



## SHIRE OF CARNARVON

# MINUTES

## COUNCIL MEETING 28 September 2021

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....  
as a true and accurate record

.....  
Chairman

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responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

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

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## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

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### SPECIAL MEETINGS OF COUNCIL

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

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## 1.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

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

## 2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

### 2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

### 2.2 PUBLIC QUESTION TIME

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

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

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- 11.1 Next meeting of Council will be held on Tuesday 26 October 2021 commencing at 1.00pm

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

**13.0 CLOSURE**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 28 SEPTEMBER 2021**

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

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

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

Cr E Smith.....Presiding Member/Shire President  
Cr B Maslen ..... Councillor, Gascoyne/Minilya Ward  
Cr J Nelson ..... Councillor, Town Ward  
Cr A Fullarton ..... Councillor, Town Ward  
Cr L Vandeleur..... Councillor, Town Ward  
Cr L Skender .....Councillor, Plantation Ward

Mrs A Selvey..... Chief Executive Officer  
Mr D Nielsen ..... Executive Manager, Infrastructure Services  
Mr D Perry..... Executive Manager, Development & Community Services  
Ms S Mizen..... Manager, Finance

Mrs D Hill .....Senior Executive Officer

**Apologies**

Cr K Simpson .....Councillor, Coral Bay Ward  
Cr K Pinner ..... Councillor, Town Ward

**Observers** .....4

**Leave of Absence** .....Cr Pinner

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**2.0 DECLARATIONS OF INTEREST**

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

Cr Smith – (Impartiality Interest) – Item 8.1.2 – Letter of Support Carnarvon Speedway

Cr Skender – (Impartiality Interest) – Item 8.4.4 – Local Roads & Community Infrastructure Program – Budget Variation

Cr Vandeleur – (Financial Interest) – Item 8.4.1 – RFT 05/2021 – Blowholes Road Widening Tender

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### **3.0 PUBLIC QUESTION TIME**

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

Public Question Time commenced at 1.03pm

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

Nil

#### **2.2 PUBLIC QUESTION TIME**

The following questions have been submitted by Ben Robbins of the Carnarvon Horticultural Society –

**Question 1** – The recent rains and resulting new growth on many of the plantings, particularly on the median strip entering town and throughout many of the town’s gardens, indicates that a lack of water as well as plant maintenance has been a major issue. Does Council have a schedule for fertilising, pruning etc. and especially for checking the operation of the reticulation systems?

**Answer-** A tidy up of the median strip commenced on Friday, 17<sup>th</sup> September. The water supply has been checked with no issues identified. The Shire is also arranging for soil testing to determine any deficiencies. The Council does have a maintenance schedule for the town’s parks and gardens however, the allocation of crew and resources can often be shifted to areas of greatest need.

**Question 2** – Our Club donated many plants for Van Dongen Park yet it is looking extremely neglected. Does Council have any plans for its revitalisation?

**Answer** - Van Dongen Park is programmed for a tidy up in the near future. Recent correspondence has been sent to the Carnarvon Horticultural Society where the offer was made to allocate a section of the park for the Society to create a garden feature.

**Question 3** – In the past, Council has, at great expense, hired consultants to advise on appropriate plantings. Sadly, these consultants did not appear to have any real knowledge of our climate nor of the plants which would tolerate our unique conditions. The members of our Club are keen and experienced gardeners, many involved within the horticultural industry. Insurance and safety issues prevent us from offering physical assistance, but we are very interested in meeting with the Infrastructure Committee to discuss the selection of suitable plants and their maintenance. Would Council be prepared to liaise with representatives of our group?

**Answer** - In the recent correspondence to the Carnarvon Horticultural Society information was provided on low-cost insurance policies that are available to community groups wishing to undertake community projects. The development of a garden feature would be an opportunity for your members to share knowledge and experience with our Parks and Gardens team.

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The following questions have been submitted by Mr Gavin Nixon on behalf of the Granny Glasgow Education and Care Inc.-

**Question 1** - What consultation process did the shire carry out prior to the decision to terminate its management order?

**Answer – At** the Ordinary Council meeting on June 2020 Council resolved to dispose of several

buildings, including the Butcher Street building. The officer who prepared the report is no longer with the Shire so we cannot state with certainty what consultation was carried out.

**Question 2** - What provision has the Shire made to assist the community groups which are being displaced as a result of the termination of its management order?

**Answer** - The only group with whom the Shire had a formal lease was the Playgroup. The Playgroup is no longer operational and have defaulted on the lease.

NGALA – Currently utilises the premises on weekly basis, no formal agreement is in place with NGALA for the use of the premises. However, the Shire has been in communication with Ngala to suggest alternative arrangements, including that they enter into a lease directly with the State  
The Toy Library and Shire had an agreement that allowed them to use the ‘flat’. At the time of the agreement, it was made clear that the agreement was for a three-year period only. The Agreement is to expire later this year.

The Toy Library has been advised the Shire not able to renew the agreement due to the intent to dispose the management order. A meeting has been planned with the Toy Library to discuss the future of group and possible assistance from the Shire.

**Question 3** - Would the shire consider delaying or postponing the termination of the management order to facilitate a more open and inclusive consultation process to occur.

**Answer** - The Shire believes it is more streamlined and equitable for any organisations with an interest in this building to liaise directly with the State Government in regard to possible use of the building. We are not sure if further consultation would be of value.

Public Question Time was closed at 1.08pm

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

Nil

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#### **5.0 CONFIRMATION AND RECEIVING OF MINUTES**

- 5.1 **ORDINARY MEETING OF COUNCIL – 24 AUGUST 2021**  
**SPECIAL MEETING OF COUNCIL – 31 AUGUST 2021**

***FC 1/9/21***

**COUNCIL RESOLUTION**

***Cr Maslen/Cr Vandeleur***

***That the minutes of both the Ordinary Meeting of Council held 24 August 2021 and Special Meeting of Council held on 31 August 2021 be confirmed as a true record of proceedings.***

**CARRIED**  
**F6/A0**

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#### **6.0 PRESENTATIONS, PETITIONS AND MEMORIALS**

Nil

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## 7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

The Shire President advised that this would be the last Council Meeting for both Cr Julee Nelson and Cr Kane Simpson. Cr Luke Skender was also acknowledged as this may also be his last Council Meeting however this will depend on the upcoming elections on 16 October 2021 for which he has renominated. The President acknowledged their contribution to Council and thanked them for their commitment and dedication. He wished them well in their future endeavours.

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## 8.0 DEPARTMENTAL REPORTS

### 8.1 GOVERNANCE

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

File No: ADM0043  
Date of Meeting: 28 September 2021  
Location/Address: 3 Francis Street, Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Andrea Selvey, Chief Executive Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: 24 August 2021  
Schedules: Nil

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#### Authority / Discretion

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

#### Summary of Item:

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

#### Background:

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

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

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 - Section 9.49A  
 Planning & Development Act 2005 – Part 10 Div. 2  
 TPS No. 10 – Section 2.4  
 Shire of Carnarvon Local Government Act Local Laws S.29  
 Health Act 1911 – S.107; Health Act 1911, Part VI  
[Health \(Public Buildings\) Regulations 1992](#)

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

There are no financial implications arising from receiving this report.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions.

	not reported to Council		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

**Goal 5: Civic**

**Strong and listening Council.**

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

**Comment:**

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

**DELEGATIONS**

**COMMON SEAL**

Date Affixed	Details
23 August 2021	Lease – Geoscience Australia – Carnarvon Airport

On-site wastewater management (14 August to 17 September 2021)

*Health Act 1911, s.107*

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
07/09/2021	HOS21/006	New Septic Tank System approved for proposed food premises	Valeria Lucchitto	Ricky Andreoli & Julian Andreoli

Land Use and Development (14 August to 17 September 2021)

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A3821	P34/21	Lake McLeod	Construction of small ponds to determine “proof of concept” for the production of Beta Carotene.	Beta Nutrition Pty Ltd	16/09/2021

Hawkers, traders and stall holders

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
24/08/2021	P30/21	Approved	Lisa Eveson	

**BUILDING SERVICES (14 August to 17 September 2021)**

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/046	WAYNE GEOFFRY HARDING	LOT 1 (68) WILLIAM STREET, EAST CARNARVON	RE-ROOF WITH METAL SHEETING
B21/048	INDIGENOUS SERVICES PTY LTD ATF THE NJAMAL PEOPLES TRUST	LOT 200 (217) ROBINSON ST, MORGANTOWN	GARRISON FENCE & DOUBLE SWINGING GATES
B21/050	SHIRE OF CARNARVON	L559 ROBINSON ST, CARNARVON	TELECOMMUNICATIONS TOWER
B21/052	CARNARVON GOLF CLUB INC & STATE OF WESTERN AUSTRALIA & SHIRE OF CARNARVON	LOT 1178 (1178) CORNISH ST, MASSEY BAY	SHED STEEL FRAME STRUCTURE CLADDING WITH METAL SHEETING & CONCRETE SLAB
B21/053	GEORGE WESTON FOODS LTD	LOT 25 (11) HILL ST, CARNARVON	DEMOLITION - BAKERY

**OFFICER'S RECOMMENDATION PART ONE**

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

**FC2/9/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

***Cr Maslen/Cr Vandeleur***

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

**CARRIED**  
**F6/A0**

1.12pm – President Smith declared an Impartiality Interest in this matter as he is a member of the Speedway Club. The President was not required to leave the meeting and could participate and vote on the matter.

