



SHIRE OF CARNARVON

MINUTES

ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

Shire Council Chambers
Stuart Street Carnarvon, West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
Website – www.carnarvon.wa.gov.au

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.)

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The meeting was declared open by the Presiding Member at 1.00pm
The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

(To be noted that Cr Burke Maslen was sworn in by the CEO Mrs Andrea Selvey on Friday 6 October 2023, and President elect Smith and Councillors' elect Kelly and D Maslen were sworn in by Mrs Jill Dwyer, JP at a swearing in ceremony held in Council Chambers at 12.30pm prior to the Council Meeting)

MOTION

COUNCIL RESOLUTION OCM 01/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That Councillor Burke Maslen be permitted to join the Council Meeting by instantaneous communication at an approved location in Broome Western Australia.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

Cr Eddie Smith Presiding Member/Shire President
 Cr Burke Maslen Councillor, Gascoyne/Minilya Ward(by instantaneous communication)
 Cr Adam Cottrell Councillor, Coral Bay Ward
 Cr Marco Ferreira Councillor, Plantation Ward
 Cr Luke Skender Councillor, Town Ward
 Cr Luke Vandeleur Councillor, Town Ward
 Cr Paul Kelly Councillor, Town Ward
 Cr Dudley Maslen Councillor, Town Ward

Apologies Nil
Approved Leave of Absence Nil
Press..... Nil
Observers Nil

1.1 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President informed the meeting of proceedings for the election of the Deputy Shire President, pursuant to Regulation 11A of the Local Government (Constitution) Regulations 1996.

Nominations were called from Elected Members present and only one nomination was received from Cr Burke Maslen therefore Cr Burke Maslen was declared elected as Deputy Shire President.

2 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 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)
Public Question Time commenced at 1.05pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

Public Question Time was closed at 1.05pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 26 September 2023

COUNCIL RESOLUTION OCM 02/10/23

Moved: Cr Luke Skender

Seconded: Cr Luke Vandeleur

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

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

The Shire President welcomed newly elected Councillors' Paul Kelly and Dudley Maslen and returning Councillors' Luke Vandeleur and Burke Maslen to Council.

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ELECTION AND APPOINTMENT OF REPRESENTATIVES - WALGA ZONE COMMITTEE AND REGIONAL ROAD GROUP COMMITTEE

File No:	ADM2014
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:	November 2021
Schedules:	<ol style="list-style-type: none"> 1. Gascoyne Zone - Standing Orders and Elected Member Prospectus 2. Gascoyne Regional Road Group - Terms of Reference 3. WALGA - Request for Council Representatives

Authority/Discretion:

<input checked="" 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
<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 seeks a Council resolution to appoint a Council representative to the WA Local Government Association’s (WALGA) Gascoyne Zone Committee and the Main Roads Department Gascoyne Regional Road Group (RRG). There are no Terms of Reference for the Gascoyne Zone Committee as such; however, the Zone Standing Orders and Elected Member Prospectus are attached for reference – see **Schedule 1**. A copy of the Terms of Reference for the Regional Road Committee is attached - see **Schedule 2**.

Background

Council provides representation to two types of Committees as follows:

1. Internal Committees, established under the *Local Government Act, 1995*, to provide Council with advice, or to undertake a specified function; and
2. External Committees on which Council wishes to be represented.

Committees are required to be reviewed within three months of an ordinary local government election for Council to determine whether the Committee should continue and if so, to review and endorse the Terms of Reference for each Committee. The Council should also consider and resolve to appoint members to Committees it wishes to retain. These matters are scheduled to be considered at the Ordinary Meeting of Council on 28 November 2023.

However, the appointment of a WALGA Gascoyne Zone representative and Regional Road Group representative is required to be made by Council in October as meetings of these Committees are scheduled to be held on 24 November 2023, prior to the November Ordinary Meeting of Council.

Stakeholder and Public Consultation

Nil

Statutory Environment

Section 5.10 of the Local Government Act 1995.

Relevant Plans and Policy

EME019 – Roles and Responsibilities of Shire Delegates to External Bodies

Financial Implications

Travel costs which may be incurred by Members to attend various meetings held outside the Shire of Carnarvon are considered immaterial and can be accommodated within the current budget allocation for Council expenses.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Council not having input into matters of interest to the sector from a Gascoyne region perspective.	Low	Appointing a Councillor to these Committees will ensure regional and Carnarvon input.
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

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Council representation on the Zone is an important link for Council on issues that may impact the sector, the region, and Carnarvon. Council’s membership on the Regional Road Group ensures Carnarvon’s participation in decision-making on matters relating to the region’s road strategies, priorities and investment.

OFFICER’S RECOMMENDATION

1. *That Council, by Absolute Majority in accordance with Section 5.10 of the Local Government Act (1995) resolves to appoint Cr and Cr..... (proxy) to the WALGA Gascoyne Zone Committee (names to be inserted in Minutes).*
2. *That Council, by Absolute Majority, in accordance with Section 5.10 of the Local Government Act (1995) resolves to appoint Cr..... and Cr..... (proxy) to the Gascoyne Regional Road Group (names to be inserted in Minutes).*

COUNCIL RESOLUTION OCM 03/10/23

Moved: Cr Luke Skender

Seconded: Cr Marco Ferreirinha

1. *That Council, by Absolute Majority in accordance with Section 5.10 of the Local Government Act (1995) resolves to appoint Cr Smith and Cr Burke Maslen (proxy) to the WALGA Gascoyne Zone Committee .*
2. *That Council, by Absolute Majority, in accordance with Section 5.10 of the Local Government Act (1995) resolves to appoint Cr Burke Maslen and Cr Smith (proxy) to the Gascoyne Regional Road Group.*

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.1.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2023

File No: ADM0043
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author(s): Dannielle Hill, Senior 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

This item reports on actions performed under delegated authority for the months of September and October 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; and
- 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

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

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The following table detailing the actions performed within the organisation under delegated authority for the months of September and October 2023 are submitted to Council for information.

