



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 23 AUGUST 2022

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

NOTICE OF MEETING

Notice is hereby given
Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 23 August 2022
Gwoonwardu Mia Aboriginal Cultural Centre
Robinson 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.)

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.)

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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 27 September 2022 commencing at 1.00pm in Council Chambers.

14.0 CLOSURE

8.1.1**ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JANUARY AND FEBRUARY 2022**

File No: ADM0043
 Date of Meeting: 22 February 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: 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 January and February 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:

Goal 5: Civic

Strong and listening Council.

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

Comment:

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

DELEGATIONS**COMON SEAL**

Date Affixed	Document
5.8.22	Public Places & Local Government Property Amendment Local Law 2022
12.8.22	Agreement for Deferral and Completion of Roadworks – Lot 308 Banksia Drive, Coral Bay

ENVIRONMENTAL HEALTH**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)
12/8/22	HOS22/003	Approval to install onsite wastewater system (septic tank and leach drains), 174 William St, East Carnarvon	Luke De Sousa	Rena De Sousa

LAND USE AND DEVELOPMENT

PLANNING AND DEVELOPMENT ACT 2005 - PART 10: DIVISION 2					
Applications to subdivide, re-subdivide, or amalgamate land parcels					
File Ref:	WAPC Ref:	Subject Land	Purpose	Applicant/Proponent	Advice Sent
ADM1789	162432	Lot 9001, David Brand Drive, Carnarvon	Subdivision – Stage 4, Northwater Estate	Development WA	26/07/2022

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
A3757	P25/22	91 Angelo Street, Carnarvon	Holiday House	MG & JM Parry	22/07/2022
A3460	P22/22	1002 North West Coastal Highway, Kingsford	Oversized Shed	Brian Kane	25/07/2022
A1151	P30/22	19 Saw Street, Carnarvon	Oversized Shed	Terrence Maxwell	01/08/2022
A3796	P33/22	417 Robinson Road, Carnarvon	Additions to existing hardware store	Craig Ronald & Tamara Chapman	02/08/2022

Hawkers, traders and stall holders

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)	
21/07/2022	P29/22	Coral Bay Post Office renewal	Lisa Eveson	Nil	Nil

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/047	ANTHONY & MARIA HENDRIKA ZAKNICH	LOT 231 (25) SMITH ST, EAST CARNARVON	SINGLE STOREY DWELLING
B22/053	TERRENCE RICHARD MAXWELL	LOT 33 (19) SAW ST, EAST CARNARVON	GARAGE - STEEL FRAMED STRUCTURE CLAD WITH PROFILED METAL SHEETING ON A CONCRETE SLAB
B22/054	TRENT WEBB	LOT 313 (9) NEWMAN PL, BROCKMAN	FRONT GARRISON FENCE & GATES

OFFICER'S RECOMMENDATION

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

Date of Meeting:	23 August 2022
Location/Address:	Parnaa View, Northwater, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Harriet Murphy – Manager Economic Development and Tourism
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports	Nil
Schedules:	RED Grant 2022 Financial Implications Spreadsheet

 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 recent opening of a competitive grant round has provided an opportunity for Council to consider making an application for funding for the construction of new workforce accommodation. The proposed project and its financial implications are outlined within this item. The item requests that Council resolves to endorse the submission of the application.

Background:

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

Regional Economic Development (RED) grants are an annual competitive funding opportunity offered by the State Government and delivered locally through Regional Development Commissions. In 2022, the RED grant round opened in July and will consider contributing up to \$100,000 for individual projects, although up to \$250,000 may be considered for applications that address the objectives and criteria to a very high

standard. It is the officer's view that the proposed application from the Shire as outlined in this report would present a compelling case for the maximum grant amount.

The objectives of the RED Grants Program include:

- Sustainable jobs
- Expanding or diversifying industry
- Developing skills or capabilities
- Attracting new investment in the region
- Workforce development and accommodation

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

Preference will be given to projects that demonstrate:

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

Stakeholder and Public Consultation:

Gascoyne Development Commission
Fortescue Future Industries
Province Resources
Horizon Power
Department of Communities (as managers of the GROH program)
Kim Nguyen – Gascoyne Bakery

Statutory Environment:

Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

As noted in the Background to this report, a maximum of \$250,000 can be sought from the RED grant. The proposal is that \$500,000 of Shire Housing Reserve funding is allocated to this project along with borrowings of \$500,000 to provide a total project budget of \$1,250,000.

The financial implications of this project, total capital costs, ongoing maintenance and renewal costs along with revenue potential, are presented in the attached spreadsheet – **see Schedule 7.1.2**

Should the application for funding be successful, a report seeking Council’s approval for a loan and transfer from reserves will be presented to Council according to cash flow requirements.

