911 – S.107; Health Act 1911, Part VI
[Health \(Public Buildings\) Regulations 1992](#)

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications.

Risk Assessment:

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.		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		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 and are submitted to Council for information.

ENVIRONMENTAL HEALTH

Food

Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
7-Apr-21	HFO21/003	New food business registration, "Fang's Kitchen, Red food trailer CMADE VANTRL registration plate 1TLL500, garaged at 250 Bibbawarra Rd	Haiyan Fang & Fang Zhou	
7-Apr-21	HFO21/004	New food business registration after business name change - Ampol Carnarvon (previously Caltex Starmart), 595 Robinson St, Kingsford	Ampol Retail Pty Ltd	

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)
18/03/2021	HOS21/004	Approval to install septic system, 68 Cornish St, East Carnarvon	Carnarvon Plumbing Service	RK & LJ Smith Corporation Pty Ltd T/A Carnarvon Auto Electric
7/04/2021	HOS21/003	Approval to install septic system, Lot 100 Glaris St, Kingsford	James W Caunt & Janette P Caunt	

Caravan parks and camp grounds

Caravan Parks and Camp Grounds Act 1995

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
6/04/2021	HCP21/007	Approval to attach rigid annexe to caravan - Ningaloo Coral Bay, Kanya Site 25	Applicant: Sandra Lymbery	Bayview Coral Bay Pty Ltd

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/157	GRENVILLE BRIAN & DIANNE FREDA WOODS	LOT 474 (49) DOUGLAS STREET, SOUTH CARNARVON	DIVIDING FENCE AND GATES
B21/005	PARKER CONRAD	LOT 83 (13) TUCKEY CRT, MORGANTOWN	STEEL FRAMED PATIO WITH METAL SHEET ROOF COVER ON CONCRETE FOOTINGS
B21/007	JAMES WILLIAM & JANETTE PATRICIA CAUNT	LOT 100 GLARIS ST, KINGSFORD	NEW DWELLING - TRANSPORTABLE STEEL FRAME HOME
B21/008	BRONWYN ERICA & GILBERT JOHN BLYTH	LOT 669 (26) YARDI QUAYS, BROCKMAN	SOLAR PANEL REPLACEMENT

B21/015	ANDREW DAVID & JOANNE HELEN BUZZARD	LOT 250 (50) BIBBAWARRA RD, SOUTH PLANTATIONS	STAGE 2 - VERANDA & AMENITIES
B21/020	DARRYL JOHN LEESON & GLENYS CHRISTINE LEESON	LOT 7 (153) WILLIAM ST, EAST CARNARVON	POLY WATER STORAGE TANK 13,500 LITRES

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 9.49A of the Local Government Act, receive the report outlining the actions performed by Shire Officers under delegated authority for the months of March/April 2021.

FC 2/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That Council, by Simple Majority pursuant to Section 9.49A of the Local Government Act, receive the report outlining the actions performed by Shire Officers under delegated authority for the months of March/April 2021.

CARRIED
F6/AO

8.1.2 MODEL CODE OF CONDUCT - ADOPTION

Date of Meeting: 27th April 2021
Location/Address: Shire of Carnarvon
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: Andrea Selvey, CEO
Declaration of Interest: Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
√	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	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 presents a draft Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) for Council to consider – the draft is attached at **Schedule 8.1.2(a)**. The officer's recommendation is that the Code of Conduct is adopted as presented, along with a specific form for complaints and to authorise complaints officers.

Background:

The Department of Local Government, Sport and Cultural Industries (DLGSC) has advised that *the Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* (collectively new Regulations) had been gazetted and took effect on 3 February 2021. New sections of the *Local Government Act 1995* (the Act) that provided for the New Regulations were proclaimed concurrently and also took effect.

Consultation:

1. Elected Members workshopped the new Model Code of Conduct on Thursday 18th March 2021.
2. WA Local Government Association (WALGA).

Statutory Environment:

This item and the officer's recommendation ensures that the Shire of Carnarvon maintains legislative compliance with the following:

- *Local Government Act (WA) 1995;*
- *Local Government (Administration) Amendment Regulations 2021; (Schedule 8.1.2(c))*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021.*

Relevant Plans and Policy:

Council adopted Policy E047 – Code of Conduct on 28th January 2020 (refer Schedule 8.2.1(b)) which sets out the current Code and incorporates the conduct of Elected Members, Committee Members, Employees and Contractors.

The Model Code of Conduct as presented in this report to Council supersedes the 2020 Code of Conduct.

Financial Implications:

There are no financial implications arising from the officer's recommendation that Council adopts the new Code of Conduct.

Risk Assessment:

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with the new legislative requirements would result in reputational damage to the Shire.		This agenda item and associated attachments aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the Code and / or process is non-compliant with the Regulations		The recommended Code and form are based on the models provided by DLGSC and therefore meet compliance requirements.
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 DLGSC produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, which is an attachment to this item. **See Schedule 8.1.2(b)**. The guidelines state that *“It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.”*

A Model Code has also been developed and the officer’s recommendation is that the Model Code is adopted as the Shire of Carnarvon’s Code of Conduct for Council Members, Committee Members and Candidates to ensure compliance with the new regulations.

The DLGSC acknowledged that there will be an implementation phase of up to three months during which time local governments must undertake a series of actions to operationalise the New Regulations. This item commences that process.

