



SHIRE OF CARNARVON

AGENDA

ORDINARY COUNCIL MEETING

TUESDAY 13 DECEMBER 2022

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
Fax: ((08) 9941 1099
Website – www.carnarvon.wa.gov.au

The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.

NOTICE OF MEETING

Notice is hereby given
Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 13 December 2022
Council Chambers, Stuart Street Carnarvon
commencing at 1.00pm



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1.0 ATTENDANCES , APOLOGIES & APPROVED 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.)

1.1 Approval to Attend via Instantaneous Communication – Cr Langley

Cr Langley is seeking approval to attend the December Ordinary Meeting of Council by instantaneous communication.

2.0 DECLARATIONS OF INTEREST

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

3.0 PUBLIC QUESTION TIME

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

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Mr Joe Eveson from Coral Bay asked the following question which was taken on notice at the November Council Meeting. An answer to Mr Eveson's question is now available as follows –

Question 2 – Given that we have followed due process and operate using an approved Mobile Traders Licence, how can 2 jinkers, unlicensed and remain parked for over 3 months on the road reserve. Council officers were informed and provided with photos on 26 August and we were told it would be investigated and if necessary, action would be taken. They are still there.

Answer – The matter is under investigation and due process will be followed.

3.2 PUBLIC QUESTION TIME

4.0 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

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

13.0 DATE OF NEXT MEETING

- 11.1 Next meeting of Council will be held on Tuesday 24 January 2023 commencing at 1.00pm in Council Chambers.

14.0 CLOSURE

8.1.1**ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF NOVEMBER AND DECEMBER 2022**

File No: ADM0043
 Date of Meeting: 13 December 2022
 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: Recurring Monthly Report
 Schedules: Nil

Authority / Discretion

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

Summary of Item:

To report on actions performed under delegated authority for the months of November and December 2022

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

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications arising from receiving this report.

Risk Assessment:

Consequence

STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5

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

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

Community & Strategic Objectives:

In 2040 Carnarvon is a place where:

- Our economy fosters investment and productivity in industries befitting Carnarvon's physical and natural environment and that grows our horizons.
- Our sustainable livelihoods create a community that can flourish into the future.
- Our infrastructure, housing and amenities are high quality and accessible

Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months of November and December 2022 are submitted to Council for information.

DELEGATIONS**COMMON SEAL**

Date	Document
23.11.22	Sale of 626 South River Road

Food—Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
2/12/2022	HFO22/014	Amended food business registration for Satay Corner, home-based food business and temporary stall for markets and events (home address changed to 12 Mindirra Cres)	Maizatul Rusna Saleh	

On-site wastewater management—Health Act 1911, s.107

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
2/12/2022	HOS22/011	Approval to install septic system – 25 Smith St, East Carnarvon	Dean White Carnarvon Plumbing Service	Anthony and Maria Zaknich

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
24/11/2022	24/11/2022	58 Granberry St declared unfit for habitation due to substantial vandalism (Health Act s.135)	n/a	Owner: Michael Curran

PLANNING & DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A506	P39/22	18 Orr Street, Carnarvon	Construction of a carport	Daimen Donegan	15/11/2022
A376	P40/22	Small Boat Harbour Road, Carnarvon	Marine rescue building	Carnarvon Volunteer Sea Rescue Group	17/11/2022
A3924	P47/22	35 Mahony Avenue, Brown Range	Works in a heritage place (Construction of a walkway)	Carnarvon Space and Technology Museum Inc.	18/11/2022

A548	P43/22	77 Olivia Terrace, Carnarvon	Construction of a front fence	Norwest Project Solutions on behalf of Dept. of Communities	21/11/2022
A3164	P46/22	30 Marmion Street, East Carnarvon	Construction of a carport	Pita and Jessica Lulich	25/11/2022

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/064	MERVYN LEONARD CHAPMAN	LOT 300 (19) MORGAN WAY, MORGANTOWN	STEEL FRAMED CARPORT ON CONCRETE FOOTINGS WITH PROFILED METAL SHEET CLADDING
B21/065	SAMANTHA ROCHELLE PUNCH	LOT 5 (9) FORREST STREET, CARNARVON	PHOTOVOLTAIC PANELS INSTALLED TO EXISTING RESIDENTIAL DWELLING
B21/071	ROBERT JAMES & KATHRYN JOY WALSHAW	LOT 303 (10) MASLEN STREET, BROCKMAN	SOLAR PANELS ON PATIO ROOF
B22/061	REGIONAL POWER CORPORATION - HORIZON POWER	LOT 626 (14) MINDIRRA CRES, BROCKMAN	STEEL FRAMED GARDEN SHED
B22/070	RETURNED AND SERVICES LEAGUE AUSTRALIA - CARNARVON SUB- BRANCH	LOT 1 (12) EGAN ST, CARNARVON	TRANSPORTABLE ABLUTION BLOCK ON CONCRETE FOOTINGS AT RSL
B22/074	CHRISTOPHER ROBERT SHANNON	LOT 366 (7) SNOOK CRT, BROCKMAN	ENCLOSURE OF THE EXISTING CARPORT
B22/083	SHIRE OF CARNARVON	LOT 559 ON DEPOSITED PLAN 144299 (CARNARVON AIRPORT)	REMOVAL OF EXISTING FENCE AND REPLACING WITH CHAIN-LINK MESH FENCE REF: RFQ 17/2022 - STAGE THREE - REPLACEMENT OF THE AIRSIDE BOUNDARY FENCE AT THE CARNARVON AIRPORT
B22/085	ANTHONY JOHN DELLA-MADDALENA	LOT 4 (6B) HOULAHAN PL, BROCKMAN	REAR BOUNDARY FENCE
B22/086	CARNARVON SPACE AND TECHNOLOGY MUSEUM & SHIRE OF CARNARVON	LOT 2 (35) MAHONY AVE, BROWN RANGE	WALKWAY & ACCESSIBILITY ACCESS
B22/088	ALEXANDRA & BENJAMIN MASLEN	LOT 204 (139) OLIVIA TCE, SOUTH CARNARVON	POST AND RAIL BOUNDARY FENCE
B22/089	DONALD CYRIL & RATTANA CLARK	LOT 761 (10) MCLEOD STREET, SOUTH CARNARVON	CARPORT / CARAVAN STORAGE EXTENSION TO SHED
B22/091	EL-RAGHY KRIEVALDT PTY LTD	LOT 16 (16) TREVALLY CRT, CORAL BAY	DOUBLE STOREY MODULAR RESIDENCE WITH VERANDAHS AND DECKING

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for the months of November and December 2022.