DELEGATIONS – ENVIRONMENTAL HEALTH

Food—Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
20/9/2023	HFO23/011	New food business registration – Food trailer Yieson 2020 with registration plate 1TIV157	Kelly Capewell	

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)
20/9/2023	HOS23/004	Approval to install larger septic system with large capacity leaching bed, 20 McLeod St, South Carnarvon	Norwest Plumbing and Gas	Department of Communities

DELEGATIONS – LAND USE 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
A3578	P31/23	Lot 10, 16 Robinson Street, Coral Bay	Workforce accommodation units	Batavia holdings Pty Ltd	28/09/2023
ADM1865	P28/23	Lot 500, McGlades Road, North Plantations	Irrigation pump and filter shed and water tanks.	Frutico Pty Ltd	4/10/2023
A2374	P08/23	116 Robinson Street, Carnarvon	Expansion of caravan park	JRM Operations Pty Ltd	28/09/2023

Hawkers, traders and stall holders

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
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19/09/2023	P30/23	Renewal of existing mobile trading licence for Blowholes Tuckerbox	Brett Kilgallon	Nil	Nil
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DELEGATIONS – BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B19/041	JAMES GREGORY OORSCHOT	LOT 799 (15) PINCOMBE ST SOUTH CARNARVON	ADDITIONS & ALTERATIONS TO DWELLING
B23/056	COMMONWEALTH BANK OF AUSTRALIA	LOT 1 (4) ROBINSON ST, CARNARVON	BOUNDARY FENCE
B23/059	CAMERON & CHRISTINE PERRY	LOT 92 (6) TUCKEY CRT, MORGANTOWN	REAR 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 September and October 2023.

COUNCIL RESOLUTION OCM 04/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke 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 September and October 2023.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.1.3 DISPOSAL OF PORTION OF LOT 421, ROBINSON STREET, CARNARVON

File No:	ADM2239
Location/Address:	Lot 421, (on DP 22237) Robinson Street, Carnarvon
Name of Applicant:	Gascoyne Auto Service
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Senior Records Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Aerial view Lot 406 Robinson Street 2. Aerial View Lot 421 Robinson Street, Carnarvon 3. Portion of Lot 421, Robinson Street, Carnarvon 4. Independant Valuation 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 formally presents a request dated 4 October 2023 from Gascoyne Auto Service to purchase a Portion of Lot 421 Robinson Street, Carnarvon for Carparking & Access. The officer recommends that the request is approved.

Background

The land lies adjacent to Lot 406 Robinson Street, Carnarvon and was previously leased to PCYC and used for access and car parking for the adjacent building on Lot 406 Robinson Street (PCYC Site). Gascoyne Auto Service purchased the PCYC building in 2022 and have been in consultation with the Shire of Carnarvon for continuing use of the adjacent portion of land (also for access and carparking). An independent market valuation was conducted by Opteon Solutions in May 2023, this gave indicative values for both Lease rental (\$12,000 p.a.) and outright purchase of the portion of land (\$120,000). The Applicant advised that they wish to proceed to purchase the portion of land (subject to WAPC subdivision approval).

Stakeholder and Public Consultation

Gascoyne Auto Service
 Opteon Solutions

Statutory Environment

- S. 3.58 Local Government Act 1995
- Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnarvon Local Planning Scheme No. 13

Relevant Plans and Policy

CF018 Lease and Licensing Classification.

Financial Implications

The most recent valuation completed by Opteon 10 May 2023 found the capital or market value of the property is \$120,000 (subject subdivision and rezoning). Therefore, the officer’s recommendation is that Council consider the sale the property to Gascoyne Auto Services.

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

	Description	Rating	Mitigating Action/s
Financial	Ongoing maintenance costs associated with the upkeep of the property. Property is disposed through sale at set price.	Low	Disposal of property through sale will mitigate this risk. Purchase price is based on an independent commercial valuation and provides a fair market price for this request.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	Section of land is not able to be used by any other provider other than the occupier of the neighbouring property.	Low	Disposal of the property to the proposed owner will ensure that the property remains an active space and is maintained.
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*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The area of land was previously developed by PCYC as a car parking and garden area and provided side access to the main building. It's current use by Gascoyne Auto Services is as the main vehicle entrance to their workshop, it is an essential area for their business. Should Council resolve to accept this request the Applicant will need to obtain a land survey and lodge an application with WAPC to subdivide the Lot in question. Once WAPC approval is given the applicant is required to lodge a plan of the subdivision with Landgate for registration and new titles can be issued. The portion of land can then be legally sold and transferred to the applicant.

OFFICER'S RECOMMENDATION

1. *That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to accept the request from Gascoyne Auto Service to dispose of a portion of Lot 421 Robinson Street, Carnarvon under the following conditions:*
 - a) *Purchase price of \$120,000.00 as per market valuation report completed by Opteon Solutions on 10/05/2023*
 - b) *Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements.*
 - c) *Give local public notice of the proposed disposal by way of sale by Private Treaty of a Portion of Lot 421, Robinson Street, Carnarvon based upon market value of \$120,000.00*
 - d) *Should no objections be received, authorise the CEO to make any necessary non-material amendments and finalise execution of the sale (subject to WAPC sub-division and rezoning approval).*
 - e) *Should objections be received, bring the matter before Council.*
 - f) *Gascoyne Auto Service to commence their subdivision application to WAPC within 3 months from Council approval and meet all sub-division costs.*

COUNCIL RESOLUTION OCM 05/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

1. *That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to accept the request from Gascoyne Auto Service to dispose of a portion of Lot 421 Robinson Street, Carnarvon under the following conditions:*
 - a) *Purchase price of \$120,000.00 as per market valuation report completed by Opteon Solutions on 10/05/2023*

- b) Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements.*
- c) Give local public notice of the proposed disposal by way of sale by Private Treaty of a Portion of Lot 421, Robinson Street, Carnarvon based upon market value of \$120,000.00*
- d) Should no objections be received, authorise the CEO to make any necessary non-material amendments and finalise execution of the sale (subject to WAPC sub-division and rezoning approval).*
- e) Should objections be received, bring the matter before Council.*
- f) Gascoyne Auto Service to commence their subdivision application to WAPC within 3 months from Council approval and meet all sub-division costs.*

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2 CORPORATE SERVICES

7.2.1 MONTHLY FINANCIAL REPORT SEPTEMBER 2023

File No:	ADM0186
Location/Address:	N/A
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:	1. Monthly Financial Report - September 2023

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 September 2023 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity 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 the end of the applicable month.	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
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:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the September 2023 Statement of Financial Activity being presented at the September 2023 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the draft Statement of Financial Activity, legislative notes, and supporting notes for the period ended 30 September 2023.

