

SHIRE OF CARNARVON

AGENDA

COUNCIL MEETING
TUESDAY 27 JULY 2021

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

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon Ordinary Council Meeting

will be held
on Tuesday 27 July 2021
in Council Chambers, Stuart Street Carnarvon
commencing at 1.00pm

Andrea Selvey
CHIEF EXECUTIVE OFFICER

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.

AGENDA

1.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

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

2.0 DECLARATIONS OF INTEREST

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

3.0 PUBLIC QUESTION TIME

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

3.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

3.2 PUBLIC QUESTION TIME

4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

5.0 CONFIRMATION & RECEIVING OF MINUTES

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5.2 Minutes – Special Meeting of Council – 12 July 2021

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8.0 DEPARTMENTAL REPORTS

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9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11.0 DATE OF NEXT MEETING

- 11.1 Next meeting of Council will be held on Tuesday 24 August 2021 commencing at 1.00pm

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

13.0 CLOSURE

8.1.1**ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JUNE/JULY 2021**

File No: ADM0043
 Date of Meeting: 27 July 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

Summary of Item:

To report back to Council actions performed under delegated authority for the months of June and July 2021.

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.
X	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

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:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood	Almost certain A	High	High	Extreme	Extreme	Extreme
	Likely B	Moderate	High	High	Extreme	Extreme
	Possible C	Low	Moderate	High	Extreme	Extreme
	Unlikely D	Low	Low	Moderate	High	Extreme
	Rare E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (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

ITEM	OUTCOMES AND STRATEGIES
	regulations

Comment:

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

ENVIRONMENTAL HEALTH

Food

Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
17/06/2021	HFO20/013	New food business registration- Road to Foam-16 Craggs Court, Brown Range WA 6701 (previously M&M Plumb)	Michael Plumb	n/a

PLANNING & DEVELOPMENT

MINING ACT 1978 - SECTION 41, 58, 70C, 74, 86,91, Reg 64 Local Government Recommendation on Mining Tenements					
File Ref:	DMP Ref:	Subject Land	Purpose	Proponent	Advice Sent
Nil	09/2528	Edaggee	Exploration Licence	Province Resources	14 June 2021
Nil	09/2529	Boolathana	Exploration Licence	Province Resources	14 June 2021
Nil	Nil	Nil	Nil	Nil	Nil

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B20/160	JOHN & ANASTASIA DURMANICH	LOT 37 (175) NORTH RIVER ROAD, NORTH PLANTATIONS	RELOCATED ACCOMMODATION UNIT
B21/016	PETER BARRETT CORPORATION PTY LTD	LOT 1002 (34) DAVID BRAND DR, BROCKMAN	SOLAR PANELS LOCATED ON AN EXISTING ROOF
B21/022	DARRYL JOHN LEESON & GLENYS CHRISTINE LEESON	LOT 7 (153) WILLIAM ST, EAST CARNARVON	SHED AND STABLES
B21/024	TONY YOUNG	LOT 81 (34) MARMION STREET, EAST CARNARVON	SHED & CARPORT
B21/027	ZELKO BORICH	LOT 15 (23) NORTH RIVER RD, NORTH PLANTATIONS	REMOVAL OF ASBESTOS ROOF CLADDING AND REPLACING WITH METAL SHEET CLADDING ON DWELLING
B21/028	KATHRYN MARGARET FORBES & WAYNE ANTHONY CROUCH	LOT 731 (66) WHITLOCK ST, SOUTH CARNARVON	REMOVAL OF ASBESTOS ROOF CLADDING AND REPLACE WITH METAL ROOF CLADDING ON DWELLING

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/029	MANUEL MARCELINO DECANHA & MARIA DORES SEGREDO DALUZ PERRY	LOT 203 (12) LUKIS PL, MORGANTOWN	FREESTANDING STEEL FRAMED CARPORT
B21/031	T/A CARNARVON MOTEL WA PETER BARRETT CORPORATION PTY LTD	LOT 89 (93) DAVID BRAND DR, BROCKMAN	FENCE AND SLIDING GATE
B21/032	MICHAEL ARDUINO TOROSI	LOT 893 (59) HUBBLE ST, SOUTH CARNARVON	SHED
B21/033	JAYTAH PTY LTD	LOT 26 (26) SAILFISH DRIVE, CORAL BAY	REMOVAL OF DWELLING & DEMOLITION OF ALL SURROUNDING STRUCTURES ON LOT
B21/034	SHANE MICHAEL SUMMERFIELD & AN RAMON	LOT 609 (2) YARDI QUAYS, BROCKMAN	FENCE
B21/037	BENEDITTO & LINDA KAYE DEI GIUDICI	LOT 2 (151) OLIVIA TCE, SOUTH CARNARVON	POST & RAIL COLOURBOND & GARRISON FENCE
B21/039	MAIN ROADS WA CARNARVON (MIDWEST - GASCOYNE REGION)	LOT 298 (470) ROBINSON ST, KINGSFORD	DIVIDING FENCE
B21/040	MICHAEL KERRY AHERN	LOT 137 (29) WHEELOCK WAY, MORGANTOWN	STEEL POST AND RAIL DIVIDING FENCE

OFFICER'S RECOMMENDATION PART ONE

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

File No:	ADM0124
Date of Meeting:	27 July 2021
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Schedules:	Schedule 8.1.2 - Draft Policy E025 Appointment of Acting and Temporary CEO

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

This item presents Policy E025 Appointment of Acting and Temporary CEO with updates to reflect changes to legislation. *See Schedule 8.1.2*

Background:

Council had previously adopted a policy for the appointment of an acting CEO. However, legislation was amended in July 2019 adding a requirement to also have a policy on the temporary employment of a CEO. In response, this item presents an update to Policy E025 to encompass the employment of an acting CEO and a temporary CEO.

Stakeholder and Public Consultation:

N/A

Statutory Environment:

Section 5.39C of the *Local Government Act 1995* mandates that a policy is required for the temporary employment or appointment of a CEO and the conditions of that employment.

Relevant Plans and Policy:

E025 Appointment of Acting CEO has been updated to reflect the legislative changes.

Financial Implications:

There are no direct financial implications from adopting this updated policy. The Policy provides for remuneration of an acting or temporary CEO, the costs of which would be either absorbed in the budget for employee costs, or a specific item seeking a budget variation would be presented to Council.

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood	Almost certain A	High	High	Extreme	Extreme	Extreme
	Likely B	Moderate	High	High	Extreme	Extreme
	Possible C	Low	Moderate	High	Extreme	Extreme
	Unlikely D	Low	Low	Moderate	High	Extreme
	Rare E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Ambiguous transition arrangements for the CEO position in case of incapacitation or emergencies could lead to service disruptions.	High	The policy provides clarity for transition should this situation arise.
Compliance	The existing policy did not comply with legislative changes.	Moderate	The updated policy ensures compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
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
5.5	The right people with the right skills in a productive workplace

Comment:

The attached policy is based closely on the WALGA model policy. The officer's recommendation is that the updated policy is adopted by Council to ensure compliance and clarity.

OFFICER'S RECOMMENDATION PART 1

That Council, by Absolute Majority, pursuant to S5.39 of the Local Government Act 1995, resolves to adopt Policy E025 Appointment of Acting and Temporary CEO as presented.

File No:	ADM0172
Date of Meeting:	27/07/2021
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:	Schedule 8.1.3(a) Draft Organisational Structure Schedule 8.1.3(b) Table of Positions Directly Affected by Restructure

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

The CEO requested that the Organisation Structure be evaluated and updated to reflect the current needs of the Shire and ensure that the Shire has the capacity to deliver the services outlined in the Corporate Business Plan (CBP).

This review has now taken place and the findings are now outlined in this agenda item for your consideration. The officer's recommendation is that Council adopts the Organisational Structure as presented and considers the budget allocation as part of the upcoming budget deliberations.