File No:	ADM0124
Date of Meeting:	13 December 2022
Location/Address:	Nil
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Amanda Leighton, Manager People Culture & Systems
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 7.1.2(a) - Policies with Tracked Changes Schedule 7.1.2(b) - Policies as Presented to Council for Endorsement

Authority / Discretion

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

Summary of Item:

The Shire of Carnarvon Council Policy Manual was presented to and adopted by Council at the Ordinary Meeting of Council on 23 August 2022. This agenda item forms part of a quarterly schedule to facilitate the formal review of the Council Policy Manual by Council. The schedule for review is as follows:

Month	Policy Numbers
March	EME001 to EME017
June	EME018 to EME034
September	CF001 to CF018
December	ID001 to ID005 and CD001 to CD010 (Subject of this report)

Background:

One of the primary functions of a Local Government Council is to determine the local government's policies. Council policies focus on the strategic and statutory decision-making obligations of the Council. The policy may relate to an Express Power or Duty or a matter that is non-statutory and entirely discretionary. Council policies will guide and inform the Local Government's strategic, financial, and operational functions and may also impact service levels provided to the community. Council policies apply to Council, Elected Members, and employees when fulfilling their decision-making responsibilities.

Consultation:

Community Growth Fund Committee in relation to CD004 Community Growth Fund Policy

Statutory Environment:

Section 2.7 of the *Local Government Act 1995* articulates the Role of Council, which includes determining policies of the local government.

Relevant Plans and Policy:

Shire of Carnarvon Policy Manual

Financial Implications:

There are no additional financial implications from adopting the updated policies. Any impacts have either already been considered in the budget setting, e.g., Community Growth Fund allocations, or will be brought before Council if there is a financial impact outside the current budget allocation.

Risk Assessment:

Consequence		EP 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	Unclear policy direction can result in less transparent decision-making and may impact the Shire's reputation.	High	The policies aim to provide Council and Employees with clear direction and improve the transparency and consistency of decision-making.
Service disruption	N/A		
Compliance	That policies do not support compliance.	High	Policies have been checked to align with legislation and aim to add clarity to ensure compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive, and supportive.*

Additional Focus Areas:

- *Improve the trust between citizens and the Shire of Carnarvon*

Comment:

The table below sets out the proposed changes to each policy. In this review cycle the only policy proposed to be amended is CD004 which has been amended at the request of the Community Growth Fund Committee to enable more nuanced assessment of grant applications.

POLICY REVIEW SCHEDULE AND DOCUMENT CONTROL				
CURRENT POLICY NUMBER	CURRENT POLICY NAME	LAST ADOPTED	PROPOSED CHANGES	ANNUAL REVIEW SCHEDULE
ID001	ID001 Crossovers	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
ID002	ID002 Maintenance of Shire Roads, Station Access Roads, and Station Airstrips	Under development	Policy requires stakeholder engagement and is still in development. Anticipated to be presented at January 23 OCM	December
ID003	ID003 Stock Grid Policy	FC16/11/22	Adopted at the November OCM. No change to body of text.	December
ID004	ID004 Naming of roads, parks, places, and buildings	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
ID005	ID005 Memorials in road reserves, parks, foreshores etc	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD001	CD001 CCTV Data Management	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD002	CD002 Market traders at The Woolshed	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD003	CD003 Australia Day awards	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD004	CD004 Community Growth Fund	FC4/9/22	Last reviewed in September 2022, further changes required for December 2022 review, the changes required are: Some minor adjustments to body of text, naming conventions, spelling and grammar. Section 3 – updated definition of CGFC Committee Members. Section 4 – Insertion of Shires Community Strategic Plan. Insertion of evidence of funding acknowledgement. Insertion of good organizational governance. Removal of insurance costs. Section 6 - updated definition of CGFC Committee Members. Replaced “Economic, natural and built.....” with “Align with Shire Strategic Community Plan”. Update scoring table.	December
CD005	CD005 Letters of support	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD006	CD006 External grants – procurement and grants	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD007	CD007 Carnarvon mobile trading	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD008	CD008 Consumption of Alcohol on Shire Owned and Managed Properties	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD009	CD009 Community engagement	FC7/8/22	Last reviewed in August 2022. No change to body of text.	December
CD010	CD010 Property Fences	FC4/9/22	Last reviewed in September 2022. No change to body of text.	December

The officer recommendation is that Council adopts the policies as presented for incorporation into the Shire of Carnarvon Council Policy Manual to ensure policies are kept up-to-date and provide a high standard of governance.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 2.7 (2)(b) of the Local Government Act 1995, resolves to adopt policies ID001 to ID005 and CD001 to CD010 as presented in Schedule 7.1.2, and include them in the Shire of Carnarvon Policy Manual 2022/2023.

7.1.3**HORTICULTURE STANDARDS IMPLEMENTATION REFERENCE GROUP
NOMINATION**

File No: ADM2014
 Date of Meeting: 13 December 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author/s: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority
 Previous Reports: Nil
 Schedules: Schedule 7.1.3 Terms of Reference - Horticulture Standards Implementation Reference Group

Authority / Discretion

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

Summary of Item:

This item presents a request from the Department of Health for a representative from the Shire of Carnarvon to participate in a Horticultural Standards Implementation Reference Group (Reference Group).

Background:

Food Standards Australia and New Zealand (FSANZ) gazetted three new standards on 12 August 2022 which cover berries, leafy vegetables, and melons. Under the *Food Act 2008*, the enforcement of the new standards will be the responsibility of Local Governments following a 30-month period post-gazettal to enable the industry to transition to the new requirements.

The Shire of Carnarvon has been invited to nominate a representative to participate in a Reference Group being established by the Department of Health to support the implementation of the standards. Please see attached Terms of Reference for the group.

Stakeholder and Public Consultation:

N/A

Statutory Environment:

Section 5.10 of the *Local Government Act 1995* deals with the appointment of Council members to committees.

Relevant Plans and Policy:

Nil

Financial Implications:

There are no direct financial implications arising from the officer's recommendation to appoint an Elected Member to this Reference Group; however, there are likely to be resourcing impacts arising from the requirement for local governments to be responsible for the enforcement of the new standards. The impacts of this additional responsibility are currently not known.

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	Mitigating Action/s
Financial	Appointing an Elected Member with a sound understanding of the industry to represent the Shire, will assist in understanding and mitigating potential risks, yet unknown, from this new and added responsibility being devolved to Local Government.		
Health & Safety			
Reputation			
Service disruption			
Compliance			
Property			
Environment			
Fraud			

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our economy fosters investment and productivity in industries befitting Carnarvon's physical and natural environment and that grows our horizons.*
- *Our sustainable livelihoods create a community that can flourish into the future.*

Comment:

While other local governments that have been invited to nominate a representative to this Reference Group have nominated a member of staff, the officer has referred this matter to Council to ensure that the Shire is represented by a person with a sophisticated and detailed understanding of the horticulture industry given the importance of this industry in Carnarvon.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to s. 5.10 of the Local Government Act 1995, resolves to appoint Cr _____ to the Horticulture Standards Implementation Reference Group; and Cr _____ as the proxy to the Horticulture Standards Implementation Reference Group.

