



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING

TUESDAY 23 MAY 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....

as a true and accurate record

.....

Chairman

Council Chambers, Stuart Street

CARNARVON, West Australia

Phone: (08) 9941 0000

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DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

INDEX

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.)

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

3.2 PUBLIC QUESTION TIME

4.0 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Ordinary Meeting of Council – 26 April 2023

RECEIVING OF MINUTES

5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

7.0 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1	Actions Performed Under Delegated Authority	10
7.1.2	Review of Delegation Register	17

7.2 CORPORATE SERVICES

7.2.1	Accounts Paid under Delegation April 2023	20
7.2.2	Management Report April 2023	23
7.2.3	Budget Adjustments April 2023	23
7.2.4	Pensioners Review Report – Rebate Claims	26
7.2.5	Rates Exemption for Charitable Purposes	29

7.3 DEVELOPMENT & COMMUNITY SERVICES

7.3.1 Local Planning Scheme 13 - Amendment No. 6 33
7.3.2 Beach Emergency – BEN Sign Program..... 42

7.4 INFRASTRUCTURE SERVICES

7.4.1 Contract Variation – RFT 12-2022 – Flood Preparedness Project 52

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

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 June 2023

14.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT BILLS BAR, ROBINSON STREET
CORAL BAY ON TUESDAY 23 MAY 2023**

The meeting was declared open by the Presiding Member at 10.32am

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.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr L Skender.....	Councillor, Town Ward
Cr T Langley	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur	Councillor, Town Ward
Cr M Ferreirinha	Councillor, Plantation Ward
Mrs A Selvey	Chief Executive Officer
Mr A Thornton.....	Deputy Chief Executive Officer
Mr D Nielsen.....	Executive Manager, Infrastructure Services
Mr R Brown.....	Shire Planner
Mrs D Hill	Senior Executive Officer
Apologies	Cr Cottrell
Leave of Absence	Nil
Observers	5

2.0 DECLARATIONS OF INTEREST

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

Cr Skender – Impartiality Interest – Item 7.4.1 – Contract Variation RFT 12-2022 – Flood Preparedness Project – Gascoyne River Flood Modelling

3.0 PUBLIC QUESTION TIME

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

Public Question Time commenced at 10.32am

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

Nil

2.2 **PUBLIC QUESTION TIME**

The following questions were submitted by Mr Joe Eveson of Coral Bay –

Congratulations, Council's efforts to make some infrastructure improvements prior to the Eclipse have been noted and appreciated. However further action is required if Coral Bay is to reach its full potential and become the jewel in the crown within the Gascoyne region, it could so easily be administered from Carnarvon.

I note that under delegated authority you have approved a toilet block facility on Lot 9500.

1. Is this the recently constructed toilet attached to the building which encroaches on to Lot 308?

Answer - Shire Officers will inspect this site as it is not clear from your question what new toilet you are referring to. Please note: Development approval for a toilet block was granted in 2021 and will be located in the adventure camp area of Lot 9500, away from the boundary with Lot 308. The building licence for the toilet block was granted recently.

Lot 9500 has a long list of issues that have remained unaddressed for many years which you may not be aware of.

Whilst the encroachment on to Lot 308 is well documented, encroachments on to the road reserve, need to be investigated, acknowledged by Council and actions taken, following due process. Two areas where encroachments have occurred are:

2. In the recently upgraded carpark area on Robinson St.

Electrical infrastructure for the exclusive use of Lot 9500 was installed a number of years ago. Was an easement approved by Council?

Answer - We are not sure what infrastructure you are specifically referring to. If you are referring to the electrical junction boxes outside the shopping centre, we can confirm that these are within the boundary of Lot 9500.

With the chronic shortage of parking in Coral Bay, the loss of any land, even approximately 60m² need to be addressed.

To my knowledge Developers are required to provide an area, which is then excised from their land and for these types of services.

3. The boundary fence installed parallel to Banksia Dve, is up to 500mm outside of its alignment, from Sailfish Dve north to the crossover and the planting of Tamarisk trees on the road reserve by the owners of Lot 9500, which aren't listed as a preferred species within the CBSSP 2014, is a further example of noncompliance.

Answer - Your comment regarding the boundary fence is noted. The CBSSP was adopted in 2014, it could be that those trees have been planted before the adoption of the CBSSP. Furthermore, the fact that it is not listed as a preferred species does not necessarily mean it is

not permitted, it is just not recommended. It is also noted that the CBSSP acknowledges that Coral Bay is dominated by this species of tree, which suggests that this tree species have been planted in Coral Bay long before the adoption of the CBSSP.

Whilst on the subject of encroachment and non compliance, given that further funding is required before any cycleway construction can commence:

4. Has Council established just how much encroachment has occurred on French St?

Answer - Please see attached aerial photography of French Street. This photography was commissioned in May 2021 so we are quite confident that it is up to date.

There are a few very small areas of possible encroachment as indicated. These would need to be confirmed by on ground survey as some of them look very much to have an “angle of view” element associated with them i.e., the true boundary is essentially fixed on the ground, depending on the angle of the camera, the top of a fence may appear to be outside the boundary when in actual fact the bottom of the fence may indeed be actually on the boundary.

These are deemed minor in nature and would not affect reconstruction of French St to a shared use zone type standard.

5. As this was recorded in the minutes as a unanimously supported motion, I expected French St to be open by now.

Answer - Design works and cost estimates have been finalised. These are being presented for Council’s consideration at the May/June Council meeting.

6. Given that it should be at no cost to Council and Council have already installed traffic calming devices when can we expect it to be open?

See response above.

7.

Prior to the next meeting can I please have a copy of the cycleway plan and any improvements Council proposes for French St?

Answer - Plans are still in draft for Council consideration before they can be made public.

The following question was asked by Mr Steven Price of Bayview Coral Bay –

In regard to the French Street opening, it was closed by MRWA, Police, Minister MacTiernan and the Shire, why is it being reconsidered?

Answer – The Shire is investigating only at this point in time.

Public Question Time was closed at 10.40am

4.0 CONFIRMATION AND RECEIVING OF MINUTES

4.1 ORDINARY MEETING OF COUNCIL – 26 APRIL 2023

FC 1/5/23

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the minutes of the Ordinary Meeting of Council held on Wednesday 26 April 2023 be confirmed as a true record of proceedings.

CARRIED

F7/AO

5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

The Shire President wished to acknowledge all the Coral Bay volunteers and commended them on their fantastic work and efforts.

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Greenfields Technical Services – Hayden Andrews

Mr Andrews provided Council with the monthly progress report for May 2023 on the Flood Damage Reinstatement works.

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF APRIL/MAY 2023

File No:	ADM0043
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author:	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	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.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- 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

Summary of Item

To report on actions performed under delegated authority for the months of April and May 2023.

Background

In accordance with the conditions of delegation and 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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2

TPS No. 10 – Section 2.4

Shire of Carnarvon Local Government Act Local Laws S.29

Health Act 1911 – S.107; Health Act 1911, Part VI

[Health \(Public Buildings\) Regulations 1992](#)

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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 and Strategic Objectives

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

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*

Comments

The following tables which detail the actions performed within the organisation under delegated authority for the months of April and May 2023 are submitted to Council for information.

DELEGATIONS

ENVIRONMENTAL HEALTH

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
1/5/2023	HFO23/005	Food business registration - Ningaloo Reef Café, Lot 52 Robinson St, Coral Bay	John Di Costa (Giovanni)	
8-May-23	HFO23/006	Amended food business registration (change of premises), Kathryn's Creative Cakery, 24 Margaret Row, East Carnarvon	Kathryn Harper	

PLANNING AND 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
A1022	P14/23	85 William Street, East Carnarvon	Outbuilding	Kylie Chapman	21/04/2023
A1978	P15/23	1 Nelson Street, Brockman	Carport	Carl and Tracey Livsey	3/5/2023
A923	P16/23	406 Robinson Street, East Carnarvon	Change of Use – Motor Vehicle Repair	Gascoyne Auto	8/5/2023

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/009	SEAN & LEANNE PETA FORD	LOT 1317 (241) ROBINSON ST, EAST CARNARVON	RETAINING WALL, POST AND RAIL COLORBOND FENCE
B23/013	JOHAN MARCO CHRIST	LOT 595 (55) DOUGLAS STREET, SOUTH CARNARVON	FRONT FENCE
B23/021	ALEXANDRA DRUMMOND HARPER &	LOT 204 (139) OLIVIA TCE, SOUTH CARNARVON	GARAGE, PERGOLA & SWIMMING POOL

Application No.	Owners Name	Lot & Street	Type of Building Work
	BENJAMIN EDWARD MASLEN		
B23/024	MARGARET HERLYSHA SEATON	LOT 1 (8) GEORGE ST, MORGANTOWN	RE-ROOF ON EXISTING DWELLING
B23/026	SHIRE OF CARNARVON	LOT 854 (1) CAMEL LANE	EV CHARGER SHADE STRUCTURE
B23/027	REGIONAL POWER CORPORATION (T/A HORIZON POWER)	LOT 1225 (3) ILES RD, EAST CARNARVON	OCCUPANCY PERMIT CLASS 7B - NEW BUILDING - COMPLETE (S.46) REF: B22/029 - ADMINISTRATION BUILDING
B23/030	ROSS MONACO	LOT 757 (2) MCLEOD ST, SOUTH CARNARVON	DETACHED CARPORT
B23/033	LUKE & RENAE DE SOUSA	LOT 507 (174) WILLIAM ST, EAST CARNARVON	POST AND RAIL COLOURBOND BOUNDARY FENCE

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 April and May 2023.

FC 2/5/25

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

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 April and May 2023.

CARRIED
F7/A0

7.1.2 ANNUAL REVIEW – SHIRE OF CARNARVON DELEGATION REGISTER

File No:	ADM0043
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	July 2022
Schedules:	Schedule 7.1.2 – Delegation Register

Authority/Discretion:



Advocacy

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

<input type="checkbox"/>	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
<input checked="" type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	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

Summary of Item

This item formally presents the annual review of Council’s delegations of authority as required by legislation.

Background

Western Australian Local Governments are empowered under various State Government Acts and Regulations to perform certain duties and exercise certain powers. The *Local Government Act 1995* in particular prescribes the performance of specific functions and tasks by the Local Government.

The *Local Government Act 1995* affords the Council the ability to delegate some of its powers and duties to the CEO or to Committees in order to facilitate efficient and effective implementation of the Shire’s functions. A Register of Delegations must be maintained and reviewed annually. The Shire of Carnarvon Delegations Register was last reviewed in July 2022.

Stakeholder and Public Consultation

Nil

Statutory Environment

Sections 5.16 and 5.42 of the *Local Government Act 1995* empower Council to delegate some of its functions. The legislation requires that the Council maintains a Delegation Register and reviews it at least once every financial year.

Relevant Plans and Policy

The suite of policies provides further detailed guidance in the application of delegations.

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This review will ensure the Shire is compliant.
Service disruption	Delivery of services to community are delayed by inadequate delegations.	Moderate	Appropriate delegations allow the CEO and administration to deliver services without having refer items to Council.
Compliance	Non-compliance with statutory requirements would result in reputational damage to the Shire.		This review will ensure the Shire is compliant.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

Delegations facilitate the progress of strategic objectives in a timely, efficient, and effective manner.

Comments

The delegations are based on the WALGA's recommended template to ensure that they are current and consistent with legislation. Delegations presented reflect day-to-day functions/operations and will allow the organisation to operate efficiently, effectively, and productively in the interest of good governance.

Two significant changes, as listed below, are proposed in this review of delegations.

1. Delegation 1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (Point 5):
The current delegation allows for tendered contracts to be varied, where necessary, up to a maximum of 10% or \$250,000, whichever is the lesser. The proposed change is that the maximum is increased to 20% or \$250,000 maximum, whichever is the lesser. An example of the limitations of the current 10% delegation can be found in this agenda - see Item 7.4.1 - Contract Variation RFT 12/2022 – Flood Preparedness Project – Gascoyne River Flood Modelling.
2. Delegation 1.2.21 Defer, Grant Discounts, Waive or Write Off Debts (Point e):
The current delegation for the writing off of debt is limited to individual debts of \$100 maximum value, and cumulative debts of a single debtor of up to \$500. The proposed change is that the individual debt write off limit be increased to \$200 to align with the fines issued for a number of different infringements such as illegal camping and parking, dog wandering at large and unregistered dogs. The proposed change will also assist in managing historic unenforceable fines that are currently causing delays in the processing of current fines through the Fines Enforcement Registry (FER). It is proposed that the current delegation for cumulative debt write off remains at \$500.

OFFICER'S RECOMMENDATION

That Council by, Absolute Majority, in accordance with Section 5.46(2) of the Local Government Act 1995 resolves to adopt the Delegation Register as amended and as presented in Schedule 7.1.2 to this report.

FC 3/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

That Council by, Absolute Majority, in accordance with Section 5.46(2) of the Local Government Act 1995 resolves to adopt the Delegation Register as amended and as presented in Schedule 7.1.2 to this report.

CARRIED BY ABSOLUTE MAJORITY

F7/AO

7.2 CORPORATE & COMMUNITY SERVICES

FC 4/5/23

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

That Items 7.2.1 and 7.2.2 be considered en-bloc.

CARRIED

F7/AO

FC 5/5/23

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

That items 7.2.1 and 7.2.2 be carried en-bloc

7.2.1 REPORT OF ACCOUNTS PAID UNDER DELEGATED AUTHORITY - FOR THE MONTH OF APRIL 2023

File No:	ADM0186
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author:	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Schedules 7.21 (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.
- 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.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- 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

Summary of Item

To present the listing of accounts paid under delegation from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of April 2023.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund (Delegation 1.2.20) with a statutory condition on the delegation that a list of all payments is to be recorded in the Council Minutes. The list of payments is provided at **Schedule 7.2.1 (A)**.

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

Nil

Financial Implications

Nil as all payments have been made in accordance with the Council adopted budget.

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	Payments are made without appropriate budget authority	Low	Internal controls are in place to manage this potential risk.
Health & Safety	N/A	N/A	
Reputation	N/A	N/A	
Service disruption	N/A	N/A	
Compliance	N/A	N/A	
Property	N/A	N/A	
Environment	N/A	N/A	
Fraud	Accounting Fraud	Moderate	Internal controls are in place, including background checks and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts).

Community and 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, achieving strategic or community objectives would be at risk.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 5.42 of the Local Government Act 1995 resolves to:

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) at a total value of \$2,509,293.39 as presented for the month of April 2023, incorporating the following:

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT38019</i>	<i>EFT38242</i>	<i>Muni EFT</i>	<i>\$1,890,772.89</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>47251</i>	<i>47251</i>	<i>Cheque</i>	<i>\$120.00</i>
<i>DD40075.1, DD40076.1, DD40079.1 DD40081.1, DD40083.1 DD40086.1 DD40104.1-DD40104.6 DD40113.1, DD40114.1 DD40123.1-DD40123.2 DD40126.1, DD40127.1 DD40131.1 -</i>	<i>DD40131.6</i>	<i>Bank Directs</i>	<i>\$618,400.50</i>
		<i>TOTAL</i>	<i>\$2,509,293.39</i>

- b) *Receive the copies of credit card statements for all such Shire facilities for the period 23 March 2023 to 23 April 2023.*

COUNCIL RESOLUTION

That Council, by Simple Majority, pursuant to Section 5.42 of the Local Government Act 1995 resolves to:

- a) *Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) at a total value of \$2,509,293.39 as presented for the month of April 2023, incorporating the following:*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT38019</i>	<i>EFT38242</i>	<i>Muni EFT</i>	<i>\$1,890,772.89</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>47251</i>	<i>47251</i>	<i>Cheque</i>	<i>\$120.00</i>
<i>DD40075.1, DD40076.1, DD40079.1 DD40081.1, DD40083.1 DD40086.1 DD40104.1-DD40104.6 DD40113.1, DD40114.1 DD40123.1-DD40123.2</i>	<i>DD40131.6</i>	<i>Bank Directs</i>	<i>\$618,400.50</i>

DD40126.1, DD40127.1			
DD40131.1 -			
		TOTAL	\$2,509,293.39

b) Receive the copies of credit card statements for all such Shire facilities for the period 23 March 2023 to 23 April 2023.

7.2.2 MONTHLY FINANCIAL REPORT – APRIL 2023

File No: ADM0186
Location/Address: Shire of Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author(s): Alan Thornton, Deputy Chief Executive Officer
Authoriser: Andrea Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirement: Simple Majority
Previous Report: Nil
Schedules: Schedule 7.2.2 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.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- 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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 30 April 2023 for Council to consider. The officer’s recommendation is that the statement be received by Council.

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 two months after the end of the month to which the statement relates.

Stakeholder and Public 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	N/A	N/A	
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	N/A	N/A	
Compliance	<i>Local Government Act 1995</i> requires Council receives these statements within 2 months of	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations

	the end of the applicable month.		
Property	N/A	N/A	
Environment	N/A	N/A	
Fraud	N/A	N/A	

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the April Statement of Financial Activity being presented at the May 2023 Ordinary meeting of Council complies with the *Local Government Act 1995*. Attached as **Schedule 7.2.2** for consideration is the Statement of Financial Activity for the period ending 30 April 2023. Any material variances are highlighted in the Statement of Financial Activity and included by way of note to the Statement of Financial Activity as per Schedule to the Agenda.

Schedule 7.2.2 contains legislative Notes:

- Note 1 Explanation of Composition of Net Current Assets
- Note 2 Explanation of Material Variances

Notes for other supporting Information include:

- Basis of Preparation
- Statement of Financial Activity by Program
- Cash and Financial Assets
- Cash Reserves
- Capital Acquisition Receivables
- Payables Rate Revenue
- Non-operating grants and contributions
- Operating grants and contributions
- Borrowings Lease Liabilities
- Budget Amendments

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 Statement of Financial Activity for the month of April 2023 as per Schedule 7.2.2.

COUNCIL RESOLUTION

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Statement of Financial Activity for the month of April 2023 as per Schedule 7.2.2.

CARRIED
F7/AO

7.2.3 BUDGET ADJUSTMENTS – MAY 2023

File No:	ADM0027
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	Schedule 7.2.3

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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 |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | 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 |

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 approved 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 adjustments to the budget as detailed in this report.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

Nil

Financial Implications

The adjustments presented for consideration to Council have a Nil impact on the projected budget closing position.

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 position of Council.
Health & Safety	N/A	N/A	N/A

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	N/A	N/A	N/A
Compliance	The 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	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

ADDITIONAL FOCUS AREAS:

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

Comments

Attached as **Schedule 7.2.3** for consideration is the proposed budget adjustment at the time of preparation of this report.

Adjustments Impacting Budgeted Closing Position

NIL.

Adjustments with no impact on budget closing position

There are 2 items in the attachment and the net effect on the budget position is NIL.

Net budget closing position

After making the above adjustments, the budget closing position remains unchanged as a balanced budget.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Section 6.8(1) of the Local Government Act 1995 resolves to approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.3.

FC 6/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That Council, by Absolute Majority, pursuant to Section 6.8(1) of the Local Government Act 1995 resolves to approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.3.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

7.2.4 PENSIONER REVIEW REPORT - REBATE CLAIMS

File No:	ADM0073
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Schedule 7.2.4a and 7.2.4b

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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 |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | 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 |

Summary of Item

This item presents information regarding an historic variance between the Pensioner Rebate Claims amount in the Shire's accounting system to the amount of rebate submitted or claimed from Department of Finance Revenue WA (Revenue WA) and seeks a Council resolution to write-off the Rates Rebate amounts as listed in Schedule 7.2.4a Pensioner Review Reconciliation Report.

Background

Bob Waddell & Associates (BWA) have been engaged, when required, to review and provide support to the Shire's rates function. Following a review of the Shire's rates module a reconciliation problem with Pensioner Rebate Claims was discovered. BWA identified numerous Pensioner Rebate Claims dating back ten years or more that have been processed in error and considered unclaimable.

The Council acts as an agent for Revenue WA in relation to rebates. At the time of the Rate Notices being issued, a proposed rebate is offered to the pensioner/senior. If the Pensioner pays their rates by 30 June this rebate is credited to the assessment. This amount is claimed back from Revenue WA. The impact is the assessment receives a rebate credit, Revenue WA pays reimburses Council for this rebate, and Council has no expense or loss of revenue. The Shire's accounting system (SynergySoft) has extensive tracking of when rebates are given by the Council and received from Revenue WA.

When rebates are given the assessment is credited with the rebate amount and the Rebate Control account recording the rebate amount. When rebates are received by Revenue WA a notation is placed on the assessment with the Rebate Control being credited.

Unfortunately, at the Shire of Carnarvon the automated processes were historically not followed or have been overwritten, resulting in the tracking process not being able to determine what rebate amounts have been received and claimed for every rebate transaction. The following consequences have resulted:

- Rebates have been given but not claimed from Revenue WA.
- Rebates had been rejected by Revenue WA but not corrected.
- Claims have been manually lodged without crediting the assessments or the correct ledger accounts.

The impact from the above has been both Ratepayers and Council have lost revenue due to administrative errors.

Stakeholder and Public Consultation

Bob Waddell & Associates (BWA) – Consultants to Local Government

Statutory Environment

Local Government Act 1995, Section 6.39 (2)(b) – Rate record.

Local Government Act 1995, Section 6.12 (1)(c) – Power to defer, grant discounts, waive or write off debts.

Relevant Plans and Policy

Nil

Financial Implications

The impact is that the Shire has lost rebate funding from Revenue WA. From Schedule 7.2.4a the 'Known Issues' identified amount to \$4,832.43. From this amount \$3,690.48 represents the amount of Pensioner

Rebate incorrectly given to assessments and not claimable from Revenue WA. The remaining \$1,141.95 is the amount of claims rejected by Revenue WA due to administrative errors by the Shire.

Unidentified Variances of \$7,928.29 represents unknown discrepancies in the Pensioner Rebate Claims reconciliation.

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	Reduction in the amount of rebate claim.	High	Implementation of correct procedure with issuing and claiming Rates Rebates.
Health & Safety	N/A		
Reputation	Unsatisfactory work practices resulting in a Ratepayers and Shire being disadvantaged.		Improvement of the Rate Rebate procedures
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

ADDITIONAL FOCUS AREAS:

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

Comments

Under *Local Government Act 1995*, Section 6.39 (2) (b) Council may amend the rate record for the 5 years preceding the current financial year. However, Revenue WA will reimburse rebates for any prior year provided the reporting requirements are met. This means that rebates that have not been claimed for any prior year can be claimed from Revenue WA.

As detailed in Schedule 7.2.4b assessments were reclaimed with Revenue WA as part of the corrections made by BWA. Despite BWA's best efforts, Revenue WA have rejected the claims or due to prior accountancy errors, the rebate amount is incorrect on the assessments.

Whilst technically the Shire can ask the current owner of the assessments to pay any errors that have occurred in the preceding 5 years, it would be difficult to explain to a ratepayer that they are responsible for an error that Council has made.

Schedule 7.2.4a identifies two categories of Rate Rebates that are in error and unclaimable. Individual assessments with 'Know Issues' amounting to \$4,968.10 and Unidentified Variances of \$7,928.29. For Unidentified Variances BWA have stated that the cost of recovery will be more than the total of the variance.

Under the LG Act 1995, Section 6.12(1)(c) the Council has the power to write off any debts to the Shire. Therefore, the advice from the Shire's Rates consultants, Bob Waddell & Associates, is that rebate amounts identified in Schedule 7.2.4b as unclaimable be written off.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 6.12 (1)(c) of the Local Government Act 1995 resolves to write-off the Rates Rebate amounts totalling \$12,760.95 as listed in Schedule 7.2.4a since listed rebates are considered to be in error and unclaimable.

FC 7/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

That Council, by Simple Majority, pursuant to section 6.12 (1)(c) of the Local Government Act 1995 resolves to write-off the Rates Rebate amounts totalling \$12,760.95 as listed in Schedule 7.2.4a since listed rebates are considered to be in error and unclaimable.

CARRIED
F7/A0

7.2.5 RATES EXEMPTION FOR CHARITABLE PURPOSES

File No:	ADM2119
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	Schedule 7.2.5

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

Summary of Item

The purpose of this report is to present the proposed Shire of Carnarvon Finance Policy - Rates Exemptions for Charitable Purposes for Council’s consideration and approval, refer Schedule 7.2.5.

Background

The objective of the proposed policy is to provide direction when considering applications for exemptions from rates on the grounds of the land being used exclusively for charitable purposes. It is proposed that, with a clear policy on Council’s position, applications could be managed under delegated authority.

Stakeholder and Public Consultation

Other local government policies and procedures. Department of Local Government reference material.

Statutory Environment

Local Government Act 1995 Section 6.26. Rateable Land
Charities Act 2013 Section 12 Definition of Charitable Purpose

Relevant Plans and Policy

There are no existing Shire of Carnarvon policies relating to Rating Exemptions. This report provides a proposed Council Finance Policy – “Rates Exemptions for Charitable Purposes”.

Financial Implications

The financial implications of this proposal relate to any future grants of rates exemptions. Depending on the magnitude of the exemption there may be a material impact on the annual revenue raised from rates. For example, the 2022/2023 exemptions amounted to approximately \$110,813.00.

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. Reduced Rate revenue. 2. Potential cost of legal action that may be taken against the Shire resulting from rejected applications, albeit this prospect exists with or without the adoption of this proposed new policy.	Low	1. Risk assessed is against the Policy itself, not individual applications. 2. Policy guidelines reduce the risk of litigation that could arise from decisions not based on a clear, transparent and equitable policy position.
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	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

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

Comments

A rates exemption under the *Local Government Act 1995* is one based on “charitable purpose” and is only valid where the use of the land is used for a charitable purpose and is not based on the status of the applicant. Community groups that are not eligible for a rates exemption may be eligible to apply for sponsorship which, in turn, may assist with the payment of rates and other outgoings.

Unless the *Local Government Act 1995* is amended to better define what a charitable purpose is, it is up to individual Councils to make their own informed decisions. A policy is therefore considered important to the Shire of Carnarvon to ensure each case is considered equitably, consistently and to minimise risk to the Shire and other ratepayers.

It is recommended that Council adopt the proposed Policy and provide delegated powers to the CEO to approve or reject applications in alignment with the Policy.

Presently there are 27 properties in receipt of an exemption. These property owners will be invited to reapply before the commencement of the first policy triennium, expected to be shortly after the adoption of the new policy.

OFFICER'S RECOMMENDATION

1. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the policy "Rates Exemptions for Charitable Purposes" as at Schedule 7.2.5a to the agenda.
2. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, delegates to the Chief Executive Officer, the power to approve applications for rating exemptions pursuant to Section 6.26(2)(g) of the Local Government Act 1995 subject these approvals being processed in conformity with the Council Finance Policy - "Rates Exemptions for Charitable Purposes".

FC 8/5/23

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

1. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the policy "Rates Exemptions for Charitable Purposes" as at Schedule 7.2.5a to the agenda.
2. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, delegates to the Chief Executive Officer, the power to approve applications for rating exemptions pursuant to Section 6.26(2)(g) of the Local Government Act 1995 subject to these approvals being processed in conformity with the Council Finance Policy - "Rates Exemptions for Charitable Purposes".

FC 9/5/23

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That Meeting Procedures Local Law Pt 17.1 be suspended at 11.07am.

CARRIED
F7/A0

FC 10/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

That Meeting Procedures Local Law Pt 17.1 be resumed at 11.14am.

CARRIED
F7/A0

FORESHADOWED MOTION

Cr Vandeleur

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the policy "Rates Exemptions for Charitable Purposes" as at Schedule 7.2.5a to the agenda.

Motion FC 8/5/23 was put. The motion was lost.

LOST
F0/A7

The foreshadowed motion then became the substantive motion and was put –

FC 11/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the policy “Rates Exemptions for Charitable Purposes” as at Schedule 7.2.5a to the agenda subject to the policy being amended to ensure that all applications are to be referred back to Council for consideration.

CARRIED

F6/A1

Cr Fullarton voted against the motion

(Note to Minute – Council was of the view that final decisions on applications for rate exemptions should be at the discretion and decision of Council.)

7.3 DEVELOPMENT SERVICES

7.3.1 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO.13 - SCHEME AMENDMENT NO. 6

File No:	A2546
Location/Address:	Lot 500 DP74108 North River Road, North Plantations
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Kim Le Nominees Pty Ltd
Author(s):	Riley Brown, Planner
Authoriser:	Stefan Louw, Manager Regulatory Services
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	7.3.2 (28 Feb 2023)
Schedules:	1. Submission from DPIRD 2. Scheme Amendment 6

Authority/Discretion:

- | | | |
|--------------------------|------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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.
- Information** Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
- 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

Summary of Item

The Shire has received a proposed scheme amendment from Dowling Giudici and Associates on behalf of Kim Le Nominees Pty Ltd to rezone part of Lot 500, DP74108 North River Road, North Plantations from ‘Environmental Conservation’ reserve to ‘Priority Agriculture’. The balance of Lot 500 is already used for horticultural activities and is zoned ‘Priority Agriculture’.

This report seeks Council’s resolution to support the proposed standard amendment and forward the amendment to the WAPC with the request for the Minister for Planning to grant approval.

Background

The proposed amendment was submitted before Council on 28 February 2023 for initiation and to publicly advertise the amendment for a period of 42 days. Please refer to the Council’s resolution below

That Council by Absolute Majority,

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt amendment 6 of Shire of Carnarvon Local Planning Scheme No. 13 by reclassifying Lot 500 on Deposited Plan 74108 North River Road in the locality of North Plantations from the Local Planning Scheme reserve 'Environmental Conservation' to the Local Planning Scheme zone 'Priority Agriculture' and amend the Scheme Map accordingly.**
- 2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 6 is a standard scheme amendment on the basis that it is:**
 - V. an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;**
 - VI. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
 - VII. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
 - VIII. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
- 7. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.**
- 8. Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.**
- 9. Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 6 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;**
 - i Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and**
- 10. Pursuant to Regulation 53 of the Planning and Development Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.**

CARRIED BY ABSOLUTE MAJORITY

F7/A0

The advertising period has now closed, and the amendment is submitted to Council for a decision to either support the amendment, support the amendment with modification or not to support the amendment.

Subject Site

The subject land is described as Lot 500 on Plan 74108, North River Road, North Plantations. The land is approximately 15.65ha in size and is occupied by a dwelling and associated buildings and partly used for horticultural activities. The part that is not used for horticultural activities contains native vegetation as it is

currently classified as a reserve, because of the land's previous tenure and purpose that is no longer the case. The former Lot 342 was part of an unmanaged Crown Reserve 37376 for the purposes of 'Government Requirements'. The specific purpose of this reserve is unknown but it is speculated that may have originally been part of a drainage system for directing floodwaters north wards into the area commonly known as the 'North Common'.

Scheme mapping does not show any special control area over the subject land and presumably, not a designated drainage line and no longer required by the State. Hence the subject land was recently disposed of via amalgamation with the former Lot 50, noting that this also provided legal access to the land from North River Road.

Below is an aerial map of the subject land depicting the existing uses of the land.

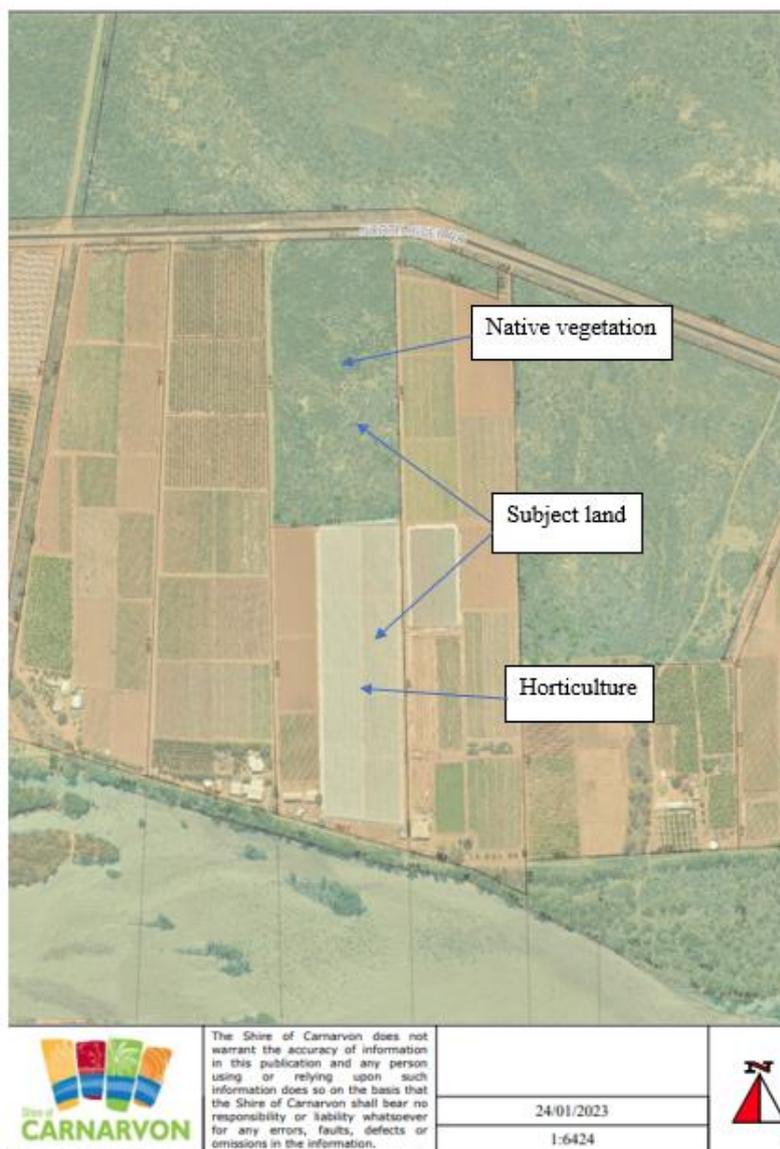


Figure 1. Aerial map of subject land

Stakeholder and Public Consultation

Following Council’s resolution to initiate the standard scheme amendment, the amendment was referred to the EPA for comment. EPA advised that the amendment was not required to be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).

Following advice received from the EPA the amendment was advertised for 42 days in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment was advertised on the Shire’s website, notices were sent to surrounding property owners and published in the Midwest Times. The amendment was also referred to the following public authorities:

- Department of Communities [DoC]
- Department of Fire and Emergency Services [DFES]
- Department of Jobs, Tourism, Science, and Innovation [DJTSI]
- Department of Transport [DoT]
- Department of Primary Industries and Regional Development (Agriculture and Food) [DPIRD]
- Department of Primary Industries and Regional Development (Regional Development Council) [DPIRD]
- Department of Water and Environmental Regulation [DWER]
- The Gascoyne Development Commission [GDC]
- Horizon power
- Water Corp

Submissions assessment

No.	Objector	Main issues summarised	Officer response
1	WaterCorp	No objection to the amendment	Noted
2	Department of Transport	No objection to the amendment	Noted
3	Department of Primary Industries and Regional Development	Numerous issues raised – see Schedule 2	See Schedule 3

Statutory Environment

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

The Scheme amendment is required to be prepared 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*.

Pursuant to Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government must consider all submissions in relation to a standard amendment to a local planning scheme and pursuant to Regulation 50(3) must pass a resolution before the consideration period ends, which is 60 days after the end of the submission period (30 April 2023), to support the amendment without modifications, or support the amendment with proposed modifications to address issues raised in the submissions, or not support the amendment.

Shire of Carnarvon Local Planning Scheme No. 13

The Shire of Carnarvon Local Planning Scheme No. 13 provides the statutory framework for the development of land within the Shire.

Under LPS 13, Lot 500 is classified as 'Environmental Conservation' reserve and the proposed use of land for horticultural purposes is not consistent with the objectives of the reserve as previously stated.

The proposed zone change to 'Priority Agriculture' is to match the zoning of the balance of the land on Lot 500 that is already being used for horticultural purposes and consistent with the surrounding properties to the east and west of Lot 500.

Relevant Plans and Policy

Shire of Carnarvon Local Planning Strategy:

The Local Planning Strategy sets out specific objectives for business and employment which relate to the growth and prosperity of a community. The Strategy recognizes that the performance of the local economy directly affects several key areas relating to the growth and prosperity of a community including:

- *Attracting and retaining new residents;*
- *Attracting new investment and sustaining existing businesses;*
- *Providing access to important services for the local community;*

Enhancing the horticultural area is consistent with the aim of the Strategy to have a diverse and dynamic local economy that meets the needs of the local population and provides for local investment and increased employment.

Gascoyne Regional Planning and Infrastructure Framework (GRPIF)

The GRPIF provides a regional context for land use planning in the Gascoyne, outlining major issues, priority actions and infrastructure projects.

It recognises that the industry's role into the future will be diversified with many horticulturalists producing a variety of produce.

The GRPIF further acknowledges that the region's proximity to Asia positions it well to develop existing and emerging export markets.

The applicant's request to rezone the undeveloped portion of the land is a response to supplying domestic and international markets as well as enhancing the horticultural enterprise.

Ningaloo Coast Regional Strategy – Carnarvon to Exmouth 2004 (NCRS)

The NCRS is an overarching land use planning and management strategy to guide and direct future development along the Western Australian coast extending from the Gascoyne River mouth to the eastern side of Exmouth Gulf.

The NCRS includes the Carnarvon horticultural district and as such must be considered as part of this application. The NCRS includes a Carnarvon Structure Plan that denotes the preferred major land uses for Carnarvon and its environs. The structure plan includes the subject land with the land use designated for 'Plantation area – agriculture priority management area'. The applicant's request to rezone the land is, therefore, consistent with the NCRS.

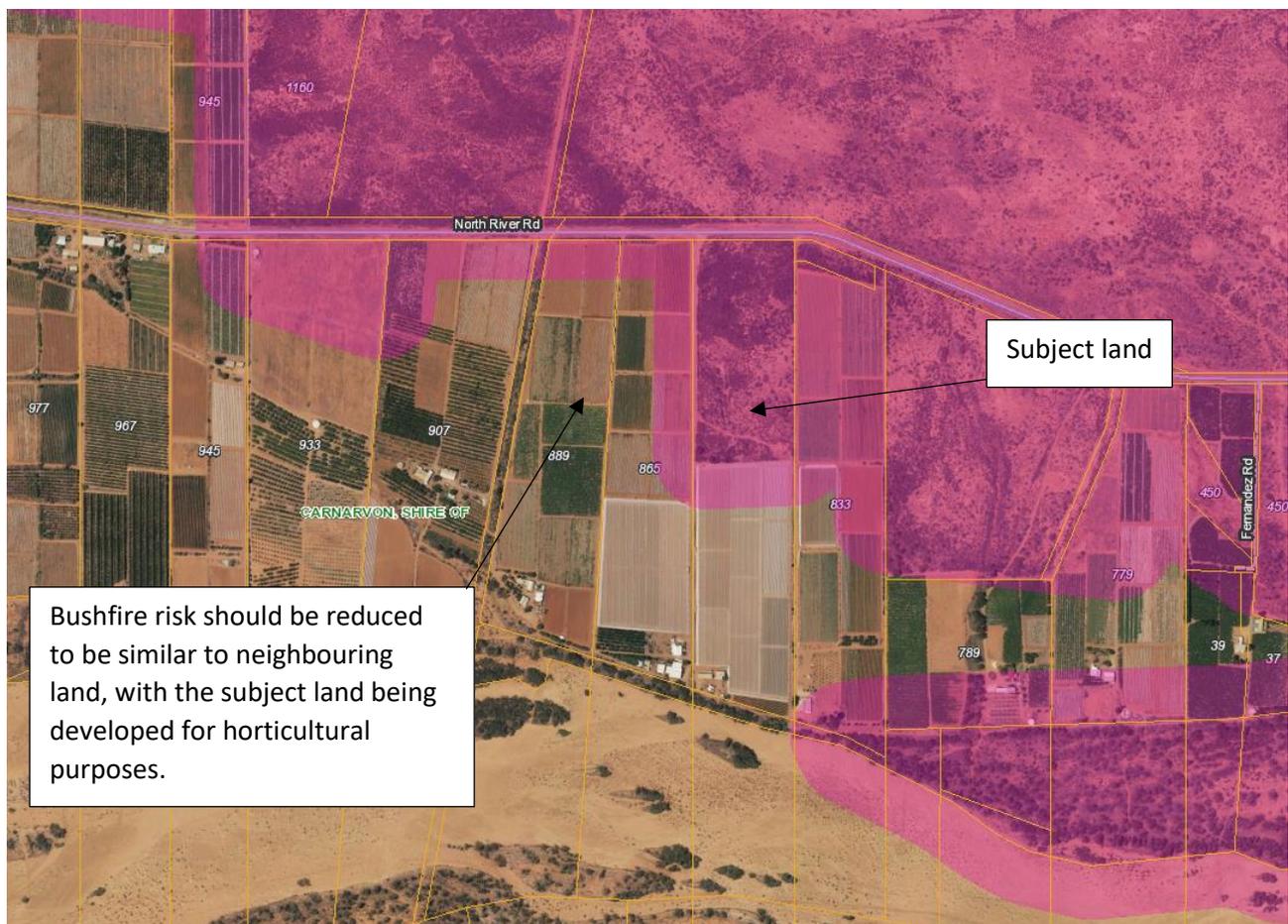
Gascoyne Food Bowl District Structure Plan (May 2017)

The Structure Plan allows for the creation of approximately 400ha of current undeveloped land within the Carnarvon Horticultural District for future horticultural production.

Lot 500 is not specifically mentioned in the Structure Plan due to it being an existing lot partially used for horticultural purposes and that is not part of the larger horticultural expansion areas to which the Structure Plan relates. However, the subject land has similar soil characteristics to the surrounding identified intensive horticultural zones and, therefore, would be capable to be used for horticulture.

State Planning Policy (SPP) 3.7 – Planning in Bushfire Prone Areas

Lot 500 is partially covered by the bushfire prone area, mainly the undeveloped portion of the land. The dwelling and associated outbuildings are outside of the bushfire prone area. Surrounding horticultural land that is not adjacent to native bushland is not included in the bushfire prone area. See image below.



Based on this evidence and the fact that the rezoning will not increase the risk of bushfire, as shown above, but in fact will reduce the risk, it is considered unnecessary to provide a bushfire attack level assessment as part of this proposal. However, it is acknowledged that such an assessment will be required for any subsequent development upon the land and within the bushfire prone area where development approval under LPS 13 is required.

Local Planning Scheme No. 13

The proposed amendment has been assessed against the requirements of the Local Planning Scheme No. 13 and the requirements of the Planning and Development Regulations 2015. It is concluded that the proposal is consistent with the objectives and provisions of relevant policy documents applicable to the site and, therefore, the proposed amendment should be supported.

Financial Implications

There are no financial implications associated with the proposal.

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			
Service disruption			
Compliance			
Property			
Environment	As per DPIRD submission, active current Lidar studies may be impacted by rezoning.	Moderate	Advise DWER that a clearing permit should be delayed until the Lidar studies are finalized.
Fraud			

Community and Strategic Objectives

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

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*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

Comments

In conclusion the following planning justification is provided in support of the rezoning request:

- The resulting zoning will provide for land uses capable of achieving or conforming to the objectives of the 'Priority Agriculture' zone in LPS 13;
- The resulting zoning will accord with the existing horticultural land designation in the Commission-endorsed Shire of Carnarvon Local Planning Strategy;
- The resulting zoning will provide for land uses similar and consistent with the existing horticultural uses being carried out on adjacent land;
- The subject land has fair capability for horticulture;
- The subject land is not included within any designated 'Environmentally Sensitive Area' nor is likely to generate any adverse environmental impacts;
- The subject land is not included in any designated floodway; and
- The subject land is no longer required by the Crown for 'government requirements' (upon which the current Local Planning Scheme reservation 'Environmental Conservation' is predicated upon).

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Support without modification Scheme Amendment No. 6 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 2 attached to this report.*
- 2. Note the submissions received as detailed in Schedule 1 attached to this report.*
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plan(s): Gascoyne Food Bowl District Structure Plan. (May 2017)*
- 4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
- 5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*
- 6. Formally advise the Department of Water and Environmental Regulation that the Shire recommends delaying the issue of any future clearing permits at Lot 500, North River Road until the completion of the current LiDAR studies and surveys.*

FC 12/5/23
COUNCIL RESOLUTION
Cr Smith/Cr Maslen

That the mater be deferred until the LIDAR survey has been conducted and a report received by Council.

FC 13/5/23
COUNCIL RESOLUTION
Cr Vandeleur/Cr Fullarton

That Meeting Procedures Local Law Pt 17.1 be suspended at 11.30am

CARRIED
F7/A0

FC 14/5/23
COUNCIL RESOLUTION
Cr Vandeleur/Cr Skender

That Meeting Procedures Local Law Pt 17.1 be resumed AT 11.39am

CARRIED
F7/A0

Resolution FC 12/5/23 was put and lost.

LOST
F3/A4

7.3.2 BEACH EMERGENCY NUMBERS (BEN) SIGN PROGRAM

File No:	ADM1890
Location/Address:	Multiple Locations
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Multiple Owners
Author(s):	Riley Brown, Planner
Authoriser:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	23 March 2021 – 8.3.4
Schedules:	Schedule 7.3.2 - Proposed Locations of Signs

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

Summary of Item

The purpose of this report is to seek Council’s support for an application for funding from the State Government for the installation of Beach Emergency Numbers (BEN) signs in a number of locations under the BEN Sign Program.

Proposal

The Beach Emergency Numbers (BEN) system – named in honour of fatal shark bite victim Ben Gerring – is a coding system that aims to improve emergency response times by installing signs with unique codes at public beach access points. These signs provide specific location information, vital when emergency services are deployed in the event of a shark sighting, attack, or other beach emergencies. They also become part of the SharkSmart WA App that highlights beach safety features.

These signs are intended to assist emergency services to pinpoint exact locations and improve crucial response times for a range of serious incidents. Each BEN sign has a unique code, which is linked to emergency services navigation systems. Each sign is also reversible with a uniform red and green sign on the front and a beach closure alert on the back so staff can quickly close beaches in the event of emergencies.



Figure 1 – BEN Signs

Background

At its 23 March 2021 Ordinary Meeting, Council resolved to support the application for the BEN System and adjust the budget accordingly as seen in the below resolution:

FC 15/3/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Pinner

That Council:

- 1. Supports the submission of an application for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program; and**
- 2. Pursuant to Section 6.8(1)(b) of the Local Government Act, include in the 2021/22 budget as follows:**
 - Account number (new) in schedule 5 (law order and public safety) - \$21,000.00 Income**
 - Account Number (new) in schedule 5 (law order and public safety) - \$21,000.00 Expenditure**
 - With budget text to identify the intended purpose application of grant funding and installation for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program with Shire budget allocation of \$10,500.00 for the installation costs.**

CARRIED BY ABSOLUTE MAJORITY
F7/A0

However, due to the delays in planning and implementation of the signs the funds were collected by the State Government. As such, a further application is required to the State Government in order for the funds to once again be dispersed to the Shire. The Shire has also become aware that the cost of installation cannot be included in the funding grant.

This project has been headed by the Department of Primary Industries and Regional Development (DPIRD).

Proposed Locations

DPIRD has proposed a total of 34 sites within the Shire for the installation of BEN signs. These are outlined in the table below and Schedule 1 (Maps of Locations) BEN Sign ID Number	Geographic Name	Local Name
C1551	Null	The Caves
C1721	Cape Cuvier	Garth Rock
C1873	Whistling Rock	Null
C1919	Null	2 Mile
C2010	Null	2nd Grid, Second Grid

C2093	Null	Black Rock
C54	Bruboodjoo Point	Bruboodjoo
C279	Bills Bay	Coral Bay shark sanctuary, Skeleton Bay - southern end
C287	Coral Bay	Bills Bay - Track at eastern end
C290	Coral Bay	Bills Bay -Track at western end
C292	Coral Bay	Bills Bay, Kayak Hut
C306	Coral Bay	Coral Bay boat ramp
C333	Five Finger Reef	Five Fingers
C174	Bateman Bay	Oyster Bridge
C241	Mauds Landing	Null
C314	Null	Snapper Headland
C1638	Null	17 Mile
C1716	Cape Cuvier	Camp Rock
C1970	Null	High Rock
C2627	Norwest Whaling Jetty	Null
C2659	Babbage Island Boat Ramp	Pelican Point boat ramp
C2750	Massey Bay	Null
C2056	Point Quobba	Blow Holes car park
C2066	Point Quobba	Blow Holes Sanctuary car park
C2070	Point Quobba	Blow Holes boat ramp

C2487	Miaboolya Beach	Null
C2642	Babbage Island	Pelican Point beach car park
C2690	Null	Carnarvon Fascine Playground
C2790	Null	Beach Access at southern end of Oyster Creek Road
C3091	Null	Bush Bay campground
C4812	Gladstone Jetty	Gladstone Bay campgrounds
C2706	Null	Fascine Boat Ramp
C2727	Barry Bickley Wharf	Null
C2730	Null	Harbour Wall of Barry Bickley Wharf

Stakeholder and Public Consultation

As the installation of the signs will have little to no amenity impact and serve a public purpose, public consultation is not required.

DPIRD has undertaken stakeholder consultation with respect to the differing land tenures and management arrangements. DPIRD has advised the following with regard to the various landowners.

A further 6 sites were identified by DPIRD for BEN sites however they were eliminated, as outlined below.

Tally	Managed By	Comment
6	Null – On Quobba to be managed by the Shire	All BEN signs on Quobba will need to be maintained by the Shire
10	Department of Biodiversity, Conservation and Attractions (DBCA)	DBCA has agreed to maintain all BEN signs on DBCA-managed land (namely sites within reserves).
6	Department of Planning, Lands and Heritage (DPLH) Land – to be managed by the Shire	DPLH has not agreed to maintain the signs. As such, the Shire will need to maintain any (6) signs installed at these sites (mostly unallocated crown land).
9	On Shire-managed land	Shire to maintain
3	On Department of Transport (DoT) land – to be managed by DoT	Department of Transport has agreed to maintain signs on their assets (those in the Carnarvon Boat Harbour and at boat jetties)
34	TOTAL	

BEN Sign ID Number	Location	Reason for exclusion
C2586	Point Whitmore	Intersects with an Aboriginal Heritage lodged place (ID 39200), Lodged sites require section 18 approval
C2600	Babbage Island	Intersects with an Aboriginal Heritage lodged place (ID39200) Lodged sites require section 18 approval
C2978	Uendoo Creek	DBCA managed land but did not indicate support to maintain the sign. There is an option for the Shire to manage the sign.
C3148	New Beach Boat Ramp	On Brickhouse station – no response from Harvest Rd on hosting the sign
C8004	Chainman’s Pool	DBCA advised on not installing a sign here. Also, an Aboriginal Heritage lodged place (ID 39200). Lodged sites require section 18 approval
C8005	Rocky Pool	DWER-managed land. Did not agree to sign installation.

Additionally, DPLH provided advice regarding several of the sites with respect to their Aboriginal Heritage status. This is outlined below.

Aboriginal Heritage

DPLH advised the following with respect to BEN sign locations still under consideration. These 4 identified sites intersected with the boundaries of known registered sites.

BEN Sign ID Number	Location	Aboriginal Heritage Consideration
C174	Bateman Bay	Intersects with registered site ID 6827 (Coral Bay Skeleton)
C241	Mauds Landing	Intersects with registered site ID 6827 (Coral Bay Skeleton), registered site ID (Malunda 1) and registered site ID 7211 (Mauds Landing)
C2627	Northwest Whaling Jetty	Intersects with the public (but not actual restricted) boundary of registered site ID 874 (Carnarvon Fascine) and the public (but not actual restricted) boundary of lodged place ID 39200 (Gascoyne and Lyons River)
C2690	Fascine Playground	Intersects with the public (but not actual restricted) boundary of lodged place ID 39200 (Gascoyne and Lyons River)

For C174 and C241, the intersections of minor work and registered sites require Regulation 7 and 10 approvals from the Registrar. The Shire will consult with the Nganhurra Thanardi Garrbu Aboriginal Corporation and Yinggarda Aboriginal Corporation in order to begin this process.

For C2627 and C2690, the intersections of the public boundary of lodged places do not trigger the requirement for approvals however it is best practice to initiate consultation with the local corporations regardless.

Statutory Environment

Biosecurity Conservation Act 2016

Local Government Act 1995

Aboriginal Heritage Act 1972

Aboriginal Heritage Regulations 1974

Relevant Plans and Policy

Shire of Carnarvon Local Emergency Management Arrangements, and

Shire of Carnarvon Local Recovery Plan 2019

Financial Implications

Local Government location assessment, data management, installation, or the ongoing maintenance and or replacement of signs are not covered in this grant. The estimated total cost of installation of all proposed signs by the Shire is \$9,020, including wages, truck hire and concrete.

The quoted cost of the BEN sign per unit is \$143 (including GST), with posts, brackets, and caps to be ordered separately (cost breakdown shown below).

The allocated grant for the BEN sign program is a maximum of \$50,000.00 per Local Government Authority and can include the cost of freight (estimated \$1000 for all items).

The budget implications can therefore be represented by the following:

Item	Income (Grant)	Expenditure
<i>Production Cost</i>		
Signs	34 * 143 = \$4,862	34 * 143 = \$4,862
Posts	34 * 38 = \$1,292	34 * 38 = \$1,292
Brackets	34 * 2.50 = \$85	34 * 2.50 = \$85
Post Caps	34 * 1.5 = \$51	34 * 1.5 = \$51
Subtotal	\$6,290	\$6,290
<i>Freight Cost</i>	\$1000	\$1000
<i>Installation Cost</i>	NIL	\$9,020
TOTAL	\$7,290	\$16,310

The Shire is required to maintain the signs on Shire-managed, pastoral land and DPLH-managed land (with DBCA and DoT to maintain the signs on their respective lands). This will have budget implications for future 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	Cost of installation and ongoing maintenance	Moderate	Using the materials suggested by the Department, including laminate and anti-graffiti coating (whilst more expensive) will mitigate the need for future maintenance and give the BEN signs a longer life. The additional cost for coating will be included in the grant funding. Maintenance of the signs will need to be considered in future budgets.
Health & Safety	Risk of limited emergency assistance due to lack of BEN signs, especially during peak tourism seasons when visitors who are unfamiliar with the area travel to the Shire.	Moderate	Resolve to support the funding application and ongoing maintenance cost. This action aims to mitigate the risk.
Reputation	Risk of reputation damage should the Shire be the only local government in the region to not support the BEN signs program. The Shires of Shark Bay, Exmouth, Ashburton, the Town of Port Hedland, and the City of Karratha have all resolved to install and maintain the BEN signs within the municipalities.	High	Resolve to support the funding application and ongoing maintenance costs. This action aims to mitigate the risk.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and 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 are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

Comments

Water use is at the heart of the Western Australian lifestyle and community, and the BEN sign program will have a positive impact by:

- improving emergency response times by integrating the unique codes into Computer Aided Dispatch (CAD) systems; and
- enabling beach managers to be in attendance earlier to implement beach closures in the event of a shark sighting, incident, or other emergencies, with accurate beach location descriptions and integrated beach closure signs.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to Support the submission of a grant application for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program and consider the project income and expenditure as part of the 2023/2024 budget.

FC 15/5/23

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to Support the submission of a grant application for the Beach Emergency Number (BEN) System under the Beach Emergency (BEN) Sign Program and consider the project income and expenditure as part of the 2023/2024 budget.

CARRIED
F7/A0

7.4.1 CONTRACT VARIATION RFT 12-2022 – FLOOD PREPAREDNESS PROJECT – GASCOYNE RIVER FLOOD MODELLING

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

File No:	ADM0063
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contract Manager
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	7.4.1 – Contract Variation Request – Hydrology and Risk Consulting

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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 |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | 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 |

Summary of Item

This report details a request to accept a contract variation for contract (RFT) 12/2022 – Flood Preparedness Project – Gascoyne River Flood Modelling to allow for the purchase of additional elevation data from Landgate and hydraulic modelling around potential river breakouts between Fishy Pool gauging station and Rocky Pool.

Background

At the Ordinary Council meeting in February 2023, Council resolved to award Tender RFT 12/2022 Flood Preparedness Project – Gascoyne River Flood Modelling to Hydrology and Risk Consulting (HARC), for a total contract sum of \$251,105 ex GST.

Gascoyne River Flood Modelling is part of the broader Flood Preparedness Project (the Project) which is being delivered by the Shire in collaboration with partners:

- Department of Primary Industries and Regional Development (DPIRD); and
- Department of Water and Environmental Regulation (DWER).

DWER, the technical lead agency for the Gascoyne River Flood Modelling component of the Project, contacted the Project partners to request approval for additional works to be completed by HARC. The full proposal for the additional works is provided in **Schedule 7.4.1 Contract Variation Request – Hydrology and Risk Consulting**.

At the Project Working Group Meeting on 11 May 2023, the additional work was discussed, and the Project partners unanimously supported the proposed contract variations.

HARC has commenced the preliminary analysis of the hydrological data and has indicated that breakouts downstream of the Fishy Pool gauge are likely to occur in major flood events. Unfortunately, there is insufficient gauge data available downstream of Fishy Pool to determine the proportion of flows breaking out. Additional hydraulic modelling is needed to undertake an assessment. However, based on the current available terrain data this would not be possible.

HARC has identified the following risk in case further hydraulic modelling is not undertaken:

“If this analysis isn’t undertaken, it could result in significant challenges in the calibration of the hydraulic model if the flows down the Gascoyne River are being overestimated as breakout flows are not being taken into consideration. As it is unlikely that flow breaking out of the black polygon in the figure below would re-enter the Gascoyne River”. HARC’s assessment has been verified by DWER as the technical lead on this element of the Project.



HARC has recommended purchasing additional terrain data available within the area of the black polygon from Landgate. With this information, HARC will be able to develop a coarse hydraulic model for the area between the Fish Pool Gauge and a detailed hydraulic model to determine the portion of breakout flow at different flow rates through the Gascoyne River.

This additional work will result in the following additional cost:

- purchase additional terrain data from Landgate for an amount between \$6,000 and \$10,000 ex GST; and
- additional hydraulic modelling for an amount of \$14,080 ex GST.

A further variation to the project scope has been discussed in relation to the new airport site (Lot 530 Reserve 27262). Originally only a small portion of this site was considered as part of the flood study. To allow the full site to be part of the Flood modelling study an extension of the Aerial LiDAR and Imagery survey is required. HARC has provided a quote of \$9,720 ex GST for this additional Aerial LiDAR and Imagery survey work.

Stakeholder and Public Consultation

Project partners and HARC

Statutory Environment

Register of Council Delegations and Authorisations 2023/2024, S.1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.'

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy applies.

Policy C002 – Purchasing Policy applies.

Financial Implications

A total contract variation of \$33,800 ex GST would be required to allow for all the additional work as described above. The original contract value includes \$251,105 ex GST. Therefore, the total value of the contract variations would be 13.46% of the original contracted amount.

Council has delegated to the CEO the authority to approve contract variation(s) up to a cumulative total of \$250,000 ex GST or 10% whichever is the lesser, on the condition that the adjusted total contract payment remains within the budget provision.

As the proposed contract variations are to be greater than 10%, acceptance of the contract variations are required by Council.

It should be noted, the recommended contact variations are within the available project budget. At the award of the Tender, the possibility of variations was discussed. As modelling proceeds, situations can arise where further detailed surveys or modelling may become necessary.

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	Project variations exceeding the budget.	D2 - Low	Monitoring progress claims carefully and contingency allowance for expected variations.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Security	N/A		
Environment	HARC advises in case the additional hydraulic modelling is not undertaken calibration of the flood model is likely to be compromised. The flows down the Gascoyne River might be overestimated as breakout flows at Fishy Pool are not being taken into consideration. As it is unlikely that flow breaking of Fish Pool area would re-enter the Gascoyne River.	B3 - High	Acceptance of the proposed contract variations.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

Comments

It should be noted the contract variation in relation to the additional Aerial LiDAR and Imagery survey for the new airport site was supported by the Project partners upon advice from DWER. Timely approval of this additional work was required to avoid delays in the delivery of the LiDAR survey and further hydraulic modelling. Therefore, this contract variation has been executed under the delegation of the CEO as it is within the delegated limit, being less than 10% of the contract sum.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority:

1. *Pursuant to Section 5.42 of the Local Government Act 1995, resolves to accept the following contract variations for Contract RFT 12/2022 Flood Preparedness Project – Gascoyne River Flood modelling:*
 - (a) *purchase of additional elevation data from Landgate for a value between \$6,000 and \$10,000 ex GST; and*
 - (b) *additional hydraulic modelling to improve the level of detail available around potential breakouts between Fishy Pool gauging station and Rock Pool for a value up to \$\$14,080 ex GST.*
2. *Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of the contract variations between the Shire of Carnarvon and Hydrology and Risk Consulting (HARC) for Tender RFT 12/2022 Flood Preparedness Project – Gascoyne River Flood Modelling.*

FC 16/5/23

COUNCIL RESOLUTION

Cr Skender/Cr Ferreirinha

That Council, by Simple Majority:

1. ***Pursuant to Section 5.42 of the Local Government Act 1995, resolves to accept the following contract variations for Contract RFT 12/2022 Flood Preparedness Project – Gascoyne River Flood modelling:***
 - (a) ***purchase of additional elevation data from Landgate for a value between \$6,000 and \$10,000 ex GST; and***
 - (b) ***additional hydraulic modelling to improve the level of detail available around potential breakouts between Fishy Pool gauging station and Rock Pool for a value up to \$\$14,080 ex GST.***
2. ***Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of the contract variations between the Shire of Carnarvon and Hydrology and Risk Consulting (HARC) for Tender RFT 12/2022 Flood Preparedness Project – Gascoyne River Flood Modelling.***

CARRIED
F7/AO

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

FC 17/5/23

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That Cr Skender be granted leave of absence for the July 2023 Ordinary Meeting of Council.

CARRIED
F7/A0

FC 18/5/23

COUNCIL RESOLUTION

Cr Langley/Cr Maslen

That Cr Vandeleur be granted leave of absence for the June 2023 Ordinary Meeting of Council.

CARRIED
F7/A0

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Fullarton

As to the liquor restrictions in the Shire of Carnarvon, can you provide statistical data on the impacts of liquor restrictions in combatting anti-social behaviour in the community of the Shire generally, and the town of Carnarvon in particular?

President Smith advised that he would take his question on notice with the Department of Liquor Licensing being asked to provide these figures.

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

Cr Vandeleur requested that the matter in relation to Local Planning Scheme 13, Amendment No. 6 as follows be considered by Council. President Smith agreed to allow the matter to be considered.

Shire of Carnarvon Local Planning Scheme No. 13 – Scheme Amendment No. 6

FC 19/5/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Support without modification Scheme Amendment No. 6 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 2 attached to this report.*
- 2. Note the submissions received as detailed in Schedule 1 attached to this report.*
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plan(s): Gascoyne Food Bowl District Structure Plan. (May 2017)*
- 4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
- 5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*

Formally advise the Department of Water and Environmental Regulation that the Shire recommends delaying the issue of any future clearing permits at Lot 500, North River Road until the completion of the current LiDAR studies and surveys

FORESHADOWED MOTION

Cr Skender

That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Support without modification Scheme Amendment No. 6 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 2 attached to this report.*
- 2. Note the submissions received as detailed in Schedule 1 attached to this report.*
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plan(s): Gascoyne Food Bowl District Structure Plan. (May 2017)*
- 4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
- 5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*

Motion FC 19/5/23 was put and lost.

LOST

F2/A5

Cr Fullarton voted against the motion

The foreshadowed motion then became the substantive motion and was put.

FC 20/5/23

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Support without modification Scheme Amendment No. 6 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 2 attached to this report.*
- 2. Note the submissions received as detailed in Schedule 1 attached to this report.*
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plan(s): Gascoyne Food Bowl District Structure Plan. (May 2017)*
- 4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
- 5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*

CARRIED

F5/A2

(Note to minute – Council agreed that to delay any further clearing permits would impede on the owners ability to expand their business.)

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

Nil

13.0 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 27 June 2023

14.0 CLOSURE:

The Presiding Member declared the meeting closed at 12.10pm.