Background:

In 2020 the CEO at the time engaged an external consultant to review and implement changes to the Organisational Structure and it is timely that a follow-up review to assess the impact, efficiency and effectiveness of the restructure is carried out. The Organisational Structure also needs to be presented to Council for formal endorsement as required by legislation. This report completes this process.

In April 2021 a new CEO commenced and there were changes to staffing at an Executive level. Due to these changes, a potential risk to service delivery from unfilled vacancies and possible capacity in other parts of the organisation, a review into the structure was requested by the CEO. The objectives of the review were to:

1. Identify any gaps in the staffing levels that could pose a risk to critical service delivery.
2. To identify any possible capacity or over-resourcing in the organisation.

3. To redistribute over-resourcing to areas of critical need.
4. To ensure the Shire is capable of delivering the services that are currently outlined in the Shire's CBP.
5. To get input and buy in from all levels of the organisation for the structure.
6. To finalise the draft structure in the context of the budget.
7. To present the draft structure to the Council for formal consideration as required by legislation.

Risks identified within the current Organisational Structure identified the following pressure points and gaps in service delivery:

Administrative Support – Majority currently being carried out by one person which impacts succession planning and backfill of positions. Some administrative tasks are therefore carried out at team level which can lead to inconsistencies. The structure should ensure a more corporate approach to administrative support.

Governance - The current structure does not provide resources for proactive and compliant governance support, e.g., actions arising from reviews (Reg 17, Reg 5, Dept review, CAR), legislative compliance and change management, policy reviews, delegation review.

Rural Roads – The Shire's biggest class of asset, therefore, requires a greater level of focus operationally and strategically.

Project Management - Significant grant funding for infrastructure projects. Project management falling on the Executive Manager which results in less time for strategic matters. This gap also impacts on the Shire's ability to be proactive in seeking out grant funding.

Airport - A significant risk in ability to provide uninterrupted service delivery due to having only two trained and qualified personnel. In the case of unplanned leave, the Shire would be dependent on contractors to ensure continuity of service. This could result in disruptions and significant costs.

IT - Currently only one person performing this function, leaving no contingency for uninterrupted service and carries a risk of the loss of corporate knowledge.

With this information the working group has finalised a draft Organisation Structure and arrived at a consensus that the proposed changes will place the Shire in much better position to achieve the delivery of services as outlined in the CBP. ***Refer Schedule 8.1.3(a) and Schedule 8.1.3(b) attached.***

Stakeholder and Public Consultation:

The process of reviewing the Organisation Structure involved inviting key personnel within the organisation to participate in a working group. The working group consisted of fourteen people including the CEO, Executive Managers and a selection of employees from across the organisation. Throughout the process, consultation between the working group and all employees occurred on a regular basis.

The fourteen employees in the working group were also charged with ensuring that members of their teams who were not in the working group were consulted and to act as conduits for information between the working group and the entire organisation.

Statutory Environment:

Sections 5.2 and 5.36 of the *Local Government Act 1995* articulates Council's responsibility to ensure that there is an appropriate structure for the administration of the Shire.

Relevant Plans and Policy:

Shire of Carnarvon 2018/22 Workforce Plan

Shire of Carnarvon Corporate Business Plan

Financial Implications:

Wages and salaries were frozen in the 2020/21 year. Therefore, there were no increases to salaries for that period. The Federal Government announced an increase of 2.5% to the minimum wage to take effect as of 1 July 2021. Noting the two above factors, the budget has been premised on a 3% increase to all employees excluding the CEO, Executive Managers and any person who receives a variation (and additional remuneration) to their contract in recognition of additional duties. The Australian Taxation Office announced that superannuation has increased for the 2021/2022 Financial Year from 9.5% to 10%; this has resulted in an additional \$34,002 in superannuation costs.

The combination of the 3% wage increase and 0.05% superannuation increase has resulted in an increase of \$166,096 which has been factored into the following calculation of wages and salaries for the 2021/2022 financial year.

BREAKDOWN OF WAGES & SALARIES 2021/2022 PERIOD AS PER THE PROPOSED ORGANISATIONAL STRUCTURE		
Wages & Salaries	\$ 6,800,575.00	<i>This figure is based on a 3% increase.</i>
Superannuation	\$ 703,005.00	\$ 680,057.00 Super 10% \$ 22,948.00 Council Super 2%
Workers Comp	\$ 177,113.00	
Uniforms	\$ 31,173.00	
Airfares	\$ 35,948.00	<i>It is proposed to update this policy to make it more equitable to all staff (FT & PT pro-rata). Capped at \$440 per employee per financial year.</i>
Professional Development	\$ 14,500.00	
Fringe Benefit Tax	\$ 29,151.00	
TOTAL WAGES & SALARIES	\$ 7,791,465.00	<i>This will be the total budgeted line item for Salaries and Wages</i>

It should be noted that the expenditure for employment costs is partially offset by income for specific projects and programs. For example, income of approx. \$622,000 for Youth services, trainees and apprentices supplement the costs for these positions.

	WAGES AND SALARIES BUDGET COMPARISON			CURRENT PROPOSED
	2018/19	2019/2020	2020/2021	2021/2022
ACTUAL	\$7,443,464.00	\$7,771,785.00	\$6,933,103.00	
BUDGETED	\$7,686,536.00	\$8,334,100.00	\$7,296,303.57	\$7,791,465.00
DIFFERENCE	-\$243,072.00	-\$562,315.00	-\$363,200.57	

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood 						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	<p>The proposed structure cannot be accommodated within the Shire’s current financial capacity.</p> <p>Due to current staffing levels, some staff have been unable to take leave resulting in the Shire carrying significant leave liabilities.</p>	High	<p>The proposed Organisational Structure is seeking approval for a salary and wages budget of \$7,791,465. The draft budget will be prepared to include this expenditure and is able to be managed.</p> <p>The proposed structure will provide some backfill and support to enable staff to take leave within acceptable timeframes, thus reducing the Shire’s leave liability.</p>
Health & Safety	<p>Current staffing levels are not adequate which has resulted in gaps and pressure points within the organisation. There is a high risk of burn out with staff, some staff are unwilling to take leave due to their current workloads and lack of staff to backfill positions. There is potential for workers comp stress claims and potential for high staff turnover.</p>	High	<p>The proposed Organisational Structure is adequate to remedy the gaps and areas of risk.</p> <p>This should result in an increase of employee wellbeing and productivity.</p> <p>Employees should feel more comfortable to take leave knowing that there is a succession plan in place.</p>
Reputation	<p>An inadequate structure could result in a risk of high staff turnover as a result of a stressful environment. The Shire also risks reputational damage if it not able to deliver the services in the CBP.</p>	High	<p>The proposed Organisational Structure provides a mitigation against these risks to reputation.</p>
Service disruption	<p>Current staffing levels do not allow for contingency for planned and unplanned staff absences. High risk areas are the airport, IT, administrative support and</p>	High	<p>The proposed Organisational Structure is adequate to minimise staff turnover and have the capacity to deliver services as per our CBP and mitigate the risk to reputation.</p>

	governance. An over-reliance can result in business interruption when the employee leaves the Shire.		
Compliance	That the Organisational Structure is not endorsed by Council.	Moderate	This report and the officer's recommendation aim to mitigate this risk.
Property	N/A		
Environment	N/A		
Fraud	The Office of the Auditor General has advised that failure to take leave may mask fraudulent activities.	High	The working group is of the consensus that the proposed Organisational Structure will provide sufficient backfill to allow staff to take their leave, which will reduce this risk.