File No: ADM0186
 Date of Meeting: 13 December 2022
 Location/Address: Shire of Carnarvon
 Name of Applicant: Shire of Carnarvon
 Author/s: Giang Nguyen – Creditors Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Reports: Presented each month
 Schedules: Schedule 7.2.1 (a) and (b)

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

Summary of Item:

To present the listing of accounts paid from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of **Novemeber 2022**.

Background:

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund. A list of all payments is provided in **Schedule 7.2.1**

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 Shire funds by providing Council with sufficient information to monitor and review payments made.

Risk Assessment:

Consequence

STEP 3 – Risk Tolerance Chart Used to Determine Risk

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

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

Community & Strategic Objectives:

The tabling of information relative to payments made under delegation aligns itself with no specific objective as expressed in the *Community Strategic Plan 2022-2032*. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, no strategic or community objectives could ultimately be met.

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 7.2.1 (a) totaling \$3,254,766.24 as presented for the month of November 2022, incorporating:*

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT36780-EFT36822 EFT36824-EFT36848 EFT36850-EFT36873 EFT36875-EFT36878 EFT36880 EFT36882-EFT36884 EFT36886 EFT36888-EFT36895 EFT36897-EFT36908 EFT36910-EFT36922 EFT36924-EFT36925 EFT36927-EFT36933 EFT36935-EFT36942 EFT36944-EFT36945	EFT36901	Muni EFT	\$3,205,448.73

<i>EFT36947-EFT36957 EFT36959 EFT36966-</i>			
<i>EFT36960</i>	<i>EFT36965</i>	<i>Trust EFT</i>	<i>\$1,106.50</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD39764.1</i>	<i>DD39779.1</i>	<i>Bank Directs</i>	<i>\$30,666.81</i>
<i>EFT36823; EFT36849 EFT36874 EFT36879; EFT36881 EFT36885; EFT36887 EFT36896; EFT36909 EFT36923; EFT36926 EFT36934; EFT36943 EFT36946;</i>	<i>EFT36958</i>	<i>Visitor Centre EFT</i>	<i>\$17,544.20</i>
		<i>TOTAL</i>	<i>\$3,254,766.24</i>

- b) Receive the copies of credit card statements for all such Shire facilities for the period 23rd September 2022 to 23rd October 2022.*

File No: ADM0186
 Date of Meeting: 13 December 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author/s: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: Nil
 Schedules: Schedule 7.2.2 (a) Monthly Financial Report

Authority / Discretion

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

Summary of Item:

This item defers the presentation of the financial activity statement for the period ending 30 November 2022 until the Ordinary meeting of Council to be held in January. The officer's recommendation is that Council notes the deferral.

Background:

Each month a local government is to prepare a statement of financial activity reporting on the revenue and expenditure for the month as set out in the budget.

The *Local Government (Financial Management) Regulations* provide that the statements be presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates.

The agenda settlement for the December Ordinary meeting of Council is 2 weeks earlier than normal months due to the festive season, which does not allow sufficient time for the November end-of-month transactional processes and reconciliations to be completed.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.


Relevant Plans and Policy:


Nil

Financial Implications:

Nil.

Risk Assessment:

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

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	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	The delay in achieving timely reporting has the potential to damage the shire's reputation.	High	High priority has been placed on preparing Statutory reporting within legislated timeframes
Service disruption	NA	NA	
Compliance	<i>Local Government Act 1995</i> requires Council receives 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:

Additional Focus Areas:

- *Improve the trust between citizens and the Shire of Carnarvon*

Comment:

Staff and Consultants are in the process of processing November transactions in the Shire's Accounting system. Due to timing of invoicing, payment processing and the early cut-off for the December agenda, data is incomplete.

The officer advises that the November Statement of Financial Activity will be deferred. To ensure compliance with the *Local Government Act 1995*, they will be reported at the January Ordinary meeting of Council.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, receives the officer's report that the November Statement of Financial Activity is deferred until the Ordinary Meeting of Council on 24 January 2023 due to the early timing of the December Ordinary Meeting of Council.

File No:	ADM0027
Date of Meeting:	13 December 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report	Nil
Schedules	Schedule

Authority / Discretion

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

Summary of Item:

This item presents officer-requested budget adjustments arising after the adoption of the 2022-2023 Budget for Council to consider. The officer's recommendation is that the adjustments are adopted by Council.

Background:

The Council adopted the Annual Budget for the Shire on 30 September 2022.

In accordance with section 6.8(1) of the *Local Government Act 1995* a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution - absolute majority required
- Is authorised in advance by the Mayor or President in an emergency.

Approval is therefore sought for the budget adjustments detailed in the attachment for the reasons specified.

It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice budgets are reviewed by Officers regularly. Officers have reviewed the adopted budget and recommend alterations to the budget as tabled.

Consultation:

Nil

Statutory Environment:

Local Government Act – Section 6.8(1).

Relevant Plans and Policy:

Nil

Financial Implications:

As presented

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	Potential for reduction in budget.	N/A	The adjustments recommended in this report do not impact the net current operational position of Council. Amendment No 14/23 (Skipworth Pumpstation) will, in effect, deplete one of the Council reserve funds, which in turn, will need to be reflected in Council's Long Term Forward Financial Plan.
Health & Safety	NA	NA	
Reputation	Delay in identifying known expenditure changes has the potential to damage the shire's reputation.	High	Identify changing circumstances and action budget variations as soon as practicable
Service disruption	NA	NA	
Compliance	Local Government Act requires that a local government is not to incur expenditure unless approved by Council.	High	This report to Council for approval ensures compliance requirements are met.
Property	NA	NA	
Environment	NA	NA	

Community & Strategic Objectives:

Nil

Comment:

Attached as *Schedule 7.2.3 (a)* for consideration are the proposed budget amendments at the time of preparation of this report.

It is noted that amendment No. 14/23 relates to urgent works to improve capacity and performance of the Skipworth pump station to remove stormwater and mitigate flooding risks in the Morgantown area. A decision is now needed to approve this substantive change to Council's adopted 2022/23 budget in conformity with advice from the Executive Manager Infrastructure Services on 06 December 2022.

Adjustments with no impact on budget closing position

There are 7 items in the attachment and the net effect on the budget position is NIL.