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	1. Cost exceeds financial capacity of the Shire 2. The market rental price decreases and GROH drop their rental price to match.	Moderate	1. Life cycle costs have been calculated and are within the capacity of the Shire to fund. See attached spreadsheet for detailed financial modelling. 2. GROH has confirmed that each year, the rental value would be assessed, and rents paid as per market value. Should the value decrease, the financial modelling for this project would be impacted. The model has been based on a conservative rental values and current estimates of population growth on the back of known projects is significant, making it unlikely that the market value of rental properties will decrease in the foreseeable future.
Health & Safety	NA		
Reputation	Seen to be competing with the private sector	Moderate	The modest scale of the proposed project along with the heavy demand for housing, there is a great deal of opportunity for the private sector to also enter the market. It is also intended for the Shire to show leadership and

			confidence in Carnarvon by this investment, which is anticipated to trigger private sector investment.
Service disruption	NA		
Compliance	NA		
Property	Ongoing shortage of quality housing in Carnarvon Adding building assets to the Shire's property portfolio increases the	High	This report and the officer's recommendation aim to mitigate this risk.
Environment	NA		
Fraud	NA		

Community & Strategic Objectives:

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

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

Comment:

Timing constraints have precluded the Shire officer's ability to seek Council endorsement prior to the grant round closing. As such, the officer seeks Council's retrospective endorsement for the CEO's actions in applying for the RED grant funding. Consideration was given to risks associated in withdrawing the application should Council not endorse the submission and assessed to be low. The RED Grant funding deadline will lapse 24 hours prior to Council meeting. It is unlikely to be assessed prior to a Council's decision, which will provide an opportunity to withdraw without reputational damage if required.

The project proposal has achieved strong support from government agencies and private industry. If deemed competitive for RED Grant funding, it will achieve the following benefits to the community:

- provides much needed additional housing for private and government workforce in Carnarvon resulting in improved service delivery;
- contributes to population growth;
- demonstrates confidence in the future of Carnarvon and its growth;
- encourages private developers and government agencies to develop pre-owned land in Northwater Estate;
- offers partnering opportunities to reduce building costs through economies of scale.

OFFICER'S RECOMMENDATION

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

1. *Endorse the CEO's actions in applying for a Regional Economic Development (RED) grant for funding of \$250,000 for the purchase of residential land and the development of a two-dwelling development on Shire owned land in Parnaa View, Northwater Estate which includes with a maximum budget of \$1,250,000, consisting of the Shire's contribution of \$500,000 from Housing Reserves and borrowings of \$500,000 to leverage the \$250,000 of RED Grant funding.*
2. *Consider budget variations and borrowings should the application be successful and once the exact financial implications are known.*

File No:	ADM0186
Date of Meeting:	23 August 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 every month
Schedules:	Schedule 7.2.1

Authority / Discretion

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

Summary of Item:

To present the listing of accounts paid from the Municipal Fund, Visitor Centre Account and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of July 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, Visitor Centre Account 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 Council funds by providing Council with sufficient information to monitor and review payments made.

Risk Assessment:

Consequence

STEP 3 – Risk Tolerance Chart Used to Determine Risk

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

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

OFFICER'S RECOMMENDATION

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

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$4,143,859.39 as presented for the month of July 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT35913 - EFT35921 EFT35924 - EFT35925 EFT35927-EFT35944 EFT35946-EFT35955 EFT35957-EFT35958 EFT35960-EFT35972 EFT35974-EFT35981 EFT35983-EFT35987 EFT35989-EFT36005 EFT36007-EFT36011 EFT36013-EFT36015 EFT36018 EFT36020-EFT36021 EFT36023-EFT36025 EFT36028-EFT36032 EFT36034-EFT36042 EFT36044-EFT36045 EFT36047-EFT36057 EFT36059, EFT36061 EFT36064-EFT36065 EFT36067-EFT36082	EFT36131-EFT36142	Muni EFT	\$4,077,741.34

<i>EFT36084-EFT36085 EFT36091-EFT36113 EFT36115-EFT36129 EFT36131-EFT36142</i>			
<i>EFT36086</i>	<i>EFT36090</i>	<i>Trust EFT</i>	<i>\$990.75</i>
<i>DD39516.1</i>	<i>DD39516.1</i>	<i>Bank Direct</i>	<i>\$28,862.38</i>
<i>EFT35922-EFT35923, EFT35926, EFT35945 EFT35956, EFT35959 EFT35973, EFT35982 EFT35988, EFT36006 EFT36012 EFT36016-EFT36017 EFT36019, EFT36022 EFT36026-EFT36027 EFT36033, EFT36043 EFT36046, EFT36058 EFT36060 EFT36062-EFT36063 EFT36066, EFT36083 EFT36114</i>	<i>EFT36130</i>	<i>Visitor Centre EFT</i>	<i>\$36,264.92</i>
		<i>TOTAL</i>	<i>\$4,143,859.39</i>

b) Note Sundry Creditors as of 31 July 2022 - \$1,727,655.19

File No:	
Date of Meeting:	23 August 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

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:

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

Background:

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

The statements should show the following:

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

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are to be made where variances are higher than the materiality thresholds set by Council which are plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

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

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances. The Audited Financial Statements for 30 June 2021 are currently being audited, and the closing surplus figure, therefore the opening surplus figure for 2022, is potentially subject to change until the end of year Audit is finalised.