The Model Code can be amended if required at any stage, noting that local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct), but can include additional behavioural requirements in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

The Regulations require that the Local Government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints, but they do not specify who that person(s) will be. They suggest that the Complaints Officer could be:

- President
- Deputy President (especially for complaints about the President),
- Chief Executive Officer, or
- External Consultant

The officer’s recommendation is that the Shire President is the primary Complaints Officer for all complaints about Councillors and candidates in elections who become Councillors; and that the Deputy Shire President is appointed as the Complaints Officer for complaints by or about the Shire President.

This new Model Code of Conduct does not include employees and Council will need to adopt a new Code of Conduct for Employees as soon as practicable. Advice from the WA Local Government Association is that they are currently producing a template Code of Conduct for Employees which will be made available for local government authorities.

OFFICER’S RECOMMENDATION

Part One:

That Council, by Absolute Majority, pursuant to Section 5.104 of the Local Government Act (WA) 1995, resolves to adopt the Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections for the Shire of Carnarvon, attached as Schedule 8.1.2(a).

Part Two:

That Council, by Simple Majority, pursuant to the Local Government (Model Code of Conduct) Regulations 2021, resolves to:

1. Adopt the "Complaint About Alleged Breach Form" listed as Schedule 8.1.2(d).
2. Authorise the following persons to receive complaints and withdrawals of complaints about Council Members, Committee Members and Candidates for Elections that become Council Members:
 - a. The Shire President for all complaints about Council members (including the Deputy Shire President), Committee Members and Candidates for Elections that become Council Members; and
 - b. The Deputy Shire President for complaints made either by, or about, the Shire President.

FC 3/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Fullarton/Cr Nelson

That Council, by Absolute Majority, pursuant to Section 5.104 of the Local Government Act (WA) 1995, resolves to adopt the Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections for the Shire of Carnarvon, attached as Schedule 8.1.2(a).

CARRIED BY ABSOLUTE MAJORITY
F6/A0

FC 4/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to the Local Government (Model Code of Conduct) Regulations 2021, resolves to:

1. Adopt the "Complaint About Alleged Breach Form" listed as Schedule 8.1.2(d).
2. Authorise the following persons to receive complaints and withdrawals of complaints about Council Members, Committee Members and Candidates for Elections that become Council Members:
 - a. The Shire President for all complaints about Council members (including the Deputy Shire President), Committee Members and Candidates for Elections that become Council Members; and
 - b. The Deputy Shire President for complaints made either by, or about, the Shire President.

CARRIED
F6/A0

8.2 CORPORATE & COMMUNITY SERVICES

8.2.1 ACCOUNTS FOR PAYMENT MARCH 2021

File No:	ADM0186
Date of Meeting:	27 th April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Vika Nafetalai – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

N/A

Background:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

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

Financial Implications:

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

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed, and supported 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

ITEM	OUTCOMES AND STRATEGIES
5.4.4	Financial transactions are accurate and timely

Comments:

N/A

OFFICER'S RECOMMENDATION

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$917,787.22 as presented for the month of March 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38487.1	DD38528.1	Bank Direct	\$56,314.85
-	-	Muni Cheques	\$0
-	-	Trust Cheques	\$0
EFT32559	EFT32616	Muni EFT	\$ 858,360.52
EFT32664	EFT32784		
EFT32787	EFT32813		
EFT32659	EFT32663	Trust EFT	\$ 3,111.85
EFT32785	EFT32786		
<i>Total</i>			<i>\$917,787.22</i>

- b) Note Sundry Creditors as of 31ST March 2021 \$521,577.00, however \$456,808.90 of payments were made on 15/04/2021.

FC 5/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$917,787.22 as presented for the month of March 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38487.1	DD38528.1	Bank Direct	\$56,314.85
-	-	Muni Cheques	\$0
-	-	Trust Cheques	\$0
EFT32559	EFT32616	Muni EFT	\$ 858,360.52
EFT32664	EFT32784		
EFT32787	EFT32813		
EFT32659	EFT32663	Trust EFT	\$ 3,111.85
EFT32785	EFT32786		
<i>Total</i>			<i>\$917,787.22</i>

- b) Note Sundry Creditors as of 31ST March 2021 \$521,577.00, however \$456,808.90 of payments were made on 15/04/2021.

CARRIED
F6/A0

Date of Meeting:	27th April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen A/ Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Summary of Item:

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

Description of Proposal:

That Council receives the Financial Activity Statement for the period ending 31 March 2021.

Background:

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

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

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

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

Community & Strategic Objectives:

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

Comment:

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

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

OFFICER'S RECOMMENDATION

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 31 March 2021 as per Schedule 8.2.2.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION*Cr Vandeleur/Cr Fullarton*

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 31 March 2021 as per Schedule 8.2.2.

CARRIED
F6/AO

8.2.3**INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2021/2022**

Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen – Acting Manager of Finance
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

As part of the 2021/2022 budget process, the Council is required to endorse the proposed differential rates for properties valued on an unimproved basis. The proposed differential rates presented here represent an holistic approach to setting rates where rates are levied that reflect associated costs of providing infrastructure and services to the various ratepayers. Differential rates have been applied to three groups of unimproved properties and range from 1.5759 cents in the dollar of valuation, to 24.512 cents in the dollar of valuation.

Description of Proposal:

It is proposed to levy the following differential rates for properties classed as unimproved:

	Rate in \$	Minimum Rate
UV Mining	24.512	\$400
UV Pastoral	6.00	\$1158.58
UV Intensive Horticultural	1.5759	\$1158.58

The objective of imposing differential rates is to ensure equity across different land uses, especially where values can vary greatly from properties close to townsites and those in more remote areas of the Shire. The ability of Council to apply a different rate in the dollar ensures that all properties make a fair contribution to the required revenue of the Shire.