Net budget closing position

After making the above adjustments, the municipal budget closing position remains unchanged as a balanced budget. The Land & Infrastructure Reserve would be reduced at year end by \$190,000.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to section 6.8(1) of the Local Government Act 1995 resolves to adopt the adjustments to the 2022/2023 Adopted Budget as detailed in this report and attachment as per Schedule 7.2.3 (a),

File No:	ADM2142
Date of Meeting:	13 December 2022
Location/Address:	Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Harriet Murphy – Manager Economic Development
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Schedule 7.3.1(a) Location Map Schedule 7.3.1(b) Ramus Portfolio Schedule 7.3.1(c) - Confidential Ramus Project Costs document Schedule 7.3.1(d) – The Eclipse Concept
Previous Reports:	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.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item presents information about a legacy public art project, Light-Up Carnarvon, and a funding opportunity for the project. The officer recommendation is that Council approves the finalisation of the project scope and budget and authorises the CEO to negotiate project funding with Department of Jobs, Tourism, Science, and Innovation.

Background:

In August 2022, Justine Campbell Lawler and Margaret Seaton requested Shire support for the Light-Up Carnarvon Project which was instigated and presented to the DG of JTSI with the outcome being to progress to concept. Local business owner Margaret Seaton and Justine Campbell Lawler progressed to concepts and budgets and have funded \$30,500 in cash and in kind to date. Subsequent conversations with JTSI, confirmed funding is available for legacy infrastructure components of the project, and the Shire deemed suitable to accept the funding and responsibilities of project owner.

Funding of \$100,000 for a community-led legacy infrastructure project for the Total Solar Eclipse has been made available to the Shire. Shire Officers have worked with Margaret Seaton and Justine Campbell Lawler to finalise the Light-Up Carnarvon Community Project scope to ensure delivery within the budget allocation.

An illuminated Eclipse Sculpture is proposed to become a permanent fixture along the Fascine, acknowledging the significance of the Hybrid Solar Eclipse to our town. Constructed from Corten Steel, the sculpture will weather the passage of time, withstand exposure to the elements and potential vandalism.

Stakeholder and Public Consultation:

- Yinggarda PBC – Justine Campbell Lawler presented the concept to YPBC receiving a very positive response to progress.
- Gwoonwardu Mia – WA Museum team, Director Regions, Jessica Machin and CEO, Alec Cole supportive of project.
- Carnarvon Space Museum
- Wooramulla Eco Cultural Journeys
- Creality Gascoyne Food Council
- Gascoyne Development Commission
- Carnarvon Chamber of Commerce
- National Indigenous Australians Agency
- Carnarvon Paper Shop
- Port Engineering
- Westerly Contracting

Financial Implications:

Capital Costs

External funding of \$100,000 has been offered to the Shire by JTSI. The project budget includes the capital cost of construction, delivery, and installation. Should the final budget requirement exceed external funding provisions, the matter will be brought back to Council for further consideration, noting the timeframe may result in a requirement to not progress the project.

Operational Costs:

Operational and maintenance costs are expected to be low. The Sculpture will be solar powered through an adjacent system. Maintenance requirements include replacement of light fixtures and players in the event of failure. Margaret Seaton, Carnarvon Cleaners has committed to pay for any repairs and maintenance for the first five years.

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	Capital costs exceed budget Operational cost	Low	Bruce Ramus is internationally renowned for delivering on time and on budget. See company information document. Quotes are being finalised and the project will not commence if the JTSI

			budget allocation does not cover all capital costs. Operational and maintenance costs are nominal.
Health & Safety	N/A		
Reputation	There may be reputational damage to the Shire if the project is not completed prior to the 2023 Solar Eclipse	Moderate	The delivery of this project is of significant interest to the community. Project timelines are constrained and delivery is dependent on the execution of a financial agreement with JTSI. The Shire will prioritise working with JTSI to complete the funding agreement prior to Christmas shutdown. The project proponents have discussed the project with the artist and have confirmed that it will be delivered on time and on budget. Opportunities for local fabrication are currently being investigated to expediate delivery times and mitigate transport delays.
Service disruption	N/A		
Compliance	N/A		
Property	Potential for damage from elements, wear and tear, vandalism. Asset management becomes onerous or costly.	Moderate	As asset owners and managers of the Fascine, the Shire can elect to decommission the artwork, should this risk be realised.
Environment	Placement of the Sculpture in a public space may cause some concern and may impact future uses and design of public open spaces	Low	Consultation with community has been extensive, and support has been unanimous. The footprint of the sculpture will be very small in the overall context of the public open space.
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

Our community is engaged, inclusive and supportive.

What must we change? (What must we alter or fix)?

We need to better promote and improve the appearance and appeal of Carnarvon and Coral Bay as a tourist destination including the town's appearance and appeal by public artwork, tree planting, visible advertising, maintaining clean public amenities etc.

Comment:

This project is strongly supported by the community evidenced by the significant investment by Margaret Seaton and Justine Campbell Lawler and by the offers of support from local businesses and community organisations. The proponents have confirmed via email they have secured local contractors, Port Engineering and Westering Contracting to assist with installation at no cost.

With April 2023 fast approaching it is necessary to expedite funding negotiations and commence construction.

Authorisation for the CEO to finalise the project scope and agreement is necessary to ensure work can begin as soon as possible.

If negotiations are successful, the budget variation will be presented to Council in January Budget Variation Report.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) resolves to:

- a. Authorise the CEO to negotiate and execute a funding agreement between the Shire of Carnarvon and the Department of Jobs, Tourism, Science, and Innovation for the Total Solar Eclipse Light Up Carnarvon Community Project, subject to the works being fully funded by the grant; and*
- b. Approve the proposed location as detailed in Schedule 7.3.1(a)*

File No: ADM002
 Date of Meeting: 13 December 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Stephanie Leca – Community & Cultural Development Manager
 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, and setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item presents a request for Council to consider waiving fees for the Camel Lane Cinema for the summer school holidays (Saturday, 17 December 2022 – Tuesday, 31 January 2023).

Background:

The Shire, in partnership with various stakeholders in the community, is responsible for delivering a school holiday program for youth. The summer school holidays are one of the longest periods over which the Shire is required to deliver programs to engage with youth and families within our community. To activate and utilise the Shire's existing assets within the school holiday program, officers are requesting a waiver of fees for programmed movies within the school holiday program for the period commencing Saturday, 17 December 2022 until Tuesday, 31 January 2023.

Stakeholder and Public Consultation:

N/A

Statutory Environment:

S.6.12 of the *Local Government Act 1995*

Relevant Plans and Policy:

Nil

Financial Implications:

The loss of revenue for the Camel Lane Cinema is based on estimated attendance and on the Cinema offering free entry for six movie screenings over the school holiday period. The fees are \$10 per patron for school holiday movies. It is estimated that up to 100 attendees per movie will attend. The loss of revenue to the Council for the Camel Lane Cinema is estimated at \$6,000 for the six weeks of the school holiday period. The licensing for the movies will be covered under grant funding.

The Youth officers' salaries to assist with the programmed activities at the Camel Lane Cinema can be accommodated within the 2022/2023 budget.