This is a highly unusual situation that has arisen from the lack of financial management oversight during much of 2020/21, the current finance team trying to address issues and errors that occurred before they joined the organisation, and a new auditor who has required familiarisation with local government financial audits.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

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
	The outstanding matter of the 20/21 audit is a risk in terms of any new borrowings and grant applications.	Moderate	Significant effort and priority has been placed on finalising the audit.
Health & Safety	NA	NA	
Reputation	The delay in achieving a timely audit has the potential to damage	High	Significant effort and high priority has been placed on finalising this audit, including seeking support from an

	the shire's reputation.		experienced local government financial management expert.
Service disruption	NA	NA	
Compliance	Local Government Act requires Council receive these statements within 2 months of the end of the applicable month.	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	

Community & Strategic Objectives:

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

Comment:

Attached as **Schedule 7.2.2** for consideration is the draft Statement of Financial Activity for the period ended 30 June 2022.

The accounts are listed as draft accounts as they do not become final until Financial Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are still in auditor hands. It is expected that some figures may change due to audit opinions of the treatment of certain transactions.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month of June 2022 as per Schedule 7.2.2.

File No:	
Date of Meeting:	23 August 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Amanda Leighton, Manager People Culture & Systems
Declaration of Interest:	Nil
Previous Report	N/A
Voting Requirements:	Simple Majority
Schedules:	Draft Shire of Carnarvon Policy Manual 2022

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 is currently split across four directorates, with policies containing procedural information along with a mixture of policies that relate to legislative requirements and day to day operations of the Shire. Best practice in Local Government is to separate policies that relate to legislation and decision making (Council Policy) from policies that relate to internal governance and day to day operations of the shire (Corporate Policy).

This agenda item presents the draft Shire of Carnarvon Council Policy Manual 2022 (Policy Manual) to Council for consideration with the officer's recommendation that the Policy Manual be adopted by Council as presented.

Background:

A formal review conducted by the Department of Local Government Sport and Cultural Industries (DLGSC) recommended that the Shire of Carnarvon to undertake a Governance Review. The Shire engaged Hammond Woodhouse Advisory to conduct an independent governance review in May 2021. The following is an extract of findings and recommendations from the Hammond Woodhouse report dated 2 June 2021 that relate to Council Policies

Section 3.2 Findings

- (16) *The current practice of demarcating policies into “Corporate”, “Development”, “Executive” and “Infrastructure” (that would seem to relate to divisional or departmental function) fails to address the intended purpose, ownership, and hierarchical status of a local government policy.*
- (17) *At a very minimum, the Shire’s policies should be separated into 2 key areas as follows:*
- (a) *Council policies which should deal with matters relevant to the role of the Council, set out in s.2.7 of the Act, serving to provide uniformity in decision making, guidance in exercising discretion and establishing clear direction regarding the delegation of authority and exercising the role of the CEO.*
 - (b) *Administrative or executive policies which should be relevant to the role of the CEO as provided for in s.5.41 of the Act and establish corporate processes and systems, business rules and underpin where necessary the implementation of Council policy.*
- (18) *The existing suite of policies present the following shortcomings:*
- (a) *Policies duplicate or overlap objective and purpose.*
 - (b) *Policies lack intent or objective.*
 - (c) *Policies are well past their review date.*
 - (d) *Policies do not meet the definition of “policy”, generally being procedural in nature.*
 - (e) *Policies are not clearly demarcated as being made under the authority of the Council or the authority of the CEO.*

Based on the review completed by Hammond Woodhouse Advisory, the Shire of Carnarvon engaged Steven Tweedie a Local Government specialist to review the Policy Manual and update policies where required.

Consultation:

Following the review, Council and senior staff attended a policy workshop to review the changes to ensure compliance with legislation and ensure they meet the requirements of the Shire of Carnarvon. This has resulted in this updated policy manual to inform decision making and provide clear guidelines for Council and employees. The workshop with Councillors resulted in the following changes to the Council policies as presented to Council in ***Schedule 7.2.3.***