File No: ADM1879  
 Date of Meeting: 28 September 2021  
 Location/Address: Carnarvon Speedway Club  
 Name of Applicant: Carnarvon Speedway Club  
 Name of Owner: Shire of Carnarvon  
 Author/s: Amanda Leighton, HR Business Partner  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Schedules: Schedule 8.1.2

#### Authority / Discretion

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

#### Summary of Item:

Council support for a Carnarvon Speedway Club application to the Department of Local Government, Sport and Cultural Industries (DLGSC) Club Night Lights Program for the purpose of upgrading their light system is sought.

#### Background:

A funding application for funding under the (DLGSC) Club Night Lights Program has been prepared by Carnarvon Speedway Club (the Club). The intent is that the funding would be used to upgrade the lighting systems as identified by Carnarvon Speedway to provide safer facilities for competitors, volunteers, and spectators.

By improving their lighting facilities, the Carnarvon Speedway Club will meet the selection criteria required to host State and National events.

The Club is now seeking a formal letter of Council support for their project. A Project Assessment Sheet is required to be completed by the Local Government Authority and a copy of the Council Minutes must accompany their application. A copy of the application is provided in **Schedule 8.1.2**

**Consultation:**

Consultation has taken place with Carnarvon Speedway Club.

**Statutory Environment:**

Section 3.18 of the Local Government Act 1995

**Relevant Plans and Policy:**

Nil.

**Financial Implications:**

Nil.

**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	There is no direct financial risk to the Shire. However, if the Shire supports a community organisation that is ill equipped to handle a project, there is potential financial risks for the community group.	Low	To mitigate the risk the Shire has reviewed the application and has assessed the project scope and budget. The Shire is satisfied that the community group is able to meet the requirements.
Health & Safety	N/A		
Reputation	The Shire risks reputational damage by supporting projects that have not been planned and costed correctly.	Moderate	To mitigate the risk the Shire has reviewed the application and project scope and is satisfied that the project has been appropriately planned.
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*:

Objective 3: Social – *Healthy, safe and resilient community, where everyone belongs.*

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation

**Comment:**

All grant applications that are lodged for the Club Night Light grant opportunity are required to be reviewed, assessed and endorsed by the Local Government Authority prior to being submitted to DLGSC.

Application Assessments are based on the following criteria and the officer has identified the following:

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Priority ranking of no of applications received	1 of 1 applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan
Have all planning and building approvals been given for this project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No There are no approvals required for this project.
If no, what approvals are still outstanding?	

**Project Rating (Please tick the most appropriate box to describe the project)**

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

After reviewing the application, the officer is satisfied the application for the Carnarvon Speedway is satisfactory and meets the community and strategic outcomes of the Shire of Carnarvon.

OFFICER'S RECOMMENDATION PART ONE

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to support the Carnarvon Speedway Club's application for funding by authorising the CEO to write a letter of support and complete the Project Assessment Sheet as outlined above.*

**FC 3/9/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

*Cr Nelson/Cr Vandeleur*

*That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to support the Carnarvon Speedway Club's application for funding by authorising the CEO to write a letter of support and complete the Project Assessment Sheet as outlined above.*

CARRIED  
F6/A0

**8.1.3 RED GRANT OPTIONS**

Date of Meeting: 28 September 2021  
 Location/Address: Carnarvon  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Shire of Carnarvon  
 Author/s: Andrea Selvey – Chief Executive Officer  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Reports: Nil  
 Schedules: Schedule 8.1.3 - Spreadsheet of financial analysis

Authority / Discretion

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X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

The recent opening of a competitive grant round has provided an opportunity for Council to consider making an application for funding for the construction of new workforce accommodation. The proposed project and

its financial implications are outlined within this item. The item requests that Council resolves to endorse the submission of the application.

**Background:**

There are two main housing challenges being experienced not only in the Shire of Carnarvon, but across the Gascoyne region. These challenges include quality and quantity, particularly as it relates to the provision of workforce accommodation for workers from various government agencies. In the past 10 years, only 20 homes have been built in Carnarvon, rendering the median age of the housing stock at 50 years. The housing stock quality has implications on values and desirability of housing. Initial consultation with several government agencies including Department of Communities (as managers of the GROH program), WA Police, Horizon Power, and Water Corporation has identified that the lack of housing is limiting employment growth, therein creating resource strain that negatively impacts service provision, which has a further impact on population growth and associated development within the Shire.

Regional Economic Development (RED) grants are an annual competitive funding opportunity offered by the State Government and delivered locally through Regional Development Commissions. In 2021, the RED grant round opened in September and will consider contributing up to \$100,000 for individual projects, although up to \$250,000 may be considered for applications that address the objectives and criteria to a very high standard. It is the officer's view that the proposed application from the Shire as outlined in this report would present a compelling case for the maximum grant amount.

The objectives of the RED Grants Program include:

- Sustainable jobs
- Expanding or diversifying industry
- Developing skills or capabilities
- Attracting new investment in the region
- Maximising recovery from the COVID-19 pandemic impacts.

A minimum 50% cash contribution to the project is required by the applicant. Applicant cash contributions are expected to exceed the minimum requirement and the level of cash contribution will receive a higher weighting in the application assessment process.

Preference will be given to projects that demonstrate:

- Building the capability of local suppliers, and the opportunity for regional businesses to supply items/services for the project.
- Increased regional employment and regional business participation through subcontractors, suppliers, apprenticeships and traineeships.
- Support for emerging or new industries in the region, promotion and awareness of local industry/businesses; and
- Benefit to the regional economy through any other identifiable means.

**Stakeholder and Public Consultation:**

Gascoyne Development Commission  
WA Police  
Water Corporation  
Horizon Power  
Department of Communities (as managers of the GROH program)

**Statutory Environment:**

*Local Government Act 1995*

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

As noted in the Background to this report, a maximum of \$250,000 can be sought from the RED grant. The proposal is that \$1,000,000 of the Local Roads and Community Infrastructure Fund Phase 3 is also allocated to this project along with borrowings of \$565,000 to provide a total project budget of \$1,815,000 over two financial years.

The financial implications of this project, total capital costs, ongoing maintenance and renewal costs along with revenue potential, are presented in the attached spreadsheet – see *Schedule 8.1.3*

In summary, the financial modelling demonstrates that the project would have a positive cash flow from year one and would provide a return on capital of over \$1,000,000 (discounted) over a twenty-year period.

To enable appropriate planning to underpin assumptions of cost in the RED application, it may be necessary to engage a builder to develop costed concept plans and specifications. It is anticipated that this would cost no more than \$20,000. The current budget provides an allocation of funds for such use in the consultants and contractors’ budget.

Should the application for funding be successful, partial funding allocation will need to be made available in the current budget, via a budget amendment, to commence the project and remainder of funds to finalise the project would be required in the subsequent financial year budget.

**Risk Assessment:**

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant	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	1. Cost exceeds financial capacity of the Shire 2. Unable to secure land at the price suggested in financial model. 3. The market rental price decreases and GROH drop their rental price to match.	Moderate	1. Life cycle costs have been calculated and are within the capacity of the Shire to fund. See attached spreadsheet for detailed financial modelling. 2. Current market shows land is available and informal enquiries have provided the indicative price. Should the price exceed the budget, the finances would be re-modelled and presented to Council to allow Council to assess affordability and withdraw from the project if the finances do not provide the financial benefit or raise the risk beyond a level that is acceptable to Council. 3. GROH has confirmed that each year, the rental value would be assessed, and rents paid as per market value. Should

			the value decrease, the financial modelling for this project would be impacted. The model has been based on a conservative rental values and current estimates of population growth on the back of known projects is significant, making it unlikely that the market value of rental properties will decrease in the foreseeable future.
<b>Health &amp; Safety</b>	NA		
<b>Reputation</b>	Seen to be competing with the private sector	Moderate	The modest scale of the proposed project along with the heavy demand for housing, there is a great deal of opportunity for the private sector to also enter the market. It is also intended for the Shire to show leadership and confidence in Carnarvon by this investment, which is anticipated to trigger private sector investment.
<b>Service disruption</b>	NA		
<b>Compliance</b>	NA		
<b>Property</b>	Ongoing shortage of quality housing in Carnarvon Adding building assets to the Shire's property portfolio increases the	High	This report and the officer's recommendation aim to mitigate this risk.
<b>Environment</b>	NA		
<b>Fraud</b>	NA		

#### Community & Strategic Objectives:

The proposal aligns with the following objectives of the Shire's Community Strategic Plan 2018-2028:

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need

#### Comment:

Various project options have been considered in relation to upfront and ongoing costs against potential long-term benefit. Options considered included the following:

##### Option One - One executive house:

This option considered purchasing a residential block and building one executive house and selling either one or two Shire-owned houses that are likely to require some renewal investment in the near future. This option was rejected as it would offer no additional housing stock to alleviate Carnarvon's chronic shortage of workforce accommodation. It was also recognised that the Shire would not be able to replace the houses that were flagged for sale, for the financial return in terms of what the houses would be likely to attract on the current market.