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	Mitigating Action/s
Financial	Loss of revenue for the Council	Low	The reduction in estimated revenue is non-materials in the context of the overall budget. Fees and charges for the services are applied consistently to all users for the service outside of the requested period.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the Community Strategic Plan 2022-2032:

In 2040 Carnarvon is a place where:

- Our equitable community is actively involved in and is responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701.
- Our sustainable livelihoods create a community that can flourish into the future.
- Our community is engaged, inclusive, and supportive.

Additional Focus Areas:

- Supports the needs of youth in Carnarvon
- Improve the trust between citizens and the Shire of Carnarvon

Comment:

The proposal for the waiver of fees to utilise the Cinema for the summer school holiday program will assist in providing a suitable holiday program over the hot summer holidays. The Cinema will offer a comfortable and welcoming environment for our youth and families to enjoy during the summer school holidays.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, under section 6.12 of the Local Government Act 1995, resolves to waive the fees and charges for the Camel Lane Cinema for all patrons during the period commencing 17 December 2022 until 31 January 2023 in support of youth and families for the summer school holiday program.

File No: ADM0299
 Date of Meeting: 13 December 2022
 Location/Address: **Carnarvon Library and Art Gallery**
 Name of Applicant: Joshua Aston – Associate Professor
 Edith Cowan University (School of Business and Law)
 Name of Owner: Shire of Carnarvon
 Author/s: **Cheryl Weston – Coordinator Library Services & Art Gallery**
 Declaration of Interest: Nil
 Voting Requirements: **Simple Majority**
 Previous Reports: N/A
 Schedules: N/A

Authority / Discretion

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

Summary of Item:

This report details a request from Joshua Aston, Associate Professor of the School of Business and Law at Edith Cowan University (ECU) for consideration of a fee waiver for hire of the Library Meeting Room for use by the ECU Tax Clinic for the following periods:

- Every Wednesday in Semester One from 20 February 2023 to 26 May 2023 (14 full day sessions)
- Every Wednesday in Semester Two from 24 July 2023 to 27 October 2023 (14 full day sessions)

Under the 2022-2023 Fees and Charges Schedule, the costs applicable for hire would be \$85 per full day session. Semester Two hire rates cannot be confirmed at this stage.

Use of an alternative space in the Library and Art Gallery, which would not incur costs, has been suggested and considered; however, no other suitably appropriate space is possible due to the confidentiality of matters between client and tax agent/students; hence, the Library Meeting Room is the only appropriate space available for ECU Tax Clinic purposes.

Background:

In 2021, under the previous Fees and Charges Schedule, it was agreed that Edith Cowan University could utilise the Library Meeting Room at no cost for the ECU Tax Clinic purposes due to the volunteer category status of the participants involved. The Tax Clinic ran every Wednesday from 27 July 2022 to 26 October 2022 (14 full day sessions). These sessions supported unrepresented taxpayers in meeting and complying

with their taxation affairs for 2021-2022 and previous tax years.

Clients of the Tax Clinic met online with ECU Students who were based at ECU campus in Joondalup under the supervision of tax practitioners. The on-site Carnarvon supervisor and facilitator was Dr. Alexander Fullarton (Adjunct Professor, Curtin University Law School) also serving Shire of Carnarvon Councillor.

Due to the successful service uptake, Edith Cowan University has expressed their keen interest in continuing to offer the ECU Tax Clinic initiative in Carnarvon in both Semesters One and Two of 2023.

Of note, the ECU Tax Clinic is a pro bono initiative whereby supervising staff involved offer their services free of charge, including Dr. Fullarton. Edith Cowan University does receive a minimal grant from the ATO which pays the salaries of the tax agents and the tax coordinator overseeing the Clinic, as well as paying for the relevant licenses and insurance.

Stakeholder and Public Consultation:

N/A

Statutory Environment:

Local Government Act 1995 – Section 6.12 (b)

Relevant Plans and Policy:

Council Policy CD004 Community Growth Fund requires that requests for waiver of Shire facility hire fees are managed via the Community Growth Fund; however, ECU, would not be eligible for funding under the Community Growth Fund as they are not a community organisation, hence this report to Council.

Financial Implications:

Under the 2022-23 Fees and Charges Schedule the applicable fee for hire would be \$85 per full day for a Community/Non-profit group.

This request for a waiver of fees would equate to the following amount:

- Semester One (14 full day sessions): \$1,190
- Semester Two (14 full day sessions): \$1,190 (As per 2022-23 Fees & Charges Schedule)
- TOTAL amount (28 full day sessions): \$2,380

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	Mitigating Action/s
Financial	A fee waiver could result in loss of hire income from other interested parties	Low	If other parties request hire of the Library Meeting Room during the requested period which clashes with the ECU Tax Clinic use, it would be possible to consult with ECU Tax Clinic to facilitate a change to their client

			bookings to accommodate both ECU purposes and facilitate other party bookings.
Health & Safety	N/A		
Reputation	Increased public scrutiny when dealing with any matters involving Councillors.	Moderate	Edith Cowan University is the hirer requesting the fee waiver; processing the request for consideration through Council processes ensures a transparent process has taken place.
Service disruption	If a fee waiver is declined, it is possible that ECU Tax Clinic will not continue in Carnarvon, thus limiting alternative tax support options for community members.	Low	ECU Tax Clinic could pursue alternative space for hire in Carnarvon to support their initiative.
Compliance	Local Government Act requires that Fees and Charges are applied or that a fee waiver is presented to Council.	Low	The request for a fee waiver has been processed according to applicable legislation and regulations.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our economy fosters investment and productivity in industries befitting Carnarvon's physical and natural environment and that grows our horizons.*

Additional Focus Areas:

- *Improve the trust between citizens and the Shire of Carnarvon*

Comment:

The Library Meeting Room has limited demand for hire; as such, it is unlikely that the period of requested use by ECU Tax Clinic would overlap with other parties' use. Should there be other requests for bookings by other parties, it is suggested that ECU Tax Clinic should facilitate changes to their client bookings to accommodate these requests where possible. The Library Meeting Room has limited demand with a total annual income of \$1,185.44 during the previous financial year 2021-2022.

Collaboration with external stakeholders such as the ECU Tax Clinic has provided a valuable opportunity to offer professional tax support services to the Carnarvon community which may not otherwise be possible.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to s.6.12(b) of the Local Government Act 1995 resolves to:

- Approve the fee waiver request by Edith Cowan University for hire of the Library Meeting Room for the ECU Tax Clinic in Semesters One and Two of 2023.*
- Require that, as part of this approval, Edith Cowan University and The ECU Tax Clinic acknowledge the Shire of Carnarvon's support for this initiative in all marketing materials.*

File No:	ADM1666
Date of Meeting:	13 December 2022
Location/Address:	Van Dongen Park to Town Oval
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project and Contract Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Confidential schedule 7.4.1 Evaluation & Recommendation report

Authority / Discretion

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

Summary of Item:

Submissions received for tender RFT 05/2022 – Construction of water pipeline and upgrade of pumpstation have been evaluated. This report recommends Council accept the submission from Westline Plumbing & Drainage Pty Ltd (Westline) for construction of the recycled water pipeline only.