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:

The officer's recommendation is that Council supports the Organisational Structure as it is presented, given the consultative process that has involved all tiers and teams. It is also recommended that the proposed structure will improve service delivery and mitigate the risks as outlined above. Officers have been mindful of the budget impact of the review and have worked to ensure the financial impact can be managed within the Shire's financial capacity.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to sections 5.2 and 5.36 of the Local Government Act 1995, resolves to endorse the proposed Organisational Structure for the Shire of Carnarvon as presented at Schedule 8.1.3(a) and consider the Salary and Wages costs required to support this structure as part of the 2021/2022 budget process.

File No:	ADM1912
Date of Meeting:	27 July 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:	Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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	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:

This item brings a request for waiving of 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. 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 working group consisting of DWER, DPIRD, Keep Australia Beautiful Council and the Carnarvon Growers Association to consider this issue and to find options to improve waste management practices in this local industry. To provide a more rigorous and quantified assessment of the scale and nature of the problem, DWER is funding a Waste Audit which is scheduled to occur on 24 – 27 August 2021.

Following the audit, the intent is to run an education and awareness raising campaign which will be followed by a ‘clean-up campaign’ from October to December. 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.

Stakeholder and Public Consultation:

There has been no direct community engagement to-date; however, the plan is to implement a very targeted awareness and engagement program in September 2021 following the waste audit. 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.

The volume of waste that will require disposal as part of the clean-up campaign cannot be quantified; however, the waste audit planned for late August will give us an indication of volume of the different waste streams. Until the volume is known, it not possible to calculate the foregone revenue.

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (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	<p>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.</p> <p>2. Supporting the campaign could result in the perception by other industry groups/private and commercial entities and the general community that the Shire is not treating all stakeholders equally.</p>	<p>Moderate</p> <p>Moderate</p>	<p>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.</p> <p>2. The education and awareness campaign will aim to address the broader environmental issues and provide information that the clean-up is for the community, not just one group of stakeholders or businesses.</p>
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	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.
Fraud			

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:

As part of the Shire’s contribution to this campaign, DWER has requested that Council considers waiving waste disposal fees as an incentive.

DWER has requested that this proposal be considered by Council in July to allow sufficient time for measures to be put in place, in readiness for the clean-up campaign to start in October.

Until the audit is completed, DWER has seeking in-principle support from Council for a maximum three-month period for the waste disposal fee waiver. The exact period of the campaign will be defined by the working group based on outcomes of the audit. The working group acknowledges that October to December is a busy season for Horticultural sector and therefore suggests that it is likely that a three-month window would be preferable to allow sufficient time for growers to participate.

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 PART 1

That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to provide in-principle support for 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.

File No:	
Date of Meeting:	20 July 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:	Schedule 8.1.5(a) Hammond Woodhouse Advisory Schedule 8.1.5(b) Brainbox

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

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. It is recommended that Council engage the services of a suitably qualified external consultant to facilitate this process.

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. It is recommended that Council engage the services of an external consultant to ensure that the process is impartial and achievable.

The KPIs that are developed for the CEO will then form the basis of KPIs throughout the organisation and be instrumental in ensuring that all departments within the Shire are working cohesively to achieve excellence. These KPIs will be adapted to suit each portfolio within the organisation and measured and evaluated by the CEO on an annual basis.

Stakeholder and Public Consultation:

N/A.

Statutory Environment:

Section 5.38(1) of the *Local Government Act 1995* articulates Council’s responsibility to undertake an annual review of the CEO’s performance.

Relevant Plans and Policy:

E008 – CEO Performance Review

E016 – Management Review Committee

Financial Implications:

There are no financial implications as the cost for the review can be met within budget allocation.

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (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.	High	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		
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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
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations.

Comment:

Two quotes for external contractors to facilitate the development of KPIs for the CEO on behalf of the Council have been sought and attached for Council consideration. After evaluating the quotes sourced, the officer recommends that Council appoints Hammond Woodhouse Advisory be appointed.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to section 5.38(1) of the Local Government Act 1995, resolves to appoint Hammond Woodhouse Advisory to develop and facilitate key performance indicators for the CEO on behalf of the Council within the next two months and to undertake the full CEO performance review on site in May 2022.

File No:	ADM0186
Date of Meeting:	27 July 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	RENEE LOUW – CREDITOR OFFICER
Declaration of Interest:	Nil
Schedules:	Schedule 8.2.1
Previous Reports:	Presented every month
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.
X	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 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 June.

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:

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.

Risk Assessment:

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

Risk Category	Description	Rating (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) totaling \$566,329.10 as presented for the month of May 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38629.1	DD38629.1	Bank Direct- Muni	\$25,745.07
DD38633.1	DD38633.1	Bank Direct -Muni	\$23,685.52
DD38633.2	DD38633.2	Bank Direct- Muni	\$3,395.13
DD38657.1	DD38657.1	Bank Direct- Muni	\$5,012.72
DD38660.1	DD38660.1	Bank Direct-Muni	\$4,922.72
DD38662.1	DD38662.1	Bank Direct-Muni	\$703.28
DD38673.1	DD38673.1	Bank Direct-Muni	\$2,724.08
DD38673.2	DD38673.2	Bank Direct-Muni	\$2,635.38
DD38677.4	DD38677.4	Bank Direct-Muni	\$1797.41
DD38677.5	DD38677.5	Bank Direct-Muni	\$1,604.17
DD38708.1	DD38708.1	Bank Direct-Muni	\$22,703.50
DD38710.1	DD38710.1	Bank Direct-Muni	\$3,258.55
47209	47211	Muni Cheque	\$0.00
EFT33077	EFT33225	Muni EFT	\$ 845,499.45
EFT33220	EFT33224	Trust EFT	\$ 5,314.26
Total			\$949,001.24

- b) Note Sundry Creditors as of 30 June 2021 \$279,404.75

File No:	ADM0027
Date of Meeting:	27 July 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:	Absolute Majority
Previous Report	Nil
Schedules	Schedule 8.2.2

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

In accordance with Section 6.16 of the *Local Government Act 1995* attached is a Schedule of Fees and Charges 2021/2022 for consideration and adoption by Council.

Background:

Each year the Schedule of Fees and Charges are reviewed to ensure that fees proposed reflect equity for Stakeholders, Statutory Fees as directed by State Government, cost to Council where appropriate and relevance to Council business. During this review Statutory fees as dictated by the State Government were updated and Council levied fees and charges were reviewed for equity, and costs to Council. Whilst undertaking the review, it was also recognised that many of the fees and charges had not been changed for many years and no longer reflected the ambitions of Council and costs of undertaking the tasks. Such costs were Council's intention to revive the use of the Woolshed and Civic Centre which had been out of use due to COVID restrictions. To encourage community use the hiring fees have been simplified and left unchanged for a further year. Some of the various inspection fees where the small fee levied did not reflect the many hours of work required to carry out the inspection, complete required paperwork and where necessary provide a report to the owner/business etc. After discussion with various staff members it was decided to propose to levy a fee based on the time the inspection, recording and reporting generally required. Fees have been adjusted to reflect this. Other fees have been increased/ decreased by small amounts.

Consultation:

CEO, Executive Staff, Managers and Specialist Council Officers discussed and amended the Fees and Charges.

Statutory Environment:

Under Section 6.16 of the Local Government Act 1995, Council is given the rights to levy a fee or charge for goods or services provided by Shire officials including inspections, work performed by staff. Also Council is able to charge an entry fee to any property owned or managed by the Shire. Further Council has the ability to impose fines for non compliance, and charge for issue of a license or permit.

In adopting the draft Schedule of Fees and Charges reference is made to Section 5.63(1)(b) of the Local Government Act 1995 that specifically excludes the need for elected members to 'Declare a Financial Interest' in imposing any rate, charge or fee by the local government.

Relevant Plans and Policy:

The Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan have been referenced when considering the fees and charges.