**Option Two - Five-dwelling development:**

This option was for a five dwellings group housing development on a 7200sqm block on Robinson Street owned freehold by the Shire. In assessing this option, consideration was given to the cost/benefit and opportunity lost of the use of this block for residential development and it was concluded that this project is not likely to be the highest or best use of this large block of freehold land, currently zoned tourism. Use of this block for a residential development would require a re-zoning which would be difficult to justify given that other residential land is readily available and the shortage of prime, main street frontage land for tourism development. Use of this prime tourism block would address a short term need but not factor in the longer-term strategic positioning of this block for tourism. Increasing the project from a three-dwelling development to a five dwelling development increased the cost (albeit it is likely that there are economies of scale with a larger development) and while the five-dwelling development also had the potential to increase the return on investment, it also increased the risk. After robust analysis, this option was put aside for the proposal for a three-dwelling option as outlined below.

**Option Three - Three-dwelling development:**

This option, which is the option recommended to Council, is that the Shire purchases a serviced and suitably zoned residential block of land and builds a three-dwelling development. This option does rely on suitable residential serviced land being sourced and purchased for the amount suggested in the budget for this project. It has the advantage of increasing the amount of workers accommodation in Carnarvon, while not of a scale that would have a negative impact on potential private sector developers.

Advantages	Limitations
Construction of 3 new dwellings. Potential to increase population. Secures housing for government agency employees. Utilises available serviced and zoned land. Opportunity under GROH program to ensure tenancy. Creation of new local employment both during and post construction. Economic growth due to new residents' expenditure. Increased social outcomes due to new residents' participation. Prefabricated units are constructed offsite enabling a short onsite construction phase. Significant cash commitment to the project by the Shire which will be considered favourable from a grant assessment perspective.	Substantial initial financial investment. Longer construction phase if the onsite construction option is selected. Ongoing asset management costs of 3 new properties. Finding suitable land.

The officer's recommendation supports option three and seeks Council's approval to proceed with a RED grant application on that basis. The officer's recommendation is based on the view that this option offers the following benefits:

- provides much needed additional housing for key government service providers in Carnarvon – resulting in improved service delivery.
- contributes to population growth.
- demonstrates confidence in the future of Carnarvon and its growth.
- provides a positive cash flow from year one, increasing every year thereafter.

- less capital investment and therefore less risk than the five-dwelling option.
- provides a discounted return on the capital investment of \$1,049,562 over 20 years, based on analysis of capital expenditure, projected life cycle costs, including renewal, projected revenue and residual value of 1,032,500.

OFFICER'S RECOMMENDATION

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

1. Support a Regional Economic Development (RED) grant application for funding of \$250,000 for the purchase of residential land and the development of a three-dwelling development (as per Option Three above) which includes with a maximum budget of \$1,815,000, consisting of the Shire's contribution of \$1,000,000 from the Local Roads and Community Infrastructure Fund - Phase Three and \$565,000 in borrowings to leverage the \$250,000 in RED grant funding.
2. Consider budget variations and borrowings should the application be successful and once the exact financial implications are known.

FC 4/9/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Nelson/Cr Vandeleur

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

1. Support a Regional Economic Development (RED) grant application for funding of \$250,000 for the purchase of residential land and the development of a three-dwelling development (as per Option Three above) which includes with a maximum budget of \$1,815,000, consisting of the Shire's contribution of \$1,000,000 from the Local Roads and Community Infrastructure Fund - Phase Three and \$565,000 in borrowings to leverage the \$250,000 in RED grant funding.
2. Consider budget variations and borrowings should the application be successful and once the exact financial implications are known.

CARRIED  
F6/AO

8.1.4

OUTSTANDING RATES ASSESSMENT A3508

File No: ADM0072  
 Date of Meeting: 28 September 2021  
 Location/Address: Shire of Carnarvon  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: A3508  
 Author/s: Andrea Selvey - CEO  
 Declaration of Interest: Nil  
 Voting Requirements: Absolute Majority required  
 Schedules: Confidential 8.1.4(a)(b)(c)(d)(e)(f)(g)

Authority / Discretion

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

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

**Summary of Item:**

This item presents a formal request from the Uniting WA on behalf of the owner of A3508 that the debt on the property be waived in full to enable the property be sold and the Mortgagee (ANZ Bank) recover some of their debt. Uniting WA has also requested that if the property debt cannot be waived, Council accept an offer to partially waive the debt and allow the balance (approximately one third of the debt) to be repaid over a period of 5 years and allow sale of the property passing all proceeds to the ANZ Bank. The Officer's Recommendation is that Council declines the request (both options), due to the size of the debt outstanding, and that the debt would become an unsecured debt if not fully written off and resolve to authorise the CEO to seek legal advice on options to recover the outstanding rates on assessment A3508 and progresses those actions up to and including the sale of the property.

**Background:**

The owner of A3508 purchased the property on the 26 of June 2013, under mortgage, and have received rates notices since that date. Rates have been paid in an ad hoc manner with substantial rates arrears always on the assessment. The last rates payment was made on 31 October 2016. As is normal practice when Rates become more than 3 years overdue and the property becomes eligible for sale by Council under the Local Government Act 1995 (Section 6.64) to recover the debt, a letter was sent to the Australian and New Zealand Banking Group Limited on the 20 November 2020 advising of the outstanding debt, however, to this date there has been no contact from the bank. A letter of demand was sent to the owner on the 20 November 2020 with no response.

On the 10 August 2021 an account enquiry and advice of sale was received by the Rates Officer, *(Schedule 8.1.4(a)Confidential)*. Settlement was to be on the 23 August 2021, however, due to several creditors including the ANZ Bank being owed substantial amounts of money, settlement did not take place. The owner of A3508 then phoned the Rates Officer who advised the owner to contact the Chief Executive Officer in the form of email to explain the situation *(Schedule 8.1.4(b)Confidential)*. The Chief Executive Officer has advised the owner of A3508 that the request would be taken to Council for consideration. The request/offer from the owner is that Council waive all interest accrued on the property since purchase in 2013, the owner be allowed to repay the outstanding debt at \$100 per fortnight and allow all proceeds on sale to go to ANZ bank. On the 14 September 2021 a financial counselor emailed the Shire *(Schedule 8.1.4(c)Confidential)*, proposing the Shire to enter into a financial settlement so the sale of the property can proceed, please see attached *(Schedule 8.1.4(d)Confidential)*, *(Schedule 8.1.4(e)Confidential)*, *(Schedule 8.1.4(f)Confidential)* *(Schedule 8.1.4(g)Confidential)*.

The debt on the property continues to increase with outstanding Legal fees to be received and daily interest. Should Council resolve to sell the property under the Local Government Act 1995 (Section 6.64), Legal costs would be in the vicinity of \$10,000 to \$14,000. Should Council resolve to accept the financial settlement a budget amendment will be required for the amount of the write off as this amount has not been included in the budget.

**Stakeholder and Public Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 (Section 6.3) makes provisions for the sale or transfer of property where rates or service charges are unpaid.

Relevant Plans and Policy:  
Policy C009-Rates Recovery

**Financial Implications:**

- Write off of a substantial part of the debt owed on A3508 should council resolve to accept either of the offers.
- Very low or no financial loss if the property were sold under Local Government Act 1995 (Section 6.64) provided the outstanding debt, outstanding legal fees and costs of sale were covered by the amount raised by the sale.