POLICY NUMBI	POLICY NAME	PROPOSED STATUS	PROPOSED POLICY NAME
E058	CARNARVON CUP	Delete	Carnarvon Cup
C022	CCTV DATA MANGEMENT	Superceded	CD001 CCTV Data Management
C015	MARKET TRADERS AT THE WOOLSHED POLICY	Superceded	CD002 Market traders at The Woolshed
C025	AUSTRALIA DAY AWARDS	Superceded	CD003 Australia Day awards
C025	COMMUNITY GROWTH FUND Policy	Superceded	CD004 Community Growth Fund
C028	LETTERS OF SUPPORT	Superceded	CD005 Letters of support
C030	EXTERNAL GRANTS- PROCUREMENT AND MANAGEN	Superceded	CD006 External grants – procurement and grants
D001	CARNARVON MOBILE TRADING	Superceded	CD007 Carnarvon mobile trading
		New	CD008 Consumption of Alcohol on Shire Owned and Manag
E029	COMMUNITY ENGAGEMENT	Superceded	CD009 Community engagement
C002	PURCHASING	Superceded	CF001 Purchasing and Procurement
		New	CF002 Regional Pricing Policy
C013	TENDER SELECTION CRITERIA POLICY	Superceded	CF003 Tender Selection Criteria
		New	CF004 Rate payment prizes and eligibility
C006	DISPOSAL OF SURPLUS COMPUTERS & MINOR ASSE	Superceded	CF005 Disposal or surplus IT and minor assets
C036	FINANCIAL HARDSHIP POLICY	Superceded	CF006 Financial hardship
		New	CF007 Debt Collection
E018	Risk Management	Superceded	CF008 Risk Management
		New	CF009 Loans and borrowing
C007	CORPORATE CREDIT CARDS	Superceded	CF010 Corporate credit cards
C009	RATES RECOVERY	Superceded	CF011 Recovery of rates
C008	RATES AND CHARGES	Superceded	CF012 Rates charges
C011	SIGNIFICANT ACCOUNTING POLICIES	Superceded	CF013 Significant Accounting Policies
C010	INVESTMENT	Superceded	CF014 Investments
IS005	PRIVATE WORKS	Superceded	CF015 Private works
IS007	ASSET MANAGEMENT	Superceded	CF016 Asset management
C023	RELATED PARTY DISCLOSURES	Superceded	CF017 Related Parties Disclosures
C016	LEASE AND LICENSING CLASSIFICATION	Superceded	CF018 Lease and licensing classifications
IS002	COMMERCIAL AND PRIVATE RECREATIONAL ACTIVITY AT AQUATIC CENTRE	Delete	Commercial and private use of Shire assets and facilities, including aquatic centre.
C027	COMMUNITY BUS	Delete	Community bus
E036	CONFIDENTIAL INFORMATION	Delete	Confidential Information
E028	CORPORATE INFORMATION AND BRIEFING SESSION	Delete	Corporate Information and Briefing Sessions
E043	ELECTED MEMBER ATTENDANCE AND PARTICIPATION AT COMMUNITY WORKSHOPS OR PUBLIC MEETINGS	Delete	Elected Member attendance at community and public meetings
E031	ACCESS TO COUNCIL CHAMBERS AFTER HOURS – ELECTED MEMBERS	Delete	Elected members - Access to Council Chambers after hours
E047	CODE OF CONDUCT – ELECTED MEMBERS, COMMITTEE MEMBERS, EMPLOYEES, AND CONTRACTORS	Superceded	EME001 Code of Conduct for Council Members, Committee Members and Candidate
E048	CONDUCT OF COUNCIL FORUMS	Superceded	EME001 Code of Conduct for Council Members, Committee
E064	ATTENDANCE AND EVENTS- COUNCILORS AND CEO	Superceded	EME002 Attendance/Tickets to Events
E011	Council Members Professional Development	Superceded	EME003 Professional Development, Conference Attendanc
E033	INDUCTION – ELECTED MEMBERS	Superceded	EME003 Professional Development, Conference Attendanc
E008	CEO Performance Review	Superceded	EME004 CEO Standards, performance, and Management Re
E025	APPOINTMENT OF ACTING CEO	Superceded	EME005 CEO leave, appointment of Acting or Temporary CE
E012	Members Reimbursement of Expenses Incurred	Superceded	EME006 Reimbursement of Elected Members' Expenses
E014	LEGAL REPRESENTATION FOR ELECTED MEMBERS & EMPLOYEES	Superceded	EME007 Legal Expenses – Elected Members and Employees
E004	Designated Senior Employees	Superceded	EME008 Designated Senior Employees
C029	COUNCILLORS RECORD KEEPING	Superceded	EME009 Record Keeping by Elected Members and employe
C014	RECORDS MANAGEMENT (DATA MIGRATION)	Superceded	EME009 Record Keeping by Elected Members and employe
E019	EXECUTION OF DOCUMENTS AND Use of Common S	Superceded	EME010 Execution of documents, and application of Comm
E015	Presentation to ELECTED Members in Recognition o	Superceded	EME011 Elected Members – Service Award and Gift
E003	Equal Employment Opportunity	Superceded	EME012 Equal Employment Opportunity
E042	PUBLIC INTEREST DISCLOSURE	Superceded	EME013 Public Interest Disclosure
E034	FREEDOM OF INFORMATION	Superceded	EME014 Freedom of Information