Background:

This project is part of the recycled water irrigation system. Upgrade of this system has been underway since 2018 and has included the following stages:

STAGE	COMPLETED	DESCRIPTION OF WORKS COMPLETED
0	2018	Construct new recycled water pump station at the Babbage Island treatment ponds
1	2019	Supply and Install 730 metres of DN180 PE100 PN12.5 pipeline from the pump station to the north end of Brockman Park.
2	2021	Install of approx. 450 metres of DN180mm PE100 PN12.5 pipeline joining Stage 1 at the northern end of Brockman Park to the intersection of Bibra Way and David Brand Drive
3	2021	Install of approx. 560 metres of DN160mm PE100 PN12.5 pipeline from the end of stage 2 to Van Dongen Park on Robinson Street.

This final stage proposes to construct approx. 245m of recycled water mains pipeline from the completion of Stage 3 (Van Dongen Park) to an existing boost pump station at Town Oval.

The existing pump station structure requires painting, weather and vermin proofing upgrades.

The Tender was advertised on 26 October and closed on 14 November 2022. Two submissions have been received.

Stakeholder and Public Consultation:

Nil.

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:

All figures are Exclusive of GST.

Funding from the Federal Building Better Regions Fund (BBRF) has been secured for this project. Stages 2 and 3 of the recycled water irrigation system were also funded via that program. Under that program, a cash co-contribution of at least 25% of the project budget is required from the Shire.

A total 22/23 budget of \$238,000 was allocated by Council for completion of this final stage of pipeline and pump station upgrade.

To summarise the financial implications:

- Pump station upgrade prices received are more than double the estimated cost even if different contractors were awarded separate portions of the project.
- While accepting the water pipeline and pumpstation upgrade would have a non-material impact on the budget, the pump station works as tendered are not considered to represent value for money.
- An alternative solution to complete the pumpstation upgrades is recommended. The works can be completed by Shire staff or alternatively a (local) contractor can complete these upgrades.
- Accepting the pipeline works only will allow sufficient budget in the event of a contingency situation and delivers the priority element of the project.

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	Over-expenditure of funds when awarding the construction of water pipeline works and the upgrade of pumpstation.	A2 – High	Awarding the construction of the water pipeline works only.

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Health & Safety			
Reputation	The aesthetics of the Pumpstation building are poor. The building is old and requires an upgrade.	C2 - Moderate	An alternative solution to complete the pumpstation upgrades will be considered. Potentially the works can be completed by Shire staff or Alternatively a (local) contractor can be engaged to complete the upgrades.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

Comment:

A detailed Evaluation and Recommendation report is provided in **Confidential Schedule 7.4.1**.

The panel considers that the pump station upgrade works prices received may not represent the best value for money. The work specified was mainly cosmetic in nature with most major internal pumping equipment upgrades having been completed previously. The work has been priced at more than twice the estimated cost. Alternate prices will be sought for that element of the project.

Both Tenderers were contacted to confirm an ability to proceed with the water pipeline construction works only. Both advised they would be able to proceed without the pump station upgrade.

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, resolves to accept the submission from Westline Plumbing & Drainage Pty Ltd for Tender 05/2022 Construction of Water Pipeline and upgrade of pumpstation excluding the pumpstation upgrade works for the tendered price provided in Confidential Schedule 7.4.1 of \$xxxxxxx (ex GST) <PRICE TO BE INCLUDED IN COUNCIL MINUTE.>

OFFICER'S RECOMMENDATION PART TWO

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 and finalise execution of a contract between the Shire of Carnarvon and Westline Plumbing & Drainage Pty Ltd for Tender 05/2022 Construction of Water Pipeline and upgrade of pumpstation.

7.4.2 RFT 06/2022– SUPPLY OF PLANT AND OPERATORS FOR UNSEALED ROAD UPGRADE PROJECTS

File No:	ADM1666
Date of Meeting:	13 December 2022
Location/Address:	Minilya Lyndon Quobba Gnarlloo
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project and Contract Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	7.4.2(a) Letter from Gnarlloo Station Confidential schedule 7.4.2(b) Evaluation & Recommendation report

Authority / Discretion

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

Summary of Item:

This report details evaluation of submissions received for Request for Tender (RFT) 06/2022 – Supply of Plant and Operators for unsealed road upgrade projects for:

- Work package 1 – Minilya Lyndon Road SLK 102 to SLK 107 (section is approx. 30km east of Middalya Crossing); and
- Work package 2 – Quobba Gnarlloo road SLK 18.6 to SLK 23.6 (section 5km south of first Rio Tinto haul road)

It is recommended Council accepts the submission from Northern Goldfields Earthmoving Pty Ltd for both work packages.

Approval to accept additional Regional Road Group (RRG) project funding (along with an additional 1/3 Shire contribution) is also recommended.

Background:

Tenders were called for reconstruction and resheeting of sections of Minilya Lyndon Road and Quobba Gnarlloo Road. The work generally includes reconstruction and reshaping of the road formation, gravel sheeting and grading etc. to reshape drainage and batters. Works on Minilya Lyndon Road incorporate cement stabilisation and rock protection of a floodway at SLK 104.7.

To maximise delivery of works on the ground, the Contract will be based upon a Schedule of Rates, rather than a fixed price.

The Tender closed on 30 November 2022. Five submissions and one alternate submission were received.

The alternative tender submission consisted of a lump sum price rather than a schedule of rates.

Both work packages were specified to be completed before 31 May 2023 to meet RRG funding deadlines. Commencement of the works is anticipated in March 2023.

Stakeholder and Public Consultation:

A submission was received from Gnaraloo Station on 25 November 2022 as provided in **Schedule 7.4.2(a)**. The submission requests Council consideration to amend the section of road works being completed on Work Package 2 – Quobba Gnaraloo Road.

The submission proposes alternate works summarised as follows:

- a) Form as much as possible of the section of the Quobba-Gnaraloo road from Gnaraloo Homestead to Gnaraloo Bay; and
- b) Establish a temporary trafficable public route through the Gnaraloo Homestead lease area to Gnaraloo Bay.

Regarding item a), it is acknowledged that the section of Gnaraloo Road north of the station has rough sections due to areas of exposed rock. Searches for suitable gravel materials in close vicinity have been unsuccessful to date. Most road construction material at the northern end of Quobba Gnaraloo Road have been found to be generally inferior, lacking any longer term durability.

Regarding item b), it is acknowledged that the current bypass road directly to the east of the homestead is in poor condition and rough in places. Any significant upgrade to that section may exacerbate traffic speed issues directly adjacent to the homestead.