Applying differential rates can also be used, should Council wish to offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations, however there have not been any mass revaluations during the 2021 year.

The proposed differential rates contained in this report are set to maintain the relative contributions to general rate revenue for each differential category as applied in 2021/2022.

Background:

The purpose of levying rates is to meet Council's budget requirements in each financial year and enables Council to raise the revenue necessary to provide facilities, infrastructure and services to the entire community and visitors of the Shire of Carnarvon. The rates levied on properties are determined by applying

the rate in the dollar to the applicable valuation amount of the properties within the district, and if applicable, applying a minimum rate where considered appropriate. The Shire applies a minimum rate to each rating category in accordance with S6.35 of the Act, to ensure that properties with a low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire services. The method of land valuation (GRV or UV) is determined by the Minister for Local Government, Sports and Cultural Industries (the Minister) with individual valuations being provided to the Shire by the Valuer Generals Office (VGO) as part of Landgate.

The power to set differential rates is contained in the Local Government Act 1995 section 6.33 (1) which provides the ability to differentially rate properties based land characteristics, an excerpt of the act is shown under the Statutory Environment later in this document.

The Department of Local Government, Sports and Cultural Industries (the Department) requires that Council endorse not only the imposition of differential rates, but also the objects and reasons for the imposition of differential rating. The application of differential rates and minimum payments to properties within the Shire maintains equity in the rating of properties.

This report has been prepared to:

1. Present the proposed 2021/2022 Differential Rates Model that will reflect the rate in the dollar and minimum rate for each unimproved rating category
2. Present the Objectives and Reasons to support the imposition of the proposed 2021/2022 Differential Rates
3. Present the required public notice for approval which may be advertised for at least 21 days from 1st May 2021.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.3 and 6.35

Relevant Plans and Policy:

Corporate Business Plan 2018 – 2022

Strategic Community Plan 2018

Financial Implications:

The proposed differential rates and minimum payments for the 2021/2022 financial year will raise approximately \$985,222 being 16.36% of total rates.

Adoption of the proposal will see a differential rate, which may alter after advertising and seeking submissions from the electorate. Following consideration of the submissions from the electorate, a request will be sent to the Minister to seek approval for the differential. The actual rate applied will be the differential rates applied for and approved by the Ministerial delegation, unless a variation is approved by the Minister, (the interpretation of this latter part was missed in prior years). This is to comply with the Local Government Act 1995 Section 6.33(3):

Risk Assessment:

The author identifies 2 potential risks –

1. The risk that the Minister may not approve the differential rate which would result in delays to the adoption of the annual budget as new rates would need to be prepared to meet the needs of the budget. However, Department of Local Government and Communities Rating Policy has been followed which somewhat mitigates the risk.

2. The second risk identified is if Council do not adopt the proposed differential and general minimum rates it could result in the Shire being in breach of the Act. However, Councillors have been engaged in the rates modelling as presented.

The legislation states that Council must give sufficient notice to the public advising of the intention to impose differential rates and invite submissions from any ratepayers or electors in respect to the proposal.

As noted earlier in this report, the time allowed for the submissions to be made is 21 days and after this period expires, Council are then required to write to the Department requesting Ministerial approval to impose the proposed rates. This process needs to be carried out prior to the adoption of the 2021/2022 Annual Budget.

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:

The legislative requirements surrounding the imposition of Differential Rates impose a considerable time factor as the steps following the endorsement of the differential rate are as follows:

- Advertise the proposed differential rates which is 21 days
- Consideration of any submissions received and determine the final differential rates
- Seek Ministerial approval which may be up to 21 days.

As noted above, all this needs to be completed at a time before the adoption of Council's budget for the next financial year; hence the reason the differential rates are based upon estimations using:

- the previous year valuations
- estimated UV increase or not as the case may be, for the next year; and
- estimated rate revenue increases for the next year based on the adopted Corporate Business Plan or other Council approved factors.

An overall increase of 8 percent was applied to the 2018/19 rates yield and a further increase of 6 percent was applied in 2019/20, no increase was levied for the 2020/21 financial year due to COVID relief. These rate increases were identified through Council's major strategic review undertaken in 2018 and was driven by Council's commitment to deliver on services and projects that have been recognised as key community priorities in both the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

If any submissions are received, Council must consider the submissions prior to seeking Ministerial approval and prior to formally adopting the differential rates and minimum payments as part of the annual budget process.

OFFICER'S RECOMMENDATION

1. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2021/2022 land parcels that have unimproved valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
UV Mining	24.512	400.00
UV Pastoral	6.000	1158.58
UV Intensive Horticulture	1.5759	1158.58

2. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and
3. That Council adopt the Objectives and Reasons of the Differential Rates relating to UV Mining, UV Pastoral and UV Intensive Horticulture as outlined in the attached Schedule 8.2.8(b)
4. That Council consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.

FC 7/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Vandeleur

1. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2021/2022 land parcels that have unimproved valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
UV Mining	24.512	400.00
UV Pastoral	6.000	1158.58
UV Intensive Horticulture	1.5759	1158.58

2. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and
3. That Council adopt the Objectives and Reasons of the Differential Rates relating to UV Mining, UV Pastoral and UV Intensive Horticulture as outlined in the attached Schedule 8.2.8(b)
4. That Council consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.