Monthly Financial Report – contains:

- Statement of Financial Activity (by Nature or Type) - with Explanation of Material Variances*
- Note 1 Composition of Net Current Assets*
- Note 2 Statement of Financial Position*
(* required by legislation)

Notes for other supporting Information include:

- Basis of Preparation
- Statement of Financial Activity by Program
- Cash and Financial Assets
- Cash Reserves
- Capital Acquisition and Disposals
- Receivables
- Payables
- Rate Revenue – to be included after Rate levy
- Non-operating grants and contributions
- Operating grants and contributions
- Borrowings
- Lease Liabilities

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Draft Statement of Financial Activity for September 2023 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 06/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreira

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Draft Statement of Financial Activity for September 2023 as per attached Schedule 1.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.2 ACCOUNTS PAID UNDER DELEGATION SEPTEMBER 2023

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Vika Nafetalai, Finance Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	1. Accounts for Payment - September 2023 2. Credit Card Statements 23/08/2023 - 24/09/2023

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

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 September 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) and (B)

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

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Payments are made without appropriate budget authority	Low	Internal controls are in place to manage this potential risk.
Health & Safety			
Reputation			
Service disruption			
Compliance			
Property			
Environment			
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.

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) at a total value of \$3,381,596.75.

a) as presented for the month of October 2023, incorporating the following:

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT39294</i>	<i>EFT39543</i>	<i>Muni EFT</i>	<i>\$2,686,002.07</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40361.4</i> <i>DD40373.1- DD40373.2</i> <i>DD40377.1- DD40377.2</i> <i>DD40384.1</i> <i>DD40392.1</i> <i>DD40394.1- DD40394.3</i> <i>DD40394.5- DD40394.6</i> <i>DD40402.1</i> <i>DD40406.1</i> <i>DD40409.1</i> <i>DD40411.1</i> <i>DD40413.1</i> <i>DD40415.1</i> <i>DD40417.1- DD40417.2</i> <i>DD40422.1</i> <i>DD40428.1</i> <i>DD40432.1</i>	<i>DD40432.4</i>	<i>Bank Directs</i>	<i>\$ 695,594.68</i>
		<i>TOTAL</i>	<i>\$3,381,596.75</i>

b) Receive the copies of credit card statements for all such Shire Facilities for the period 23 August 2023 to 24 September 2023

COUNCIL RESOLUTION OCM 07/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

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

Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) at a total value of \$3,381,596.75.

a) as presented for the month of October 2023, incorporating the following:

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT39294</i>	<i>EFT39543</i>	<i>Muni EFT</i>	<i>\$2,686,002.07</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40361.4</i> <i>DD40373.1- DD40373.2</i> <i>DD40377.1- DD40377.2</i> <i>DD40384.1</i> <i>DD40392.1</i> <i>DD40394.1- DD40394.3</i> <i>DD40394.5- DD40394.6</i> <i>DD40402.1</i> <i>DD40406.1</i> <i>DD40409.1</i> <i>DD40411.1</i> <i>DD40413.1</i> <i>DD40415.1</i> <i>DD40417.1- DD40417.2</i> <i>DD40422.1</i> <i>DD40428.1</i> <i>DD40432.1</i>	<i>DD40432.4</i>	<i>Bank Directs</i>	<i>\$ 695,594.68</i>
		<i>TOTAL</i>	<i>\$3,381,596.75</i>

b) Receive the copies of credit card statements for all such Shire Facilities for the period 23 August 2023 to 24 September 2023

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.3 BUDGET ADJUSTMENTS - SEPTEMBER 2023

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Viv Matangi, Finance Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Monthly report
Schedules:	1. Budget Adjustments - September 2023

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 officer requested budget adjustments arising after the adoption of the 2023-2024 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 22 August 2023.

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

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

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

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	Potential for reduction in budget.	Low	The adjustments recommended in this report do not impact the net position of Council.
Health & Safety	NA	NA	
Reputation	Delay in identifying known expenditure changes has the potential to damage the shire’s reputation.	High	Identify changing circumstances and action budget variations as soon as practicable
Service disruption	NA	NA	
Compliance	Local Government Act requires that a local government is not to incur expenditure unless approved by Council.	High	This report to Council for approval ensures compliance requirements are met.
Property	NA	NA	
Environment	NA	NA	

Community 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*

ADDITIONAL FOCUS AREAS:

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

- *N/A*

Comments

Attached as **Schedule 1** for consideration are the proposed budget adjustments at the time of preparation of this report. These adjustments include:

- Grant funding received from DFES - Cyclone Seroja – Local Government Resilience Fund. Funding provided to undertake works to community evacuation centre - Carnarvon Civic Centre (Woolshed).
- Reallocation of funds from the Aquatic Centre Entry Improvements to other Aquatic Centre improvements.
- The Department of Transport (DOT) has undertaken to provide \$25,500 to the Shire to fully fund geotechnical testing on the main runway, taxiways, and apron areas of Carnarvon Airport. Testing will assist to inform and quantify any potential impacts associated with the introduction by Rex of the Q400 aircraft servicing Carnarvon three times per week.

Adjustments Impacting Budgeted Closing Position

Nil

Adjustments with no impact on budget closing position

There are three 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, resolves to approve the adjustments to the 2023/2024 adopted Shire budget as detailed in this report and attachment as per Schedule 1, in accordance with section 6.8(1) of the Local Government Act 1995.

COUNCIL RESOLUTION OCM 08/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That Council, by Absolute Majority, resolves to approve the adjustments to the 2023/2024 adopted Shire budget as detailed in this report and attachment as per Schedule 1, in accordance with section 6.8(1) of the Local Government Act 1995.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 RECONCILIATION ACTION PLAN (RAP) WORKING GROUP APPLICANTS

File No:	ADM0281
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. CONFIDENTIAL RAP Reference Group Nominations (under separate cover)

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 seeks Council approval to appoint four (4) community members who have applied to be on the Shire’s Reconciliation Action Plan (RAP) Reference Group.

Background

In July 2022, Council endorsed the Reconciliation Action Plan (RAP) for the Shire of Carnarvon. A key action of the RAP is to establish and maintain an effective reference group to inform and guide the implementation of the RAP.

In April 2023, Council endorsed the RAP Reference Group Terms of Reference which provided the framework for the Shire to call for expressions of interest for this Reference Group from the community.