**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	Waiver/writing off all or parts of the outstanding creates a substantial decrement to income	Extreme	Offers are declined and the property is sold under the Local Government Act 1995 (Section 6.64)
Health & Safety		N/A	
Reputation	There is a risk that waiver/writing-off full or partial outstanding rates could create a precedent	Extreme	Offers are declined and the property is sold under the Local Government Act 1995 (Section 6.64)
Service disruption		N/A	
Compliance	That recovery actions are non-compliant.	Moderate	Local Government Act 1995 (Section 6.64) provides guidance. In addition, the Shire will seek appropriate legal advice to ensure 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*:

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

**Comment:**

The Officer's Recommendation is that the request from the Uniting WA on behalf of the owner of A3508 is not accepted for the following reasons:

- a. There has been no attempt to pay since 31 October 2016
- b. Accepting either of the offers results in considerable loss of revenue
- c. All ratepayers need to pay Rates so costs are equitably shared across the community
- d. Acceptance of either one of the offers may set a precedent which may encourage other Ratepayers to not pay their rates
- e. Substantial Legal fees would not be recovered
- f. Debt collection measures since 2016 have not resolved the issue and have been largely ignored by the owner
- g. Council has the right under the Local Government Act 1995 (Section 6.64) to sell the property, recover the outstanding Rates and Legal Fees.

The recommendation is that the Shire seeks legal advice with regard to recovery options, up to and including the option of sale of the property as permitted under S 6.64 of the Local Government Act 1995.

**OFFICER'S RECOMMENDATION**

*That Council, by Absolute Majority, pursuant to Section 6.3 of the Local Government Act, resolves to:*

- 1. Decline the request by Uniting WA on behalf of the property owner (A3508) to write off all or a portion of the outstanding debt, inclusive of rates, fees and charges; and*
- 2. Authorises the CEO to seek legal advice on options to recover the outstanding debt on assessment A3508 and progress those actions up to and including the sale of the property.*

**FC 5/9/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

***Cr Fullarton/Cr Vandeleur***

*That Council, by Absolute Majority, pursuant to Section 6.3 of the Local Government Act, resolves to:*

- 1. Decline the request by Uniting WA on behalf of the property owner (A3508) to write off all or a portion of the outstanding debt, inclusive of rates, fees and charges; and*
- 2. Authorises the CEO to seek legal advice on options to recover the outstanding debt on assessment A3508 and progress those actions up to and including the sale of the property.*

**CARRIED BY ABSOLUTE MAJORITY**

**F6/A0**

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

File No: ADM0186  
 Date of Meeting: 28 September 2021  
 Location/Address: Shire of Carnarvon  
 Name of Applicant: Shire of Carnarvon  
 Author/s: RENEE LOUW – CREDITOR OFFICER  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Reports: Presented every month  
 Schedules: Schedule 8.2.1

## Authority / Discretion

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

## Summary of Item:

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

## Background:

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

## Stakeholder and Public Consultation: Nil

## Statutory Environment:

Local Government Act 1995 – Section 5.42

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

## Relevant Plans and Policy:

N/A

**Financial Implications:**

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

**Risk Assessment:**

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

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 \$1,940,102.83 as presented for the month of August 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38799.1	DD38799.1	Bank Direct- Muni	\$4,336.32
DD38887.1	DD38887.1	Bank Direct -Muni	\$10,020.00
DD38889.1	DD38889.1	Bank Direct- Muni	\$600.00
DD38891.1	DD38891.1	Bank Direct- Muni	\$38,709.21
DD38893.1	DD38893.1	Bank Direct- Muni	\$5,442.54
DD38911.1	DD38911.1	Bank Direct- Muni	\$165.60
DD38913.1	DD38913.1	Bank Direct- Muni	\$5,354.40
DD38916.1	DD38916.1	Bank Direct- Muni	\$3,606.04
DD38922.1	DD38922.1	Bank Direct- Muni	\$48,885.84
DD38924.1	DD38924.1	Bank Direct- Muni	\$1,511,16
DD38933.3	DD38933.3	Bank Direct- Muni	\$60.00
EFT33499	EFT33690	Muni EFT	\$ 1,821,410.72

		TOTAL	\$1,940,102.83

b) Note Sundry Creditors as of 31 August 2021 \$735,534.34

FC 6/9/21

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

Cr Vandeleur/Cr Maslen

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

- a) Receive the list of payments made under delegation, as per Schedule 8.2.1 (a) totalling \$1,940,102.83 as presented for the month of August 2021 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD38799.1	DD38799.1	Bank Direct- Muni	\$4,336.32
DD38887.1	DD38887.1	Bank Direct -Muni	\$10,020.00
DD38889.1	DD38889.1	Bank Direct- Muni	\$600.00
DD38891.1	DD38891.1	Bank Direct- Muni	\$38,709.21
DD38893.1	DD38893.1	Bank Direct- Muni	\$5,442.54
DD38911.1	DD38911.1	Bank Direct- Muni	\$165.60
DD38913.1	DD38913.1	Bank Direct- Muni	\$5,354.40
DD38916.1	DD38916.1	Bank Direct- Muni	\$3,606.04
DD38922.1	DD38922.1	Bank Direct- Muni	\$48,885.84
DD38924.1	DD38924.1	Bank Direct- Muni	\$1,511.16
DD38933.3	DD38933.3	Bank Direct- Muni	\$60.00
EFT33499	EFT33690	Muni EFT	\$ 1,821,410.72
		TOTAL	\$1,940,102.83

b) Note Sundry Creditors as of 31 August 2021 \$735,534.34

CARRIED  
F6/AO

**8.2.2 DRAFT FINANCIAL ACTIVITY STATEMENT 31 JULY 2021**

File No: ADM0186  
Date of Meeting: 28 September 2021  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Susan Mizen Manager Finance  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Report: Nil  
Schedules: Schedule 8.2.2

Authority / Discretion

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

**Summary of Item:**

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

**Background:**

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

The statements should show the following:

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

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

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

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

**Consultation:**

Nil

**Statutory Environment:**

*Local Government (Financial Management) Regulation 34.*

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

Risk Assessment:

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

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

Community & Strategic Objectives:

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

Comment:

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

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

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

OFFICER'S RECOMMENDATION

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

**FC 7/9/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

**Cr Skender/Cr Vandeleur**

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

**CARRIEED**  
**F6/AO**

**8.3 DEVELOPMENT SERVICES**

**8.3.1 APPOINTMENT OF AUTHORISED PERSONS UNDER THE BUSH FIRES ACT 1954**

File No: ADM0106  
 Date of Meeting: 21 September 2021  
 Location/Address: Shire of Carnarvon  
 Name of Applicant: N/A  
 Author/s: Warren Hatt, Community Emergency Services Manager  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Report: 23 February 2021  
 Schedules: Nil

**Authority / Discretion**

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

		from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

This item recommends Council appoints suitable persons to the offices of Bush Fire Control Officer, Chief Bushfire Control Officer and Deputy Chief Bush Fire Control Officer to ensure requirements of the Bush Fires Act 1954 are properly fulfilled.

**Background:**

The Bush Fires Act 1954 (the Act) has several statutory requirements relevant to local government. Although Fire Control Officer appointments were updated at the February 2021 Council meeting, staff changes require appointments to be made current.

To be consistent with the Act, the persons proposed for the position of Bush Fire Control Officer are outlined below. Their relationship to the Shire of Carnarvon and the Volunteer Bush Fire Brigade is also noted:

- Warren David Hatt – Shire Community Emergency Services Manager
- Peter Allen Cullen – Shire Ranger based in Carnarvon
- Michael Ante Deadman – Shire Ranger based in Carnarvon
- Blair Anthony McMurrich – Shire Ranger based in Carnarvon
- Desmond Phillip Williamson – Captain, Gascoyne River Bush Fire Brigade
- Scott Medhurst – Shire Bushfire Risk Planning Coordinator
- Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Bradley John Toulmin- Shire Ranger based in Coral Bay
- Damien Alexander Kavanagh-Shire Ranger based in Coral Bay

Peter Cullen, Bradley Toulmin and Damien Kavanagh will be placed on the next available Fire Control Officer course as offered by the Department of Fire and Emergency Services to consolidate their current knowledge of the Bush Fires Act 1954 in preparation of the upcoming bushfire season.

**Stakeholder and Public Consultation:**

The Community Emergency Services Manager has met with all persons proposed as Fire Control Officers (FCO) to assess their suitability for the role and has gained their interest and support for the appointment.

A notice of appointment must be published in a newspaper circulating within the district.

**Statutory Environment:**

Bush Fires Act 1954 - Section 38 - Local government may appoint bush fire control officer; and Section 50 - Records to be maintained by local governments

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

Nil

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	Failure to appoint suitably qualified FCO's may place staff and volunteers outside formal protection under the Act.	Moderate	This item recommends Council to support the appointment as presented, which will ensure compliance.
Reputation	N/A		
Service disruption	N/A		
Compliance	Noncompliance with the provisions of the Bush Fire Act 1954.	Moderate	Council to support the appointment as presented to maintain compliance under the Bush Fire Act 1954.
Property	Damage to property if fire incident response is not appropriately resourced.	Moderate	Council to support appointment of authorised persons with suitable ability to manage fire incidents under the Bush Fire Act 1954.
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 3: Social

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

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

Objective 5: Civic

*Strong and listening Council.*

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

**Comment:**

Section 38 of the Bush Fires Act 1954 gives local government the power to appoint Bush Fire Control Officers and the Act provides such persons with the necessary authority to perform their duties under the Act.