AMENDMENT TO MOTION FC 7/4/21

FC 8/4/21

COUNCIL RESOLUTION

Cr Fullarton

That the Minimum Rate\$ for UV Mining be amended to 1158.58.

There was no seconder to the proposed amendment and the original motion stands.

Motion FC 7/4/21 was put.
CARRIED BY ABSOLUTE MAJORITY

F6/A0

Date of Meeting:	27 April 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Jennifer MacKellin – Executive Manager Corporate & Community Services
Declaration of Interest:	N/A
Voting Requirements:	Simple Majority

Summary of Item:

To inform Council of a transfer of funds from the Reserve account to the Municipal account, for a purpose other than that intended and to advise Council that this transfer was later reversed.

Background:

On 21 September 2020, two transfers were made from the Shire of Carnarvon Reserves account to the Shire of Carnarvon Municipal account by Shire officers. These transactions were not compliant with the requirements of the Local Government Act (WA) 1995, which require a resolution of Council, by Absolute Majority, to utilise reserve funds.

The non-compliant transfer was identified through a review process in December. Documentation in relation to the transfer was obtained and the Acting CEO was advised of what had occurred. The Acting CEO directed that the transfer be reversed, which occurred on 11 December 2020.

Consultation:

Consultation has occurred with relevant staff.

Statutory Environment:

The Local Government Act, Section 6.11(2), states:

(2) Subject to subsection (3), before a local government –

(a) changes the purpose of a reserve account; or*

(b) uses the money in a reserve account for another purpose,*

It must give one month's local public notice of the proposed change of purpose or proposed use.

**Absolute majority required.*

It is identified that the transfer between the Reserve account and Municipal account did not follow this process.

Relevant Plans and Policy:

Nil

Financial Implications:

The transfers were as follows:

- 21/09/2020 Transfer Reserve to Muni \$450,000
- 21/09/2020 Transfer Reserve to Muni \$750,000
- 11/12/2020 Transfer Muni to Reserve \$1,200,000

There are no direct financial implications as the funds were returned to the Reserve account.

Risk Assessment:

Financial – the potential for funds to be used for other purpose other than that intended.

Reputational – it may be perceived that there was a lack of due process and understanding of robust financial management. However, this report aims to improve transparency and accountability which should have a positive impact on the Shire’s reputation.

Compliance – these transfers were not compliant with legislative requirements and are likely to be noted by the Shire’s External Auditor in the audit of the 2021/22 Audit. Staff have been informed and this will not occur again.

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

5.2	The Shire has a high standard of governance and accountability
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Comment:

This funds transfer occurred in September 2020 and was reversed in December 2020. The matter is brought to the attention of Council in the interest of transparency and accountability. It is likely the Shire’s External Auditors will note this matter in the 2021/22 Audit report. Shire staff are now better informed of statutory requirements in relation to the management of reserve funds and use of the Reserve Account. Non-compliant transfers will not occur again.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 6.11(2) resolves to:

- 1. Receive the report from the Executive Manager Corporate & Community Services that:
A transfer of funds occurred from the Reserve account to the Municipal account on 21 September 2020 as follows:*
 - 21/09/2020 Transfer Reserve to Muni \$450,000*
 - 21/09/2020 Transfer Reserve to Muni \$750,000*
- 2. Note that the transfers were transacted without following the requirements of the Local Government Act (WA) 1995.*
- 3. Note that these errors were rectified with funds returned to the Reserve Account as follows:*
 - 11/12/2020 Transfer Muni to Reserve \$1,200,000*

FC 9/4/21

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

Cr Vandeleur/Cr Fullarton

That Council, by Simple Majority, pursuant to Section 6.11(2) resolves to:

- 1. Receive the report from the Executive Manager Corporate & Community Services that:
A transfer of funds occurred from the Reserve account to the Municipal account on 21 September 2020 as follows:*
 - 21/09/2020 Transfer Reserve to Muni \$450,000*
 - 21/09/2020 Transfer Reserve to Muni \$750,000*
- 2. Note that the transfers were transacted without following the requirements of the Local Government Act (WA) 1995.*
- 3. Note that these errors were rectified with funds returned to the Reserve Account as follows:*
 - 11/12/2020 Transfer Muni to Reserve \$1,200,000*

CARRIED
F6/A0

Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Acting Manager of Finance
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

This report presents a review of the 2020/2021 Budget as required by regulation and seeks variation to the allocation of funds where considered necessary for operational purposes.

Description of Proposal:

The report reviews the performance of income and expenditure and the proposed transfers to Reserves for the current fiscal year, and presents adjustments to accommodate the operations of the Shire up to 30th June 2021.

Background:

The Local Government Act and Regulations require a local government to review its annual budget between 1 January and 31 March in each year. The Local Government Authority may choose any date within the indicated 3 month period to be the review date. The review date used in this instance is 31st March 2021. The reviewed budget must be adopted by Council within 30 days of the review date and then forwarded to the Minister within a further 30 days.

The Budget Variation document (*Schedule 8.2.5 Statutory Budget Review Variations Report*) has been considered by all senior staff in the Shire to ensure its contents are agreed upon and validated.

During the budget review process, there were a number of amendments identified. These budget variations have been listed in the attached schedule, and are to accommodate unforeseen situations that have arisen, grant variations and new grants received, reallocation of works and services, change to opening brought forward surplus etc., since the Original Budget was adopted. A major impact to the budget was from a brought forward deficiency from the previous year highlighted during the Audit of the Annual Financial Statements and a new change to Accounting Standards which was not fully understood when the 2021 budget was prepared last year.

Consultation:

As is mentioned in the detail above under the "Background" section of this report, consultation was sought between the Finance team and all senior staff through the annual statutory budget review process.

Statutory Environment:

It is a legislative requirement for Council to review its annual Budget between 1 January and 31 March under the *Local Government Act, 1995* and subsidiary *Local Government (Financial Management) Regulations, 1996*. Regulation 33A of the *Local Government (Financial Management) Regulations 1996* state:

33A Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.

- (3) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
* Absolute Majority required
- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.
- (5)

Relevant Plans and Policy:

Corporate Business Plan 2018 – 2022

Financial Implications:

As part of finalising the calculations for the 2020/2021 Annual Budget and the Corporate Business Plan, it was anticipated that Council will have a surplus at the end of this current financial year. To maintain this position or at a minimum not be in a deficit position at the 30th June 2021, it is important to undertake a thorough review of our current budget to date and address any changes to our current work programs, our core business delivery in the provision of services and ongoing projects - these changes will result in a variation to our budget for the remainder of the financial year and may impact our carried forward balance going into the next financial year.

Risk Assessment:

Should the Council not adopt the proposed variations there is risk of over expenditure occurring on some line items in the Budget, and/or a deficiency in funds to complete specific projects or tasks.

Community & Strategic Objectives:

The proposed recommendation aligns with the Strategic Community Plan 2018 – 2028 in the following ways:

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
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

In addition to the statutory budget review, the Shire must address the variation between the anticipated surplus and the actual surplus determined at the completion of Council’s 2019/2020 audit. It must be noted however that the Audit is yet to be finalised by the Office of the Auditor General.

Council had estimated a surplus of \$5,152,400 as stated in the 2020/2021 annual budget. However, upon completion of Council’s end of year financial statement which are at this time being Audited, the actual surplus to Council was \$4,590,571 (this figure may still change up until the Audit if finalised). This has resulted in a decrease of \$561,829.2 to the closing financial balance for the 2019/20 financial year. This occurs because estimates are made for the opening balance at budget time whilst processes for the end of the prior year are still being undertaken and the figures would yet to be audited. The opening surplus decline in the 2020/21 budget is addressed in the Budget Review by restricting further spending where funds to be used were Council own source funds, not any grant funded projects.

A further major amendment to the 2020/21 adopted budget has resulted from a change to movement in contract liabilities which was a new Accounting Standard AASB 16 Leases, and stated in the adopted budget as \$399,695 whereas a thorough review revealed the amount to be -\$1,575,109. Once again further restrictions were made to the budgeted expenditure where own source funds were being used, and a major

change was made to the anticipated transfers to reserves. Transfers to reserves that were originally budgeted to be \$1,360,181, have been amended down to \$187,584, keeping the reserve transfers identified as being the most important. These transfers are identified at Note 3 in Schedule 8.2.5 Statutory Budget Review Report.

During the budget review process, Executive staff were advised that they would need to identify cost savings in our accounts in the form of decreasing expenditure or increasing our revenue to make up for the changes to the opening surplus and movement in contract liabilities. This has been achieved and is reflected in the attached financial statements.

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopt the 2020/2021 budget review for the period ending 31 March 2021 and the budget variations as listed in Schedule 8.2.5 Statutory Budget Review Variations to this report.
2. Forward a copy of the statutory budget review to the Department of Local Government after adoption within 30 days.

FC 10/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

That Council:

1. Pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopt the 2020/2021 budget review for the period ending 31 March 2021 and the budget variations as listed in Schedule 8.2.5 Statutory Budget Review Variations to this report.
2. Forward a copy of the statutory budget review to the Department of Local Government after adoption within 30 days.

CARRIED BY ABSOLUTE MAJORITY
F6/A0

8.2.6 DONATIONS TO LORD MAYOR'S DISTRESS RELIEF FUND – CYCLONE SEROJA

Date of Meeting	27 April 2021
Location/Address	Shire of Carnarvon
Name of Applicant	Shire of Carnarvon
Name of Owner	Shire of Carnarvon
Author/s	Jenny MacKellin, Executive Manager Corporate & Community
Declaration of Interest	Nil
Voting Requirements	Absolute Majority

Authority / Discretion

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

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

Summary of Item:

A request has been made for the Shire of Carnarvon to contribute \$3000 to the Lord Mayor's Distress Relief Fund (LMDRF), to assist victims of the Tropical Cyclone Seroja. The officer's recommendation is to support this donation.

As there is no approved expenditure budget, a donation would require a resolution of Council by Absolute Majority.

Background:

Tropical Cyclone Seroja destroyed homes, community buildings and businesses, when it made landfall as a Category Three cyclone on Sunday 11 April. The LMDRF was activated in response to this significant event, to raise and coordinate monetary donations to financially support the community affected by the cyclone.

The LMDRF will reach out to Local Governments in the affected areas, to get forms out to those needing assistance. Working with the Local Governments and the State Recovery Coordinator, the LMDRF will ensure money is disbursed directly to those who need it.

All administration costs are absorbed by the City of Perth to enable 100 percent of funds raised to the intended recipients. The Shire of Carnarvon has previously received assistance in the past following significant events in the area, such as the floods in 2010.