The RAP Reference Group aims to provide the Shire with strategic advice on the views, needs, and interests of Aboriginal People in the Carnarvon and Coral Bay region.

The RAP Reference Group will inform and monitor the Shire of Carnarvon’s Reconciliation Action Plan implementation through collaboration, communication, and positive relationships.

The objectives of the RAP Reference Group are to:

- Develop and maintain strong relationships between the Shire and the Aboriginal community of Carnarvon.
- Provide feedback and comment in relation to the Shire of Carnarvon's Reconciliation Action Plan.
- Assist with and monitor the progress of the Shire of Carnarvon's Reconciliation Action Plan deliverables.
- Provide input into reviewing, evaluating, and developing future Reconciliation Action Plans developed by the Shire of Carnarvon.
- Inform and advise the community of actions that have occurred as a direct result of the Reconciliation Action Plan.
- Raise awareness and advocate for improved access to Shire services by Aboriginal and Torres Strait Islander people, cultural relevance, and appropriateness of all Shire services, policies, and programs.
- Facilitate access to Aboriginal and Torres Strait Islander residents, businesses, stakeholders, and community leaders.
- Assist in identifying and removing barriers to equal participation for Aboriginal and Torres Strait Islander people and community.
- Advocate for the Aboriginal and Torres Strait Islander community, promoting recognition of contribution to the community.

Following Council's endorsement of the Terms of Reference for the RAP Reference Group, the Shire advertised for members through various channels such as social media, the website, and targeted emails to stakeholders within the community which resulted in four applications for membership to this Reference Group – see attached nominations (CONFIDENTIAL).

As per the Terms of Reference, the membership allows for up to five (5) community members encompassing Aboriginal residents and service providers/stakeholders.

Stakeholder and Public Consultation

Applications for membership to the RAP Reference Group were advertised widely in the community via social media, Shire newsletter, emails to stakeholder agencies, and website promotion.

Statutory Environment

S5.10 of the Local Government Act 1995.

Relevant Plans and Policy

Community Strategic Plan 2022-2032
Reconciliation Action Plan 2022-2023

Financial Implications

Council has budgeted \$2,000 for implementation of the Reconciliation Action Plan in the 2023/24 financial year. While establishing and supporting the RAP Reference Group and minor initiatives can be met within the

2023/24 budget allocation, the cost of any additional initiatives or actions arising from this Reference Group would be presented to Council for formal consideration of resource allocation or from grant funding.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Financial risks may arise from the costs associated with operating and supporting the RAP Reference Group.	Moderate	Ensure operation within an allocated budget, and regularly monitor expenditure.
Health & Safety	Risks related to the health and safety of members and stakeholders participating in RAP activities.	Low	Implement health and safety protocols for meetings, events, and activities involving the Reference Group.
Reputation	Risks to the Shire’s reputation, should the Reference Group not adhere to good governance.	Moderate	Ensure that the Reference Group operates in accordance with relevant laws, regulations, Code of Conduct, and the RAP Terms of Reference.
Service disruption	N/A		
Compliance	Risks associated with non-compliance with laws, regulations, or policies during the operation of the Reference Group.	Moderate	Ensure that the Reference Group operates in accordance with relevant laws, regulations, Code of Conduct, and the RAP Terms of Reference.
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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our community is engaged, inclusive and supportive*
- *Our community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Shire, via the Council-endorsed RAP, has made a commitment to the journey towards reconciliation by focusing on learning, promoting, and celebrating the world’s oldest continuing culture and building our cultural competency. The RAP Reference Group will support the Shire to continue to develop an understanding and connections with the region’s Aboriginal people.

The applicants presented and recommended to Council will provide the Shire will valuable insight and connection to the Aboriginal community and will play an instrumental role in fostering a sense of belonging and unity.

OFFICER’S RECOMMENDATION

That Council, by Absolute Majority, pursuant to s5.10 of the Local Government Act resolves to appoint the following community representatives to the Shire of Carnarvon Reconciliation Action Plan (RAP) Reference Group for a period of two years, commencing 01 November 2023 (names to be inserted in the Minutes) and formally acknowledge all applicants for their commitment and support:

1. _____
2. _____
3. _____
4. _____

COUNCIL RESOLUTION OCM 09/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That Council, by Absolute Majority, pursuant to s5.10 of the Local Government Act resolves to appoint the following community representatives to the Shire of Carnarvon Reconciliation Action Plan (RAP) Reference Group for a period of two years, commencing 01 November 2023 (names to be inserted in the Minutes) and formally acknowledge all applicants for their commitment and support:

1. ***Renee Turner***
2. ***Karla Tittums***
3. ***Paige Ryan***
4. ***Carleen Ryder***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.4 INFRASTRUCTURE SERVICES

7.4.1 2023/2024 ROADS TO RECOVERY PROJECT APPROVAL

File No:	ADM0048
Location/Address:	Various
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Projects Considered for Unallocated R2R Funds

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

A review of the Shire of Carnarvon Roads to Recovery (R2R) program has been completed to determine the most beneficial way forward for the allocation of presently unallocated R2R funds.

Council approval is sought to formally increase the R2R allocation to the current R2R main street reconstruction project. That allows the total Shire contribution toward that project to be reduced with that money able to be either reallocated to an alternative project(s) or placed into reserve.

Background

The Department of Infrastructure, Transport, Regional Development and Communications (Department) supports maintenance and improvement of local road infrastructure assets via the Roads to Recovery (R2R) Program. The following table describes the 23/24 R2R program nominated in the adopted Shire budget. All figures are excl GST.

Project	Cost to R2R	Shire Contribution	Status
Harbour Road Intersection Asphalt Upgrade (Cornish Street and Road Train Assembly Area)	\$460,000	Nil	Contract issued. Works to be completed by 31 Dec 2023.
Main Street Construction	\$961,650	\$118,000	Practical completion for pavement reconstruction works has been reached. The

			Shire contribution is currently allocated for median strip reticulation and remediation works which is approx. 75% complete.
Unallocated R2R Budget	\$152,815	Nil	Was unallocated as a contingency for Robinson Street until those works were completed. Funding must be expended by 30 June 2024.
Total	\$1,574,465	\$118,000	

As noted above, the unallocated R2R funding was retained as a contingency for the Robinson Street reconstruction project. As these works are now largely completed, and the contingency was not required, the unallocated balance of the R2R funding needs to be assigned to a project(s).