The persons as outlined in this report and recommended below are considered suitable for and are willing to accept the responsibilities that come with the role of Bush Fire Control Officer for the Shire of Carnarvon.

The Shire is required to maintain a register of persons appointed under the Bush Fires Act 1954

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to Section 38 of the Bush Fires Act, 1954 resolves to:*

- a) Revoke all previous appointments to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control Officer; and*
- b) Appoint the following person to the position of Chief Bush Fire Control Officer:  
Brett David Renton*
- c) Appoint the following person to the position of Deputy Chief Bush Fire Control Officer:  
Stephen Andrew Lyall*
- d) Appoints the following persons to the position of Bush Fire Control Officer:  
Warren David Hatt  
Peter Allen Cullen  
Michael Ante Deadman  
Blair Anthony McMurrich  
Scott Medhurst  
Neil George Hatt  
Desmond Phillip Williamson  
Bradley John Toulmin  
Damien Alexander Kavanagh*
- e) Authorise the Chief Executive Officer to cause notice of these appointments to be published at least once in a newspaper circulating in the district and formally advise the Department of Fire and Emergency Services of the appointments.*

**FC 8/9/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

**Cr Skender/Cr Vandeleur**

*That Council, by Simple Majority, pursuant to Section 38 of the Bush Fires Act, 1954 resolves to:*

- a) Revoke all previous appointments to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control Officer; and*
- b) Appoint the following person to the position of Chief Bush Fire Control Officer:  
Brett David Renton*
- c) Appoint the following person to the position of Deputy Chief Bush Fire Control Officer:  
Stephen Andrew Lyall*
- d) Appoints the following persons to the position of Bush Fire Control Officer:  
Warren David Hatt  
Peter Allen Cullen  
Michael Ante Deadman  
Blair Anthony McMurrich  
Scott Medhurst  
Neil George Hatt*

*Desmond Phillip Williamson  
Bradley John Toulmin  
Damien Alexander Kavanagh*

- e) *Authorise the Chief Executive Officer to cause notice of these appointments to be published at least once in a newspaper circulating in the district and formally advise the Department of Fire and Emergency Services of the appointments.*

CARRIED  
F6/A0

## 8.4 INFRASTRUCTURE SERVICES

### 8.4.1 REQUEST FOR TENDER RFT 05/2021 BLOWHOLES ROAD WIDENING WORKS

1.17pm – Cr Vandeleur declared a Financial Interest in this matter as his company priced some material for the contract. Cr Vandeleur left the meeting and did not participate or vote on the matter.

File No.	ADM1753
Date of Meeting:	28 September 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 Gloria Quinn -
Declaration of Interest:	Nil
Schedules:	Confidential Schedule 8.4.1 – Tender Recommendation Report
Previous Reports:	FC 13/7/21
Voting Requirements:	Recommendation 1 Absolute Majority Recommendation 2 Simple Majority Recommendation 3 Simple Majority

#### Authority / Discretion

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

**Summary of Item:**

This report details the tender process undertaken for Request for Tender RFT 05/2021 – Blowholes Road Widening Works (Re-advertised).

It is recommended Council accept the tender from RJ Haulage (trading as Safe Roads WA). It is further recommended that Council approves a budget variation to allow the full length of Blowholes Road widening works to be completed this year.

**Background:**

In June 2021 RFT 03/2021 was advertised to complete 18km of road widening and sealed edge repair works along Blowholes Road. Council resolved to re-tender for the works under RFT 05/2021 (the subject of this report).

RFT 05/2021 has attracted only one submission from RJ Haulage (Safe Roads WA) which has been evaluated as compliant. The Tender Evaluation Report is provided as **Confidential Schedule 8.4.1**.

**Stakeholder and Public Consultation:**

Nil applicable.

**Statutory Environment:**

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

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

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

Local Government Act 1995 - Section 3.18 Performing executive functions

**Relevant Plans and Policy:**

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

**Financial Implications:**

There are 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 the remainder of funds provided by MRWA.

Based upon the recommended submission pricing, total estimated cost to complete widening and edge repair of Blowholes Road is \$503,200. i.e. a budget shortfall of \$128,200.

The existing available budget will allow completion of approximately 13.5 of the 18km remainder of the road that requires widening and edge repair. That remaining 4.5km would need to be completed with another mobilisation in 2022/23 if not completed now. This is not preferable as it delivers lower value for money given the mobilisation/demobilisation cost of approximately \$25,000.

It is recommended Council approves a variation within the existing RRG program as follows:

Road	Project	Current Budget	Revised Budget	Difference
Blowholes Road	Repair edge breaks & widen seal to 7m width SLK 30 - SLK 49	\$375,000	\$555,000	\$180,000
Quobba Gnaraloo Road	Reconstruct narrow section to Type 3 standard with 7m pavement targeting sections identified in RSA SLK 0 - SLK 84	\$450,000	\$270,000	-\$180,000

It should be noted that an additional \$500,000 is also allocated in 2021/22 to Quobba Gnaraloo Road under the State Initiatives funding program.

It should also be noted that the net budget position is unchanged by the proposed variation.

**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	Affordability issues in awarding the Tender.	C2: Moderate	Works are budgeted for and include external funding from RRG and MRWA.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Acceptance of a non-compliant tender.	E4: High	Although only one submission was received, it has been evaluated as compliant and was submitted by the successful tenderer for Stage 1 of the Blowholes Road Widening Works.
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:**

Blowholes Road is a significant local road and a popular tourist route to the Quobba coastal attractions.

Completion of the remaining 18km of road works will result in widening the entire length of Blowholes Road to a minimum of 7m with the sealed edges repaired.

Provisional items were included in the specification for the sealing of four vehicle pull over rest sites to improve traveller comfort and provide safe areas to stop without obstructing the roadway.

**OFFICER'S RECOMMENDATION PART 1**

*That Council, by Absolute Majority pursuant to Section 6.8 of the Local Government Act, adopts budget variations as follows:*

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
137470	REGIONAL ROADS GROUP (RRG)	RRG066	Blowholes Road	\$375,0000	\$180,000	\$555,000
137470	REGIONAL ROADS GROUP (RRG)	RRG121	Quobba Gnoraloo Road	\$450,000	-\$180,000	\$270,000

**OFFICER'S RECOMMENDATION PART TWO**

*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 accepts the submission from RJ Haulage Pty Ltd (trading as Safe Roads WA) for Tender 05/2021 – Blowholes Road Widening Works for the tendered rates provided in Schedule 8.4.1 to complete Blowholes Road widening works up to the available project budget of \$555,000 (ex GST):*

**OFFICER'S RECOMMENDATION PART THREE**

*That Council, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and RJ Haulage Pty Ltd (trading as Safe Roads WA) for Tender RFT 05/2021 – Blowholes Road Widening Works.*

**FC 9/9/21**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

*Cr Nelson/Cr Skender*

*That Council, by Absolute Majority pursuant to Section 6.8 of the Local Government Act, adopts budget variations as follows:*

COA	Description	Job	Description	Existing Budget	Amendment	Revised Budget
137470	REGIONAL ROADS GROUP (RRG)	RRG066	Blowholes Road	\$375,0000	\$180,000	\$555,000
137470	REGIONAL ROADS GROUP (RRG)	RRG121	Quobba Gnoraloo Road	\$450,000	-\$180,000	\$270,000

**CARRIED BY ABSOLUTE MAJORITY**  
**F5/A0**

FC 10/9/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Nelson/Cr Skender

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 accepts the submission from RJ Haulage Pty Ltd (trading as Safe Roads WA) for Tender 05/2021 – Blowholes Road Widening Works for the tendered rates provided in Schedule 8.4.1 to complete Blowholes Road widening works up to the available project budget of \$555,000 (ex GST):

CARRIED

F5/A0

FC 11/9/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART THREE

Cr Nelson/Cr Skender

That Council, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and RJ Haulage Pty Ltd (trading as Safe Roads WA) for Tender RFT 05/2021 – Blowholes Road Widening Works.

CARRIED

F5/A0

1.20pm – Cr Vandeleur returned to the meeting and was advised of Council's decision.