Consultation:

Shire of Carnarvon President and CEO

Statutory Environment:

The Local Government Act 1995 – Section 6.8 (1) (b) states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

Relevant Plans and Policy:

Corporate Business Plan 2018 – 2022

Financial Implications:

COA02J2 Community Growth Funds has a remaining balance of \$28,006 after deducting approved applications still to be paid. The final round of applications, for this financial year, close on 30 May 2020.

Risk Assessment:

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Insufficient funds for grant applications received in May 2021	Low	Staff to monitor applications and advise CEO if there is a concern that there will be insufficient funds.

Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Approval required under the Act as this donation was not budgeted for.	Low	Council approval of this expenditure will provide compliance with the Act.
Property	N/A		
Environment	N/A		
Fraud	N/A		

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:

This donation is recommended as a demonstration of support for those affected by Tropical Cyclone Seroja.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Section 6.8(1)(b) of the Local Government Act, resolves to authorise a donation of \$3000 from COA 02J2 Community Growth Funds to the Lord Mayor's Distress Relief Fund in support of those affected by Tropical Cyclone Seroja.

FC 11/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 6.8(1)(b) of the Local Government Act, resolves to authorise a donation of \$3000 from COA 02J2 Community Growth Funds to the Lord Mayor's Distress Relief Fund in support of those affected by Tropical Cyclone Seroja.

CARRIED BY ABSOLUTE MAJORITY

F6/A0

Date of Meeting:	27 th April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Gascoyne Arts Society
Name of Owner:	Shire of Carnarvon
Author/s:	Jennifer MacKellin, Executive Manager Corporate & Community Services
Declaration of Interest:	Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
√	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	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 presents to Council a request for a discount of fees for the hire of the Woolshed, by Gascoyne Arts Society, from \$3,794 to \$1,500. The officer's recommendation is that this discount of fees is adopted as presented.

Background:

The Community Growth Fund Committee, through its delegated authority, approved a grant of \$10,000 to the Gascoyne Arts Society (the Society) at its meeting in March 2021. The grant was provided in accordance with Policy C025 Community Growth Funds.

The purpose of this grant is for the Society to provide an Annual Art Show in Carnarvon. The first one is to be held at the Woolshed in October 2021. The Society has requested access to the Woolshed from 18th to 31st October inclusive. It is the intention of Policy C025 to preclude grant recipients from requesting further financial or in-kind assistance. Grant recipients are required to use their grant to pay fees and charges as set by Council.

However, it is evident that the fees and charges would be a prohibitive cost for the Society to hold this event in the Woolshed. The Woolshed is the preferred venue due to the it being centrally located, easily accessible for residents and for tourists, and the building meeting the requirements for the event.

The applicable Shire of Carnarvon Fees and Charges for the hire of the Woolshed are:

Woolshed Hire – Not for Profit – Hourly Rate	\$57.50
Woolshed Hire – Eight Hours (full day rate) – Not for Profit	\$359
Woolshed Hire – Fourteen Hours – Not for Profit	\$572.50

Fourteen hours is considered a two-day hire.

The Society has indicated that they would require 13 days hire, of which four days would be bump in/out days.

The cost to the Society would be:

\$572.50 x 6 = \$3,435
 \$359 x 1 = \$ 359
 \$3,794

Shire staff have been working closely with the Society, demonstrating a partnership between the two parties. The officer's recommendation for a fee discount supports this partnership and to activate The Woolshed with an activity that can be enjoyed by residents and add to the tourism product for visitors.

The budget provided by the Society the following budget:

Income			
Shire of Carnarvon		\$10,000	
GDC Grant		\$ 500	
Gascoyne Arts Society		\$8,920	
Business Sponsors		\$8,900	
Entry fees for exhibitors		\$4,500	
Entrance fee to Opening		\$1,800	
Total Income		\$34,620	
Expenses			
Prize money	\$19,400		
Accounting Fees	\$500		
Advertising & Marketing	\$ 2,000		
ABC Karratha	In Kind		
Social Media	\$0		
Computer Expenses	\$120		
Stationery	\$200		
Insurance	\$ 500		Handling of art
Public Liability Insurance	\$ 1,200		
Judges (x2)	\$4,000		Airfares & Accom.
Casual staff	\$1,400		
Venue Hire	\$1,000		Woolshed
Cleaning	\$1,800		
Equipment hire	\$800		
Covid-19 requirements	\$200		
Photographer	\$300		
Printing	\$1,200		
Total Expenses	\$34,620		

Consultation:

Gascoyne Arts Society
 Shire staff

Statutory Environment:

S6.12 Local Government Act (WA) 1995 requires an Absolute Majority decision of Council to defer, grant discounts, waive or write off debts.

Relevant Plans and Policy:

Shire of Carnarvon Community Growth Fund Policy C025

Shire of Carnarvon Strategic Community Plan 2018-2028

Financial Implications:

The proposal to reduce the Fees and Charges would be a loss of potential income \$2,294.

This is considered a benefit to the community as it would enable the Society to locally procure more goods and services for the event.

Risk Assessment:

Risk Category	Description	Mitigating Action/s
Financial	Lost revenue of \$2,294.	The amount can be accommodated with the current budget allocation for supporting the Community in the Community Growth Fund.
Health & Safety	N/A	
Reputation	There is a risk of setting a precedent that may not be afforded to others.	Other organisations within the Shire currently receive discounts, contributions, grants and in-kind services. Recording of these is to be improved by the Shire to demonstrate an equitable process.
Service disruption	N/A	
Compliance	Fees & Charges can only be discounted by Council	This report serves to ensure compliance.
Property	N/A	
Environment	N/A	
Fraud	N/A	

Community & Strategic Objectives:**Goal 1: Economic**

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

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

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

3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants
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Goal 5: Civic

Strong and listening Council.

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

The Shire is pleased to have the opportunity to partner with Gascoyne Arts Society to provide an Annual Art Show for the region. This event will draw artists and visitors from throughout the Gascoyne, with interest from artists in other parts of the Western Australia already identified. The event will provide an economic and social benefit to the community, over a period of approximately two weeks in October.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Section 6.12 of the Local Government Act (WA) 1995, resolves to provide a discount of fees and charges for the Gascoyne Arts Society for the hire of the Woolshed for the period 18th October to 31st October 2021.

FORESHADOWED MOTION

Cr Maslen

That the matter lay on the table to the May Ordinary Meeting of Council to allow time for Council Officers to further discuss the application with the Society in regard to their application.

FC 12/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Nelson/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 6.12 of the Local Government Act (WA) 1995, resolves to provide a discount of fees and charges for the Gascoyne Arts Society for the hire of the Woolshed for the period 18th October to 31st October 2021,

LOST
F0/A6

The Foreshadowed Motion then became the Substantive Motion and was put.

FC 13/4/21

COUNCIL RESOLUTION

Cr Maslen/Cr Nelson

That the matter lay on the table to the May 2021 Ordinary Meeting of Council to allow time for Council Officers to further discuss the application with the Society in regard to their application.

LOST
F2/A4

8.3 DEVELOPMENT SERVICES

8.3.1 2021 COMMUNITY STEWARDSHIP GRANTS CARNARVON TOWNSITE MESQUITE PROJECT

File No: ADM1969 & ADM1836
 Date of Meeting: 27 April 2021
 Location/Address: Shire of Carnarvon
 Name of Applicant: N/A
 Name of Owner: Shire of Carnarvon
 Author/s: David Perry, Executive Manager Development Services
 Declaration of Interest: N/A

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
√	Quasi-Judicial	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	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 presents a request for a co-contribution toward the Carnarvon Rangelands Biosecurity Association Inc.’s application for the Natural Resource Management (NRM) Community Stewardship Grant – Carnarvon Mesquite Control Program, to the value of \$79,000 over 2 financial year periods of 2021/22 to 2022/23 financial years.



FIGURE 1 Mesquite – flower, seed pod, thorn, tree and seedling

Background:

Mesquite has been present across the region for many decades and has spread rapidly along the Gascoyne River and flood plains surrounding the Carnarvon townsite. Whilst sporadic control programs have been undertaken over the past 50 years, seed set continues to be the biggest issue preventing management or even eradication. The project aims to have broad range control across the northern portion of the Gascoyne River, including the historical Bibbarwarra Bore and northern Gascoyne Riverbank which borders’ horticultural properties in this area. Follow up treatments of southern portion of the Gascoyne River and catchment will be included to prevent seed set from this previously controlled area taking hold. *Refer Map

This project will run over two years 2021/22 and 2022/23.

- Grant funds requested \$429,086
- Total Estimated Project Cost \$566,834
- Requested Co-contribution from Shire of Carnarvon \$79,000

Summary for each year.

- Department of Biosecurity Conservation and Attractions - \$30,000 – this value will need confirming but they are supportive (and have already planned for) a contractor to clear grid lines to make it easier to access the mesquite infestation in and around the old abattoir. (they provided a significant contribution to the project last year for work undertaken on UCL also).
- Carnarvon Rangelands Biosecurity Association Inc. - \$23,000 – this is the provision of some of the chemicals required to undertake the project, equipment for monitoring and data collection. There is also significant time being utilised in the project preparation and submission.
- Department of Primary Industries and Regional Development - \$5,000 – this will likely end up higher once project numbers are forwarded. Biosecurity Officer to monitor/review the work undertaken in the region. (DPIRD contributed \$80,000 to the project last year).



Consultation:

The Carnarvon Rangelands Biosecurity Association Inc. has consulted with key stakeholders and will work with them and a highly experienced local contractor to undertake extensive control across the known problem areas *refer map. These activities will include: - management of seed set (following up of 2020 program), - initial control of infestations on northern Unallocated Crown Land (UCL) including north Gascoyne Riverbank, River islands, Bibbarwarra Bore and land boarding One-Tree nature reserve, - follow up treatments around creeks and southern flood plains.

Statutory Environment:

- Biosecurity and Agriculture Management Act 2007 – Division 5 Management Plans

Relevant Plans and Policy:

Nil

Financial Implications:

It is proposed that the Shire of Carnarvon will contribute one person per year for 40 days spraying (based on \$500/day = \$40,000) and 10,000 litres of diesel for mixing with the chemicals (based on a price of \$1.95/litre - \$39,000). Total over the two-year period is \$79,000

The project should see everything that is currently unsprayed covered with follow up from the work that has been undertaken in the last project.

Risk Assessment:

The main risks to the Council and community are:

Economic:

- Reduced pasture and loss of production
- Increased financial costs due to loss of production
- Increased medical and veterinary costs for the treatment of injuries caused by mesquite thorns.

Environmental:

- Loss of soil moisture due to mesquite’s extensive and deep root system
- Increased aquifers draw by tap roots
- Damage to environmentally sensitive areas, especially water courses

Social:

- Restrict access on culturally significant sites within the landscape.
- Tourism adversely affected with few people wishing to camp and recreate in areas dominated by thorny mesquite stands.