POLICY NUMBER	POLICY NAME	PROPOSED STATUS	PROPOSED POLICY NAME
E030	ELECTED MEMBERS ACCESS TO INFORMATION	Superceded	EME015 Elected members - Access to information
E032	PROVISION OF MOTOR VEHICLE FOR OCCASIONAL USE BY ELECTED MEMBERS	Superceded	EME016 Elected members - Access to Shire vehicles for off
E005	Discrimination, Harrassment & Bullying in the Work	Corporate Pol	EME017 Discrimination, bullying and harassment in workpl
E040	USE OF COUNCIL LOGO	Superceded	EME017 Use of Shire logo
E041	HONORARY FREEMAN OF THE SHIRE	Superceded	EME018 Honorary Freeman of the Shire
E044	COUNCIL DELEGATES - ROLES & RESPONSIBILITIES - EXTERNAL COMMITTEES/ ORGANISATIONS	Superceded	EME019 Roles and Responsibilities of Shire delegates to external bodies.
E045	DISREUPTIVE BEHAVIOUR AT COUNCIL MEETINGS	Superceded	EME020 Disruptive behaviour at Council meetings and forums
E046	ELECTED MEMBERS – CONTACT WITH EMPLOYEES	Superceded	EME021 Elected Members contact with Shire employees
E051	CIVIC FUNCTIONS AND HOSPITALITY	Superceded	EME022 Civic functions and hospitality
E053	PROVISION OF GOVERNANCE SERVICES TO ELECTED MEMBERS	Superceded	EME023 Governance support to Elected Members
E057	CARETAKER POLICY – SHIRE OF CARNARVON ELECTIONS	Superceded	EME024 Caretaker Policy - Shire Elections
E059	REFERENCE GROUPS	Superceded	EME025 Reference Groups
		New	EME026 Employee Gratuity Payments
		New	EME027 Acknowledgement of Yinggarda People
		New	EME028 Flying of flags
		New	EME029 Annual closure during festive season
E063	COMPREHENSIVE COMPLAINTS RESPONSE	Corporate Pol	EME030 Complaint handling
E027	USE OF SOCIAL MEDIA	Superceded	EME031 Shire social media
		New	EME032 Election signs
		New	EME033 Grievance Investigation and Resolution
C004	PROPOSED INTRODUCTION OF NEW SERVICES & OR- FACILITIES	Delete	EME048 Introduction of new services and/or facilities
E013	CHRISTMAS FUNCTION	Corporate Pol	EME050 Annual Christmas function
E020	POLICY REVIEW	Delete	EME051 Policy Review
C031	FINANCIAL PLANNING & SUSTAINABILITY	Delete	Financial planning and sustainability
E055	FRAUD AND CORRUPTION	Delete	Fraud and Corruption
IS004	GRAFFITI MANAGEMENT	Delete	Graffiti management
IS001	VEHICLE CROSS OVER - SUBSIDY	Superceded	ID001 Crossovers
IS003	MAINTENANCE OF COUNCIL ROADS, STATION ACCESS AND STATION AIRSTRIPS	Superceded	ID002 Maintenance of Shire Roads, Station Access Roads, and Station Airstrips
		New	ID003 Stock Grid Policy
		New	ID004 Naming of roads, parks, places, and buildings
		New	ID005 Memorials in road reserves, parks, foreshores etc
C026	LEGISLATIVE COMPLIANCE	Delete	Legislative Compliance
C024	LIBRARY AND GALLERY : EXHIBITION AND GALLERY H	Delete	Library and Gallery: Exhibition and Gallery Hire
E038	LOCAL GOVERNMENT RESOURCE SHARING	Delete	Local Government resource sharing
E017	Monthly Ordinary Council MeetingS, chief executive meetings and general briefings	Delete	Monthly Ordinary Council Meetings, CEO Meetings and General Briefings
E001	Occupational Safety & Health	Corporate Pol	Occupational Health and Safety. Policy to sit with CEO
E060	ORGANISATION STRUCTURE AND DESIGNATION OF SENIOR EMPLOYEES	Corporate Policy	Organisational Structure
E037	PETITIONS	Delete	Petitions Presented to Council
E000	Recognition of Outstanding Service	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E002	Remuneration Levels (as amended)	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E006	Employee Training/Study	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E007	Removal & Relocation Expenses	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E009	Operational Hours	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E021	STAFF ATTRACTION AND RETENTION (INCENTIVE) POLICY	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E023	FITNESS FOR WORK	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
E026	TAKING OF PERSONAL LEAVE	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
C000	MOBILE PHONE	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
C001	STAFF HOUSING	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO

POLICY NUMBI	POLICY NAME	PROPOSED STATUS	PROPOSED POLICY NAME
C003	MOTOR VEHICLES	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
C005	RECORDS MANAGEMENT	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
C012	UNIFORM ALLOWANCE	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
C021	ACCEPTABLE AND SECURE USE POLICY – ICT	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
IS008	COMMERCIAL AND PRIVATE USE OF COUNCIL'S ASSET	Corporate Pol	Policy relates to operational matters. Policy to sit with CEO
IS009	PRIVATE WORKS AND DEVELOPMENTS ON ROAD VERGES AND COUNCIL MANAGED LAND	Delete	Private works and developments on road verges and Shire managed land
E054	PROCEDURES BEFORE THE STATE ADMINISTRATIVE TRIBUNAL	Delete	Procedures before State Administrative Tribunal
E035	PUBLIC QUESTION TIME	Delete	Public Question Time at Meetings
IS010	TRAFFIC MANAGEMENT FOR EVENTS ON ROADS	Delete	Traffic management for events on roads
E061	WORKFORCE AND HUMAN RESOURCES	Corporate Policy	Workforce and human resources

Statutory Environment:

Local Government Act 1995 section 5.2 *Administration of Local Governments*

Local Government Act 1995 section 5.41(d) *Functions of the CEO*

Please note: individual policies reference various pieces of legislation. The relevant Acts and Regulations are documented in each policy.

Relevant Plans and Policy:

Financial Implications:

There are no direct financial implications arising from the officer’s recommendation to adopt the Policy Manual 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			
Health & Safety			
Reputation	A lack of transparency and consistency in decision making can result in reputational damage.	Moderate	A policy manual assists in clear, transparent, and consistent decision-making.
Service disruption	N/A		

Compliance	Policies are not compliant with legislation.	Moderate	This policy manual has been reviewed by a specialist in Local Government legislation and governance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Objective 5: Civic – Strong and Listening Council.