**8.4.2 RFT 04/2021 SUPPLY OF PLANT AND OPERATORS FOR ROAD FLOOD DAMAGE REPAIRS**

File No. ADM1938  
Date of Meeting: 28 September 2021  
Location/Address: Northern & Southern Flood Damaged Roads  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: David Nielsen – Executive Manager Infrastructure Services  
Gloria Quinn - Executive Administrator  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Previous Reports: FC6/2/21  
Schedules: Confidential Schedule 8.4.2

Authority / Discretion

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

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

**Summary of Item:**

This report details the tender process undertaken for Request for Tender RFT04/2021 – Supply of Plant & Operators for Flood Damage Repairs.

It is recommended Council award “Works Package 1” to Dean Contracting Pty Ltd. It is also recommended Council seeks quotations from suitably qualified contractors to carry out “Works Package 2”.

**Background:**

The Shire suffered damage to various road assets from the TL12U weather event in February this year. The reinstatement cost for repair of these roads qualifies for Disaster Recovery Funding Arrangements – Western Australia (DRFA-WA) to repair damage to THE pre-weather event condition.

In April 2021, Council resolved to appoint Greenfield Technical Services for the following services associated with the recovery works:

1. professional engineering services for the development of contract specifications and tender submission assessments;
2. onsite engineering supervision, documentation and certification of contract remediation works; and
3. administrative support for lodgement of reimbursement claims to the Department of Fire & Emergency Services (DFES) under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA).

A tender was prepared inviting suitably experienced and qualified contractors to quote on completing flood damage reinstatement works contained in two works packages of approximately equal value.

Package 1 includes the northern roads affected. Package 2 consists of the southern and eastern roads affected. Both packages include separately funded improvement works.

Two (2) tender submissions were received. Evaluation of the tenders received is detailed in the Tender Evaluation Report at *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 (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:**

Reinstatement works are funded under the DRFA-WA program. Provided the claims submitted are compliant, the Shire contribution toward these reinstatement works is limited to \$187,000.

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	Claims submitted by the Shire are not compliant under the DRFA-WA program resulting in rejection of recoup claims.	C4: Extreme	Project manager has been engaged to ensure funding claims and associated recovery work is controlled and compliant with the DRFA-WA program requirements.
Health & Safety	N/A		
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will delay reinstatement works.	C3: High	Appoint contractor.
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:

The tender evaluation is detailed in the Tender Evaluation Report at **Confidential Schedule 8.4.2**. It should be noted that the tender allows for appointment of one contractor to complete one or more work packages or two contractors to complete one work package each, or any other combination of contractors and work packages.

The evaluation by Greenfield presented staff with the following two recommended options:

### Option 1

**PACKAGE 1: *Dean Contracting*** for the estimated total cost of **\$6,894,600 + GST**

**PACKAGE 2: *Dean Contracting*** for the estimated total cost of **\$5,415,500 + GST**

Note: As *Dean Contracting* will only be able to complete one work package at a time, these work packages would need to be completed one after the other.

### Option 2

**PACKAGE 1: *Dean Contracting*** for the estimated total cost of **\$6,894,600 + GST**

**PACKAGE 2:** seek alternative proposals and proceed to award works

Dean Contracting Pty Ltd have been assessed as not having capacity to complete both Package 1 and Package 2 simultaneously. Dean Contracting Pty Ltd could complete Package 1 and 2 consecutively.

The panel of Shire officers appointed to review the Greenfield evaluation, in consultation with the CEO, recommend Council proceed under Option 2. i.e. award Package 1 to Dean Contracting Pty Ltd then seek alternative proposals for the award of Package 2.

Consecutive completion of the two packages will unacceptably delay the flood damage reinstatement works and the recommendation will hopefully, depending on contractor availability for Package 2, allow at least some of the works to be carried out consecutively.

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 2 references this regulation to advance the matter for the Package 2 works without the need to recall public tenders. Quotations may then be sought from known suitably qualified organisations to complete the Scope of Works for Package 2.

Council may note that the poor response to the tender is most likely a result of a very low supply market for contractor services combined at present with high demand. Every effort will be need to made to source and secure the necessary supply of plant and operators for flood damage repairs for Package 2.

### OFFICER'S RECOMMENDATION PART ONE

*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, accepts the tender submission and schedule of rates from Dean Contracting Pty Ltd for the performance of all works under Package 1 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs.*

### OFFICER'S RECOMMENDATION PART TWO

*That Council, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Dean Contracting Pty Ltd for performance of all works under Package 1 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs..*

### OFFICER'S RECOMMENDATION PART THREE

*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 Package 2 of the RFT 04/2021 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 RFT 04/2021.*

FC 12/9/21

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

*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, accepts the tender submission and schedule of rates from Dean Contracting Pty Ltd for the performance of all works under Packages 1 and 2 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs.*

CARRIED

F6/AO

FC 13/9/21

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

*That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments for works to commence prior to end of October 2021 and finalise execution of a contract between the Shire of Carnarvon and Dean Contracting Pty Ltd for performance of all works under Packages 1 and 2 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs.*

CARRIED

F6/AO

(Note to Minute – Council was updated on the status of availability of obtaining workers to carry out contract works within the Gascoyne and throughout WA and with this in mind considered that it would be in Council's best interests to award Packages 1 and 2 to the successful tenderer Dean Contracting Pty Ltd. To offer both packages would secure the contractor and ensure that the contract works in its entirety could proceed and would negate the need for Council to go through the process of seeking quotations for the Scope of Works for Package 2 – Officers Recommendation Part 3).

8.4.3

REGIONAL ROAD GROUP ALLOCATIONS FOR 2022/23

File No.	ADM0046
Date of Meeting:	28 September 2021
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
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.
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.

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

#### Summary of Item:

This report requests Council to consider road projects to be allocated for Regional Road Group (RRG) funding for 2022/23. The application to Main Roads WA needs to be submitted prior to 30 September 2021.

#### Background:

In previous years, the Shire Corporate Business Plan (CBP) identified the Capital Works Program for Road Construction. The 2020/21 financial year is the final year of the current CBP. Council's approval is required to allocate the 2022/23 RRG funding, until adoption of the new CBP. RRG Road Project Grants funding provides 2/3 of a total project allocation with Council contributing 1/3 towards the total project cost.

#### Stakeholder and Public Consultation:

Nil

#### Statutory Environment:

Local Government Act 1995 - Section 3.18 Performing executive functions

#### Relevant Plans and Policy:

Nil applicable

#### Financial Implications:

The RRG project allocation for 2021/22 is provided in the table below. It is assumed that this allocation will be at least maintained for the 2022/23 financial year.

TOTAL STATE CONTRIB	TOTAL LGA CONTRIB	TOTAL PROJECT COST
\$916,895	\$458,448	\$1,375,343

The recommended work program has been based upon the following three priorities:

1. Resealing works on Carnarvon Mullewa Road
2. Reconstruction and resheeting works on Quobba Gnaraloo Road and
3. Resheeting and culvert installation of Minilya Lyndon Road

It is only possible to estimate resealing costs until firm quotations are received. The most recent Shire resealing was conducted in October 2019 at a price of \$4.51/SQM. Application of a 10% increase for 2022/23 yields pricing for budgeting of approximately \$5.00/SQM.

Based upon the resealing of approximately 140,000 SQM of Carnarvon Mullewa Road yields a resealing budget of \$700,000. The balance of available funding is proposed to be split evenly between the other two roads.

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			
Health & Safety	N/A		
Reputation			
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:

Resealing works on the Carnarvon Mullewa Road is the highest priority as the seal ages in the sections to be resealed averages around 14.5 years. Resealing should typically occur every 12-15 years.

The indicative budget has been allocated in accordance with resealing works required to be completed in 22/23. The balance has been split evenly between the other two nominated roads.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 approves the following proposed projects for Regional Road Group (RRG) funding in 2022/23 with the final budget allocations to be determined in the 2022/23 budget process:

Road Name	Project Description	INDICATIVE TOTAL STATE CONTRIB	INDICATIVE TOTAL LGA CONTRIB	INDICATIVE TOTAL PROJECT COST

Quobba Gnaraloo	Reconstruct narrow section to Type 3 standard with 7m pavement targeting sections identified in RSA SLK 0 - SLK 84	\$225,114	\$112,557	\$337,672
Minilya Lyndon	Pavement resheeting focusing on areas adjacent to gravel pits and installation of culverts between NWCH & river crossing SLK 0 - SLK 82	\$225,114	\$112,557	\$337,672
Carnarvon Mullewa	Resealing Sections as assessed from SLK 14.5 - 17.3 and SLK 33 - 49	\$466,667	\$233,333	\$700,000
Total		\$916,895	\$458,448	\$1,375,343

FC 14/9/21

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE**

Cr Maslen/Cr Skender

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 approves the following proposed projects for Regional Road Group (RRG) funding in 2022/23 with the final budget allocations to be determined in the 2022/23 budget process:

Road Name	Project Description	INDICATIVE TOTAL STATE CONTRIB	INDICATIVE TOTAL LGA CONTRIB	INDICATIVE TOTAL PROJECT COST
Quobba Gnaraloo	Reconstruct narrow section to Type 3 standard with 7m pavement targeting sections identified in RSA SLK 0 - SLK 84	\$225,114	\$112,557	\$337,672
Minilya Lyndon	Pavement resheeting focusing on areas adjacent to gravel pits and installation of culverts between NWCH & river crossing SLK 0 - SLK 82	\$225,114	\$112,557	\$337,672
Carnarvon Mullewa	Resealing Sections as assessed from SLK 14.5 - 17.3 and SLK 33 - 49	\$466,667	\$233,333	\$700,000
Total		\$916,895	\$458,448	\$1,375,343

CARRIED  
F6/AO

## 8.4.4

## LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM – BUDGET VARIATIONS

1.28pm – Cr Skender declared an Impartiality Interest in this matter as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No. ADM2102  
 Date of Meeting: 28 September 2021  
 Location/Address: Baston Oval Ablution - Reserve 41756 Cleaver Street & Lot 350  
 Robinson Street (Off Lower Road)  
 Tramway Shelter – Reserve 6049 Babbage Island  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Shire of Carnarvon  
 Author/s: David Nielsen – Executive Manager Infrastructure Services  
 Carolien Claassens – Operations Manager Corporate & Community  
 Gloria Quinn - Executive Administrator  
 Declaration of Interest: Nil  
 Voting Requirements: Absolute Majority  
 Previous Reports: FC 15/8/21 & FC 20/11/20  
 Schedules: N/A

## Authority / Discretion

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

**Summary of Item:**

This report seeks Council's approval to approve two budget variations to Local Roads and Community Infrastructure (LRCI) funding as follows:

1. Reallocate Baxter Park toilet block replacement funding to the Baston Pavilion ablutions upgrade.
2. Reallocate Fascine Shelter Project funding to Tramway shelter & outdoor furniture replacement

**Background:**Baxter Park Toilet and Baston Pavilion

The LRCI funding program – Phase 2, includes two projects to:

- a) upgrade Baston Pavilion ablutions and
- b) install a new prefabricated toilet block at Baxter Park.

Originally \$20,000 was allocated to the Baston Oval Ablutions and \$100,000 to the Baxter Park toilet block.

A formal Request for Quote (RFQ) has been conducted for the refurbishment of the Baston Oval Ablutions. Only one quote was received for a total price of \$99,370.

Whilst it was expected the original budget (\$20,000) may not be sufficient, the Shire did not expect a difference of almost \$80,000. In review of the works and the state of the ablution block it became apparent the Shire underestimated the required funds to upgrade the facility.

At the August ordinary Council Meeting, Council was advised of the budget limitations to install a prefabricated toilet block at Baxter Park. Refurbishment of the existing toilet facilities was recommended.

Council resolved not to accept this recommendation in view of their preference for a new toilet facility to reflect a higher level of service for this popular recreation area.

With the current budget allocations, the Shire is not able to complete either of the two projects.

#### Fascine Shelter and Tramway Shelter

The LRCI funding program – Phase 1, includes a project budget of \$50,000 for the upgrade of the Tramway Bridge Shelter and outdoor furniture replacement. It also includes a project budget of \$50,000 for the installation of an additional Fascine Shelter and public BBQ.

A formal (RFQ) has been conducted for both projects. A full stainless-steel construction was specified for both shelters.

Only one quote has been received for a total price of \$171,855.15, which includes:

- \$102,826 for the Tramway Shelter; and
- \$69,029.15 for the Fascine Shelter.

With the current budget allocations, the Shire is not able to complete either of the two shelters.

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

Nil applicable

#### **Statutory Environment:**

Section 34 of the Local Government (Financial Manager) Regulations 1996  
Section 6.8 (1) (b) of the Local Government Act.

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

Nil applicable

#### **Financial Implications:**

Should Council accept the Officer's Recommendation as presented, there would be no direct material financial implications as the overall expenditure budget would remain within the variance threshold accepted by Council.

The following should be noted:

- The 2021/22 maintenance budget for Baston Oval pavilion allocates \$50,000 to additional maintenance activities (not included in the scope of works of the RFQ for the ablutions upgrade). Combining this with the recommended LRCI funding will result in a total budget of \$170,000 to ensure the Baston Oval ablution block and pavilion is remediated to an acceptable standard. It may be necessary to capitalise some of this maintenance works within a broader, single project.
- There are no financial contributions required from the Shire for these LRCI funding program projects.
- Replacement of the Tramway shelter will positively impact on the Shire's asset renewal ratio.

- The quote for replacement of the Tramway Shelter is \$5,326 higher than the proposed new budget. The scope of works requires a minor review before acceptance. Demolition works may be completed by Shire staff instead of the contractor to minimise over budget expenditure. Regardless, the additional monies are not material in relation to the overall project scope.

The following summarises the recommended budget variation:

Program & Sub-Program	COA & Job	Description	Classification	Original budget	Budget variation	New Budget
11- Recreation and Culture & 34 - Other Recreation & Sport	3764 & LRC015	Land & Buildings – Baston Oval Ablutions Upgrade	Capital Expenditure	\$20,000	\$100,000	\$120,000
10- Community Amenities 31- Other Community Amenities	3064 & LRC016	Land & Buildings – Public Toilets Baxter Park	Capital Expenditure	\$100,000	-\$100,000	\$0.0
11- Recreation and Culture & 34 - Other Recreation & Sport	3604 & LRC006	Land & Buildings – Tramway bridge upgrade project	Capital Expenditure	\$48,000	\$49,500	\$97,500
10- Community Amenities 31- Other Community Amenities	3604 & LRC005	Land & Buildings – Fascine Shelter Project	Capital Expenditure	\$49,500	-\$49,500	\$0.0
<b>Total</b>				<b>\$217,500</b>	<b>\$0</b>	<b>\$217,500</b>

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	Poorly maintained facilities reflect badly on the Shire from residents/ratepayers, visitors, and sporting clubs.	C2: Moderate	Upgrading Baston Pavilion and Tramway Shelter to a higher standard is achievable with the proposed budget variation.

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Service disruption	Disruption to Baston Pavilion users while renovations are completed.	A2: High	Ablution facilities at Premier Pavilion can be utilised. Consultation with users will be implemented.
Compliance	N/A		
Property	Further asset decline if renewals are not completed.	C2: Moderate	Upgrading Baston Pavilion & Tramway Shelter is achievable with the proposed budget variations, will improve Shire asset renewal ratios and concentrates available funding rather than funding dilution across multiple sites.
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
2.6.5	Buildings and facilities are appropriately managed according to their need and use

#### Comment:

The original LRCI budget allocations for both projects are insufficient and cannot provide the desired outcome for either facility or shelter location.

Baston Pavilion is utilised primarily by the Carnarvon soccer clubs. Soccer has a strong and increasing following in the community. Junior soccer participation is high.

It is recommended to proceed with the replacement of the Tramway bridge Shelter and outdoor furniture replacement. The Tramway Shelter forms part of reserve 6049 from Town Beach onto Babbage Island. The reserve holds historical significance and marks the start of the Carnarvon Heritage walk trail ending at the One Mile Jetty. The trail is popular with tourists and residents and has no suitable shelter facilities. Improving the shelter will encourage usage and improvement of the overall site.

Upgrade of Baston Pavilion and replacement of the Tramway Shelter with a high standard and durable structure are therefore the preferred options to maximise the available funding.

Future funding opportunities may be utilised to fund installation of a prefabricated toilet block at Baxter Park and an additional Fascine shelter and BBQ. Councillor briefing sessions have already indicated Baxter Park toilet replacement as a potential LRCI - Phase 3 project.