If uncontrolled, the plant has the ability to continually spread at an increasingly rapid rate.

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.1	Local business growth
1.1.2	Work with the agriculture, aquaculture and fishing industries to improve their viability and profile

Objective 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

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants

Objective 5: Civic

Strong and listening Council.

5.1	A well engaged and informed community and a high standard of customer service
5.1.2	The community is engaged in planning for the future and other matters that affect them

Comment:

Whilst the Carnarvon Rangelands Biosecurity Association Inc. is not responsible for biosecurity within the townsite, joint efforts in the management of this invasive species will be a community investment for the future.

OFFICER'S RECOMMENDATION 1

That Council by Absolute Majority, support in principle the submission of the application by the Carnarvon Rangeway Biosecurity Association Inc. under the Community Stewardship Grant and assess financial support according to budgeting requirements.

OFFICER'S RECOMMENDATION 2

That Council by Simple Majority, on approval of support in principle, direct the Chief Executive Officer to submit a letter of support for the grant application.

FC 14/4/21

COUNCIL RESOLUTION

Cr Nelson/Cr Fullarton

Part One:

That Council by Simple Majority, support in principle the submission of the application by the Carnarvon Rangeway Biosecurity Association Inc. under the Community Stewardship Grant and assess financial support according to budgeting requirements, noting that Council's support is subject to the grant addressing Clause 4.2 in the Project Closure Report dated 12 November 2020.

CARRIED
F6/A0

FC 15/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Nelson/Cr Fullarton

That Council by Simple Majority, on approval of support in principle, direct the Chief Executive Officer to submit a letter of support for the grant application.

CARRIED
F6/AO

8.4 INFRASTRUCTURE SERVICES

No Report for April 2021

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The following Notice of Motion was submitted by Cr Fullarton -

9.1 CORNISH STREET – SEALING

Cr Fullarton

That the Shire of Carnarvon cause action to be taken to commence the process and planning to seal the road known as Cornish Street up to, but not including, the Carnarvon Golf Club carpark.

Officer's Comment

The road in question is 790m in length. Preliminary cost estimates to construct this piece of road to a standard that would allow it to be able to be sealed and then to actually seal it is likely to be in the vicinity of approximately \$500K. It is also important to note that there is no road reserve for the majority of that length. If the road was constructed without securing tenure it would be constructed on Racecourse land which is a State Reserve with a Management order directly to the Carnarvon Race Club – i.e. the Shire does not have any tenure arrangement. Therefore, the Shire would need do a survey at a cost of approx. \$5K and possibly address native title issues. Officers would recommend that it is important for Council, when deliberating on this matter, to consider the resource implications of this request in the context of the demand on resource for the entire road network.

FC 16/4/21

COUNCIL RESOLUTION

Cr Fullarton/Cr Nelson

That the Shire of Carnarvon cause action to be taken to commence the process and planning to seal the road known as Cornish Street up to, but not including, the Carnarvon Golf Club carpark.

CARRIED
F6/AO

9.2 MEMORANDUM OF UNDERSTANDING – PROVINCE RESOURCES

1.53pm – Cr Fullarton declared a Financial Interest in this matter as his wife owns shares in the company. Cr Fullarton left the meeting and did not participate or vote on the matter.

FC 17/4/21

COUNCIL RESOLUTION

Cr Smith/Cr Maslen

That Council, by Simple Majority, pursuant to S3.18 of the Local Government Act (WA) 1995, resolves to:

- 1. Direct the Chief Executive Officer to develop a Memorandum of Understanding (MoU) between the Shire of Carnarvon and Province Resources that articulates the following:
 - a. an in-principle commitment to working together and the Shire's support for Province Resources plans to develop green energy and hydrogen production plants;*
 - b. Shire support for Province Resources to approach the State Government for the use of unallocated crown land, including the potential use of a portion of the North Common and/or the South Common areas of Carnarvon for this purpose;*
 - c. That all necessary and proper legislative processes will be followed by the Shire and Province Resources.**
- 2. Noting the urgency of the matter, authorise the Shire President and CEO to execute the MoU on behalf of the Shire.*

CARRIED
F5/A0

1.56pm – Cr Fullarton returned to the meeting and was advised of Council's decision.

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

Nil

11.0 DATE OF NEXT MEETING

11.1 The next meeting will be held on Tuesday 25th May 2021 in Coral Bay

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

FC 18/4/21

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be closed to members of 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
F6/A0

12.1 BACK RATES – A442

Date of Meeting:	27 April 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	A442
Author/s:	Dallas Wood Harris-Rates Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to the Local Government Act 1995 Section 6.26(2)(d) resolves to advise the Uniting Church in Australia Property Trust WA that, in relation to rate assessment A442, Council is not prepared to write off the outstanding Back Rates for the five-year period from 2016/17 to 2020/21 and payment is required by 30 June 2021 or, that they enter into Payment Arrangement Agreement that is acceptable to the Shire.

FC 19/4/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Nelson

That Council, by Simple Majority, pursuant to the Local Government Act 1995 Section 6.26(2)(d) resolves to advise the Uniting Church in Australia Property Trust WA that, in relation to rate assessment A442, Council is not prepared to write off the outstanding Back Rates for the five-year period from 2016/17 to 2020/21 and payment is required by 30 June 2021 or, that they enter into Payment Arrangement Agreement that is acceptable to the Shire.

CARRIED
F6/A0

FC 20/4/21

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting be reopened to the public at 2.02pm.

CARRIED
F6/A0

13.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.02pm