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

Comment:

One of Council’s primary functions is determining the local government’s policies. Council policies focus on the strategic and statutory decision-making obligations of the Council. Policies may relate to an Express Power or Duty or a matter that is non-statutory and entirely discretionary. A Council policy decision will impact the Local Government’s strategic, financial, or operational resources and may also impact service levels provided to the community.

Care must be taken to ensure that Council Policy does not cross over into the statutory functions and responsibilities of the CEO for the day-to-day operations of the Local Government. Council policies apply to Council, Elected Members and employees when fulfilling their decision-making responsibilities, whereas Corporate Policies are an important component of internal governance. They provide principles for the control of activity and decision making relevant to the Chief Executive Officer’s duties for managing the day-to-day operations of the local government section 5.41(d). The CEO is therefore the decision maker for the adoption, amendment or revoking of a Corporate Policy. Corporate Policy applies only to employees (and where appropriate contractors) of the Local Government. The Council and the Elected Members are not bound by or subject to Corporate Policy.

It should be noted that some policies as presented in this updated Policy Manual do have some procedural elements in contradiction to the recommendation by Mr Tweedie. The decision to keep those procedural elements in the policies was taken as the Shire still has much work to do to develop a robust procedure manual. It is anticipated that in the coming year, as the policies are reviewed, the work to separate procedures from policies will be carried out.

The officer recommends that Council adopt the Council Policy Manual to ensure that the Shire is meeting best practice and implementing a high standard of good governance and accountability. Currently there are 95 policies in the manual, the separation of the policies will result in 66 Council Policies, with some policies rescinded and Corporate Policies placed under the CEO, after Council Policy Framework is adopted, the Shire will be able to conduct a comprehensive review of all policies and implement strategies to update and/or introduce new policies to ensure a high level of statutory compliance.

OFFICER'S RECOMMENDATION PART

That Council, by Simple Majority, pursuant to section 5.36 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Council Policy Manual 2022 as presented at Schedule 7.2.3.

File No:	
Date of Meeting:	23 August 2022
Location/Address:	Portions of Crown Reserves 19144, 46623, 31896, 37127 and 19145
Name of Applicant:	Department of Planning, Lands and Heritage
Name of Owner	State of Western Australia; Management Order to the Shire of Carnarvon
Author/s:	Stefan Louw, Senior Manager Development and Regulatory Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	Nil
Schedules:	Schedule 7.3.1 (a) – Land tenure list Schedule 7.3.1 (b) – Land tenure map Schedule 7.3.1 (c) – Stat Dec Schedule 7.3.1 (d) – Stat Dec

Authority / Discretion

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

Summary of Item:

The Shire has received a request from the Department of Planning, Lands and Heritage (DPLH), to amend the above reserves by existing portions thereof so that new reserves can be created for the purpose of 'Flood Mitigation Levee' (or similar).

This report seeks Council's resolution to consent to the amendment to the boundaries of the abovementioned reserves.

Background:

On 6 July 2022 a request was received from DPLH for the revocation of the Shire's management orders over portions of Crown Reserves 19144, 46623, 31896, 37127 and 19145. The tenure amendments are required to support the tenure rationalisation required to ensure appropriate management of the Carnarvon Flood Mitigation Levees into the future.

The levees were constructed in 2011 to protect the town and horticultural district from 1-in-100-year flooding events. The levees are currently located on various Crown land parcels including a pastoral lease, Crown reserves,

dedicated road reserves and unallocated Crown land. The tenure rationalisation is critical to ensuring adequate management in place for future flooding events within the Shire.

Please refer to Schedule 7.3.1 (a) for a complete list of affected land parcels. The schedule also identifies the type of management order registered over the different parcels of land.

Schedule 7.3.1 (b) shows the location of all affected parcels as listed in Schedule 7.3.1 (a).

It is important to note that a revocation of management under Section 50 of the Land Administration Act 1997 (LAA) will apply to the whole of the Reserves, and not just to those lots forming part of the reserves that form part of the levees.

Furthermore, as part of the process to revoke management orders, the department will also lodge documentation that requests the grant of new management orders, pursuant to Section 46 of the LAA, to the Shire over the remainder of each of the impacted Crown Reserves.

However, on 17 August 2022 upon further internal discussion the Department advised that the amendments required to remove subject parcels of land (subject to levees) from the Reserves will be carried out pursuant to Section 51 of the Land Administration Act 1997 (LAA). Under Sec 51, the Minister may by order cancel, change the purpose of or amend the boundaries of a reserve. Accordingly, those Reserves currently managed by the Shire will remain managed by the Shire, with only the relevant portions of land/lots being excised from the Reserves to be created as new reserves with a new Management Order granted over them.

As part of this process the Shire will also need to provide Statutory Declarations in relation to each portion of Crown Reserve it has a management order over, regarding any potential contamination and any unregistered interest in the land. It is recommended that Council authorise the CEO to complete and provide the Statutory Declarations to DPLH.

Stakeholder and Public Consultation:

Not applicable. DPLH to undertake.

Statutory Environment:

The care, control and management of reserves are governed under Section 46 of the Land Administration Act 1997 (LAA). Section 46 of the LAA allows for the Minister by order to place with any one person or jointly with more persons, the care, control and management of a reserve for the same purpose under s. 41 and for purposes ancillary or beneficial to that purpose; and may in that order subject that care, control and management to such conditions as the Minister specifies.