Financial Implications:

The proposed Fees and Charges will provide revenue to Council to enable Programmes and Services to be continued and ensure equity among ratepayers and stakeholders.

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	A reviewed and revised schedule of Fees and Charges be adopted early in the new Financial year to ensure continued equity, cashflow and income.	Low	Attached are the proposed Fees and Charges for 2021/2022.
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	All Fees and Charges to be levied must be adopted by Council	NA	Attached are the proposed Fees and Charges for 2021/2022
Property	NA	NA	
Environment	NA	NA	
Fraud	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 and adoption are the proposed Fees and Charges for 2021/2022.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority and in accordance with Section 6.16 of the Local Government Act 1995, resolve to adopt the 2021/2022 Schedule of Fees and Charges as per Schedule 8.2.2.

8.3.1**HOLIDAY ACCOMMODATION UNITS – LOT 1 (NO. 44) ROBINSON STREET, CORAL BAY**

File No:	A2296
Date of Meeting:	27 July 2021
Location/Address:	Lot 1 (No. 44) Robinson Street, Coral Bay
Name of Applicant:	Priority Management
Name of Owner:	William Francis Brogan
Author/s:	Stefan Louw, Operations Manager Development Services
Declaration of Interest:	Nil
Previous Reports:	N/A
Voting Requirements:	Absolute Majority
Schedules:	8.3.1 – Proposed Plans

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.
X	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 item relates to an application for Development Approval on Lot 1 (No. 44) Robinson Street, Coral Bay otherwise known as Ningaloo Coral Bay. The applicant is seeking approval for the redevelopment of the existing Bayview Villas by constructing 20 new serviced villas comprising of 16 two-bedroom villas and 4 three-bedroom villas. Each villa will provide its own associated car parking space(s) (see Figure 1). For the plans refer to Schedule 8.3.1.

The development application is consistent with the requirements of Local Planning Scheme No. 13 and any other relevant State planning policy, therefore, this report recommends that the development application be approved.

Background:

Ningaloo Coral Bay is a substantive resort providing a range of tourist accommodation in Coral Bay. The landowner has undertaken an ongoing program of improvements to accommodation and facilities over the past decades and continues this program with this proposal to construct and use 20 serviced villas containing 64 beds for tourist accommodation. A total of 9 villas containing 54 beds will be removed to make room for the new development.

The Robinson Street frontage of the site is contained within the 'Storm Surge' Special Control Area (SCA) under the Coral Bay Settlement Structure Plan (CBSSP). The plan states that a vertical sea level rise of 0.9m has been applied when considering the setback distance and elevation to allow for the impact of coastal

processes over a 100 year timeframe. This has resulted in a storm surge level of 4.1m Australian Height Data (AHD).

The policies position for the Storm Surge SCA is *'no habitable buildings should be permitted to be developed within the Special Control Area unless suitable flood mitigation mechanisms are incorporated into the design and construction.'*

To address this matter the proposed Villa's ground floor levels must be raised above 4.1 AHD. This AHD has been adopted as a benchmark for the structure plan, based on the Department of Transport's vertical sea level rise of 0.9m.

Description of Proposal:

The primary focus for the design of the new Bayview Villas at Ningaloo Coral Bay is to provide 2 and 3 bedroom units that create open, light, airy and generous spaces to allow guests to relax and enjoy the natural beauty and climate of Coral Bay. The internal layout of each villa has been designed to acknowledge the way people live whilst staying in Coral Bay with large outdoor living areas oriented toward the bay and internal spaces that transition from active to passive spaces.

The proposed development comprise of the following:

- 16 two bedroom villas;
- 4 three bedroom villas;
- Associated car parking spaces;
- New boat parking area, and
- Communal laundry.

Each villa has an open plan living, dining and kitchen area with easily acceable outdoor living areas and associated carparking.

The existing access via Robinson Street will be removed as part of the new development. Access to the villas will be via the existing access off French Street. Two pedestrian links will be provided as part of the new development to maintain accessibility to Robinson Street from the existing development.

The 2 bedroom villas are all located in between the two pedestrian links with the 3 bedroom villas located in the northwestern corner of the site (See Figure 1 Site plan).

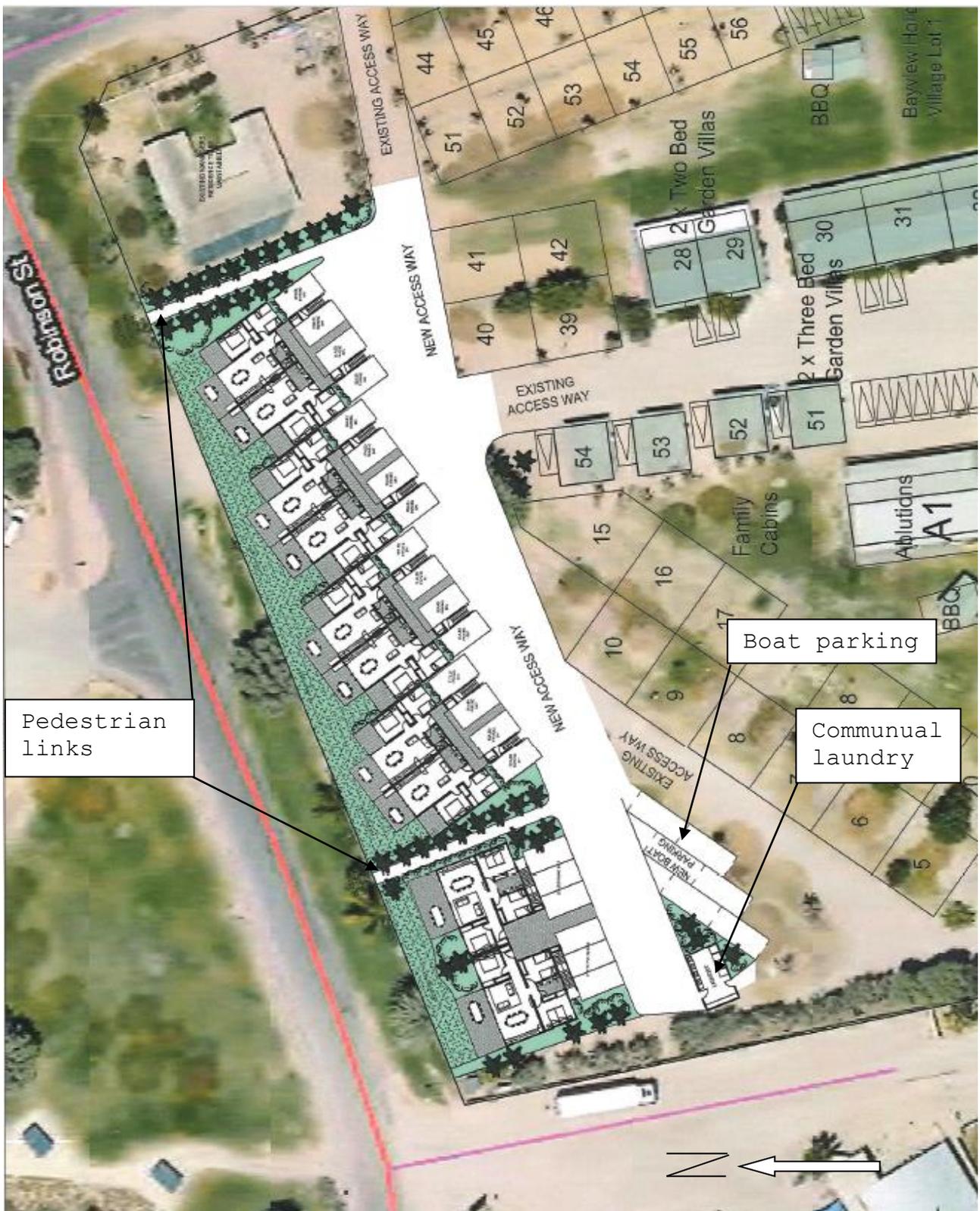


Figure 1. Site plan

Consultation:

The proposed development is a 'P' use under Local Planning Scheme 13. The Scheme does not require 'P' uses to be advertised.