A Council resolution is required to action the proposed budget variations. The funding body will be advised of the project variations.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to section 6.8(1)(b) and Regulation 33A (3) of the Local Government (Financial Management) Regulations 1996, resolves to adopt budget variations as follows:

<b>Program &amp; Sub-Program</b>	<b>COA &amp; Job</b>	<b>Description</b>	<b>Classification</b>	<b>Original budget</b>	<b>Budget variation</b>	<b>New Budget</b>
11- Recreation and Culture & 34 - Other Recreation & Sport	3764 & LRC015	Land & Buildings – Baston Oval Ablutions Upgrade	Capital Expenditure	\$20,000	\$100,000	\$120,000
10- Community Amenities 31- Other Community Amenities	3064 & LRC016	Land & Buildings – Public Toilets Baxter Park	Capital Expenditure	\$100,000	- \$100,000	\$0.0
11- Recreation and Culture & 34 - Other Recreation & Sport	3604 & LRC006	Land & Buildings – Tramway bridge upgrade project	Capital Expenditure	\$48,000	\$49,500	\$97,500
10- Community Amenities 31- Other Community Amenities	3604 & LRC005	Land & Buildings – Fascine Shelter Project	Capital Expenditure	\$49,500	- \$49,500	\$0.0
<b>Total</b>				<b>\$217,500</b>	<b>\$0</b>	<b>\$217,500</b>

FC 15/9/21

COUNCIL RESOLUTION

Cr Smith/Cr Maslen

That Council, by Absolute Majority, pursuant to section 6.8(1)(b) and Regulation 33A (3) of the Local Government (Financial Management) Regulations 1996, resolves to adopt budget variations as follows:

<b>Program &amp; Sub-Program</b>	<b>COA &amp; Job</b>	<b>Description</b>	<b>Classification</b>	<b>Original budget</b>	<b>Budget variation</b>	<b>New Budget</b>
11- Recreation and Culture & 34 - Other Recreation & Sport	3764 & LRC015	Land & Buildings – Baston Oval Ablutions Upgrade	Capital Expenditure	\$20,000	\$100,000	\$120,000
10- Community Amenities 31- Other Community Amenities	3064 & LRC016	Land & Buildings – Public Toilets Baxter Park	Capital Expenditure	\$100,000	- \$100,000	\$0.0
11- Recreation and Culture & 34 - Other Recreation & Sport	3604 & LRC006	Tramway bridge shelter remove	Capital Expenditure	\$48,000	(-\$28,000)	\$20,000

10- Community Amenities 31- Other Community Amenities	3604 & LRC005	Land & Buildings – Fascine Shelter & BBQ Project	Capital Expenditure	\$49,500	\$28,000	\$77,500
<b>Total</b>				<b>\$217,500</b>	<b>\$0</b>	<b>\$217,500</b>

**CARRIED BY ABSOLUTE MAJORITY**

**F5/A1**

*Cr Fullarton voted against the motion*

(Note to Minute – Council is of the view that the Tramway Bridge shelter is a lesser priority and therefore removed construction expenditure to allow for funding of \$28,000 to be reallocated to the Fascine Shelter and BBQ which is the higher priority. However, in recognition that the current Tramway Bridge shelter is badly deteriorated, Council allocated funds of \$20,000 for it to be demolished and tidied up ready for a new structure when funds become available in future.)

#### **8.4.5 TEMPORARY BEACH CLOSURE FROM PRAWNING JETTY TO ONE MILE JETTY**

File No. ADM1904  
Date of Meeting: 28 September 2021  
Location/Address: Section of Beach from Prawning Jetty to One Mile Jetty  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: David Nielsen – Executive Manager Infrastructure Services  
Gloria Quinn – Executive Administrator  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority  
Schedules: Schedule 8.4.5 (a) – Letter from Dept. of Transport – Maritime  
Schedule 8.4.5 (b) – Plan of Proposed Work Site

#### Authority / Discretion

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

#### Summary of Item:

This report seeks Council approval for the temporary closure of the section of beach between the Prawning Jetty and the One Mile Jetty for approximately three months to enable partial deconstruction of the One Mile Jetty.

It is recommended Council approve the requested temporary closure.

**Background:**

The Shire has received an application from the Coastal Facilities Management – Maritime section of the Department of Transport seeking temporary closure of beach access between the Prawning Jetty and the One Mile Jetty for approximately 3 months commencing 11 October 2021 - see *Schedule 8.4.5 (a)*.

Deconstruction works on the One Mile Jetty will be undertaken to address navigational safety hazards following Cyclone Seroja in April this year.

Temporary closure is required on the grounds of safety to separate the public from operational works and moving machinery along this section of beach - see *Schedule 8.4.5 (b)*.

Council has the authority to close access to the beach due to safety hazards or concerns.

**Stakeholder and Public Consultation:**

Nil applicable.

**Statutory Environment:**

Local Government Act 1995 – Section 3.54 – Reserves under control of local government.

**Relevant Plans and Policy:**

Nil applicable

**Financial Implications:**

Nil applicable

**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	Not closing the beach may endanger members of the public who inadvertently wander into the work site.	B5: Extreme	Temporarily closing access to the beach area where works are occurring will mitigate the risk of accidental interaction with the public.
Reputation	Residents and visitors may be unhappy with the access restrictions.	C2: Moderate	Informing the public via media (Facebook, Shire Newsletter etc) will explain the need for the temporary closure and approximate re-opening date.

<b>Service disruption</b>	Section of beach inaccessible for 3 months.	A2: High	Public safety overrides disruption associated with the temporary beach closure.
<b>Compliance</b>	N/A		
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

**Community & Strategic Objectives:**

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

*Goal 2: Natural and built environment*

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

ITEM	OUTCOMES AND STRATEGIES
2.2	Open, accessible, healthy foreshore and waterways
2.2.1	Maintaining an open fascine entrance and internal channels

**Comment:**

Cyclone Seroja caused damage to the One Mile Jetty in February of this year. Since then, remnant parts of the jetty have caused navigational hazards to commercial and recreational boats using the entry and exit channels into the Fascine and other moorings.

The Coastal Facilities Management (Marine) section of Department of Transport's proposed partial deconstruction of the One Mile Jetty will improve safety for all marine craft navigating designated channels in and out of Carnarvon's waterways.

Closure of the beach to the public during the works is recommended in the interest of public safety. The proponent has identified the need for appropriate barriers and signage demarcating the closure area.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to section 3.54 of the Local Government Act, approve the proposed temporary closure of the section of beach from the Prawning Jetty to the One Mile Jetty for approximately three months commencing 11 October 2021 as indicated on the Department of Transport plan at Schedule 8.5.2.*

**FC 16/9/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

*Cr Fullarton/Cr Vandeleur*

*That Council, by Simple Majority, pursuant to section 3.54 of the Local Government Act, approve the proposed temporary closure of the section of beach from the Prawning Jetty to the One Mile Jetty for approximately three months commencing 11 October 2021 as indicated on the Department of Transport plan at Schedule 8.4.5.*

CARRIED  
F6/A0

File No.	ADM0122
Date of Meeting:	28 September 2021
Location/Address:	North West Coastal Highway
Name of Applicant:	Carnarvon Rifle Club (Inc)
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	8.4.6 – Letter from Carnarvon Rifle Club

#### Authority / Discretion

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

#### Summary of Item:

This report seeks Council's consideration of the waiver of a tip fee for the Carnarvon Rifle Club's annual event.

It is recommended Council does not approve this request.

#### Background:

The Carnarvon Rifle Club have written to the Shire requesting the waiver of a tip fee for disposal of rubbish from a shooting event held annually at their shared facilities with the Carnarvon Pistol Club (see **Schedule 8.4.6**).

There are currently only nine members of this club and they have estimated there will be no more than 4 x 240L bins of waste from this event. The fee waiver request is stated as an attempt to keep event expenses to a minimum.

#### Stakeholder and Public Consultation:

Nil applicable.

#### Statutory Environment:

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

**Relevant Plans and Policy:**

Nil applicable.

**Financial Implications:**

A calculation of the applicable fee for disposal of 4 x 240L bins at the landfill site is \$40.00 in total.

**Risk Assessment:**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss of operating revenue for service delivery if fee is waived.	A2: High	Fees and charges for services are applied consistently to all users of the service.
Health & Safety	N/A		
Reputation	Perception of favouring one community club over others.	C2: Moderate	Multiple not-for-profit organisations and clubs have been advised of the intention to apply the adopted fees and charges from 1 July 2021. The recommendation maintains consistency with previous decisions.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

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

*Goal 5: Civic*

*Strong and listening Council.*

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

**Comment:**

Whilst understandable that the Rifle Club seek to keep event expenses to a minimum, a total cost of \$40.00 for the disposal of four bins at the landfill site does not seem an excessive expense for the Club to manage. A small tariff applied to visiting shooters could negate this expense.

Sporting clubs provide a valuable element to community life. Waste management and disposal is also however a part of community life and there is a cost associated with provision of that service. Fees and charges applied consistently across the community ensures users of the service contribute to its ongoing operation.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority pursuant to Section 6.16 of the Local Government Act 1995, refuse the Carnarvon Rifle Club request for the waiver of waste facility fees and charges.*

**FC 17/9/21**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

*Cr Fullarton/Cr Nelson*

*That Council, by Simple Majority pursuant to Section 6.16 of the Local Government Act 1995, refuse the Carnarvon Rifle Club request for the waiver of waste facility fees and charges.*

CARRIED  
F6/A0

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

Nil

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

Nil

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**11.0 DATE OF NEXT MEETING**

The next meeting will be held on Tuesday 26 October 2021 in Council Chambers commencing at 1.00pm

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

Nil

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**13.0 CLOSURE:**

The Presiding Member declared the meeting closed at 1.44pm .