Land Administration Act 1997

Section 46 - Care, control and management of reserves

Section 51 –Minister’s powers as to cancelling, changing etc. reserves

Relevant Plans and Policy:

There are no relevant policy implications associated with the proposal.

Financial Implications:

There are no financial implications associated with the proposal.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Managing the land in terms of bush fire risk, and general land management matters such as illegal dumping etc.	Moderate	Consenting to amending the reserve boundaries will reduce the area of reserves currently managed by the Shire.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

The request generally accords with the following Shire desired outcome as expressed in the Strategic Community Plan 2018 – 2028.

Objective 5: Civic
Strong and listening Council.

5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed

Comment:

The Department of Planning, Lands and Heritage has requested the Council consider amending the boundaries of Reserves 19144, 46623, 31896, 37127 and 19145 by excising those portions that forms part of the existing levee system to be managed by the Water Corporation for the purposes of ‘Flood Mitigation Levee’. The amendment of the reserves is logical, given that the Shire is not responsible for the maintenance of the levee system.

OFFICER'S RECOMMENDATION

1. ***That Council, by Absolute Majority, support the amendment of Crown Reserves 19144, 19145, 31896, 37127 and 46623 to excise those portions subject to the Carnarvon Flood Mitigation Levees pursuant to Section 51 of the Land Administration Act 1997.***
2. ***That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's resolution regarding the amendment of Reserves and to complete and execute the relevant Statutory Declarations as per schedule 7.3.1 (c) and (d) attached to this report.***

File No:	A2015
Date of Meeting:	28 June 2022
Location/Address:	5 Rushton Street, Carnarvon and 358 Robinson Street, Carnarvon
Name of Applicant:	St John Ambulance
Name of Owner:	State of Western Australia and Shire of Carnarvon
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple and Absolute Majority
Previous Reports:	Nil
Schedules:	Schedule 7.3.2 (a) – Business case Schedule 7.3.2 (b) – Building inspection report Schedule 7.3.2 (c) - Land Swap Proposal from St John, Carnarvon

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

Summary of Item:

This item relates to a land swap proposal from St John WA. In essence, St John WA is seeking that the state Government dispose (for a peppercorn) their land at 5 Rushton Street, Carnarvon to the Shire and in turn the Shire disposes (for a peppercorn) land at 358 Robinson Street, Carnarvon currently being used by St John WA to the State Government – in essence a land swap.

This report seeks a Council resolution to support the land swap proposal put forward by St John WA.

Background

In 2017 the Ambulance Sub Centre for St John in Carnarvon moved from its old site at 5 Rushton St to a new site at 358 Robinson St, at which it had constructed a new Ambulance facility. The construction of the new Ambulance facility was funded by St John Carnarvon Sub Centre with assistance from the State of WA through Royalties for Regions and Lotterywest. The Shire provided the land to St John on a peppercorn lease for 20 years. As further background, Council resolved to providing in principle support for the land swap at the Ordinary Meeting of Council on 28 February 2012, by resolution FC18/02/12.

The old site is held by St John from the State as a Crown Grant in Trust (a form of tenure now known as conditional freehold) granted in the 1950s. The new site is held in freehold by the Shire of Carnarvon, but since 2013 has been leased to St John until 2033.

Land swap proposal

The Shire has received a land swap proposal from St John Carnarvon which has informed this report. See attached Schedule 7.3.2 (c). The State must be involved in the land swap proposal due to the Crown Grant in Trust, and certain steps in the process will require the express approval of the Minister for Lands. Accordingly, the parties, by this proposal, must approach the Minister seeking the State’s agreement to take part in the land swap as proposed, knowing that this is non-standard procedure and may not obtain Ministerial approval. The process under standard arrangement is that the building would need to be demolished before the return of a Crown Grant in Trust, or for St John ambulance volunteers of Carnarvon to fundraise \$59,000 to purchase the land (Old Site) from the State. The Carnarvon Sub Centre of St John is effectively self-funded and does not have the capacity to purchase the land.

The proposal includes swapping the tenure at the two sites, so that the new site would be held by St John in conditional freehold from the State, and the old site would be held in freehold by the Shire of Carnarvon. The old site includes buildings constructed by St John that could be of great use and/or value to the Shire and this proposal would enable those buildings to remain and be used for Shire, community purposes or to sell as a commercial property. In turn, St John would gain security of tenure over the new ambulance facility it has constructed at the new site.

The land swap proposal would enable the State to obtain a parcel of land of greater value than the current parcel (old site), and by the one-for-one swap would not increase the number of parcels subject to conditional freehold State-wide. The State would also thereby continue its long-standing support of the work of St John in Carnarvon by continuing to provide land from which St John can operate.

A business case has been prepared for the proposal identifying opportunities, risks and benefits associated with this proposal as per Schedule 7.3.2 (a) attached to this report.

The figures below show the two sites in question.