Initial planning and design work commenced on the main street reconstruction project in May 2022. Total project expenditure to date has now been reviewed.

It has been established that if the unallocated R2R funding is now allocated to the Robinson Street reconstruction project, that will remove the requirement for the Shire contribution of \$118,000. Approximately \$103,000 of Shire funding will effectively be available to be reallocated elsewhere within the budget or placed into reserve.

This action will also mean that the Shire’s R2R program is completely expended and completed.

Stakeholder and Public Consultation

The Department of Infrastructure, Transport, Regional Development and Communications

Statutory Environment

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

Relevant Plans and Policy

Policy C030 - External Grants – Procurement and Management

Financial Implications

If adopted, the recommendation will result in approximately \$103,000 of Shire funding currently allocated to the Robinson Street Project to be available for reallocation to another project, or elsewhere in the operational budget or, to be placed into reserve. That reallocation can occur at the midyear budget review when Council will be in a better position to consider the overall year-to-date 2023/24 budget.

The following table sets out the estimated total expenditure for the Robinson Street Reconstruction Project inclusive of the Shire’s contribution for works to complete the reticulation and landscaping. Note that the R2R program does not require any Shire contribution and projects may be fully R2R funded.

Current Roads to Recovery Project Funding Allocation	\$1,078,605
Project Expenditure - 2021/22	\$20,380
Project Expenditure - 2022/23	\$132,805
Project Expenditure - 2023/24	\$1,093,038
Total Project Expenditure to Date	\$1,246,223
Current Net Total Project Cost Variance	-\$167,618
Roads to Recovery Unallocated Funding	\$152,815
Less Project Cost Variance	-\$167,617

Net Total Project Overspend	-\$14,802
Current Budgeted Shire of Carnarvon Contribution	\$118,000.00
Less Net Total Project Overspend	-\$14,802.00
Shire Budget Balance Available for Reallocation	\$103,198.00

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Failing to have a project(s) nominated and completed by 30 June 2024 would result in forfeit of \$152,815 of R2R funding	High	Adopting the recommendation to allocate the balance of funding to the Robinson Street Reconstruction project.
Health & Safety	N/A		
Reputation	N/A		
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*:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

During this R2R review, five projects were also considered as possible projects for the unallocated funds. These projects are provided for reference only in Schedule 1. These projects may assist Council during midyear budget review deliberations when considering allocation of the recommended budget saving.

On balance, allocation of the unallocated R2R funding to the Robinson Street Reconstruction Project is recommended for the following reasons:

- a) It fully and successfully acquits the Shire's R2R program with the full allocation being spent within the required timeframe. (This is the final year of the current five-year R2R program; and
- b) No additional project is required to be completed between now and 30 June 2024 to complete the R2R program; and
- c) It provides Council with a saving in its 23/24 budget of approximately \$103,000 that can be allocated to other projects or placed into reserve funds.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995, approves the allocation of its remaining Roads to Recovery funding of \$152,815 toward its existing Robinson Street Reconstruction R2R project with the formal budget adjustments to be presented in the November budget adjustments report.

COUNCIL RESOLUTION OCM 10/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

That Council, by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995, approves the allocation of its remaining Roads to Recovery funding of \$152,815 toward its existing Robinson Street Reconstruction R2R project with the formal budget adjustments to be presented in the November budget adjustments report.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.4.2 PROPOSED AMENDMENT TO TYRE DISPOSAL FEES AND CHARGES

File No:	ADM0002
Location/Address:	Browns Range Waste Facility, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	N/A
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

A recently introduced \$2 per kg flat rate fee for tyre disposal at the Browns Range waste facility has been found operationally impractical and has resulted in substantial fee increases for the disposal of some tyre types. Council approval for an amendment to the Shire Fees and Charges for the disposal of tyres at Browns Range Waste Facility is recommended.

Background

In July 2023, Council adopted its 2023/24 schedule of fees and charges. Those Fees and Charges came into effect on 25 September 2023.

That fee schedule included significant revision of charges applicable at the Browns Range Waste Facility. Council also undertook to review these waste disposal fees six months after their implementation due to the extensive nature of the changes.

Fees applicable for the disposal of tyres were amended to a single \$2/kg disposal fee for both domestic and commercial customers with the intention of that being more equitable and a simple fee to administer. Prior to that, the fee applicable was according to tyre type.

The weight range of the various tyre types make it difficult to arrive at a per kg fee that would replicate the fee charged by tyre type. Consequently, fees for disposal of larger tyre types (truck tyres, tractor tyres etc) have been found to be significantly higher than the previous fee by type.

Two written requests to review the per kg fee have been received due to the high cost of disposal when based upon the \$2/kg fee. Facility operators have also reported other informal customer complaints regarding the per kg fee.

In addition, practical implementation of a per kg fee has proven difficult. This is particularly so for small or single quantities of tyres. The waste facility weighbridge simply does not have the resolution necessary to accurately weigh smaller individual tyres.

To weigh those smaller quantities requires purchase of another smaller set of approved scales. To comply with relevant national trade measurement laws, that scale must be calibrated to ensure correct weights are charged to customers. The facility weighbridge is calibrated annually for that reason. An average estimated or typical weight charge is also contrary to the trade measurement laws if charging customers by the kilogram.

Furthermore, many tyres typically arrive at the facility in small or single quantities either in a trailer, skip bin or utility. Typically, these are often mixed with other waste types. Facility staff therefore are required to manually handle those tyres to the scale. This manual handling is an OHS risk to staff and is also likely to result in delays to other waiting customers.

These issues and risks can be eliminated by reintroduction of a fee by tyre type. Although adding some complexity back into the fee structure, it is considered an appropriate trade-off to both restore safe and efficient operations and disposal pricing consistent with a CPI increase on the 2022/23 fees.

Stakeholder and Public Consultation

Local tyre service providers were contacted for comment on their fees and processes for tyre disposal.

Statutory Environment

Sections 6.16 and 6.19 of the Local Government Act 1995 as follows:

6.16. Imposition of fees and charges

6.19. Local government to give notice of fees and charges

Relevant Plans and Policy

Nil applicable

Financial Implications

A customer transaction to dispose of tyres at the facility at the \$2/kg fee has been temporarily placed on hold until this matter is resolved after a formal request to reconsider the tyre fee was received.