The author is unaware of any resheeting works being completed on the section of road nominated for works in Package 2 prior to April 2016. The author is aware that no resheeting works has occurred on that section since that time.

Quobba Gnaraloo Road is approximately 85km in length. Typically, resheeting may be required on unsealed roads every 10 years. This can vary depending on multiple factors such as traffic, traffic speeds, construction materials etc.

A ten-year resheeting program for Quobba Gnaraloo road requires at least 8.5km of road to be resheeted every year. Since 2016, the Shire has completed in the order of 4-6km per year. Some of those resheeting works included complete reconstruction of narrow road sections. Council is aware of costs associated with maintenance of Quobba Gnaraloo road and the challenge it represents to the local government and that current funding levels cannot meet desired service levels.

The site of the works for Package 2 (south from the first haul road) was investigated prior to issuing tender documentation. At the time of inspection, it was noted that this section, and the section between the two haul roads were both exhibiting pavement material loss to the extent of exposing subgrade. Recent maintenance grading has corrected many of the rideability issues however the depleted pavement remains a factor in the longevity of this section.

Selection of this Package 2 site is also associated with the relative availability of a quality gravel material. That material requires a haul of some 20km from source which is around the recommended maximum. The view has been taken that it is better to construct less to a higher standard than to construct more at a lower standard.

Further, it is hoped to engage more fully with Rio Tinto to:

- a) Utilise their haul road for the cartage of resheet materials to the Package 2 site;
- b) Seek their assistance to source alternate gravel sites further north; and
- c) Seek engagement of their water carts and/or grading team to provide maintenance to areas of the road between and adjacent to the haul roads.

On balance therefore, the site of Package 2 works is considered appropriate and no change to that scope is recommended to Council.

Both areas noted by Gnaraloo Station will however be inspected to determine if some small scale improvements can be completed in particular before the solar eclipse in April next year.

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:

A project budget of \$395,817 for road reconstruction for each work package is currently available. \$263,878 is funded via the regional Roads Group (RRG) – Main Roads WA (MRWA). The remaining budget is provided by the Shire. The Shire contribution is part of the RRG funding arrangement.

Recently MRWA advised \$122,177 of additional funding for the Gascoyne RRG group has been made available. Accepting additional funding will require a further contribution from the Shire in the normal ratio of one third Shire, two thirds MRWA.

Based upon the standard RRG funding allocation methodology between group members, a minimum of \$51,700 of the \$122,177 will be available for the Shire of Carnarvon. Depending on other members of the Gascoyne RRG, the Shire of Carnarvon might receive a larger amount.

Allocation of the additional funding for the RRG members is provided below. The table also includes the additional funding required from each Shire:

SHIRE	ADDITIONAL RRG ALLOCATION	ADDITIONAL SHIRE ALLOCATION
Shire of Carnarvon	\$ 51,700	\$17,231.61
Shire of Exmouth	\$ 15,629	\$5,209.15
Shire of Shark Bay	\$ 17,583	\$5,806.41
Shire of Upper Gascoyne	\$ 37,205	\$12,400.43
Total	\$122,117	\$40,647.60

At time of writing:

- Shire of Shark Bay has advised it will not be accepting any additional funding.
- Shire of Exmouth has indicated it will accept an additional allocation.
- No formal response has been received for the Shire of Upper Gascoyne.

Whatever the final funding allocation breakup, it is recommended to:

- accept the maximum available additional RRG funding resulting in maximum additional Shire funding of \$40,647.60;

- allocate that additional funding to Work Package 2 Quobba Gnaraloo Road; and
- identify sources for the additional Shire funding in operational areas and/or reserve transfers at the six month budget review.

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	Accepting additional RRG funding requires a further Shire contribution. Additional funding is to be found within the existing budget. This may result in budget reductions elsewhere.	B2 - High	Not accepting the additional funding from MainRoads.
Health & Safety	N/A		
Reputation	Not accepting the request from Gnaraloo station to alter the section of works for package 2.	C1 - Low	Accepting the request from Gnaraloo Station.
Service disruption	N/A		
Compliance	Failure to complete both work packages by end of May may require carry over of RRG funds.	C2 - Moderate	Contractor proposes total project time of 6 weeks. A March commencement allows almost twice the time proposed giving a reasonable contingency margin.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

Comment:

A detailed Evaluation and Recommendation Report is provided in **Confidential Schedule 7.4.2.(b)**

Recommended contractors Northern Goldfields Earthmoving Pty Ltd (NGE) are a new contractor to the Shire of Carnarvon. They appear to have suitable experience and a track record in both the mining and public roads maintenance and construction sectors.

The NGE tender submission scored the highest with each panel member.

It is planned to utilise the Shires Rural Roads Manager to supervise works on ground for both work packages to ensure delivery of the maximum quantity and quality of work.

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, resolves to accept the submission from Northern Goldfields Earthmoving Pty Ltd for the tendered schedule of rates provided in Confidential Schedule 7.4.2 of for Work Package 1 and Work Package 2.

OFFICER'S RECOMMENDATION PART TWO

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 and finalise execution of a contract between the Shire of Carnarvon and Northern Goldfields Earthmoving Pty Ltd for Tender RFT 06/2022– Supply of plant and Operators for unsealed road upgrade projects.

OFFICER'S RECOMMENDATION 3

That Council, by Absolute Majority, pursuant to Section 6.8 (1) (b) of the Local Government Act 1995, approves a budget variation to:

- a) accept up to \$122,117 of additional RRG Road Project funding from MainRoads WA; and*
- b) allocate additional Shire funds equal to half of the finalised RRG Road Project funding;*

with the additional funding being allocated to Work Package 2 – Quobba Gnoraloo Road.

File No:	ADM1923
Date of Meeting:	13 December 2022
Location/Address:	Brown Range Landfill Site – Lot 531 Speedway Road, Carnarvon
Name of Applicant:	N/A
Name of Owner:	State of Western Australia (vested with Shire of Carnarvon)
Author/s:	David Nielsen – Executive Manager Infrastructure Services Gloria Quinn – Infrastructure Services Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Schedule 7.4.3 – Photos of Weighbridge Building

Authority / Discretion

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

Summary of Item:

This report seeks approval from Council for the sale by public tender of the obsolete weighbridge building located at the Browns Range landfill site (see **Schedule 7.4.3**).

Background:

Development of Browns Range landfill site infrastructure included replacement and relocation of the weighbridge operations booth to the eastern side of the weighbridge. The new facility is now operational resulting in the redundancy of the old weighbridge booth building.

Stakeholder and Public Consultation:

Nil required. Sale by public tender will be advertised.

Statutory Environment:

Local Government Act 1995 sections:

3.18 Performing executive functions; and

3.58 - Disposing of property.