The application was internally referred to Infrastructure Services, Building Services and Health Services. Comments received from internal departments have been addressed through conditions on the permit.

Statutory Environment:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* specify the matters to be considered by a local government when considering a development application. The matters relevant to this application have been carefully considered in the assessment of the application.

Local Planning Scheme No. 13

The subject lot is zoned "Tourism" under the provisions of the Shire of Carnarvon's Local Planning Scheme No. 13 (LPS13). Development proposals within the zone are to be assessed with consideration and context of the directions set by the approved Structure Plan and having regard to the general goals and provisions included within the Scheme.

The scheme objectives for Tourism are :

- To promote and provide for tourism opportunities;
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area;
- To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

Holiday accommodation is classified as an 'P' use within the Tourism zone. 'P' means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme.

It is considered that the development proposal complies with the requirements of LPS13. The new villa redevelopment will provide for increased holiday accommodation styles and is consistent with Bayview Coral Bay Masterplan that indicates this area to be developed with serviced apartments. Overall the proposal encourages the location of tourist facilities utilizing the existing road service of French Street and other existing utility services.

Relevant Plans and Policy:

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

SPP 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.

Lot 1 Robinson Street, Coral Bay is identified as being within a Bushfire Prone Area. The development application included a Bushfire Attack Level (BAL) assessment report, which determined that the development will need to be constructed to a BAL rating of 12.5 as detailed in AS 3959-2018. This BAL rating is the second lowest BAL rating in accordance with Australian Standards.

The BAL assessment complies with the requirements of the above State policy and the deemed provisions of the Planning and Development Regulations 2015.

State Planning Policy 6.3 – Ningaloo Coast

SPP 6.3 applies to all land within the Ningaloo Coast policy area. The objective of the policy is to provide guidance on acceptable and sustainable development. The policy seeks to protect the remote values of Coral Bay. The proposal is consistent with this policy.

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
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

Objective 2: Natural and built environment.

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

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

Comment:

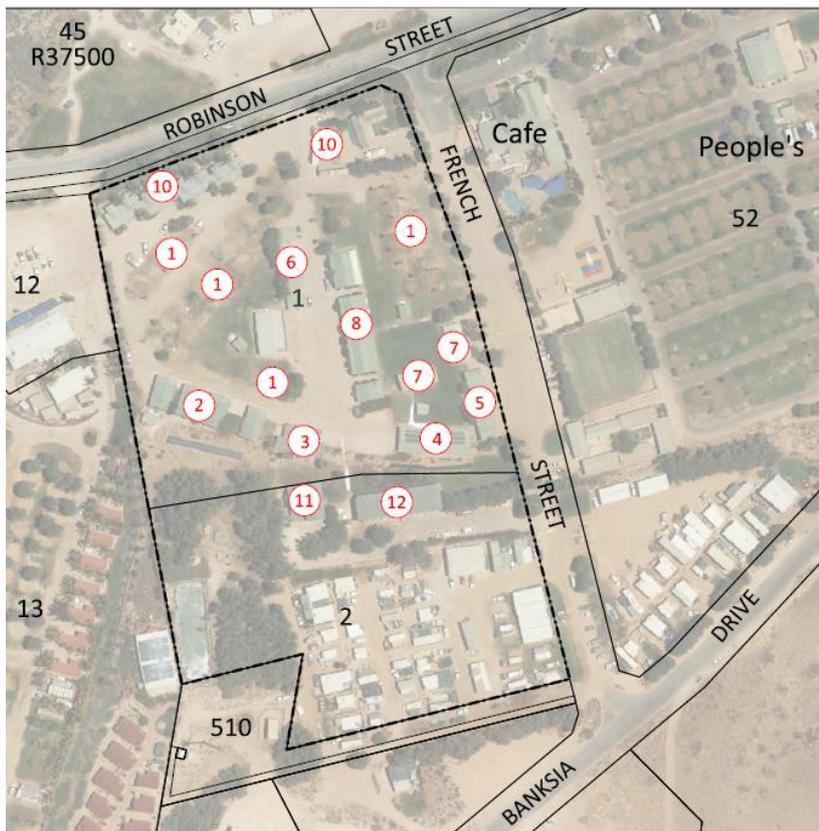
The proposed redevelopment of part of the Ningaloo Coral Bay resort entails the removal of the existing single storey villas and the development of 20 new double storey villas. The new villas will provide for an enhanced visitor stay experience and improved amenity as the new villas will be modern with excellent views over the beach.

Currently there are no demarcated parking bays, just a large gravel area for parking behind the existing villas. The new development will have designated access and pedestrian ways, as well as sealed allocated parking spaces for the villas that is in accordance with the regulations of the scheme.

The proposal entail uses which were envisioned for the site under the CBSSP, and the scale and location of the development is also consistent with the requirements of the Structure Plan. The increased occupancy bed numbers which will accrue from the additional villas are within the maximum number of beds allowed for under the approved Bayview Coral Bay Masterplan and the CBSSP.

To address the potential for the site to be impacted by storm surge events, a condition will be included in the Development Approval that a minimum floor level of 4.1m AHD be applied for the new groundfloor villas.

The maximum number of beds as per the adopted Bayview Coral Bay Masterplan, 2007 is 546. This figure includes the total number of accommodation sites and is based on the assumption that every caravan site/cabin and villa will be fully occupied (See Figure 2 Accommodation audit plan). In accordance with this plan the total number of beds after the redevelopment of the villas would be 455. Therefore complying with the Bayview Coral Bay Masterplan, 2007.



Lot 1			
Map ref	No.	Description	Beds
EXISTING BEDS			
1	41	sites at 4 persons per site	164
2	8	Nigaloo Villas	32
3	1	Reef House	8
4	4	Park Villas	20
5	5	Cabins	20
6	4	Family Cabins	24
7	4	1 Bedroom Chalets	16
8	7	Garden Villas	41
9	1	Beach Shack	6
10	8	Bayview Villas	48
		TOTAL EXISTING	379
BEDS LOST WITH DA APPROVAL			
9	1	Beach Shack	6
10	8	Bayview Villas	48
		TOTAL TO BE REMOVED	54
BEDS GAINED WITH DA			64
TOTAL PROPOSED BEDS			389
Lot 2			
Map ref	No.	Description	Beds
EXISTING BEDS			
11	1	White House	10
12	16	Lodge Rooms	56
		TOTAL EXISTING	66
Total Proposed Beds on Lots 1 and 2 after DA			455
Scheme bed number limitation under scheme			546
Bed No. Credit			91

Figure 2. Accommodation audit plan

The proposal is consistent with the provisions of the Coral Bay Settlement Structure Plan and Local Planning Scheme No. 13. The officer's recommendation is that the application be approved subject to the conditions outlined below.

Development matters such as the following will be addressed through appropriate conditions on the permit to ensure compliance with current requirements and regulations:

- Stormwater drainage;
- Landscaping;
- Connection to reticulated services;
- Construction of car parking spaces, and
- Road construction.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P16/21 for HOLIDAY ACCOMMODATION UNITS AT LOT 1 (No. 44) ROBINSON STREET CORAL BAY is granted, subject to the following conditions:

- 1) The development is to be generally in accordance with the approved plans dated 27 June 2021 including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.***

2) Prior to the commencement of works:

- a. additional plans to the satisfaction of the Shire of Carnarvon must be submitted and approved by the Shire of Carnarvon. The plans must show a minimum floor level of 4.1m AHD applied for the new groundfloor villas.**
- b. a landscape plan shall be prepared and submitted for approval to the satisfaction of the Shire of Carnarvon indicating:**
 - the location and species of all trees to be removed and / or retained;**
 - the location and type of fencing to be installed;**
 - the reticulation to be installed; and**
 - the location and type of paving to be installed.**

The Plan should also include a plant schedule nominating each species, the numbers of plants required and the size of each plant to be used at the time of planting. The Plan should identify and include any adjoining road verges.

- c. plans must be submitted showing details of stormwater and roof run-off disposal that demonstrate consistency with the Stormwater Management Manual for Western Australia and are approved by the Shire of Carnarvon.**
- d. detailed construction plans for the road upgrade works of the unsealed portion of French Street up to a point immediately past the access to the development as shown on the approved plans, to the satisfaction of the Shire of Carnarvon, must be submitted to and approved by the Shire of Carnarvon. The plans must include:**
 - Fully sealed pavement with kerb and channel and vehicular crossing to French Street.**

3) Prior to the occupation of the development:

- a. all drainage infrastructure as part of the approved plan must be completed in accordance with the stormwater and run-off disposal plans approved by the Shire of Carnarvon.**
- b. the permit holder must upgrade the unsealed portion of French Street as shown on the approved detailed construction plans to the satisfaction of the Shire of Carnarvon.**
- c. the areas set aside for parking of vehicles and vehicle access lanes as shown on the approved plans must be:**
 - Constructed;**
 - Properly formed to such levels that they can be used in accordance with the plans;**
 - Parking areas surfaced with an all-weather sealcoat or treated to the satisfaction of the Shire of Carnarvon;**
 - Access lanes be surfaced with an all weather gravel treatment to prevent dust being emitted from the site;**
 - Drained and maintained to the satisfaction of the Shire of Carnarvon.**
- d. car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Shire of Carnarvon.**
- e. no fewer than 22 car spaces and 6 boat trailer spaces must be provided on the land for the development to the satisfaction of the Shire of Carnarvon.**

- f. it must be connected to a reticulated water supply to the requirements of the Water Corporation and to the satisfaction of the Shire of Carnarvon.*
- g. it must be connected to a reticulated deep sewer to the requirements of the Water Corporation and to the satisfaction of the Shire of Carnarvon.*
- h. the landscaping and reticulation must be established in accordance with the approved plan(s) and thereafter maintained to the satisfaction of the Shire of Carnarvon.*
- i. the redundant vehicle crossing to Robinson Street must be reinstated with kerb and chanel to the satisfaction of the Shire of Carnarvon.*

Advice Notes:

- i) If the development the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- ii) The applicant must lodge a demolition application prior to undertaking the demolition of the existing villas on Lot 1.*
- iii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices and Local Planning Policy No. 18 – Advertising and Signage.*
- iv) If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
- v) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and the Health Act 1911. It is the responsibility of the applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*
- vi) Unless otherwise specified or approved in writing, the Local Government Guidelines for Subdivisional Development by the Institute of Public Works Engineering Australia (WA Division) are deemed to satisfy the minimum standards which will be accepted by the Shire of Carnarvon in granting clearance to development applications. The guidelines are available here:*

<https://www.dplh.wa.gov.au/information-and-services/subdivisions,-leases-and-licences-on-freehold-land/local-government-guidelines-for-subdivisional-deve>

8.3.2 GASCOYNE RIVER BUSH FIRE BRIGADE COLOCATION WITH CARNARVON VOLUNTEER FIRE AND RESCUE

File No: A1680 / A925
Date of Meeting: 27 July 2021
Location/Address: Shire of Carnarvon
Name of Applicant: Warren Hatt
Name of Owner: Shire of Carnarvon
Author/s: Warren Hatt, Community Emergency Services Manager
Declaration of Interest: Warren Hatt, Impartial Interest - Member of both Brigades
Previous Report: Nil
Voting requirements: Simple Majority
Schedules: Nil

Authority / Discretion

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

The purpose of this item is to seek Council’s support for colocation of the Gascoyne River Bushfire Brigade (BFB) and the Carnarvon Volunteer Fire and Rescue Service (VFRS) at the one facility, that being 344 Robinson Road Carnarvon (current VFRS station).

Background:

The Gascoyne River Bush Fire Brigade (GRBFB) is the only Brigade servicing the Shire of Carnarvon. It should be noted that the Shire is responsible not only for bush fire, but also to respond to and manage any fire incident outside the Carnarvon Gazetted Fire District under the *Bush Fires Act 1954*. This includes structural, bush, and vehicle fires occurring anywhere within the Shire’s boundaries. The GRBFB is also the only operational support for the DFES-managed Carnarvon Volunteer Fire and Rescue Service (CVFRS) for over 300 kilometres (and vice-versa), with any further assistance coming from Exmouth or Denham. The GRBFB are called to attend between 20 and 30 incidents in any given year.

The original GRBFB fire station was built in 1974, adjacent the nine-mile bridge. In 1991 the existing appliance storage shed was built to facilitate the storage of larger vehicles, with the original building being converted into a meeting/training room and a donated portable ablutions block being installed later. When the brigade was established, most of the brigade volunteers were plantation workers or owners. Over time however, the increasing workloads of both the plantations and the GRBFB has resulted in far fewer plantation members and greater membership from the Carnarvon town.



Image 1: Photo of existing Bush Fire Brigade station located at 1894 North West Coastal Highway.

There are several issues that this proposal seeks to rectify:

- 1) The Gascoyne River BFB have required an upgraded facility for some time with the need for a new facility recognised by the shire but previously deemed beyond the financial ability of the shire to meet the costs not funded under the Local Government Grant Scheme (LGGS).
- 2) The BFB wish to relocate from their current location as most of their members are town based; this will save travel time to and from the station to attend incidents, training and enhance the ability to attract new volunteers.
- 3) The current BFB station does not provide separate male and female change room or office facilities.
- 4) Parking is problematic with a maximum of 4 bays available resulting in ad hoc parking across the road from the station and negotiating on-coming traffic.

The Department of Fire and Emergency Services is currently in the process of planning for an extension to the current Volunteer Fire and Rescue Service station located at 344 Robinson Street Carnarvon to house the newly commissioned Road Crash Rescue (RCR) Tender. The process of extending these premises presents ideal timing for colocation of the two brigades, with much of the administration and design costings minimalised if these projects are undertaken simultaneously.

At the time of procurement of the site at 344 Robinson Street by DFES, the concept of a future colocation with another service was considered desirable with the block being sufficiently sized to accommodate future expansion. There are substantial benefits to the colocation of the two fire services onto one site and the current time presents an ideal opportunity to capitalise on these benefits.

The benefits to both involved brigades, DFES, and the community of Carnarvon are significant as this project will provide the following improvements:

- Appropriate storage for all fire appliances
- A significant improvement in the amenities available to the Gascoyne River BFB

- A significant cost reduction in the provision of a new BFB station, as compared to funding a new standalone facility through LGGS, either on the existing site or an alternative provided by the shire.
- An improvement of the operational efficiency of the Gascoyne River BFB by moving its facility closer to its member base in Carnarvon, and as requested by the brigade.
- A significant improvement in the response time of the BFB to back up Carnarvon VFRS and
- The addition of male and female changerooms increases the level of comfort and privacy for volunteers.

Stakeholder and Public Consultation:

Consultation with both brigades has occurred continuously over the past 12 months with both displaying a strong desire to collocate their facilities. The Shire of Carnarvon has also previously demonstrated a desire to collocate the brigades, as the need for a new facility for the BFB was recognised by the shire but previously deemed beyond their financial ability to meet the costs not funded under the LGGS. An onsite meeting was held with the Captains of the brigades on the 13th of November 2020 seeking their agreement to the proposed layout. Both brigades have provided letters of support for the project following this meeting.