The following table represents the difference in applicable fees for this case:

Fee Applicable at \$2/kg (23/24 fee)	\$7240
Fee Applicable if Charged by Tyre Type (22/23 Fee)	\$2110
Difference	\$5130

Officers are aware of a least one other significant payment being made at the \$2/kg fee. This transaction would also be corrected if the recommendation to revise the fee is adopted.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	Manual handling of tyres for the weighing of small quantities	High	Adopt the revised tyre fee by type where operators can assess the fee to apply visually without having to manually handle any tyres.
Reputation	Complaints have already been received regarding the significant price increase using the \$2/kg rate.	High	Adopt the revised tyre fee by type.
Service disruption	N/A		
Compliance	Fees charged by weight require certified and calibrated weighing equipment which is not currently on hand.	High	Adopt the revised tyre fee by type to eliminate the need to charge tyres by weight.
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 infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

An additional consideration is to ensure Fees and Charges for tyre disposal are commensurate with disposal fees applied by local tyre service providers. Experience has shown that where tip site disposal fees are lower than the tyre service provider, disposal at the waste facility is encouraged.

Both Carnarvon tyre service providers were visited, and tyre disposal was discussed. One provider currently transports waste tyres to a receival point in Perth for recycling. They recover that cost from their customers. A full current schedule of disposal fees charged was not able to be provided other than for the following more common tyre types:

Car, Motorbike and 4WD - \$12
 Truck Tyres - \$25 - \$30

The other local service provider was disposing of their tyres at the waste facility and passing that direct cost on to their customers. When they delivered their most recent load to the facility and were charged the \$2/kg fee, they noted a significant increase in their disposal costs and are currently investigating options to send their next tyre load to a receival point in Perth.

Drop off pricing for one Perth based tyre receival business has been received. Note that this structure charges tyre drop off at a per tonne rate. They do not provide a tyre collection service to Carnarvon.

Tyre Type	Drop off Cost per Tonne (ex GST)	Drop off Cost per kg (ex GST)
Standard Tyres (Passenger, 4wd etc)	\$735.04	\$0.74
Truck Tyres	\$587.64	\$0.59
Non-Standard Tyres	\$1,023.04	\$1.02
Contaminated Tyres (incl attached to rim)	\$1,446.62	\$1.45

At present, a reliable and cost-effective waste tyre transport and receival process has not been established for the Shire waste facility. This work is however now being revisited. The ideal outcome is to minimise the number of tyres disposed to landfill and maximise the cost neutral transport and recycling of those tyres. Ultimately, tyres are a waste product that are almost 100% recyclable.

The proposed revised tyre disposal fees and charges structure is identical in many respects to the 22/23 fees with the following exceptions:

- A Motorcycle Tyre Fee has been added; and
- All other fees have been increased by CPI of 6% and rounded up to the nearest dollar.

The following table provides that comparison:

Tyre Type	22/23 Fee (incl GST)	Proposed 23/24 Fee (incl GST)	Comment
Motorcycle Tyre	\$13.50	\$8.00	New Category - was previously included with passenger cars
Passenger Car Tyre	\$13.50	\$15.00	Increased by CPI and rounded up to nearest dollar
Four-wheel Drive and Light Truck Tyre	\$16.00	\$17.00	Increased by CPI and rounded up to nearest dollar
Truck Tyre	\$38.00	\$41.00	Increased by CPI and rounded up to nearest dollar

Tyre Type	22/23 Fee (incl GST)	Proposed 23/24 Fee (incl GST)	Comment
Tractor/ Earthmoving Tyre (small up to 1 metre Tall)	\$143.00	\$152.00	Increased by CPI and rounded up to nearest dollar
Tractor/ Earthmoving Tyre (large above 1 Metre Tall)	\$371.00	\$394.00	Increased by CPI and rounded up to nearest dollar

All tyres on rims have previously attracted a double fee. Tyres dropped off to a Perth receival point still attached to rim attract at least double the standard charge.

If adopted, advertising must be undertaken in accordance with *Section 6.19 of the Local Government Act 1995*. It is proposed that the new fee structure take effect from 25 September 2023 i.e., retrospectively from the date the \$2/kg fee was applied. This will result in at least one refund being applicable.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority in accordance with sections 6.16, and 6.19 of the Local Government Act 1995 resolves to:

- (a) Amend its tyre disposal fees and charges for the Browns Range Waste Facility as provided below.***
- (b) Implement the fee effective from 25 September 2023.***
- (c) Publicly advertise its intention to introduce the amended fees and the date from which they take effect.***

Tyre Type	23/24 Fee (incl GST)
<i>Motorcycle Tyre</i>	<i>\$8.00</i>
<i>Car and Motorcycle Tyre</i>	<i>\$15.00</i>
<i>Four-wheel Drive and Light Truck Tyre</i>	<i>\$17.00</i>
<i>Truck Tyre</i>	<i>\$41.00</i>
<i>Tractor/ Earthmoving Tyre (small up to 1 metre Tall)</i>	<i>\$152.00</i>
<i>Tractor/ Earthmoving Tyre (large above 1 Metre Tall)</i>	<i>\$394.00</i>
<i>*Any tyre still attached to rim attracts double fee</i>	

COUNCIL RESOLUTION OCM 11/10/23

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

That Council, by Absolute Majority in accordance with sections 6.16, and 6.19 of the Local Government Act 1995 resolves to:

- (a) Amend its tyre disposal fees and charges for the Browns Range Waste Facility as provided below.***
- (b) Implement the fee effective from 25 September 2023.***
- (c) Publicly advertise its intention to introduce the amended fees and the date from which they take effect.***

Tyre Type	23/24 Fee (incl GST)
<i>Motorcycle Tyre</i>	<i>\$8.00</i>
<i>Car and Motorcycle Tyre</i>	<i>\$15.00</i>

<i>Four-wheel Drive and Light Truck Tyre</i>	<i>\$17.00</i>
<i>Truck Tyre</i>	<i>\$41.00</i>
<i>Tractor/ Earthmoving Tyre (small up to 1 metre Tall)</i>	<i>\$152.00</i>
<i>Tractor/ Earthmoving Tyre (large above 1 Metre Tall)</i>	<i>\$394.00</i>
<i>*Any tyre still attached to rim attracts double fee</i>	

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

1. **CARRIED BY ABSOLUTE MAJORITY 8/0**

7.4.3 REQUEST FOR AMNESTY ON TIP FEES - COMMERCIAL PROPERTIES

File No:	ADM0002
Location/Address:	Brown’s Range Landfill Site, Speedway Road
Name of Applicant:	Mr Malcolm Bail – MKB Skip Bins
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 26 April 2023 Item 7.2.5 Horticultural District – Amnesty on Landfill Tip Fees
Schedules:	1. Request for Tip Fee Amnesty - Mr M Bail - MKB Skip Bins ⇒

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

A request has been received from MKB Skip Bins that Council consider a three-month amnesty on tip fees at the Browns Range Landfill Site for commercial properties located within the Carnarvon Shire.

To maintain consistency with the amnesty extended to the horticultural district, it is recommended that Council approve this request but with a reduced amnesty timeframe of one month.

Background

The recent amnesty on tip fees to encourage horticultural property owners/operators to remove waste from their properties and dispose of free of charge at the landfill site is considered to have been successful in reducing waste stockpiled in and around these properties and adjacent to the river and its waterways.

MKB has put forward a request for a similar amnesty to be extended to commercial properties. The request states –

“There are a lot of properties that require urgent attention and require a clean-up of miscellaneous waste surrounding their properties.

The incentive may entice landowners to clean up the outer parts of the commercial precinct of Carnarvon.”

A copy of the correspondence is provided in **Schedule 1**.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 - Section 6.12 - Power to defer, grant discounts, waive or write off debts

Relevant Plans and Policy

Nil

Financial Implications

There is no direct measurable financial implication associated with the proposal.

An amnesty arrangement is intended to encourage disposal of waste from a property cleanup. That cleanup may not necessarily have occurred without the offer of a fee amnesty so it is not possible to reasonably estimate any potential loss in waste disposal fees.

The horticultural waste amnesty resulted in approximately \$50,000 worth of waste being disposed of at the waste facility. Again, this cannot be considered as a direct loss of revenue as there is no guarantee that waste would have been disposed of if the amnesty had not been in place.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	A potential loss of revenue from the waste fees that are waived.	Moderate	Not support the waiver – however this mitigating action will see the current waste accumulation on commercial properties remain unchanged or increase.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Increased service demand at the landfill site.	High	The amnesty may result in a short-term spike in loads to the landfill site. Operational requirements to be monitored and adjusted as required.

Risk Category	Description	Rating	Mitigating Action/s
Compliance	<p>An amnesty has potential to be abused if used to dispose of normal commercial operational waste instead of property cleanup waste as intended.</p> <p>It is also possible that an amnesty will encourage waste stockpiling behaviours in expectation of future amnesty being granted.</p>	Moderate	<p>There is little that can be done to mitigate this activity from occurring other than to limit the amnesty period as per the officer’s recommendation.</p> <p>Increased education and compliance on the value to the community of maintaining all properties in a neat and tidy condition.</p>
Property	N/A		
Environment	Waste stockpiling in commercial properties is a potential fire and vermin hazard as well as being unsightly.	High	The removal of waste from commercial properties will improve compliance with Bush Fire Regulations and assist with vermin control and overall community visual amenity.
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*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

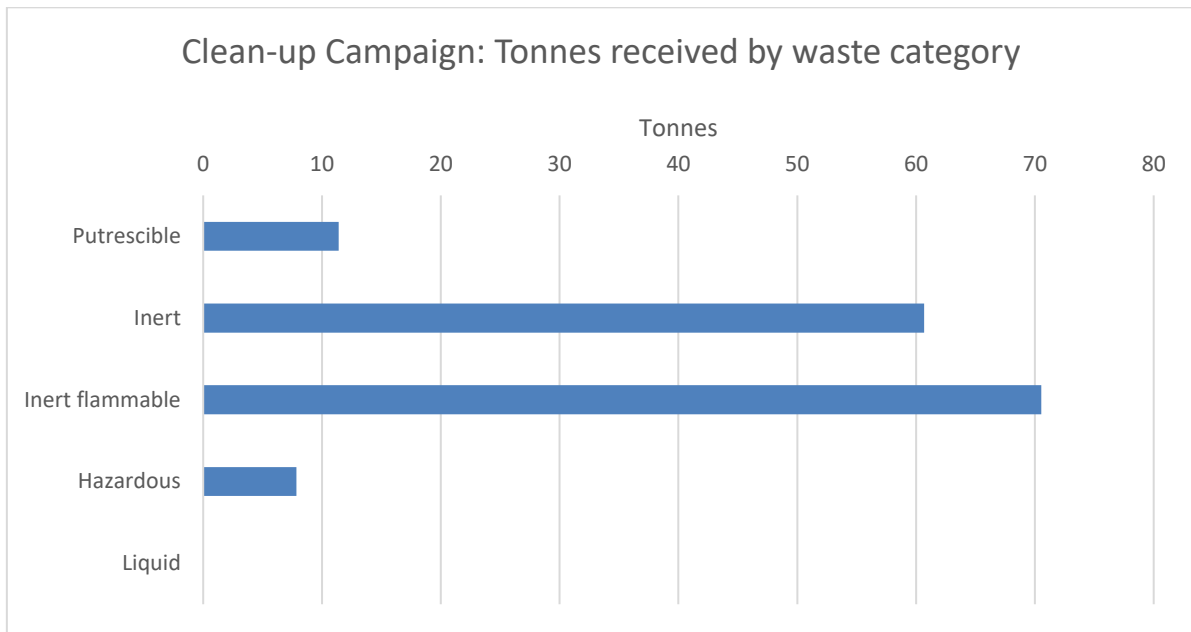
- N/A

Comments

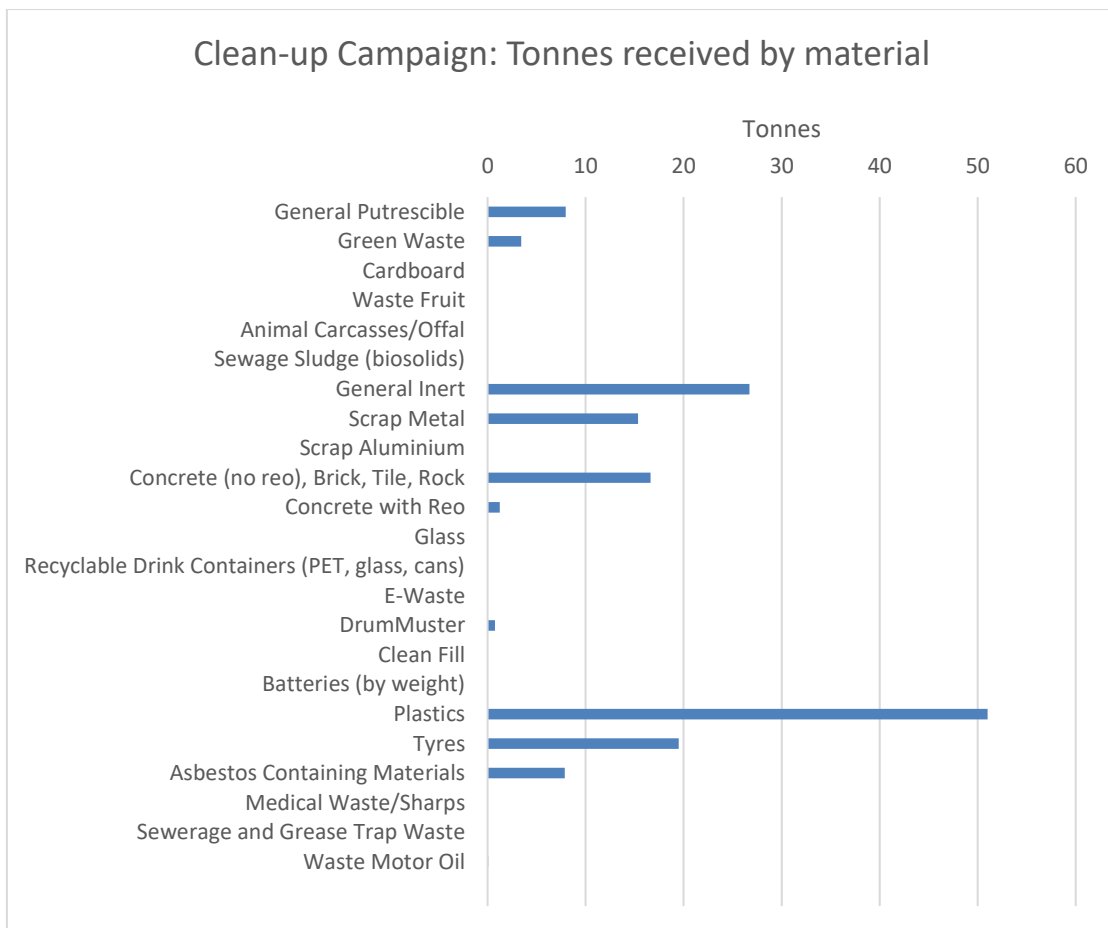
Total tonnage of waste received at the landfill site during the June to September horticultural property amnesty was approximately 233 tonnes.

Without the amnesty in place, it is likely a large portion of that waste material would have remained on the horticultural properties. Compliance action would have been the only other avenue to have it removed. Monitoring, education, and compliance is the preferred way forward post-amnesty to avoid having to repeat this process.

The below graphs show the different waste categories and materials received at the landfill site from the horticultural district from July to September 2023:



Tyres are included in the “Inert Flammable” category.



The request for a commercial property amnesty has merit to encourage those property owners to tidy up any stockpiled waste removing possible fire hazards, reducing havens for vermin, and providing improved visual community amenity.

Approximately 170 properties were eligible to participate in the horticultural property amnesty. A three-month amnesty period was considered by Council to be appropriate for those properties due to the amnesty occurring during a busy time of year for that sector i.e. planting and harvesting and the larger property sizes.

It should also be noted that to provide a more rigorous and quantified assessment of the scale and nature of the problem in the horticultural area, DWER funded a Waste Audit in late August 2021.

No such audit has been completed for the Commercial/Industrial rated properties. Observationally however, many such properties are in an untidy state.

An amnesty to Commercial/Industrial rated properties would be applicable to approximately 200 Carnarvon properties. Those properties are likely to be smaller in area than those in the horticultural areas.

Given the lack of an actual audit and the smaller land area, a shorter amnesty period is therefore considered appropriate. A one-month period is therefore proposed.

This would need to be combined with advance notice for commercial owner/operators to gather their waste items and plan for their delivery to the landfill site. Regular promotion through various media platforms will be used to inform commercial businesses of the amnesty start and finish dates.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support a commercial/industrial rated property clean-up campaign in Carnarvon by waiving waste disposal fees for waste collected from these properties for a period of not more than one month from the campaign start date.

COUNCIL RESOLUTION OCM 12/10/23

Moved: Cr Luke Vandeleur
 Seconded: Cr Paul Kelly

That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support a commercial/industrial rated property clean-up campaign in Carnarvon by waiving waste disposal fees for waste collected from these properties for a period of not more than one month from the campaign start date.

AMENDMENT TO MOTION

COUNCIL RESOLUTION OCM 13/10/23

Moved: Cr Luke Skender
 Seconded: Cr Paul Kelly

That the following wording be added to the substantive motion OCM 12/10/23 as follows -campaign start date, “and delegate authority to the CEO to determine the operational conditions such as days, times and separation of waste requirements.”

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen
AGAINST: Cr Adam Cottrell

CARRIED 7/1

AMENDED MOTION

COUNCIL RESOLUTION OCM 12/10/23

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support a commercial/industrial rated property clean-up campaign in Carnarvon by waiving waste disposal fees for waste collected from these properties for a period of not more than one month from the campaign start date and delegate authority to the CEO to determine the operational conditions such as days, times and separation of waste requirements.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Cr Adam Cottrell

CARRIED 7/1

8 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Dudley Maslen requested Leave of Absence for the November Ordinary Meeting of Council

MOTION

COUNCIL RESOLUTION OCM 14/10/23

Moved: Cr Dudley Maslen

Seconded: Cr Luke Vandeleur

That Cr Dudley Maslen be granted Leave of Absence for the November Ordinary Meeting of Council.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur, Paul Kelly and Dudley Maslen

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Dudley Maslen requested an update on the proposed relocation of the Carnarvon Airport.

President Smith responded and advised that progress is being made and previous reports regarding the airport relocation are currently being reviewed and updated. The Gascoyne Development Commission have also made this a priority project and have requested budget funding to progress reports and studies.

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

Nil

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

Nil

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 28 November 2023 at Council Chambers, Stuart Street, Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 1.31pm.