Relevant Plans and Policy:

Delegation 1.2.19 Disposing of Property

Financial Implications:

The weighbridge building will be offered for sale by tender on an “as is – where is” basis. Other than the cost

of advertising and administering the tender there will be no expense to the Shire.

Income will be realised on sale of the building to the highest tenderer. Fair value (FV) at 30 June 2020 was assessed as \$10,475. Current written down value (WDV) is \$8241.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	Retaining redundant facilities does not support good asset management practices.	B:2 - Moderate	Selling the redundant building as recommended.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the Community Strategic Plan 2022-2032 –

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

Comment:

The obsolete weighbridge building has served its purpose and has now been replaced with a more modern and functional facility for staff.

Ordinarily, the CEO has delegated authority to undertake property disposal up to \$20,000 in value. Delegation to the CEO for disposal of land or buildings states, “Disposal of land or building assets is limited to matters specified in the Annual Budget, and in any other case, a Council resolution is required.”

This sale was not identified in the annual budget so a formal Council resolution is required.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Sections 3.18 and Section 3.58 2(b) of the Local Government Act (1995):

- disposes by public tender the weighbridge building as shown in Schedule 7.4.3; and
- authorises the CEO to undertake sale to the highest bidder.

7.4.4 RFT 07/2022 FASCINE WALL CAPPING BEAM REPLACEMENT AND RFT 08/2022 FASCINE WALL CATHODIC PROTECTION

File No: ADM1862 and ADM1984
 Date of Meeting: 13 December 2022
 Location/Address: Fascine Wall
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Carolien Claassens – Project and Contract Manager
 David Nielsen – Executive Manager Infrastructure Services
 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.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

Request for Tender (RFT) 07/2022 – Fascine Wall Capping Beam Replacement closed on 5 December 2022. No submissions were received. Council is requested to note the Tender result.

Two submissions have been received RFT 08/2022 – Fascine Wall Cathodic Protection. Both submissions are unable to be accommodated by the available budget. This report recommends not to accept any submission.

A third recommendation authorises the CEO find an alternative for the remediation of the Fascine works and sources quotes for the alternative project solution.

Background:

RFT 07/2022 requires the design and construction of approx. 800 meters of concrete capping beam on the Fascine wall. The works includes demolition and removal of the existing concrete capping and a section of artificial grass. This section is to be replaced with a concrete footpath.

The Tender closed on 5 December 2022. No submissions were received.

RFT 08/2022 requires the installation of cathodic protection to the existing sheet pile wall at the Fascine. The works includes fabrication and installation of fittings and supply and install of a sacrificial anode system to mitigate wall corrosion below the waterline. Light excavation earthworks in shallower areas is also required.

The Tender closed on 5 December 2022. Two submissions were received. Both submissions are substantially over the available budget.

MP Rogers & Associates (MP Rogers) specialist coastal engineers were engaged as the Project Manager for the Fascine wall projects. They prepared technical specifications and drawings for the Tender.

Stakeholder and Public Consultation:

Nil.

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:

The Fascine wall projects are funded via the Local Roads Community Infrastructure (LRCI) Program – Phase 3 from the Federal Government. The Shire received a total allocation of \$1,688,082 for LRCI Phase 3.

The Fascine wall capping beam replacement project received a budget allocation of \$439,450. The cathodic protection system budget is \$413,000.

The updated Structural Analysis report from MP Rogers in December 2020 included an estimated cost of \$275,000 for the replacement of the concrete capping beam and \$250,000 for the cathodic protection works.

MP Rogers recommended in January 2022 an escalation of 35-40% due to the impacts of COVID, supply chain and labour shortages. A further 10% increase was advised if the works are to be completed within the next 6 months.

The submissions received for the Fascine wall cathodic protection are substantially over budget. As no tender has been received for the capping beam work, it is not possible to offer an informed comment and the estimated cost of that work.

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	Significant over-expenditure of funds when awarding RFT 08/2022 Fascine wall Cathodic Protection	A4 – Extreme	Not awarding the Tender
Health & Safety	N/A		
Reputation			
Service disruption	N/A		

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

Community & Strategic Objectives:

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

Comment:

After construction, the Fascine wall experienced corrosion of steel sheet piles raising concerns over the durability of the structure.

In 2018, the Department of Primary Industries and Regional Development engaged MP Rogers to undertake a structural analysis of the Fascine wall. After this initial work, the Shire engaged MP Rogers to update and conduct additional structural testing and analysis. This report was completed in December 2020. That report includes a maintenance strategy and recommended capital works to maximise the useful life of the Fascine wall. The works specified in both Tenders are a result of that maintenance strategy.

Concrete Capping:

Cracking and spalling of the concrete beam has continued and MP Rogers recommended capping beam replacement. Alternatively, repair of the existing concrete capping beam could be undertaken. Repairing the concrete capping beam could be considered as an alternative to full replacement.

Cathodic Protection:

In 2017 the Shire applied a protective coating to the Fascine wall to provide corrosion protection to the seaward face of the wall above the low water line.

That coating could not be applied to protect submerged wall sections. The cathodic protection system provides corrosion protection of the sheet pile wall in submerged sections up to around mid-tide level. However, maintenance of the paint coating for the sheet above the mid tide level will still be required.

Preliminary discussions with one of the tenderers indicate some savings may be achieved in redesign of the cathodic protection system. The extent of those savings is currently unknown however it will be explored as part of the work to advance the project.

There are a several possible scenarios that may eventuate including but not limited to:

- Sourcing suppliers that can deliver the projects within the available budgets
- Reducing the scope of both projects to meet the available budgets
- Prioritising the projects and combining budgets to deliver the highest priority.

A recall of tenders may be required however in the first instance, investigative work is required to try to maximise the possibility of receiving tenders for the capping beam and then being able to make a decision around possible alternative scopes and prioritization in order to meet the budget constraints.

OFFICER'S RECOMMENDATION 1

That Council, by Simple Majority pursuant to Section 3.57 and 3.18 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations, 1996, note no Tender submissions were

received for RFT 07/2022 –Fascine Wall Capping Beam Replacement.

OFFICER'S RECOMMENDATION 2

That Council, by Simple Majority pursuant to Section 3.57 and 3.18 of the Local Government Act, 1995 and Section 18 (5) of the Local Government (Functions and General) Regulations, 1996, does not accept any Tender submission received for RFT 08/2022 –Fascine Wall Cathodic Protection

OFFICER'S RECOMMENDATION 3

That Council, by Simple Majority pursuant to Section 11 (2) (C) (i) and (ii) of the Local Government Regulations, Functions and General 1996 and 3.18 of the Local Government Act, 1995:

- a) authorises the CEO to seek alternate quotations for the project scopes detailed under RFT 07/2022 – Fascine Wall Capping Beam Replacement and RFT 08/2022 –Fascine Wall Cathodic Protection; and*
- b) seek alternative solutions for completion of Fascine works that can be met by the available budgets.*