Statutory Environment:

Bush Fires Act 1954, Sections 41, 42A, 48, 50

Relevant Plans and Policy:

Nil

Financial Implications:

Nil.

Risk Assessment:

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

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
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	Gender specific changing facilities for volunteers	Moderate	Addition of separate male and female change rooms.
	Appropriate and safe parking area for volunteers attending incidents and training	High	Addition of adequate number of parking spaces in an adjoining area.
Reputation	Non-compliance with statutory requirements would result in	High	This agenda item seeks to address the statutory requirements of the local government in its legislated responsibility to fire.

	reputational damage to the Shire.		
Service disruption	The loss of members due to the current location and facilities may hinder the Shire's ability to manage the risk of fire.	High	This agenda item seeks to address the issue of recruitment and retention of volunteers to the Shire's Bush Fire Brigade (Gascoyne River Bush Fire Brigade).
Compliance	The loss of members due to the current location and facilities may hinder the Shire's ability to manage the risk of fire.	High	This agenda item seeks to address the issue of compliance with the <i>Bush Fires Act 1954</i> . Service disruption due to potential loss of members would affect our legislated responsibility to fire outside the gazetted fire district, therefore non-compliant under the <i>Bush Fires Act 1954</i> .
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 2: Natural and built environment.

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

2.6	Shire assets and facilities that support services and meet community need
2.6.5	Buildings and facilities are appropriately managed according to their need and use

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs.

3.3	Caring, self-reliant community
3.3.2	Facilitate volunteering opportunities within the Shire
3.4	Healthy and safe community
3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education
3.4.2	Collaborate with other agencies to provide a safe community

Objective 5: Civic

Strong and listening Council.

5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

Under the *Bush Fires Act 1954* the Shire of Carnarvon, as the local government, has a legislated responsibility to comply with the establishment of a Bush Fire Brigade and the measure of preparedness to respond to fire events. The colocation of the two fire services will not affect the operational aspect of either brigade with each one still bound by their responsibilities within their respective fire districts. The colocation will also not affect the identities of each brigade with the administrative and management arrangements to remain as per current practices.

The current Bush Fire Brigade station located at 1892 being Lot 330 on Deposited Plan 213799, is the subject of "Depot for Bush Fire Brigade" Reserve 34315 managed by the Shire of Carnarvon (Shire). The Certificate of Crown Land Title, Reserve 34315 is not subject to a registered agreement between the Department of Fire and Emergency Services (DFES) and the Shire and as there is no agreement, there is nothing to revoke/surrender on behalf of the Shire. If the Shire were to notify the Department of Planning, Lands and Heritage (DPLH) that Reserve 34315 should be amended to another purpose, the Department would commence its standard due diligence investigatory process and subject to favorable responses, amended the purpose to be consistent with contemporary community needs. Council can consider options for the highest and best use of this building.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 41. of the Bush Fires Act 1954, resolves to:

- a) Provide in principal support for the colocation of the Gascoyne River Bush Fire Brigade with the Carnarvon Volunteer Fire and Rescue Service at 344 Robinson Street, Carnarvon; and*
- b) Advises the Commissioner of the Department of Fire and Emergency Services (DFES) of the Shire's support and seeks advice from DFES on the process required to progress this project.*

File No.	ADM1753
Date of Meeting:	27 July 2021
Location/Address:	Blowholes Road
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Kate Russell – Procurement Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 8.4.1 – Tender Recommendation Report (Confidential)

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

This report details the tender process undertaken for Request for Tender RFT03/2021 – Blowholes Road Widening Works.

It is recommended Council accepts no tender submission. It is further recommended Council authorises the CEO to seek quotations for the specified scope of works from selected suitably qualified organisations.

Background:

The Shire of Carnarvon sought an experienced civil contractor for the provision of high standard cost-effective shoulder widening and sealed edge repair of Blowholes Road, Carnarvon.

Public tenders were invited for the works. The tender process is detailed in the Tender Evaluation Report provided in **Confidential Schedule 8.4.1**.

Blowholes Road is a spray sealed road running generally northwest for approximately 50km from its intersection with the North West Coastal Highway to the Indian Ocean coast at Point Quobba.

Caravans, motor homes and trailer boats are an increasing proportion of traffic on Blowholes Road. Works is required to improve the level of service and safety for these and all other road users by:

- a) Increasing the overall width standard of the road to not less than 7 metres; and
- b) repairing the existing sealed edges.

Existing sealed widths along the road vary typically from 6.2 metres to 6.5 metres. Scalloped edge breaks and edge drop offs are present on sections of the existing sealed road edge. Edge failure repair will be completed in combination with the sealed width widening works.

Thirty-two kilometres of widening and edge repair was successfully completed in 2020 by RJ Haulage Pty Ltd (trading as Safe Roads WA).

Stakeholder and Public Consultation:

Nil applicable

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.

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.

The project is funded under Regional Roads Group (RRG) project funding with a total approved budget of \$375,000. The Shire contribution consists of one third, namely \$125,000 with remainder funds provided by MRWA.

Based on previous works, this budget should be sufficient to complete the widening of Blowholes Road for its full length.

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	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 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:

Council will note from the evaluation report neither tender submission received was compliant with submission requirements. One submission proposed an alternate methodology than that specified and did not include a conforming tender. The second submission failed to address any of the qualitative selection criteria. Award of a contract based on these submissions is therefore not recommended.

In accordance with Regulations, public tenders are not required *if* the local government (within the last six months) has publicly invited tenders for the supply of the goods or services, but no tender was submitted that met the tender specifications or satisfied the value for money assessment. In that case, quotations may be sought from suitably qualified suppliers.

Recommendation Part 2 references this regulation to advance the matter without the need to recall public tenders.

Quotations may now be sought from suitably qualified organisations to complete the Scope of Works. Both submitters to this tender will be included in that quotation request to provide them with an opportunity to address non-conformances in their respective submissions.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, does not accept any tender submission received for RFT 03/2021 – Blowholes Road Widening Works.

OFFICER'S RECOMMENDATION PART 2

That Council, by Simple Majority pursuant to Regulation 11 of the Local government (Functions and general) Regulations 1996 authorises the CEO to:

- a) seek selective quotations from suitably qualified organisations for the Scope of Works specified under RFT03/2021 Tender documentation;*
- b) evaluate any submissions received; and*
- c) report and make a recommendation(s) to Council on those submissions received within six months of the date of advertising of tender RFT03/2021.*

8.4.2 REQUEST FOR QUOTATION RFQ 10/2021 SUPPLY AND DELIVERY OF WATER TRUCK

File No.	ADM1842
Date of Meeting:	27 July 2021
Location/Address:	Not Applicable
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Kate Russell – Procurement Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 8.4.2 – Quotation Recommendation Report (Confidential)

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

This report details the Request for Quotation process for RFQ 10/2021 – Supply and Delivery of Water Truck.

It is recommended Council accepts a submission from Major Motors for \$256,720 ex GST.

Background:

At its March Ordinary Meeting, Council resolved as follows:

FC 5/3/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Skender

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

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

CARRIED BY ABSOLUTE MAJORITY

F7/AO

Specifications for both trucks were prepared and quotations requested utilising WALGA preferred supplier arrangements.

The request for quotation process is detailed in the Quotation Evaluation Report provided in **Confidential Schedule 8.4.2**.

Stakeholder and Public Consultation:

Nil applicable.

Statutory Environment:

Local Government Act, 1995 - Section 3.57 Tenders for providing goods or services.

Local Government Act, 1995 - Section 6.20. Power to borrow.

Local Government (Functions and General) Regulations, 1996 - Division 2 Requirements for Tendering.

Relevant Plans and Policy:

Policy C002 – Purchasing Policy.

Financial Implications:

The recommended water truck has a quoted price of \$256,720 ex GST.

Council previously authorised seven-year loans totalling \$630,000 for the purchase of a Water Truck and Rubbish Truck. The total estimated cost for both trucks based on quotations received is \$609,720 (refer Agenda Item 8.4.3). The proposed total expenditure for both trucks is therefore within Council’s authorised borrowing.

The draft 21/22 budget has been prepared on this basis. Loan finalisation is proceeding based on the actual quoted prices for the trucks.

Based upon an indicative interest rate of 2.5% over a seven-year borrowing period, monthly loan repayments will be approximately \$3,350 per month or \$40,200 p.a. Total interest paid over the loan term equates to approximately \$24,250 or \$290 per month.

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	Ability to meet credit repayments.	Moderate	Achieving water truck hire savings will minimise financial impact.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 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

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.4	Sound financial and asset management
5.4.5	Procurement ensures probity, fairness, level playing field for local suppliers, and value for money

Comment:

Council will note from the evaluation report that a total of seven truck/tank options were provided by the submitting suppliers ranging in price from \$229,450 to \$295,630. In all cases, the offered options met the required specification.

Selection of the recommended supplier is based upon value for money considerations, namely:

- Compatibility with existing and proposed fleet vehicles;
- Higher power and torque rating than lower cost options;
- Familiarity of servicing staff with the overall build quality and reliability of the selected manufacturers equipment; and
- Ability for servicing staff to utilise single type diagnostic equipment for multiple fleet items.

Council will also note that although proposed expenditure exceeds the statutory tender threshold amount of \$250,000, tenders do not have to be publicly invited if the supply of the goods or services is obtained through the WALGA Preferred Supplier Program.

In addition to utilisation of that program, officers utilised the WALGA eQuotes system for conducting the request for quotation. The eQuotes system allows a hands-off, transparent quotation process to be undertaken functioning with a similar degree of rigour as a tender process.

Payments to the primary water truck contractor over the past three years are as follows:

Year	Water Truck Contract Payments
2020/21	\$65,560
2019/20	\$175,207
2018/19	\$176,121

The Shire water truck will not be able to fully offset expenditure on the hire of water trucks. Commonly, larger capacity water trucks are required on larger roadwork activities. However, a saving of up to \$40,000 p.a. on contract water truck hire services is not considered an unreasonable estimate. If achieved, the cost of the water truck is effectively met by savings.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Regulation 11 of the Local government (Functions and general) Regulations 1996 and subject to receipt of loan approval, accepts the quotation from WALGA preferred supplier Major Motors PTY LTD in response to RFQ10/2021 for the purchase of an Isuzu Water Truck.

8.4.3 REQUEST FOR QUOTATION RFQ 11/2021 SUPPLY AND DELIVERY OF SIDE LOADER REFUSE TRUCK

File No.	ADM1849
Date of Meeting:	27 July 2021
Location/Address:	Not Applicable
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Kate Russell – Procurement Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 8.4.3 – Quotation Recommendation Report (Confidential)

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	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:

This report details the Request for Quotation process for RFQ 11/2021 – Supply and Delivery of Side Loader Refuse Truck. It is recommended Council accepts a submission from Bucher Municipal Pty Ltd for \$353,000 ex GST.

Background:

At its March Ordinary Meeting, Council resolved as follows:

FC 5/3/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Pinner/Cr Skender

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

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

CARRIED BY ABSOLUTE MAJORITY

F7/AO

Specifications for both trucks were prepared and quotations requested utilising WALGA preferred supplier

arrangements. The request for quotation process is detailed in the Quotation Evaluation Report provided in **Confidential Schedule 8.4.3**.

Stakeholder and Public Consultation:

Nil applicable.

Statutory Environment:

Local Government Act, 1995 - Section 3.57 Tenders for providing goods or services.

Local Government Act, 1995 - Section 6.20 Power to borrow.

Local Government (Functions and General) Regulations, 1996 - Division 2 Requirements for Tendering.

Relevant Plans and Policy:

Policy C002 – Purchasing Policy.

Financial Implications:

The recommended rubbish truck has a quoted price of \$353,000 ex GST.

Council previously authorised seven-year loans totalling \$630,000 for the purchase of a Water Truck and Rubbish Truck. The total estimated cost for both trucks based on quotations received is \$609,720 (refer **Agenda Item 8.4.2**). The proposed total expenditure for both trucks is within the authorised borrowing.

The draft 21/22 budget has been prepared on this basis. Loan finalisation is proceeding based on the actual quoted prices for the trucks.

Based upon an indicative interest rate of 2.5% over a seven-year borrowing period, monthly loan repayments will be approximately \$4,600 per month or \$55,200 p.a. Total interest paid over the loan term equates to approximately \$33,000 or \$395 per month.

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	Ability to meet credit repayments.	Moderate	Savings in rubbish truck maintenance costs will minimise financial impact.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Existing trucks ability to maintain waste collection service	High	Purchase of the new truck will mitigate this risk to Low.
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

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.4	Sound financial and asset management
5.4.5	Procurement ensures probity, fairness, level playing field for local suppliers, and value for money

Comment:

Council will note from the evaluation report that a single submission only from Bucher Municipal was received. Quotations were sought from two other suppliers. Bucher Municipal are the leading supplier of side loading refuse trucks in Australia with substantial experience in the sector. It is known that the other two suppliers specialise in smaller side loading units and front and rear lift units.

The side loader equipment was specified to be placed on an Isuzu truck. Volumetric waste capacity of the specified unit is less than the existing Shire rubbish trucks. The proposed compactor unit has a capacity of 18 cubic metres. Capacity of the existing trucks is 22 cubic metres.

This was a deliberate capacity specification. Lower volume means the waste compactor unit can be accommodated on a smaller 4 x 2 truck (4 wheels, 2 driven wheels). Rubbish trucks make many slow speed turns in their normal daily operation. This places wear on tyres and wear on bitumen surfaces particularly in cul de sacs. The lower number of turning wheels is expected to result in savings both in tyres and road wear.

Existing trucks typically empty loads three times each collection day. The lower volumetric capacity of the new truck *may* result in an additional emptying trip each day.

Operation and maintenance cost of the two existing rubbish trucks compared with an estimated maintenance cost with the new truck in operation is summarised in the following table:

Operation and Maintenance Item	3 year Average Maintenance Cost (existing Arrangement)	Estimated Maintenance (with new truck in operation)	Estimated Saving p.a.
Fuel and Oils	\$31,854	\$28,700	\$3,154
Tyres and Tubes	\$5,538	\$4,200	\$1,338
Parts and Materials	\$20,985	\$5,300	\$15,685
Insurance and Licences	\$2,042	\$2,000	\$42
Total	\$60,419	\$40,200	\$20,219

The operational strategy will be to utilise the new rubbish truck for the collection service as much as possible. The second truck will be held in reserve for times where essential servicing and repairs of the new truck are required. A reduction in operation and maintenance of \$15,000 to \$20,000 p.a is not considered an unreasonable estimate.

Council will also note that although proposed expenditure exceeds the statutory tender threshold amount of \$250,000, tenders do not have to be publicly invited if the supply of the goods or services is obtained through the WALGA Preferred Supplier Program.

In addition to utilisation of that program, officers utilised the WALGA eQuotes system for conducting the request for quotation. The eQuotes system allows a hands-off, transparent quotation process to be undertaken functioning with a similar degree of rigour as a tender process.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Regulation 11 of the Local government (Functions and general) Regulations 1996 and subject to receipt of loan approval, accepts the quotation from WALGA preferred supplier Bucher Municipal Pty Ltd in response to RFQ11/2021 for the purchase of a Bucher Gen 6 SL18m³ Side Loading Refuse Compactor mounted upon an Isuzu Dual Control truck.