The old site – 5 Rushton St, Carnarvon

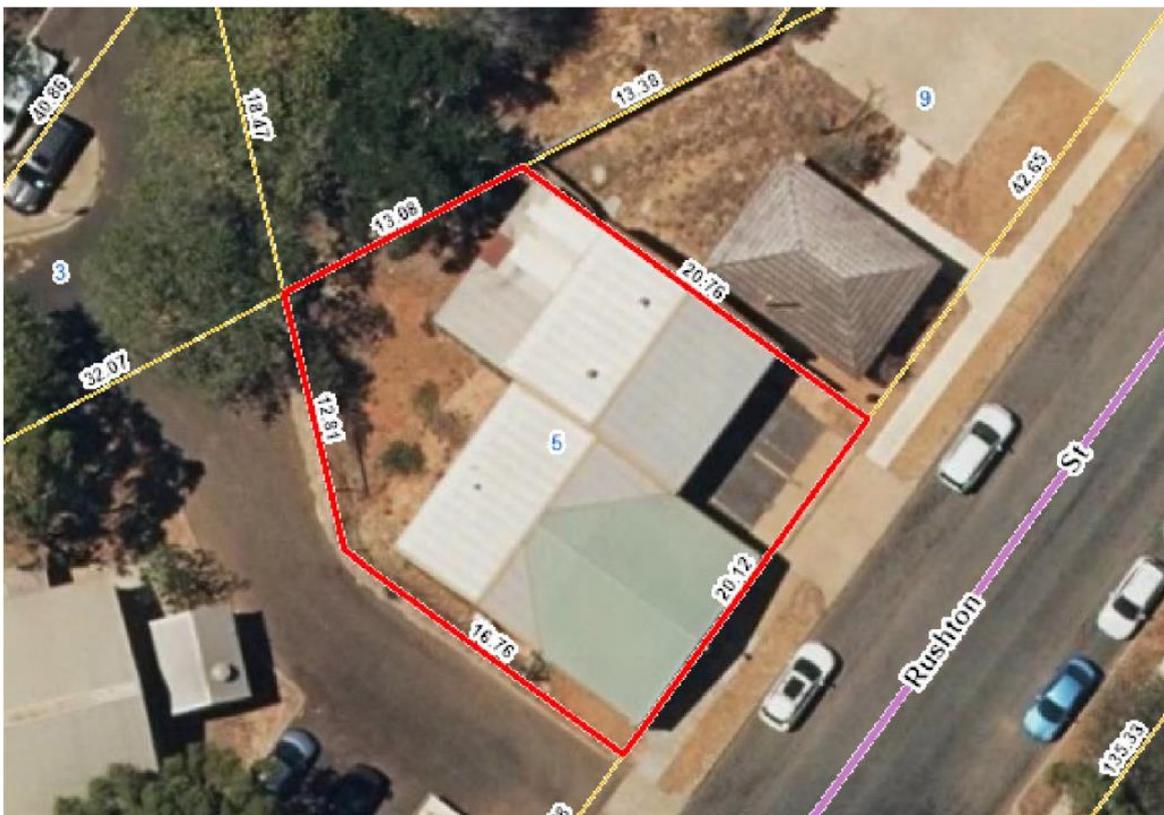


Figure 1: Old Site

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

A scheme amendment is required to be prepared for 5 Rushton Street pursuant to Section 75 of the Planning and Development Act 2005, with the process to amend the scheme enacted under the Planning and Development (Local Planning Schemes Regulations) 2015.

Relevant Plans and Policy:

Revenue Strategy

Council’s Revenue Strategy includes a recommendation that Council will seek to proactively identify and investigate opportunities for business activities, such as this proposal.

Financial Implications:

There are no financial implications.

Risk Assessment:

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

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Not making a profit.	Low	Advice from real estate agent is positive that the property will sell.
Health & Safety	N/A	N/A	N/A
Reputation	The previous resolution of Council in February 2012, in support of a land swap, influenced the St John decision to invest in the building on Robinson Street. There is some potential for reputational damage should Council now chose to decline the land swap.	N/A	The officer’s recommendation mitigates that risk.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Property may be structurally unsafe.	Low	Council’s Building Surveyor inspected the building and determined that it is structurally sound with only general maintenance items to be considered.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.1	Local business growth

Objective 2: Natural and built environment.

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

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

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

Considering the attached business case, the following options should be considered:

Option 1:

Take no action. Leave it up to the State and St John to work out. No real benefit for the Shire in this option. St John has advised that it is likely that they would urgently seek an amendment to the lease to provide an additional option to review for a further 25 years beyond 2033 – i.e., to 2058.

Option 2:

Council agrees with the proposal as put forward by St John. This option includes the benefit of acquiring freehold property for the Shire to dispose of or use for its own purpose.

As demonstrated in the business case, option 2 is the preferred option because of the benefits associated with acquiring freehold land.

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.18 of the Local government Act 1995 resolves to endorse the land swap proposal between the State Government and the Shire of Carnarvon as per the Business Case at Schedule 7.2.3 (a).

OFFICER'S RECOMMENDATION PART TWO

That Council, by Absolute Majority, jointly with St John WA seek the approval of the Minister for Lands for a "land swap" as follows:

- a) *Pursuant to Section 3.58 of the Local Government Act 1995 dispose of property, 358 Robinson Street, Carnarvon, by sale to the State Government for the price of a "peppercorn", and*
- b) *Pursuant to Section 3.59 of the Local Government Act 1995 acquire of property, 5 Rushton Street, Carnarvon by purchase for the price of a "peppercorn".*