



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING

TUESDAY 25 OCTOBER 2022

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
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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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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13.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Tuesday 21 December 2021.

14.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT BILLS BAR, ROBINSON STREET CORAL BAY
ON TUESDAY 25 OCTOBER 2022**

The meeting was declared open by the Presiding Member at 10.00am

The Shire of Carnarvon acknowledges the Yinggarda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen	Councillor, Gascoyne/Minilya Ward
Cr L Skender	Councillor, Town Ward
Cr T Langley.....	Councillor, Town Ward
Cr A Fullarton	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr A Cottrell.....	Councillor, Coral Bay Ward
Cr M Ferreirinha.....	Councillor, Plantation Ward
Mrs A Selvey.....	Chief Executive Officer
Mr D Nielsen	Executive Manager, Infrastructure Services
Mr S Louw	Manager, Development & Regulatory Services
Mrs D Hill	Senior Executive Officer

Apologies	Nil
Leave of Absence	Nil
Observers	6

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.)

Nil

3.0 PUBLIC QUESTION TIME

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

Public Question Time commenced at 10.01am

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

2.2 PUBLIC QUESTION TIME

The following question was submitted by Mr Joe Eveson of Coral Bay –

Question – Does the Shire intend to obtain the PBC’s consent for a new Section 91 Licence for the storage facility on Lot 302 which is UCL and subject to native title?

Answer – The President responded and advised that staff will conduct an investigation and once completed will provide a report to Council for consideration.

Public Question Time was closed at 10.02am

4.0 CONFIRMATION OF MINUTES

4.1 ORDINARY MEETING OF COUNCIL – 27 SEPTEMBER 2022

4.2 SPECIAL MEETING OF COUNCIL – 30 SEPTEMBER 2022

4.3 SPECIAL MEETING OF COUNCIL – 14 OCTOBER 2022

FC 1/10/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the confirmation of minutes for Items 4.1 – 4.3 inclusive, be dealt with en-bloc.

CARRIED

F8/AO

FC 2/10/22

COUNCIL RESOLUTION

Cr Skender/Cr Fullarton

That the minutes of the –

1. *Ordinary Meeting of Council held on 27 September 2022;*
2. *Special Meeting of Council held on 30 September 2022;*
- 3, *Special Meeting of Council held on 14 October 2022*

be confirmed as a true record of proceedings.

CARRIED

F8/AO

4.0 RECEIVING OF MINUTES

4.4 AWARDS COMMITTEE MEETING – 13 SEPTEMBER 2022

FC 3/10/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Skender

That the minutes of the Awards Committee Meeting held on 13 September 2022 be received by Council.

CARRIED

F8/AO

5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

President Smith wished to acknowledge and congratulate Mr Dudley Maslen who was recently awarded the Freeman of the Shire of Carnarvon. Mr Maslen is a worthy recipient of this prestigious award and well deserved and it was a privilege presenting Mr Maslen with his award.

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7.0 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2022

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 September and October 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
[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				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
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:

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

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

Comment:

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

DELEGATIONS

COMMON SEAL

29.09.22	Yangibana – Road Access – Upgrade & Maintenance Deed
04.10.22	Freeman of the Town Certificate – DJ Maslen
10.10.22	Lease – OTC Dish – Thothx Australia Pty Ltd

PLANNING & DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A3217	P17/22	Gnaraloo Homestead	Retrospective approval of workers accommodation and development of a new campground.	Paul Richardson	4/10/2022
A3201	P32/22	Lot 501, Babbage Island Road and 19 Annear Place, Babbage Island	Use of land for market stalls and events.	Carnarvon Heritage Group	10/10/2022

Hawkers, traders and stall holders

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
5/10/2022	P41/22	Mobile trading licence for Up In Smoke	Melissa Sapienza	Nil Nil

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/067	DOMENICO ROBERT & HEATHER AVIS CONDO	LOT 601 (3) YARDI QUAYS, BROCKMAN	SOLAR PANEL INSTALLATION ON EXISTING DWELLING
B22/068	THOMAS TERRANCE & CAROLYN FAYE VAN DONGEN	LOT 95 (12) SHALLCROSS ST, EAST CARNARVON	STEEL FRAMED CARPORT
B22/069	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DRIVE, CORAL BAY (SUBDIVISION TBA BY LANDGATE)	WORKFORCE ACCOMMODATION - COMPLEX B (STAGE 1)
B22/071	EL-RAGHY KRIEWALDT PTY LTD	LOT 16 (16) TREVALLY CRT, CORAL BAY	LIMESTONE RETAINING WALL

OFFICER'S RECOMMENDATION

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

FC 4/10/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Maslen

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

CARRIED
F8/AO

7.1.2 GROUND LEASE – DFES TELECOMMUNICATION TOWER LOT 374 NORTHWEST COASTAL HIGHWAY - A PORTION OF RESERVE 38888

Date of Meeting: 24 October 2022
 Location/Address: Lot 374 North West Coastal Highway Reserve 38888
 Name of Applicant: ACORRP Property Consultancy – on behalf of Department of Fire Emergency Services
 Name of Owner: Shire of Carnarvon
 Author/s: Caroline Ballard – Governance & Information Management Coordinator
 Declaration of Interest: N/A
 Voting Requirements: Simple Majority
 Schedules: Schedule 7.1.2(a) - Letter - Department of Fire & Emergency Services.
 Schedule 7.1.2(b) - Aerial Map Reserve 38888 shire of Carnarvon

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.
X	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report details a request from ACROPP Property Consultancy – on behalf of Department of Fire Emergency Services (DFES) seeking Council's approval to lease a portion of lot 374 on Northwest Coastal highway – Reserve 38888 comprising 2,020.64M² for the purpose of an existing telecommunication tower. At the Council Meeting held on 22 June 2021, Council resolved to approve a ground lease over Reserve 38888 between Department of Fire & Emergency Service and the Shire of Carnarvon.

On 20 September a letter was received from Kathleen Colgate – Executive Manager Land and Buildings, DFES expressing a concern regarding the need to pay commercial market rent, valuation fees and legal fees. A copy of the letter is provided in **Schedule 7.1.2(a) Letter Department of Fire & Emergency Services**.

Following discussions with Department of Planning, Lands and Heritage (DPLH) however, it has been found that the Vesting Order prevents us actioning the initial request and subsequent Council Resolution.

This report seeks Council's resolution to consent to the revocation of the Vesting Order and creation of a new Management Order over the whole reserve, and to proceed with the preparation of a lease between Shire of Carnarvon and DFES based on a Tier Two model as defined in Council Policy No CF018.

Background:

Reserve 38888 has been vested to the Shire of Carnarvon for the purpose of 'Radio Mast Site' since October 1984. DPLH have advised that to for the Shire of Carnarvon to grant a lease there is a requirement for the Vesting Order over Reserve 38888 to be revoked and a new Section 46 Land Administration Act 1997 (LAA) Management Order be granted over the Reserve. This will grant the Shire the Power to Lease & Licence, (subject to no objections being received from a due diligence referral process).

They have also noted that they cannot provide Section 18 LAA approval for a lease which charges a commercial rent to an Emergency Service Provider. A Section 18 LAA approval would only be provided for a lease that is granted from the Shire to DFES on a nominal basis.

Accordingly, the Department would be in-principle supportive of the Shire granting a \$300 rental p.a. lease to DFES

The Reserve on Northwest Coastal highway is located approximately 10km south from Carnarvon Town site.

Schedule 7.1.2(b) Aerial Map of Reserve 38888

DFES has an established telecommunication tower on this site and are currently undertaking an internal review of all their telecommunications sites across WA. DFES has indicated that no formal ground lease is in place for the Carnarvon tower. To legalise DFES' use of the land, controlled by the Shire, a request has been made to establish a ground lease over a portion of the reserve.

The total area of the reserve is over 7 hectares, DFES requested a ground lease of 2,020.64M² in the middle of the reserve. Refer to picture 1:



Picture 1 – required lease site

Right to use roads and pathways to gain access - Picture 1 indicates the existence of an access track within the reserve, established by the Lessee to ensure excess to the radio tower. This track is not a public road, the Shire has no plans to utilise, maintain or upgrade this track. The applicant will be responsible to ensure access to the leased site.

The applicant has proposed the following lease terms:

- Permitted use: Fire emergency services and all subsidiary uses
- An initial term of 5 years and further term of 5 years
- *Rent – Peppercorn (Tier One - \$1)*
- Maintenance and Repair: DFES to maintain the leased area and their equipment
- Area: a portion of reserve 3888 – Lot 374 being a total of 2,020.64M² *Noting DFES will have the right to use roads and pathways to gain access to the telecommunication tower.*
- Special Conditions:
 - Break clause: DFES has the right to terminate the lease at any time by providing one month’s written notice.
 - Make good: DFES to remove all their equipment and repair any damage caused from such removal.
 - *Legal fees: each party to pay for their own costs,*
 - Insurance: The Shire to acknowledge DFES are covered by Risk cover due to being a government agency and are not required to carry specific insurances for this lease premises.

The Shire believes most of the proposed lease terms are reasonable, these items require further consideration:

Peppercorn Rent – Tier One

The Shire has been in contact with the applicant to discuss their proposal of a peppercorn lease. Council’s policy position as per *Policy CF018 – Lease and Licensing Classification* makes allowance for peppercorn or heavily discounted leases in specific cases, e.g., small community groups with limited revenue raising ability or Not for Profit Organisations. In this instance a market valuation would not be required.

As the Shire has been advised by DPLH that it cannot raise a Commercial Lease on this Reserve the Officer’s recommendation to Council is that a *Tier Two* lease fee of \$300 per annum is appropriate, the applicant agrees with this proposal.

Council should be aware *S. 30 Dispositions of Property excluded from the act* of the Local Government (Function and General) Regulations which considers ‘a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth’ to be a disposition of property excluded from the Act - S. 3.58

'Disposing of Property' which excludes the need for public notice of the proposed disposition and ascertaining a market value (S. 3.58 (3) & (4)).

Legal fees

The applicant initially proposed each party to pay for their own Legal Fees, following the Council Resolution **FC 09/6/22** the Shire received a letter from DFES requested that the Council reconsider their position and not pass on the Legal fees in this instance as the *Telecommunication equipment aids in their response for the benefit of the immediate and greater community.*

In accordance with Policy CF018 – tier two - the lessee pays for lease preparation. It is the Officer's recommendation that Council does not accept the request from DFES to waive these fees and to ensure the preparation of the lease to be managed by the Shire with the applicant to reimburse the full costs incurred.

Stakeholder and Public Consultation:

The Shire has been in consultation with ACORRP Property Consultancy who act on behalf of DFES.

Statutory Environment.

- S. 3.58 Disposing of Property - of the Local Government Act 1995
- S. 5.42 Delegation of some powers and duties to CEO – of the Local Government Act
- S. 30 Dispositions of property excluded from Act S. 3.58 - of the Local Government (Functions and General) Regulation 1996.

Relevant Plans and Policy:

- Policy CF018 Lease and Licensing Classification; Tier Two – Discounted Rent
- Delegation No: 1034 Executing and Affixing of Common Seal to Documents.

Financial Implications:

Granting a discounted lease will result in the Lessee being responsible for all cost in relation to preparation of the lease. An annual lease fee of \$300 will be paid to Shire.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Not granting a lease	Moderate	Granting 'disposal of property' by way of lease, DFES has occupied Reserve 38888 for some time without having a formal tenure agreement in place, this has resulted in certain risk for DFES and the

			Shire. Understanding responsibility for this site is important to ensure this asset is protected and well maintained.
Property	The lease will prevent leasing at full value to any other potential lessee	Low	Given the existing use by DFES, it is unlikely the property will be required by another party willing to pay commercial rates.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Nil

Comment:

The requirement to change the purpose of the Vesting order (as per notification from DPLH) will need to be actioned prior to preparation of the lease between DFES and Shire of Carnarvon.

To understand the benefit to the community DFES were requested to further elaborate.

The following response has been received:

'The telecommunications located on Brown Range supports all Volunteer Services and DFES Operations.

Mid Band Repeater Supports VFRS, Bushfire and the Region

High Band Repeater Supports VFRS, Bushfire, SES, Marine Rescue, and the Region

UHF Repeater Supports VFRS, Bushfire, SES, Marine Rescue, and the Region

High Frequency Base Station Supports SES, the Region and State Communications

The equipment is vital to support incident management across all our Services.'

As the application is a government agency, it is not required to provide public notice (S. 30 Local Government (F&G) regulations 1996). If the use of site was new it may have been appropriate to provide public notice. However, given the continued used of this site for the same purpose the officer recommendation, in accordance with legislation, includes the public notice not to be required.

OFFICER'S RECOMMENDATION PART 1

1. *That Council, by Simple Majority, resolves to support the revocation of the Vesting Order over Reserve 38888 and a new Section 46 Land Administration Act 1997 (LAA) management order being granted over the Reserve to the Shire with the Power to Lease & Licence.*
2. *That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's resolution regarding the revocation of the Vesting Order on Reserve 38888 and re-issue of a Management Order over Reserve 38888.*

OFFICER'S RECOMMENDATION PART 2

That Council, by Simple Majority, pursuant to Section 30 of the Local Government (Functions and General) Regulations 1996, resolves to approve a ground lease between Department of Fire and Emergency Services and the Shire of Carnarvon for an area of land comprising 2,020.64m² on Lot 374 on North West Coastal Highway - Reserve 38888 with the lease to include:

- (a) Permitted Purpose: Radio Mast Site.*
- (b) An initial term of five (5) years plus an option of a 5-year extension at the CEO's discretion*
- (c) Discounted lease with Rental payments of \$300 per annum.*
- (d) Outgoing: The lessee to be responsible for all the cost of the lease preparations and any outgoings and all maintenance of the leased site.*
- (e) Break Clause: The lessee has the right to terminate the lease at any time by providing one month's written notice.*

- (f) *Make Good: The lessee is to remove all equipment at the termination of the lease and repair any damage cause from such removal.*
- (g) *Insurance: Acknowledgement by the Lessor that the Lessee is not required to maintain insurances specific for the leased premises with the understanding the Lessee maintains Risk cover for all its leased sites.*

OFFICER'S RECOMMENDATION PART 3

That Council, by Simple Majority, pursuant to section 5.42 of the Local Government Act 1995, resolves to authorise the CEO to make any necessary non-material amendments and finalise execution of a lease agreement between Department of Fire and Emergency Services and the Shire of Carnarvon.

FC 5/10/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That Officer's Recommendations 1-3 inclusive be considered en-bloc.

CARRIED
F8/AO

FC 6/10/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

OFFICER'S RECOMMENDATION 1

1. *That Council, by Simple Majority, resolves to support the revocation of the Vesting Order over Reserve 38888 and a new Section 46 Land Administration Act 1997 (LAA) management order being granted over the Reserve to the Shire with the Power to Lease & Licence.*
2. *That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's resolution regarding the revocation of the Vesting Order on Reserve 38888 and re-issue of a Management Order over Reserve 38888.*

OFFICER'S RECOMMENDATION 2

That Council, by Simple Majority, pursuant to Section 30 of the Local Government (Functions and General) Regulations 1996, resolves to approve a ground lease between Department of Fire and Emergency Services and the Shire of Carnarvon for an area of land comprising 2,020.64m² on Lot 374 on North West Coastal Highway - Reserve 38888 with the lease to include:

- (a) *Permitted Purpose: Radio Mast Site.*
- (b) *An initial term of five (5) years plus an option of a 5-year extension at the CEO's discretion*
- (c) *Discounted lease with Rental payments of \$300 per annum.*
- (d) *Outgoing: The lessee to be responsible for all the cost of the lease preparations and any outgoings and all maintenance of the leased site.*
- (e) *Break Clause: The lessee has the right to terminate the lease at any time by providing one month's written notice.*
- (f) *Make Good: The lessee is to remove all equipment at the termination of the lease and repair any damage cause from such removal.*
- (g) *Insurance: Acknowledgement by the Lessor that the Lessee is not required to maintain insurances specific for the leased premises with the understanding the Lessee maintains Risk cover for all its leased sites.*

OFFICER'S RECOMMENDATION 3

That Council, by Simple Majority, pursuant to section 5.42 of the Local Government Act 1995, resolves to authorise the CEO to make any necessary non-material amendments and finalise execution of a lease agreement between Department of Fire and Emergency Services and the Shire of Carnarvon.

CARRIED
F8/AO

7.1.3 GOVERNANCE REVIEW

File No:	ADM1895
Date of Meeting:	25 October 2022
Location/Address:	N/A
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Amanda Leighton, Manager People, Culture & Systems
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Shire of Carnarvon Independent Governance Review Report

Authority / Discretion

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

Summary of Item:

The purpose of this agenda item is to review progress that has been made in implementing the recommendations from the Shire of Carnarvon Governance Review Report by Andrew Hammond and John Woodhouse. When this item was originally presented to Council on 16 June 2021, with the progress report presented to Council on 26 April 2022. At the April meeting, Council resolved to review the progress report six monthly to ensure Council is kept informed of improvements to governance as recommended by the independent review.

Background:

On 8 January 2018, the Deputy Director General of the Department of Local Government, Sport and Cultural Industries (the Department) authorised an inquiry under section 8.3(2) of the Local Government Act 1995 involving the Shire of Carnarvon.

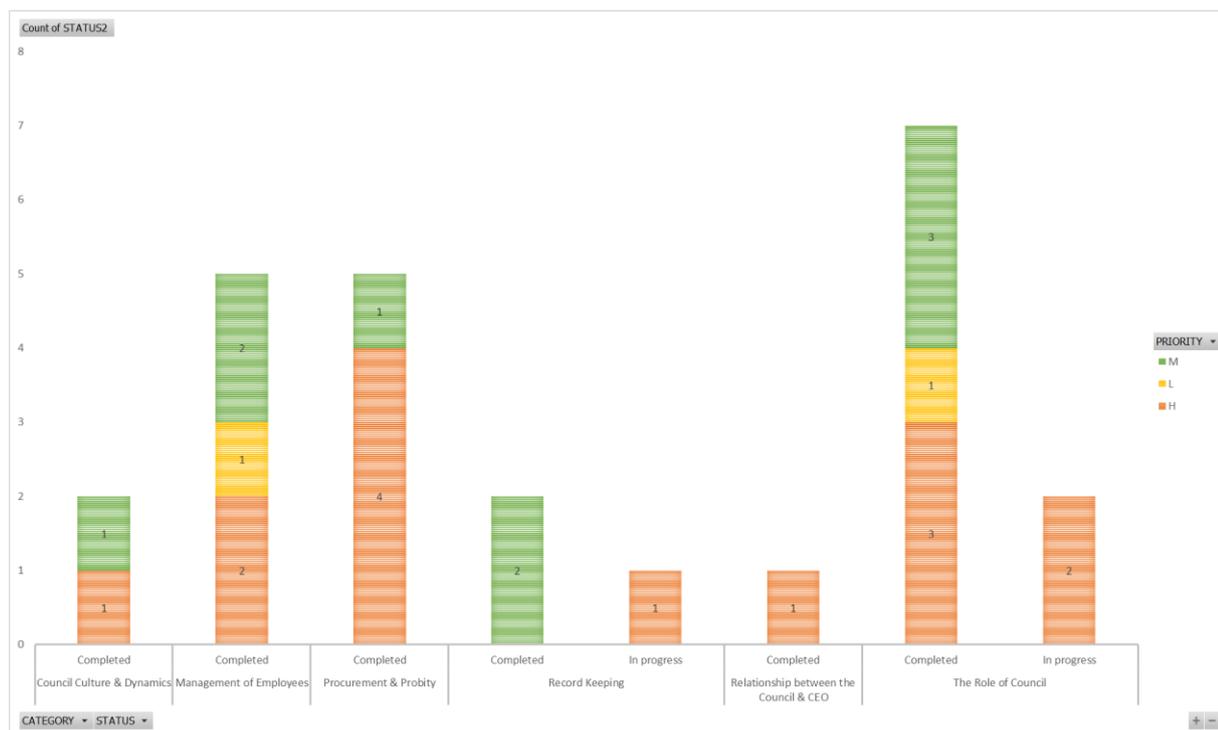
The nature of the Inquiry was to encompass aspects of the Shire and associated business entities that has, has had, may have, or may have had dealings with the Shire, and the operations and practices related to tendering, procurement, and financial management from 1 January 2011 to the present day.

The Governance Review and the recommendations were presented to Council at the Ordinary Council Meeting on 26 October 2021, to ensure transparency and to work towards achieving 100% compliance with the recommendations. Since the October meeting, the Shire has been reviewing and implementing the recommendations on a regular basis.

Out of the 25 recommendations the Shire has now achieved 88% (an increase of 28% since the item was last presented to Council in April) of the recommendations, and are on track to complete the remaining recommendations by 31 December 2022; the breakdown is as follows:

	COMPLETED		IN PROGRESS		NOT STARTED	
	April 2022	October 2022	April 2022	October 2022	April 2022	October 2022
High	6	11	8	3	1	
Medium	8	9	1			
Low	1	2			1	

Below is a graph of the recommendations and the areas that they relate to, this graph provides information about the Priority (High/Medium/Low) and demonstrates what has been achieved for each category.



Below is a full list of the recommendations and the progress of each item for Council to review:

GOVERNANCE REVIEW ACTION LIST				
ITEM NUMBER	CATEGORY	RECOMMENDATION	PRIORITY	STATUS
1	The Role of Council	Review Council Policy E017 "MONTHLY ORDINARY COUNCIL MEETINGS, CHIEF EXECUTIVE MEETINGS AND GENERAL BRIEFINGS"	H	Completed
2	The Role of Council	Review agenda papers.	M	Completed
3	The Role of Council	Review Council Chambers layout.	L	Completed
4	The Role of Council	Procure consultants for SCP.	M	Completed
5	Relationship between the Council & CEO	Communcation Protocol	H	Completed
6	Management of Employees	Amend Delegation Register	L	Completed
7	Management of Employees	Review effectiveness of organisational structure	H	Completed
8	Procurement & Probity	Develop CEO directive to mandate use of templates	H	Completed
9	The Role of Council	Produce Consolidated minutes.	H	Completed
10	The Role of Council	Develop/adopt Council Policy & Framework Policy.	H	Completed
11	The Role of Council	Review Policy suite.	M	Completed
12	The Role of Council	Develop financial components of Corporate Business Plan.	H	In progress
13	The Role of Council	Develop long term financial plan.	H	In progress
14	Council Culture & Dynamics	Audit Committee Cease role re tenders.	H	Completed
15	Council Culture & Dynamics	Make Councilors aware re roles and CEO annual performance review.	M	Completed
16	Management of Employees	Review HR Policies.	M	Completed
17	Management of Employees	Review timing of performance reviews.	M	Completed
18	Management of Employees	Consider resources for position description review	H	Completed
19	Procurement & Probity	Establish suite of standard contract templates	H	Completed
20	Procurement & Probity	CEO to encourage training	M	Completed
21	Procurement & Probity	Develop and mandate list of matters where scope of works to be prepared by external expert.	H	Completed
22	Procurement & Probity	Review Council Policies re Purchasing and Tendering.	H	Completed
23	Record Keeping	CEO and Executive Team to consider record keeping as standing item.	M	Completed
24	Record Keeping	Review of existing Council Policies.	M	Completed
25	Record Keeping	Record keeping training.	H	In progress

Stakeholder and Public Consultation:

Nil.

Statutory Environment:

The inquiry was carried out under section 8.3(2) of the Local Government Act 1995; the Governance Review considered the compliance of the Shire of Carnarvon under various aspects of the Local Government Act 1995 and various subsidiary regulations.

Relevant Plans and Policy:

N/A

Financial Implications:

While there are no direct financial implications arising from the officer's recommendation to receive this report, there are likely to be financial and human resource implications associated with implementing the recommendations. Where an action cannot be accommodated with the 2022/2023 budget, a separate item will be presented to Council, or the item will be presented for budget review.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
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	The action plan has prioritised actions to implement recommendations over a period of time to minimise the resourcing impact.
Health & Safety	N/A		
Reputation	The recommendations may suggest that the Shire is being poorly managed.	High	The report demonstrates that there is already a reasonable level of governance and while there are improvements required, the action plan clearly demonstrates that this organisation is acting promptly and efficiently to improve performance; noting that every local government should always be open to continuous improvement.
Service disruption	Other services are delayed as a result of resources being deployed to implement these actions.	High	The action plan prioritises actions to ensure implementation minimises impacts on other areas of service.
Compliance	There are areas of non-compliance that have been highlighted	High	The action plan provides a path to improving compliance.
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 2022-2032* -

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

Comment:

It is intended that this action plan is formally presented to Council on a bi-annual basis to demonstrate ongoing progress to implement recommendations from the Governance Review.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995, resolves to receive the report on progress of implementation of the recommendations from the Shire of Carnarvon Independent Governance Review Report by Hammond Woodhouse Advisory dated 2 June 2021.

FC 7/10/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Skender

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995, resolves to receive the report on progress of implementation of the recommendations from the Shire of Carnarvon Independent Governance Review Report by Hammond Woodhouse Advisory dated 2 June 2021.

CARRIED

F8/A0

7.2 CORPORATE SERVICES

FC 8/10/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Skender

That Items 7.2.1, 7.2.2, 7.2.3 and 7.2.5 be considered en-bloc.

CARRIED

F8/A0

FC 9/10/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Vandeleur

That Items 7.2.1, 7.2.2, 7.2.3 and 7.2.5 be adopted en-bloc -

File No:	ADM0186
Date of Meeting:	25 October 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Giang Nguyen – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Presented every month
Schedules:	Schedule 7.2.1

Authority / Discretion

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

Summary of Item:

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

Background:

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

Stakeholder and Public Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy:

N/A

Financial Implications:

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

Risk Assessment:

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	Slow payment of creditors	Low	Can impact financial statements. Set proper close off dates
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	Accounting Fraud	Moderate	Regular background check and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts)

OFFICER'S RECOMMENDATION

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

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totaling \$4,655,694.09 as presented for the month of September 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT36331 - EFT36334 EFT36336-EFT36337 EFT36340 EFT36342-EFT35343 EFT36345 EFT36347-EFT36352 EFT36354-EFT36360 EFT36362-EFT36367 EFT36370, EFT36372 EFT36374-EFT36385 EFT36387-EFT36392 EFT36394-EFT36399 EFT36401 EFT36403-EFT36408 EFT36410-EFT36417 EFT36419-EFT36431 EFT36433-EFT36447	EFT36561-EFT36605	Muni EFT	\$4,620,031.79

EFT36449-EFT36459 EFT36461-EFT36473 EFT36475-EFT36509 EFT36511-EFT36517 EFT36519-EFT36529 EFT36531-EFT36532 EFT36534-EFT36535 EFT36538-EFT36539 EFT36541 EFT36543-EFT36546 EFT36548-EFT36551 EFT36553-EFT36559			
-	-	Trust EFT	\$0.00
-	-	Cheque	\$0.00
DD39660.1	DD39660.1	Bank Direct	\$2,202.29
EFT36335 EFT36338-EFT36339 EFT36341, EFT36344 EFT36346, EFT36353 EFT36361 EFT36368-EFT36369 EFT36371, EFT36373 EFT36386, EFT36393 EFT36400, EFT36402 EFT36409, EFT36418 EFT36432, EFT36448 EFT36460, EFT36474 EFT36510, EFT36518 EFT36530, EFT36533 EFT36536-EFT36537 EFT36540, EFT36542 EFT36547, EFT36552	EFT36560	Visitor Centre EFT	\$33,460.01
		TOTAL	\$4,655,694.09

b) Note Sundry Creditors as of 30th September 2022 - \$418,122.34

COUNCIL RESOLUTION & 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) totalling \$4,655,694.09 is presented for the month of September 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT36331 - EFT36334 EFT36336-EFT36337	EFT36561-EFT36605	Muni EFT	\$4,620,031.79

EFT36340 EFT36342-EFT35343 EFT36345 EFT36347-EFT36352 EFT36354-EFT36360 EFT36362-EFT36367 EFT36370, EFT36372 EFT36374-EFT36385 EFT36387-EFT36392 EFT36394-EFT36399 EFT36401 EFT36403-EFT36408 EFT36410-EFT36417 EFT36419-EFT36431 EFT36433-EFT36447 EFT36449-EFT36459 EFT36461-EFT36473 EFT36475-EFT36509 EFT36511-EFT36517 EFT36519-EFT36529 EFT36531-EFT36532 EFT36534-EFT36535 EFT36538-EFT36539 EFT36541 EFT36543-EFT36546 EFT36548-EFT36551 EFT36553-EFT36559			
-	-	Trust EFT	\$0.00
-	-	Cheque	\$0.00
DD39660.1	DD39660.1	Bank Direct	\$2,202.29
EFT36335 EFT36338-EFT36339 EFT36341, EFT36344 EFT36346, EFT36353 EFT36361 EFT36368-EFT36369 EFT36371, EFT36373 EFT36386, EFT36393 EFT36400, EFT36402 EFT36409, EFT36418 EFT36432, EFT36448 EFT36460, EFT36474 EFT36510, EFT36518 EFT36530, EFT36533 EFT36536-EFT36537 EFT36540, EFT36542 EFT36547, EFT36552	EFT36560	Visitor Centre EFT	\$33,460.01

		<i>TOTAL</i>	<i>\$4,655,694.09</i>
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b) Note Sundry Creditors as of 30th September 2022 - \$418,122.34

7.2.2 DRAFT FINANCIAL ACTIVITY STATEMENT 31ST AUGUST 2022

File No: ADM0186
 Date of Meeting: 25 October 2022
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author/s: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: Nil
 Schedules: Schedule 7.2.2

Authority / Discretion

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

Summary of Item:

This item presents the financial activity statement for the period ending 31 August 2022 for Council to consider. The officer’s recommendation is that the statement is 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 statements are required to 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 required where variances are outside the materiality thresholds set by Council with the adoption of the annual budget.

The statements presented as an attachment to this item are in excess to the minimum requirements to provide elected members with additional information in relation to the Shires financial position at the time of reporting. The report also provides elected members with information about operating and capital revenues and expenditures that reconcile to the Shire current funding position – or net current assets at the end of the reporting period.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

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	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	The delay in achieving a timely presentation of reports to Council has the potential to damage the shire’s reputation.	High	Priority has been placed on finalising the report to comply with Statutory timeframes.
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:

Nil

Comment:

Attached as **Schedule 7.2.2** for consideration is the draft Statement of Financial Activity for the period ended 31st August 2022.

The information provided is prepared based on the Revenue and Expenditure transactions recorded at the time of preparation and are likely to change with completion of end of year processes.

In accordance with the Local Government (Financial Management) Regulations, the report must include variances notations outside the variance adopted by Council with its annual budget.

The Statement provides an opening surplus of \$6.96M which includes an advance payment of Financial Assistance grants for FY23 of \$3.94M. This surplus is subject to change with end of year processes relating to unspent grants and accruals that are yet to be finalised for June 2022.

Materials and contracts expenditure is \$3M of which \$2.17M is for flood damage works. At the time of reporting \$250K recoup for this expenditure has been invoiced to or reimbursed from Main Roads.

Capital Works projects expenditure to date totals \$1.98M that includes \$1.7M of roadworks expenditure that is mostly funded by grants still to be included as revenue in the Statement.

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 August 2022 as per Schedule 7.2.2.

COUNCIL RESOLUTION & 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 August 2022 as per Schedule 7.2.2.

File No:	ADM0186
Date of Meeting:	25 October 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.3

Authority / Discretion

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

Summary of Item:

This item presents the financial activity statement for the period ending 31 September 2022 for Council to consider. The officer's recommendation is that the statement is 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 statements are required to 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 required where variances are outside the materiality thresholds set by Council with the adoption of the annual budget.

The statements presented as an attachment to this item are in excess to the minimum requirements to provide elected members with additional information in relation to the Shires financial position at the time of

reporting. The report also provides elected members with information about operating and capital revenues and expenditures that reconcile to the Shire current funding position – or net current assets at the end of the reporting period.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	The delay in achieving a timely reporting has the potential to damage the shire's reputation.	High	High priority has been placed on preparing Statutory reporting within legislated timeframes
Service disruption	NA	NA	
Compliance	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:

Nil

Comment:

Attached as **Schedule 7.2.3** for consideration is the draft Statement of Financial Activity for the period ended 30th September 2022.

The information provided is prepared based on the Revenue and Expenditure transactions recorded at the time of preparation and are likely to change with completion of end of year processes.

At the time of preparation of this report the Financial Statements for 30 June 2022 have not been audited by the Auditor, as such the closing surplus figure and therefore the opening surplus figure for 2023, are potentially subject to change.

In accordance with the Local Government (Financial Management) Regulations, the report must include variances notations outside the variance adopted by Council with its annual budget.

The Statement provides an opening surplus of \$6.96M which includes an advance payment of Financial Assistance grants for FY23 of \$3.94M. This surplus is subject to change with end of year processes relating to unspent grants and accruals that are yet to be finalised for June 2022.

Materials and contracts expenditure is \$4.11M of which \$2.8M is for flood damage works. At the time of reporting \$1.2M recoup for this expenditure has been invoiced to or reimbursed from Main Roads.

Capital Works projects expenditure totals \$2.06M that includes \$1.72M of roadworks expenditure that is mostly funded by grants still to be included as revenue in the Statement.

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 September 2022 as per Schedule 7.2.3.

COUNCIL RESOLUTION & 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 September 2022 as per Schedule 7.2.3.

File No:	ADM0026
Date of Meeting:	25 October 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Vika Nafetalai- Finance Officer
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Schedules:	Nil
Previous Reports:	Nil

Authority / Discretion

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

This report places before Council several Sundry Debtors considered unrecoverable and seeks a Council resolution to write-off these debts.

Background:

A review of the Sundry Debtors revealed that the Shire is carrying many debts over 12 months old and extending over 8 years. Officers are reviewing the aged debts as outlined Council Policy DF007 Debt Collection to ensure as many of these debts are recovered. However, several are deemed unrecoverable, and these are presented to Council to consider as carrying these debts as collectable gives a false indication of the current financial situation of the Shire.

Consultation:

Andrea Selvey – Chief Executive Officer
Rebekah Skender- Senior Finance Officer

Statutory Environment:

Local Government Act 1995 Section 6.12

This section of the Act allows a local authority to write any amount of debt.

Relevant Plans and Policy:

CF007& Debt Collection; and Delegation 1.2.21 Defer, Grant Discounts, Waive or Write-Off Debts is delegated to the CEO where a debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Carnarvon. Delegation is also limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.

Financial Implications:

The total recommended for write-off is \$3,292.26. This amount is not considered to be material amount in the overall context of the Shire’s financial position.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Reduction in Current Assets	Low	Debts regarded as uneconomical to recover as cost of recovering debt exceeds return. The impact is not material
Health & Safety			
Reputation	Writing off debts could damage the Shire’s reputation and encourage other non-payment by other debtors.	Moderate	Improve Process- Debt Recovery process is now much more efficient to minimize these issues in future.
Service disruption			
Compliance			
Property			
Environment			
Fraud			

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
5.4	Sound financial and asset management

Comment:

All reasonable recovery actions have been undertaken to secure payment of the listed debts. The Debtors listed below are recommended to be written off as the debtor has either declared bankruptcy, closed their business and/ or left town and not left a forwarding address. It would be uneconomical and an inefficient use of Council resources to continue to pursue these debts given the return on that investment in time.

Debtor Code	Amount Outstanding	Date	Details of Debt	Reasons for Write Off	Preventative Actions
GERAIR	\$2,754.26	2013-2019	Carnarvon Airport Landing Fees	Claim to have paid at the time via Honesty box and later by cheques. Debt is greater than 8 years.	Honesty box no longer used. Landings are captured via airport specific software and invoices are generated.
GARGOU	\$400.00	2013-2017	Food Business Inspections	Multiple contacts to resolve with nil result. Return to Sender Mail. Business no longer trading	As part of reviewing process into debt recovery within Sundry Debtors, we have streamlined the process and shortened the time frames that trigger actions in accordance with the debt recovery. These changes will ultimately lead to improved recovery debts and allow for a more efficient process of commencing litigation claims and write off of bad debt.
VIRAUS	\$138.00	2020-2020	Passenger Head Tax for January & February 2020	Company gone into administration on the 21.04.2020. Multiple efforts to recover debt have been unsuccessful.	

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debts listed below as they are considered unrecoverable:

	<i>Debtor Code</i>	<i>Amount</i>
1.	GERAIR	\$2,754.26
2.	GARGOU	\$400.00
3.	VIR AUS	\$138.00
<i>Grand Total</i>		<i>\$3,292.26</i>

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to write-off the Sundry Debts listed below as they are considered unrecoverable:

	<i>Debtor Code</i>	<i>Amount</i>
1.	GERAIR	\$2,754.26
2.	GARGOU	\$400.00
3.	VIR AUS	\$138.00
<i>Grand Total</i>		<i>\$3,292.26</i>

CARRIED
F8/A0

7.2.4 BUDGET ADJUSTMENTS 30TH SEPTEMBER 2022

File No: ADM0027
Date of Meeting: 25 October 2022
Location/Address: N/A
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author/s: Andrea Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Absolute Majority
Previous Report: Nil
Schedules: Schedule 7.2.4

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the

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

Summary of Item:

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

Background:

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

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

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

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

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

Consultation:

Nil

Statutory Environment:

Local Government Act – Section 6.8(1).

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

As presented

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.	N/A	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 & Strategic Objectives:

Nil

Comment:

Attached as **Schedule 7.2.4** for consideration is the proposed budget amendments as the time of preparation of this report.

Adjustments Impacting Budgeted Closing Position

Nil

Adjustments with no impact on budget closing position

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

Net budget closing position

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

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.4, in accordance with section 6.8(1) of the Local Government Act 1995.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Skender

That Council, by Absolute Majority, approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.4, in accordance with section 6.8(1) of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY
F8/A0

7.3 DEVELOPMENT & COMMUNITY SERVICES**7.3.1 APPOINTMENT OF AUTHORISED PERSONS UNDER THE BUSH FIRES ACT 1954**

File No:
 Date of Meeting: 25 October 2022
 Location/Address: Shire of Carnarvon
 Name of Applicant: N/A
 Name of Owner: N/A
 Author/s: Michael Antony, Community Emergency Services Manager
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: 23 February 2021 Schedule 8.3.1
 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.
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 provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

The *Bush Fires Act 1954* has a statutory requirement relevant to local government, requiring that the Shire maintains a register of persons appointed to fulfill the role of Fire Control Officer.

Several new appointments are recommended to provide sufficient local support to the brigade during the 2022/23 fire season. Training support is available to appointees through the Department of Fire and Emergency Services.

This item recommends that endorses the appointment of recommended Bush Fire Control Officers and updating the register to reflect current appointments.

Background:

Employee movements in and out of the Shire, has necessitated the appointment of several Fire Control Officers (FCO) and a review of the FCO register.

The persons proposed for the position of Bush Fire Control Officer are outlined below, including their relationship with the Shire of Carnarvon/Volunteer Bush Fire Brigade:

- Michael Ante Deadman – Shire Ranger, Carnarvon
- Holly Turner-Weberling– Shire Ranger, Carnarvon
- Jack Lewis – Shire Ranger, Coral Bay
- Peter Allen Cullen – Shire Ranger, Carnarvon
- Desmond Phillip Williamson – Captain, Gascoyne River Bush Fire Brigade
- Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Michael Antony – Shire Community Emergency Services Manager

Two of the proposed appointees are new rangers to the Shire and will need to be provided with additional training through the Department of Fire and Emergency Services to complete the required Fire Control Officer course to consolidate their knowledge of the Bush Fires Act 1954.

All other nominees have completed the course

Stakeholder and Public Consultation:

The Gascoyne River Bush Fire Brigade Captain was verbally asked if the Gascoyne BFB FCO would be remaining on in the role. All other appointees are staff positions.

Should Council endorse the Officer’s recommendation, a notice of appointment must be published in a newspaper circulating within the district as required under Section 38 of the *Bush Fires Act 1954*.

Statutory Environment:

Bush Fires Act 1954, Sections 38 and 50.

Relevant Plans and Policy:

N/A

Financial Implications:

No cost to the Shire

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						
Health & Safety	There is a risk of insufficient regional resources to control bush fires.	Extreme	This item seeks to address the correct appointment of authorised persons with suitable ability to manage fire incidents under the Bush Fire Act 1954.			
Reputation	Approved persons who are no longer employed by the Shire, may not act in accordance with the Shire's emergency response plan.	Low	Removal of them from the Shire Approved FCO removes their powers under the act and ensures they are not empowered to use the Bushfires Act on behalf of the Shire.			
Service disruption	N/A	N/A	N/A			
Compliance	There is a risk that if correct persons are not appointed the Shire will not have the ability to maintain compliance of Section 33. Notices under the <i>Bush Fire Act 1954</i> .	High	This item seeks to address the correct appointment of authorised persons to maintain compliance of Section 33. Notices under the Bush Fire Act 1954.			
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*:

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education
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Goal 5: Civic

Strong and listening Council.

5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
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Comment:

Section 38 of the *Bush Fires Act 1954* gives local governments the power to appoint Bush Fire Control Officers and the Act provides such persons with the necessary authority to perform their duties under the Act.

The persons as outlined in this report and recommended below are considered suitable for and are willing to accept the responsibilities that come with the role of Bush Fire Control Officer for the Shire of Carnarvon.

OFFICER'S RECOMMENDATION

1. That Council, by Simple Majority, pursuant to S.38 and S.50 of the Bush Fires Act 1954 resolves to:
 - a. Revoke all previous appointments of Bush Fire Control Officers.
 - b. approve the appointment of persons listed below to the positions of Fire Control Officer as per section 38 of the Bushfire Act of 1954:
 - I. Brett David Renton to the position of Chief Bush Fire Control Officer; and
 - II. Stephen Andrew Lyall to the position of Deputy Chief Bush Fire Control Officer; and
 - III. The following persons to the position of Bush Fire Control Officer:
 - Michael Antony – Shire Community Emergency Services Manager
 - Michael Ante Deadman – Shire Ranger, Carnarvon
 - Holley Turner-Weberling– Shire Ranger, Carnarvon
 - Jack Lewis – Shire Ranger, Coral Bay
 - Peter Allen Cullen – Shire Ranger, Carnarvon
 - Desmond Phillip Williamson – Captain, Gascoyne River Bush Fire Brigade
 - Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade
2. Authorise the Chief Executive Officer to publish these appointments in the local newspaper and formally advise the Department of Fire and Emergency Services of the appointments.

FC 11/10/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Vandeleur

1. That Council, by Simple Majority, pursuant to S.38 and S.50 of the Bush Fires Act 1954 resolves to:
 - a. Revoke all previous appointments of Bush Fire Control Officers.
 - b. approve the appointment of persons listed below to the positions of Fire Control Officer as per section 38 of the Bushfire Act of 1954:
 - I. Brett David Renton to the position of Chief Bush Fire Control Officer; and
 - II. Stephen Andrew Lyall to the position of Deputy Chief Bush Fire Control Officer; and
 - III. The following persons to the position of Bush Fire Control Officer:
 - Michael Antony – Shire Community Emergency Services Manager
 - Michael Ante Deadman – Shire Ranger, Carnarvon
 - Holley Turner-Weberling– Shire Ranger, Carnarvon
 - Jack Lewis – Shire Ranger, Coral Bay
 - Peter Allen Cullen – Shire Ranger, Carnarvon
 - Desmond Phillip Williamson – Captain, Gascoyne River Bush Fire Brigade
 - Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade
 - Scott Medhurst-Captain, