



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 24 MAY 2022

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

NOTICE OF MEETING

Notice is hereby given
Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 24 May 2022
Bills Tavern, Robinson Street Coral Bay
commencing at 10.00am



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1.0 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

2.0 DECLARATIONS OF INTEREST

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

3.0 PUBLIC QUESTION TIME

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

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RECEIVING OF MINUTES

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11.1	Next meeting of Council will be held on Tuesday 28 June 2022	
14.0	<u>CLOSURE</u>	

File No:	ADM0043
Date of Meeting:	24 May 2022
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Recurring Monthly Report
Schedules:	Nil

Authority / Discretion

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

Summary of Item:

To report on actions performed under delegated authority for the months of April and May 2022.

Background:

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

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2

TPS No. 10 – Section 2.4

Shire of Carnarvon Local Government Act Local Laws S.29

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

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications arising from receiving this report.

Risk Assessment:

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

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

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

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

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

Comment:

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

DELEGATIONS**COMMON SEAL**

04.05.2022	Lease – Gladstone Campground
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ENVIRONMENTAL SERVICES**Food — Food Act 2008**

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
10/5/2022	HFO22/003	New food business registration – Gascoyne Chinese Restaurant at Carnarvon Bowling Club	Zhangliang Lin, Haiyan Fang and Fang Zhou	Carnarvon Bowling Club
11/5/2022	HFO22/004	Amended food business registration – Cheeki Pizzeria, adding home-based making of desserts & dried meats (jerky)	Stephanie Condo	

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

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26/4/2022	HOS22/001	Approval to install septic system, 24 Margaret Row, East Carnarvon	Dean White, Carnarvon Plumbing Service	Kathryn Harper & Jarrod Rick
17/5/2022	HOS22/002	Approval to install septic system, 91 Whitlock St, South Carnarvon	Dean White, Carnarvon Plumbing Service	Mellissa Jackson

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
ADM1875	P14/22	24 French Street, Coral Bay	Caravan Annex	Adam Manks	5/04/2022
A3475	P18/22	21 Johnston Street, Carnarvon	Storage Shed	St Mary's Star of the Sea Catholic School	12/05/2022
A3105	P13/22	100 Speedway Road, Brown Range	Telecommunications Tower	Tecon Australia	13/05/2022

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/077	WILLIAM ARTHUR & MICHELLE LYDIARD	LOT 16 (25) ANGELO ST, EAST CARNARVON	INSTALLATION OF x18 SOLAR PHOTOVOLTAIC PANELS ONTO EXISTING BUILDING
B21/079	MICHELLE & WILLIAM ARTHUR LYDIARD	LOT 6 (17) RICHARDS ST, BROCKMAN	INSTALLATION OF x18 SOLAR PHOTOVOLTAIC PANELS ONTO EXISTING BUILDING
B22/024	ROBERT EDWARD HULL & CRAIG ALAN GALL	LOT 602 (11) CROSSLAND STREET, SOUTH CARNARVON	INSTALLATION OF x18 SOLAR PHOTOVOLTAIC PANELS ONTO EXISTING SHED
B22/026	ANTHONEY JOHN & NICOLA WALLACE	LOT 369 (6) SNOOK CRT, BROCKMAN	INSTALLATION OF x18 SOLAR PHOTOVOLTAIC PANELS ONTO EXISTING BUILDING
B22/027	BRENDEN PAUL & GAIL LAW-DAVIS	LOT 12 (3) SMART ST, EAST CARNARVON	INSTALLATION OF x18 SOLAR PHOTOVOLTAIC PANELS ONTO EXISTING BUILDING
B22/032	GLENDA LEE SULLIVAN	LOT 102 (164) WILLIAM ST, EAST CARNARVON	POST & RAIL COLORBOND FENCE

OFFICER'S RECOMMENDATION PART ONE

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

File No:	ADM0186
Date of Meeting:	24 May 2022
Location/Address:	N/A
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	N/A
Author/s:	A. Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Shire of Carnarvon Revenue Strategy (Draft)

Authority / Discretion

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

Summary of Item:

The purpose of this agenda item is to present a draft Revenue Strategy to Council. The officer's recommendation is that Council adopts the strategy for public and stakeholder consultation. The strategy will be brought before Council again with any feedback received from the consultation.

Background:

Council recognises that financial stability and sustainability is one of the highest and most pressing priorities and challenges facing the Shire of Carnarvon. Part of the President's mantra is to stabilise the Shire's finances. Council acknowledges that the Shire's small ratepayer base cannot continue to sustain assets and that additional revenue streams are urgently needed to support programs that are needed, and often demanded by our community.

Noting this priority requirement that underpins all other aspects of the Shire's operations, the Council made the development of a revenue strategy one of the CEO's KPIs for 2021/2022.

Stakeholder and Public Consultation:

Nil to date. However, should Council support the officer's recommendation, the strategy will be provided to the community and stakeholders as a draft. And feedback during that consultation phase will be provided to Council for consideration before Council considers formally adopting the strategy.

Statutory Environment:

The strategy references the various pieces of legislation that regulate all forms of revenue for local governments.

This agenda item and officer recommendation is made under the general powers of local government being s.3.18 of the *Local Government Act*.

Relevant Plans and Policy:

N/A

Financial Implications:

There are no direct financial implications arising from the officer’s recommendation. However, the implementation of recommendations in the strategy will have a financial impact, including potentially increasing revenue and increased expenditure in areas such as economic development.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	The cost to implement recommendations will have an impact on the budget.	High	Recommendations will be presented to Council to consider affordability during Council’s budget deliberations.
Health & Safety	N/A		
Reputation	The strategy may suggest that Council has not been proactive in raising revenue in the past.	High	The report demonstrates that there is already significant work being done to improve the Shire’s finances; however, this document provides a framework and strategy.
Service disruption	n/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

**Goal 5: Civic
Strong and listening Council.**

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.5	Continual improvement in implementation of the Integrated Planning and Reporting (IPR) cycle
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4.4	Financial transactions are accurate and timely

Comment:

The draft revenue strategy aims to:

- Improve transparency by providing the community with clear and detailed information about the Shire's various revenue sources and how they are calculated.
- Provide a guide for Council decision-making when considering the Long-Term Financial Plan and annual budget.
- Project rates for the coming years to provide a level of certainty for ratepayers.
- Identify revenue sources other than rates to grow our revenue streams.

The revenue strategy is a living document, and it needs to be flexible to be able to respond to a changing external environment and to changes in community demand and expectations.

This draft revenue strategy will be of interest to many of our ratepayers, residents and other stakeholders. The officer's recommendation is that the strategy is adopted as a draft for the purpose of public and stakeholder consultation and that the strategy, along with any feedback from the consultation, is brought before Council for final consideration at the July Council meeting.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995, resolves to:

- Adopt the Shire of Carnarvon Revenue Strategy as a draft for public and stakeholder consultation;*
- Consider any feedback on the draft Revenue Strategy at the Ordinary Council Meeting of Council in June 2022.*

File No:	ADM0186
Date of Meeting:	24 May 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Marie Michael - Creditor
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Presented every month
Schedules:	Schedule 7.2.1

Authority / Discretion

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

Summary of Item:

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

Background:

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

Stakeholder and Public Consultation: Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

N/A

Financial Implications:

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

Risk Assessment:

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

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

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

OFFICER'S RECOMMENDATION

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

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$1,468,551.07 as presented for the month of April 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT35164 - EFT35312	EFT35316 - EFT35383	Muni EFT	\$ 1,457,027.46
47231	47233	Muni Cheques	\$946.99
EFT35162 - EFT35163	EFT35313 - EFT35315	Trust EFT	\$6,934.19
		Trust Cheques	\$0.00
DD39386.1	DD39386.1	Bank Direct	\$3,000.00
DD39332.1	DD39332.1	Visitor Centre Bank Direct	\$642.43
		Visitor Centre EFT	\$0.00
		TOTAL	\$1,468,551.07

- b) Note Sundry Creditors as of 30 April 2022 - \$264,179.27

File No:	ADM0186
Date of Meeting:	24 May 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.2

Authority / Discretion

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

Summary of Item:

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

Background:

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

The statements should show the following:

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

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

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

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

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

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

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

Community & Strategic Objectives:

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

Comment:

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

The accounts are listed as draft accounts as they do not become final until Financial Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are not expected until April 2022. The delay is because Contracted and OAG Auditors take leave over the festive season and into the New Year. It is expected that some figures may change due to audit opinions of the treatment of certain transactions.

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

OFFICER'S RECOMMENDATION

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

File No:	ADM2051
Date of Meeting:	24 May 2022
Location/Address:	Robinson Street carpark, Coral Bay
Name of Applicant:	Tajen Johnson
Name of Owner:	Shire of Carnarvon (Road Reserve)
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Single Majority
Previous Reports:	Nil
Schedules:	Nil

Authority / Discretion:

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

Summary of Item:

This item relates to an application for a mobile trading licence to trade as Coral Bay Beach Hut in the Robinson Street road reserve in the car parking area adjacent to Bill's Bay, Coral Bay.

The licence application is consistent with the requirements set out in the Public Places and Local Government Property Local Law 2021 (Local Law) and has been assessed based on the requirements of the Local Law. This report recommends that the licence application be approved for a period of 12 months.

Background

Coral Bay Beach Hut is a locally owned business that will provide sun safety and leisure equipment to Bill's Bay beach with an eco-friendly approach. The mobile trader will provide beachgoers with rental umbrellas, gazebos, chairs, beach equipment and free access to reef-safe sunscreen.

Coral Bay Beach hut will be operated out of a customized transportable box trailer situated at the main entrance of Bill's Bay beach for easy access. Please refer to Figures below for the trading location and the type of trailer to be used.

The hours of operation sought are from 8:00am until 5:30pm seven days a week. However, after speaking with the applicant it was requested that the operation time be amended to include a 30-minute set up time in the morning, therefore, the operating hours, inclusive of set up and pack up times, are to be from 7:30am to 5:30pm seven days a week. The Local Law pursuant to which this licence is issued does not

include time restrictions. Mobile trading licenses are to be issued for a maximum period of 12 months, as per the Local Law.

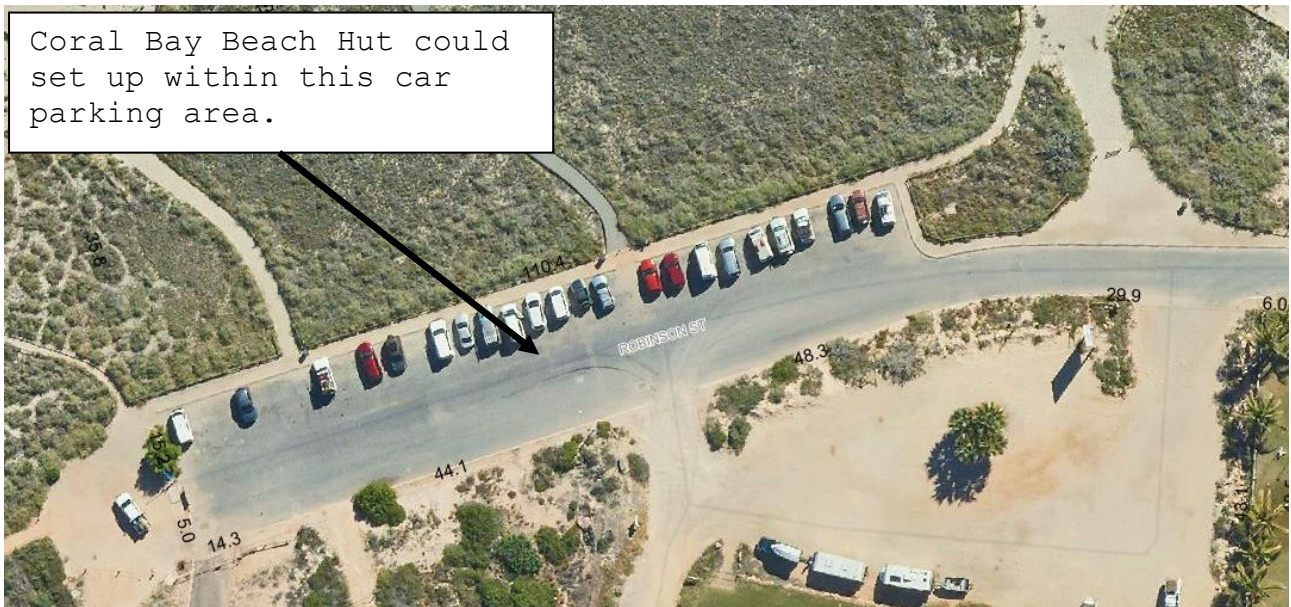


Figure 1 – Location map

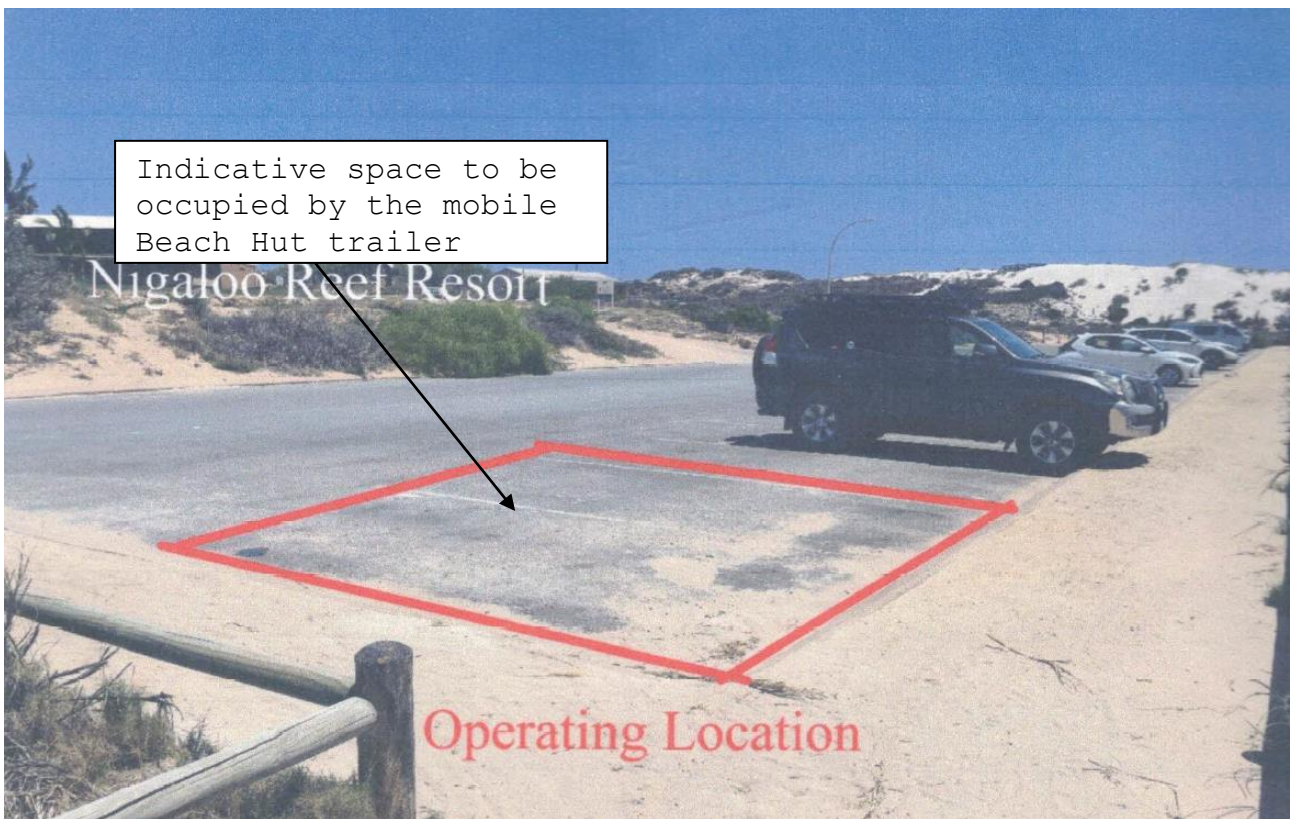


Figure 2 – Indicative space of Coral Bay Beach Hut

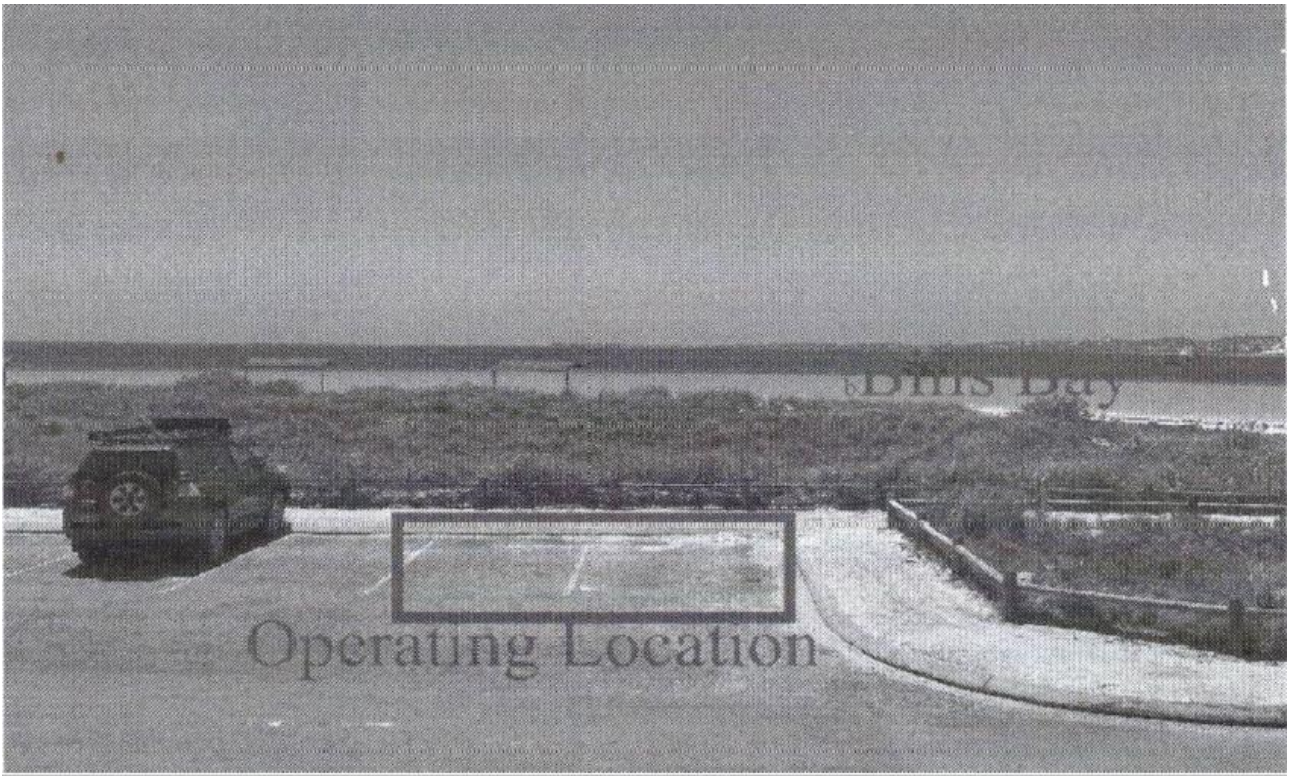


Figure 3 – Indicative operating location

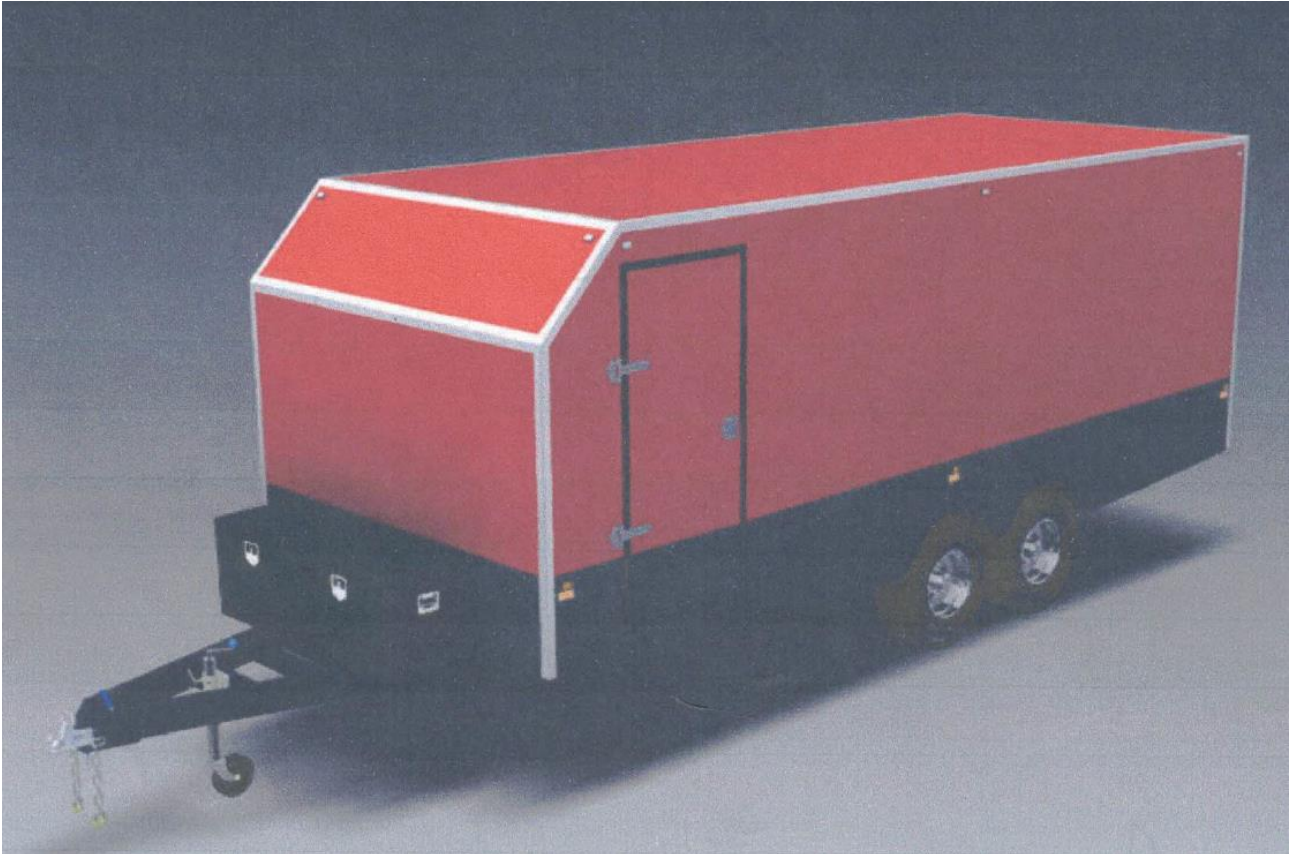


Figure 4 – Proposed trailer to be used as the “Beach Hut”.



Figure 5 – Context map

The Shire of Carnarvon Local Law ‘Hawkers, Traders and Stall Holders’ relates to the temporary occupation of land either on a long term or periodic basis for the purpose of either selling or displaying goods or providing services to customers.

The proposed site is the most logical area to set up a venture like this as it is adjacent the main entrance to Bill’s Bay beach. However, the trader needs to be aware that he does not have exclusive rights to the site, it being a road reserve and that the Shire cannot monitor or manage use of the site by other users.

Stakeholder and Public Consultation:

No public consultation is required for mobile trading applications. However, consultation has occurred with local stakeholders.

Statutory Environment:

Planning and Development (Local Planning Schemes) Regulations 2015

Under Schedule 2, Part 7: Clause 61 of the Planning and Development Regulations, development approval is not required for “temporary works” which are in existence for less than 48 hours, or a longer period agreed by the local government in any 12-month period. As all mobile trading equipment (vehicle and trailer) will be removed from the site when not in operation, its existence will be less than 48 hours and therefore, development approval under the Regulations/Act is not required.

Shire of Carnarvon, Public Places and Local Government Property Local Law 2021

The local law provides guidance on the method and information required for applications, assessment considerations, grounds for refusing, license renewals, license conditions, the grounds for revoking licenses as well as fee and licence transfer management.

Matters to be considered as per the Local Law

In considering an application for a licence the Council must have regard to the following:

- Any relevant policy statements;

No policy statements exist for Coral Bay. This application is considered based on the requirements of the Local Law.

- The desirability of the proposed activity;

A survey recently conducted, by Coral Bay Beach Hut, at the beach resulted in 75% of patrons confirming they would rent beach equipment and 100% supporting the use of free reef-safe sunscreen.

- The location of the proposed activity;

The mobile trader will occupy two car parking spaces anywhere within the carpark as illustrated above in the report. Considering that there are multiple free parking areas relatively close to the beach and that the majority of people in Coral Bay are staying in holiday accommodation, it is considered acceptable to “lose” two car spaces for day visitors in lieu of providing a tourism service to beachgoers.

- The circumstances in the case;

This is the first mobile trading application for Coral Bay Beach Hut. If a license is granted the situation can be monitored and if objections are received the license can be revoked.

Other matters to be considered

- Signage

No signage will be displayed other than that on the trailer.

- Parking

There are several free parking areas available in Coral Bay. Carparks in front of the Information Centre are not marked, it is estimated that 55 sites are available. Bill’s Bay carpark has 34 marked carparks that are seldom fully occupied. Peoples Caravan Park free day parking hosts 32 carparks directly across the road from Bills Bay beach. The arcade carpark hosts 87 carparks. The applicant stated that speaking with local owners and a with a local understanding of Coral Bay, most of Bill’s Bay patrons walk directly from their accommodation to the beach leaving the car parking mainly for day visitors. It is recognised that this carpark is usually full during peak season and that car parking in Coral Bay during that time is in high demand. However, considering the number of spaces available in relative short distance to the beach, and the service offered by Coral Bay Beach Hut is not offered elsewhere in Coral Bay, it is considered acceptable to support this mobile trading application.

- Services or products already catered for by others

The Local Law specifies that a Council may refuse an application when the particular service or products on offer are already adequately catered for by other businesses or licensees in the area. The applicant advised that Coral Bay Beach hut would not provide any service or products that are already provided for by other businesses in the area. A condition on the licence would stipulate that requirement.

- Approval or consent from Department of Biodiversity, Conservation and Attractions (DBCA)

Coral Bay Beach Hut will provide equipment to be used on land controlled by the DBCA. In order to make sure that DBCA is aware of this proposal, a requirement on the licence will be that DBCA approval or consent must be sought, and evidence of approval or consent be provided to the Shire prior to operating.

Relevant Plans and Policy:

Nil.

Financial Implications:

There are no identified financial implications.

Risk Assessment:

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

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Public Scrutiny	Moderate	Decision making that is in accordance with Council’s Local Law.
Service disruption	N/A	N/A	N/A
Compliance	Complying with conditions	Low	Including measurable conditions on the licence that will be monitored
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.1	Local business growth

Objective 2: Natural and built environment.

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

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

Objective 5: Civic

Strong and listening Council.

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

Comment:

The licence application complies with the Shire's Local Law.

The site subject to this licence application complies with the requirements for mobile trading activity under the Local Law.

The following requirements are proposed to be included in the licence if one is to be issued by Council:

- the mobile trader must pack up all equipment and materials and leave the site in a neat state upon the end of its trading period each day.

It is recommended that the application be approved.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to the Shire of Carnarvon, Public Places and Local Government Property Local Law 2021 resolves that the application from Tajen Johnson to hold a 12-month, Traders Licence as the Coral Bay Beach Hut in Robinson Street road reserve (public carpark), CORAL BAY be approved, subject to the following conditions:

- 1) *This licence is valid for a period of 12 months from the date of approval.*
- 2) *Trading (inclusive of set up and pack up times) is limited to 7 days a week between the hours of 7:30am and 5:30PM each day.*
- 3) *Trading under this licence is limited to the public carpark at the end of Robinson Street adjacent to Bill's Bay.*
- 4) *Only umbrellas, gazebos, chairs and beach equipment not already catered for by other businesses or licensees in Coral Bay are allowed to be offered for rent under this licence including no tours service.*
- 5) *The licensee must have approval or consent from the Department of Biodiversity, Conservation and Attractions (DBCA) to utilise their land for the services provided under this licence.*
- 6) *A copy of DBCA's approval or consent must be provided to the Shire prior to operation of Coral Bay Beach hut under this licence.*
- 7) *No access to the site by the mobile trading vehicle being permitted over the adjoining footpath and the footpath shall be kept clear at all times to ensure ongoing pedestrian safety.*
- 8) *The licensee must remove his vehicle, trailer and all of his goods, wares and merchandise from the place to which the licence applies and leave that place clean and vacant in all respects whenever not trading at the place.*
- 9) *Only Coral Bay Beach Hut services are allowed to be offered under this license.*
- 10) *The licensee must comply with the Shire of Carnarvon Local Government Act Local Laws and all other laws, including traffic, parking and planning laws and laws relating to advertising signs and obstruction of thoroughfares.*
- 11) *External advertising on the trading van is to be limited to products and services provided by the trader.*
- 12) *The licensee must legibly and conspicuously display the licence on the vehicle used for trading.*
- 13) *The licensee must on demand produce this licence to any authorised person of the Shire or any police officer or the person in charge of the place where the licensed activity is carried out.*
- 14) *The licensee must maintain a minimum of \$20 million public liability insurance covering the licensed activity for the full period of the licence.*
- 15) *The licensee must not trade at any given place and time unless it is safe to do so and must consider the safety of other vehicles and pedestrians.*
- 16) *The trading activity must not cause unreasonable nuisance considering the trading environment.*
- 17) *No other signage apart from signage on the trailer is permitted.*

Advice Notes

- a. *Trading licences are issued subject to the Local Laws of the Shire of Carnarvon and applies only*

- within the Shire of Carnarvon district.*
- b. Trading licences are not transferable without the written consent of the Council.*
 - c. Trading licensees must comply with all the requirements of s. 29 of the Shire of Carnarvon Local Government Act Local Laws. A copy of this may be obtained from the Council office at 3 Francis St, Carnarvon WA.*
 - d. This licence does not grant exclusive rights to the approved trading area.*

File No:	ADM1757
Date of Meeting:	24 May 2022
Location/Address:	Lot 308 (19) Banksia Drive, Coral Bay
Name of Applicant:	Harley Dykstra Planning Consultants
Name of Owner	Baiyungu Aboriginal Corporation
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	25 May 2021 FC 21/5/21
Schedules:	Schedule 7.3.2 (a) – Submission assessment Schedule 7.3.2 (b) – Schedule of additional modifications Schedule 7.3.2 (c) – Submissions Schedule 7.3.2 (d) – Schedule of modifications Schedule 7.3.2 (e) – Amendment documentation

Authority / Discretion

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

Summary of Item:

The Shire has received an application from Harley Dykstra planning consultants on behalf of BAC Village Pty Ltd. for a 'basic' scheme amendment to Local Planning Scheme No. 13 (LPS13). The amendment seeks to substitute the term 'holiday houses' with the term 'holiday accommodation' as it applies to Lot 308 Coral Bay. The Lot is owned by the Baiyungu Aboriginal Corporation (BAC).

This report seeks Council's resolution to support the proposed 'complex' amendment with modifications as outlined in **Schedule 7.3.2 (b)** attached to this report, and forward the amendment to the WAPC with the request for the Minister for Planning to grant approval.

Background:

The applicant, Harley Dykstra has requested the Shire to:

initiate a Basic Scheme Amendment to amend Schedule 3 by replacing existing references to 'Holiday Houses' with 'Holiday Accommodation' which would enable two or more dwellings on a lot.

The definition of the terms *holiday house* and *holiday accommodation* under LPS13 are:

Holiday house means single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast;

Holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

It is recognised that the holiday house definition, if strictly applied, would mean that only one dwelling could be built on a 'freehold' or 'green title' lot as opposed to a one dwelling per strata title lot. The proposed 'basic' scheme amendment seeks to amend Schedule No. 3 – Restricted Uses for Land in Scheme Area by substituting the term 'holiday houses' with the term 'holiday accommodation'.

However, following lodgment of amendment No. 1 with the WAPC the Commission made modifications to amendment so that the Shire of Carnarvon's Local Planning Scheme No.13 (LPS 13), as it relates to Coral Bay, introduce 'Holiday Accommodation' on Lot 308 Banksia Drive and to provide options to assist in resolving long term workforce accommodation issues. These options include introducing 'Workforce Accommodation' as an incidental use on tourism zoned land.

The modified amendment area covers approximately 62 hectares that comprises of various lots within the Coral Bay settlement including (see Figure 1 - Location Plan):

- Lot 308 Banksia Drive;
- Lot 52 / 66 Robinson Street;
- Lot 800 / 79 Banksia Drive;
- Lot 13 / No 20 Robinson Street;
- Lot 1 / 14 Robinson Street;
- Lot 9500;
- Lot 1 / 44 Robinson Street and Lot 2 / 24 French Street; and
- Lot 10 / 16 Robinson Street.



Figure 1 – Location Plan

The proposed modified amendment seeks to:

- Modify Schedule 3 – Restricted Uses for Land in the Scheme Area – Restricted use No. 3 to include provisions that require structure planning and further guidance to the potential subdivision and development of Lot 308;

- Modify Schedule 3 – Restricted Uses for Land in the Scheme Area – for numbers 1, 4, 5, 6, 7, 8 and 15 to allow local tourism operators to potentially cater for their employees on site by introducing ‘Workforce Accommodation’ as an incidental use on tourism zoned land and as a permitted use on a private vacant tourism lot that has not yet been developed (Lot 10);
- Insert a new Special Control Area 11 – Special Control Area 11: Lot 308 Coral Bay to protect existing and proposed workforce accommodation on Lot 308; and
- Modify the Scheme Maps accordingly to introduce a Special Control Area over the existing and proposed workforce accommodation on Lot 308.

The modified amendment seeks to balance the need to work towards resolving the long-term provision of workforce accommodation in Coral Bay while also encouraging the further development of additional holiday accommodation through:

- Protecting the existing and proposed workforce accommodation on Lot 308 by introducing a Special Control Area over Lot 308 – Special Control Area 11 – Lot 308, Coral Bay;
- Introducing diversification of development opportunities for tourism providers in Coral Bay by allowing ‘Workforce Accommodation’ as an incidental use on tourism zoned land and as a permitted use on a private vacant tourism lot that has not yet been developed (Lot 10); and
- Broadening the development opportunities for Lot 308 from the current ‘Workforce Accommodation’ and ‘Holiday House’ uses to also include ‘Holiday Accommodation’ uses – which will provide additional accommodation options for visitors to Coral Bay, particularly considering that Lot 308 is a large lot (approximately 30 hectares) that can support ‘Workforce Accommodation’, ‘Holiday Houses’ and ‘Holiday Accommodation’ uses.

Stakeholder and Public Consultation:

Following Council’s resolution to initiate the initial basic scheme amendment, the amendment was lodged with the WAPC. WAPC then modified the amendment, as explained above, to a complex scheme amendment that had to be advertised and referred to the Environment Protection Authority (EPA). The complex scheme amendment No. 1 was referred to the EPA for comment. EPA advised that the modified 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 complex amendment was advertised for 60 days in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015. The complex amendment was advertised on the Shire’s website and published in the Midwest Times. The complex amendment was also referred to the following public authorities:

- Department of Fire and Emergency Services
- Department of Transport
- Water Corporation
- Horizon Power
- Department of Water and Environment Regulation
- Department of Biodiversity, Conservation and Attractions
- Department of Jobs, Tourism, Science and Innovation
- Department of Communities
- Gascoyne Development Commission

Eight submissions were received during the advertising period and one late submission, which can be found in **Schedule 7.3.2 (c)** attached to this report. The submissions are summarized and discussed in **Schedule 7.3.2 (c)** which includes the officer’s recommendation.

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 41(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government must consider all submissions in relation to a complex amendment to a local planning scheme and pursuant to Regulation 41(3) must pass a resolution before the consideration period ends, which is 90 days after the end of the submission period (23 April 2022), 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. The WAPC has extended the above consideration period and a Council resolution must now be made before 3 June 2022.

Shire of Carnarvon Local Planning Scheme No. 13

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

Relevant Plans and Policy:

In 2004, the State Government adopted State Planning Policy 6.3: Ningaloo Coast and the Ningaloo Coast Regional Strategy Carnarvon to Exmouth. The strategy contained the original Coral Bay Settlement Plan (CBSSP), which did not support permanent residential development and established the principle of having separate workforce accommodation outside of tourism and commercial sites. The site for workforce accommodation that was identified was Lot 308.

The CBSSP was reviewed in 2013 which resulted in the adoption of the Coral Bay Settlement Structure Plan 2014 (CBSSP), which sets a 25 year vision and is similar to a district structure plan. It provides guidance on matters such as future land use, tourism bed numbers and the coordination and provision of major infrastructure.

Regarding Lot 308, two of the key strategic directions of the CBSSP are:

- Lot 308 to be the 'Workforce Accommodation' precinct for Coral Bay that provides up to 400 beds for persons who need to reside in Coral Bay as a result of their businesses or employment.
- Lot 308 to also provide the option for short term accommodation through the provision of 'Holiday Homes' for up to 520 beds."

The CBSSP also allows for lease tenure or survey-strata subdivision, following preparation of a structure plan, for both the 'workforce accommodation' and 'holiday homes' uses. The proposed amendment would allow for 'holiday accommodation' to be developed on 'superlots' or lots with a minimum of 4000m2 with the possibility for lease tenure.

Financial Implications:

There are no other financial implications associated with the proposal.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A

Health & Safety	N/A	N/A	N/A
Reputation	The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning	Low	If the proposal is not supported the current scheme will stay in force and Lot 308 may only be developed in accordance with current requirements.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	The landowner's ability to development holiday accommodation within Lot 308 is constrained by current terminology in the Scheme.	Low	The scheme amendment will remove any confusion about the permissibility of the use of the subject land for both workforce accommodation and holiday accommodation.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

The request to amend Local Planning Scheme No. 13 also generally accords with the following Shire desired outcome as expressed in the Strategic Community Plan 2018 – 2028.

Objective 2: Natural and built environment

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

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

Comment:

Following consideration of the submissions it is recommended that the proposed complex amendment be further modified as per **Schedule 7.3.2 (b)** attached to this report. These additional modifications address some of the issues raised in the submissions, which were deemed necessary for clarification and consistency purposes.

This amendment seeks to provide options to improve outstanding workforce accommodation issues in Coral Bay as well as provide for further options for the development of short-term accommodation on Lot 308 through the introduction of Holiday Accommodation.

It is recommended that Council support the proposal as a 'complex' amendment with modifications as outlined in **Schedule 7.3.2 (b)** attached to this report.

In addition to the above, the proposed complex amendment also affects the CBSSP, which must be reviewed considering the above changes to align with the proposed complex amendment. It is, therefore, further recommended to support the proposed schedule of modifications to the CBSSP that can be found at **Schedule 7.3.2 (d)** attached to this report.

OFFICER'S RECOMMENDATION

That Council by Absolute Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r41 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to:

- 1. Support with modification Scheme Amendment No. 1 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 7.3.2 (b) attached to this report.***
- 2. Note the submissions received as detailed in Schedule 7.3.2 (c) attached to this report.***

3. ***Pursuant to Regulation 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, amendment No. 1 to the Shire of Carnarvon Local Planning Scheme No. 13 affects the Coral Bay Settlement Structure Plan 2014 (CBSSP). Upon the amendment taking effect, the CBSSP is to be amended as per the recommended schedule of modifications – Schedule 7.3.2 (d) of this report.***
4. ***Resolves to 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.***

File No:	ADM0080
Date of Meeting:	24 May 2022
Location/Address:	N/A
Name of Applicant:	Carnarvon Growers Association
Name of Owner:	N/A
Author/s:	Kristine Adcock, A/Community Services Coordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Nil

Authority / Discretion

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

Summary of Item:

The item seeks Council's formal consideration of a proposal from the Carnarvon Growers' Association to provide financial assistance of \$5,000 (ex GST) towards an audio visual and related trade show package and travel assistance for representation at the Hort Connections national conference in Brisbane.

Background:

Carnarvon Growers' Association (CGA) is the Gascoyne's peak industry representing horticultural producers, advocating for a strong, profitable and sustainable local industry. CGA intends to collaborate with other organizations and stakeholders involved in the local industry to put together an audio visual and related trade show package as well as sending representatives to the Hort Connections conference in Brisbane from 6-8 June 2022.

The aim of this representation and showcase is to promote Carnarvon's role in producing high quality fresh produce for the tables of WA/Australian consumers. Networking and additional promotional opportunities will be focused on raising the profile as an investment proposal for the Gascoyne Region.

The Carnarvon horticultural industry is a significant contributor to the local economy with current production value at approximately \$100million, employing some 300 FTE workers and providing opportunity for local people to become involved in a growing industry.

Consultation:

Carnarvon Growers Association

Statutory Environment:

Local Government Act 1995

Relevant Plans and Policy:

N/A

Financial Implications:

The video production is a cost of \$7,865, flights and accommodation approximately \$3,000 and conference attendance costs approximately \$1,500. Carnarvon Growers’ Association to contribute the balance of funding. Breakdown of costs and contributions:

Video-production	\$7,865
Flights and accommodation	\$3,000
Conference costs	\$1,500
Total Project Budget	\$12,365
Requested support from Shire of Carnarvon	\$5,000
Contribution from Carnarvon Growers Association	\$7,365

It is proposed for Council to provide the use of specific developed video content that can be used for the audio-visual content and related trade show package. The Shire does not have sufficient budget to be able to support \$5,000 and no financial report has been provided by the Carnarvon Growers’ Association.

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	The Shire of Carnarvon can be scrutinized for the level of support provided to organisations within the community.	Low	Support for the event using already purchased assets.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.2	Strong community identity and spirit through arts, culture and events
3.2.1	Provide and promote visual arts facilities and exhibitions/activities
3.3.2	Facilitate volunteering opportunities within the Shire
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities
3.2.4	Support the delivery of public art initiatives

Comment:

The Carnarvon Growers' Association provided the following statement in support of this proposal:

- *Provides opportunity for organizational learning and capacity building through conference attendance and networking to incorporate development concepts into localized strategic vision.*
- *In regards to tourism; showcase of Carnarvon as both a place to do business and enjoy work life balance through opportunities to live the lifestyle.*
- *If funded, acknowledge the Shire of Carnarvon with signage, inclusion of Shire logo on print materials and audio visual production and verbal acknowledgement.*

The officer's recommendation is to not support the proposal received from the Carnarvon Growers Association for financial support of \$5,000 and provide the use of an array of video content owned by the Shire of Carnarvon and moral support from the Community and Tourism departments of the Shire.

OFFICER'S RECOMMENDATION PART ONE

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

- *Not support the proposal from the Carnarvon Growers Association requesting financial support of \$5,000 for the Carnarvon Horticulture Revitalisation and Hort Connections Conference Regional Showcase being held in Brisbane; and*
- *Provide the use of specific developed video content for the audio-visual and related trade show package owned by the Shire of Carnarvon.*

7.4.1 TEMPORARY CLOSURE OF GNARALOO - WARROORA COASTAL TRACK

File No. ADM0201
 Date of Meeting: 24 May 2022
 Location/Address: Gnaraloo - Warroora Coastal Track
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Gloria Quinn – Executive Administrator
 Carolien Claassens – Project and Contract Manager
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Schedules: 7.4.1 - Photos of water inundation over Gnaraloo-Warroora Coastal Track

Authority / Discretion

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

Summary of Item:

This report recommends that Council extends the temporary closure of the Gnaraloo-Warroora coastal track due to tidal water inundation and gives public notice of this extension. The reason for extending the temporary closure is that the track is currently impassable to vehicles as the ocean has breached the sand bar at Amherst Point. The officer’s recommendation is based on the potential risk to travellers who may attempt to drive this route through to Warroora Station.

Background:

After a heavy rain event on 1 April 2022, the Shire closed the Gnaraloo-Warroora coastal track. The temporary closure was initiated by officers as the track had become impassable to vehicles. This was due to the sand bar at the Amherst Point ‘lagoon’ breaching allowing the normally dry creek bed to fill with water and be subject to tidal inundation.

The site was recently inspected by officers to determine its status. The sand bar at the lagoon entrance was beginning to re-establish however overtopping continues to occur keeping water in the lagoon at

a level that prevents vehicles from proceeding along the track. Water depths across the track are estimated at 1 – 1.5 metres. **Schedule 7.4.1** provides photos of the inundated section.

Section 3.50 of the Local Government Act 1995 allows a local government to “close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks”. This may occur without public notice. However, if a closure is to be extended beyond four weeks, public and other notice must be given.

Stakeholder and Public Consultation:

A Public Notice is required to extend the temporary closure of the track beyond the initial four-week period.

Statutory Environment:

Section 3.50 of the Local Government Act 1995 applies.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

Nil applicable.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	To allow vehicles to use the Gnaraloo-Warroora coastal track in its current state may put travellers and vehicles at risk of being stranded.	B3: High	Keeping the coastal track closed until the areas of water inundation are traversable supports the Shire’s duty of care and responsibility for travellers using the Shire’s road network.
Reputation	The stranding of travellers and vehicles along the coastal track would impact negatively on the Shire’s reputation.	C2: Moderate	Keeping the coastal track closed until the areas of water inundation are traversable supports the Shire’s duty of care and responsibility for travellers using the Shire’s road network.

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Service disruption	The track is an “adventure” style 4WD track only. Disruption to service will be experienced by those track users. No direct commercial-type service disruption will result from the temporary closure.	C1: Low	A monthly minimum inspection will be undertaken by officers to monitor the inundation section to reopen the track as soon as possible.
Compliance	N/A		
Property	If reopened, vehicles may enter the crossing and become stranded. Stranding may result in vehicles being badly damaged requiring significant recovery actions.	C3 - High	Only well-prepared vehicles able and prepared to undertake deep water crossings will be able to successfully traverse the inundated section.
Environment	Vehicles are likely to seek paths off the gazetted road around the inundated section resulting in damage to dunes and/or vegetation.	B2: High	Keeping the coastal track closed until the areas of water inundation are traversable supports the Shire’s duty of care and responsibility for travellers using the Shire’s road network.
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

Upon recent track inspection, other than the inundation section, the April heavy rain had not caused significant change in the level of service as an adventure type 4WD track.

A partial opening of the track up to the inundated section has been considered as an alternative to full track closure even though there would be little value from a round trip to Amherst Point. If that were to be implemented, temporary signage and public information would be required to ensure track users are fully aware that there is no through road and the track is not traversable.

It is considered likely however that if this were implemented, some track users may:

- a) attempt to make the water crossing with the potential of becoming stranded or causing severe vehicle damage – this then opens potential for costly and damaging recovery type operations; and/or.
- b) seek alternate routes outside the road reserve through the nature reserve causing damage to protected vegetation and dune areas.

Regular inspections of the track (a minimum of once per month) are proposed to monitor the inundation status. It must be noted, the possibility exists that the coastal sandbar does not re-establish, and the track remains inundated. Evidence to date suggests however that the sandbar is building in height, and it will simply be a matter of waiting until it does so the track can be fully reopened.

Previous direction from Council to have the track open to the public is well noted and has been taken into consideration. The recommendation for the formal temporary closure is essentially a procedural matter to ensure proper legal compliance with the Act while the track is not traversable. As soon as the track can be traversed safely by 4WD vehicles, reopening will occur.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.50 of the Local Government Act resolves to authorise the CEO to carry out the actions necessary to extend the temporary closure of the Gnaraloo Warroora coastal track for a maximum period of three months or until the track is trafficable and inundation has reduced to the extent necessary to allow through access to 4WD vehicles, whichever is the sooner.

7.4.2 BUDGET VARIATION APPROVAL RESEALING OF OLIVA TCE CARPARK AND FESTIVAL ROAD

File No. ADM0048
 Date of Meeting: 24 May 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Carolien Claassens – Project and Contract Manager
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority
 Schedules: 7.4.2 – Extract Ordinary Council meeting April 2022

Authority / Discretion

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

Summary of Item:

Approval is requested for a variation to the 2021/22 budget for re-sealing of Festival Road and Oliva Terrace car parks.

Background:

During the Ordinary Council meeting on 26 April 2022, Council approved the re-sealing of town streets and Carnarvon Mullewa Road in the current financial year, commencing in June. An extract of the Council minute is provided in **Schedule 7.4.2**.

Re-sealing is funded by the Department of Infrastructure, Transport, Regional Development and Communications (Department) via the Roads to Recovery Program.

Festival Road and the town beach car parks on Oliva Terrace were also identified as due for re-sealing. These locations are provided in the maps below.



Map 1: Festival Road



Map 2: Olivia Terrace car parks

The funding body advised that as Festival Road is not a gazetted road it is not eligible for Roads to Recovery funding. Similar advice was received for the parking areas on Olivia Terrace. On street parking can be funded under Roads to recovery (such as the main street) particularly where that parking is also not eligible for Roads to Recovery funding.

With a re-sealing contractor programmed to on site in June resealing the remaining roads identified in the Road to Recovery project, it is considered beneficial to include resealing of Festival Road and Olivia Terrace car parks.

An estimated \$36,345 is required to re-seal these areas. Sufficient budget is available in the Shire funded road construction budget to allow for that work to occur.

Stakeholder and Public Consultation:

Nil

Statutory Environment:

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

Local Government Act 1995 - Section 3.18 Performing executive functions.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

The proposed budget variation does not have an impact on the 2021/2022 budget as sufficient funds are available to cover the cost of the additional re-sealing.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Increased cost due to additional mobilisation & demobilisation to only re-seal Festival Road & Olivia Tce car parks.	B2 High	Inclusion of the works during the programmed re-sealing works.
Health & Safety	N/A		
Reputation	Decline in the standard of these carparks may impact the reputation of the Shire in relation to management of its assets.	C2 Moderate	Inclusion of the works during the programmed re-sealing works.
Service disruption	N/A		
Compliance	N/A		

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Property	Further decline of the seals.	B2 High	Inclusion of the works during the programmed re-sealing works.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 5: Civic

Strong and listening Council.

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

Comment:

The requirement to re-seal Festival Road and the Olivia Terrace car parks was included in the April 2022 Council agenda item. The item included comment that these, "May not be an eligible road section for R2R. If so, additional Carnarvon Mullewa Road sections will be resealed."

The Olivia Terrace carparks and Festival Road were confirmed as being ineligible for R2R funding. The additional \$36,344 of R2R funding will be allocated to Carnarvon Mullewa Road to fully utilise the available R2R funding.

During inspections, the existing condition of the carpark areas was noted as being poor. Resealing as soon as possible is recommended.

Both sections were identified as provisional items on the order placed with the resealing contractor. If the recommended variation is accepted by Council, the resealing contractor will be advised to include this work in its June 2022 program.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, approves the following variation to the 2021/22 budget:

COA	Job	Description	Original Budget	Budget variation	Amended budget
137600	C203	Festival Road	\$ 0.0	\$ 21,971	\$ 21,971
137600	C101	Olivia Terrace	\$ 0.0	\$ 14,373	\$ 14,373

137600	C702	<i>Grid Construction & Approaches</i>	\$ 246,255.10	- \$ 36,344	\$209,911.10
<i>Difference</i>			\$ 246,255.10	\$ 0.0	\$ 246,255.10

7.4.3 BUDGET VARIATION PREPARING AUSTRALIAN COMMUNITIES PROGRAM – IMPROVING FLOOD PREPAREDNESS PROJECT

File No. ADM0279
 Date of Meeting: 24 May 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Carolien Claassens – Project and Contract Manager
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority
 Schedules: 7.4.3 Extract Special Council Meeting 17 Jan 2022

Authority / Discretion

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

Summary of Item:

Approval is requested for a variation to the 2021/22 budget to allow for the Improving Flood Awareness Project funded by the Preparing Australian Communities Program (PACP).

Background:

The PACP supports disaster risk reduction and resilience initiatives to reduce impacts of natural hazards on Australian communities.

The Shire together with DPRID and DWER, all being part of the Flood Management Working Group, developed the ‘Improving Flood Preparedness Project’. The project includes the elements described in the table below:

No.	Project Element description	Responsible Project Partner
1.	Town Levees – upgrade existing public hazard defence infrastructure relating to floods	Shire
2.	Flood gates – upgrading existing public hazard defence infrastructure relating to floods.	Shire

No.	Project Element description	Responsible Project Partner
3.	Geotechnical investigation of all (town) levees to refine the scope of works Required for the Carnarvon levee system and create a prioritisation schedule.	Shire
4.	Embankment Stabilisation will be assessed to further understand contributing factors that can assist in retaining the material of the levees	Shire
5.	Detailed survey to define hydraulic conditions and updated hydraulic modelling	DWER
6.	River Care flood ways management plan	DPIRD
7.	River care and flood ways natural infrastructure upgrades (implementation of River Care flood ways management plan)	DPIRD

The grant application included the following grant request and co-contributions of the project partners:

Grant request	\$ 1,390,772
Co-contribution Shire of Carnarvon	\$ 484,657
Co-contribution DWER	\$100,000
Co-contribution DPIRD	\$ 224,999
Total Project Budget	\$ 2,200,428

During the Special Council Meeting on 17 January 2022 Council resolved to retrospectively approve the funding application with PACP.

On 21 April 2022 the Shire was formally advised of the successful grant application. All project elements and the full amount of grant request have been accepted.

Payment of the \$1,390,772 of funding will be over three financial years, including:

- 2021/22 - \$ 474,946 – upon execution of the fund agreement
- 2022/23 - \$ 695,065
- 2023/24 - \$ 220,761

With the first payment expected in the current financial year, a budget variation will be required.

The engagement of a project manager will be the first step in commencing the project.

Stakeholder and Public Consultation:

Nil applicable.

Statutory Environment:

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

Local Government Act 1995 - Section 3.18 Performing executive functions.

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

Acceptance of the grant application will result in a **cash** contribution from the Shire of \$401,030 and an **in-kind** co-contribution of \$83,627.

Depending on the project progress, expenditure of the co-contribution from Council will impact the 2022/23 and 2023/24 budgets.

Project element 7 - River care and flood ways natural infrastructure upgrades (implementation of River Care flood ways management plan) includes upgrade of eroded riverbanks and remediation of floodways on crown land, vested to the Shire. Whilst DPRID is the leading agent for this project, the Shire will assist with implementation of the works on crown land. A cash contribution of \$50,000 will be paid to the Shire from DPIRD.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss of funding not approving the budget variation.	A2: High	Accept the officers recommendation
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.3	Flood control and stormwater management practices that are efficient and sustainable

ITEM	OUTCOMES AND STRATEGIES
2.3.1	Provide for effective management and maintenance of Council's flood control and stormwater infrastructure

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability

Comment:

It should be noted, the total project cost and grant request amount advised in the agenda item for the Special Council meeting in January is incorrect. The correct total project cost is \$2,200,428 being \$50,000 more than approved in the January agenda item. The additional \$50,000 is part of the approved grant amount. It has no impact on the co-contributions from any of the project partners.

The proposed budget variation in the table below does not include the co-contribution from DPIRD and DWER. These co-contributions will not impact the Shire's budget, hence are not included. Each project partner will be responsible for the expenditure of its own co-contribution.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, approves the following variation to the 2021/22 budget:

COA	Job	Description	Budget variation	Comment
139860	TBC	Town levees and flood gate upgrade & project management	\$969,314	Incl. \$484,657 cash & in-kind contribution from the Shire.
139860	TBC	Hydraulic Survey & Modelling	\$325,000	
139860	TBC	Geotechnical Investigation	\$100,752	
139860	TBC	Embankment Stabilisation Review	\$90,632	
139860	TBC	River Care & floodway Management plan	\$164,732	
139860	TBC	River Care & floodway natural infrastructure upgrade	\$274,999	Incl. \$50,000 cash from DPIRD for assistance from Shire.
139870		Grant – Improving Flood Preparedness Project	- \$1,440,772	Funding \$1,390,772 and \$50,000 from DPIRD for assistance from Shire
Difference			\$484,657	\$484,657 cash & in-kind contribution from Shire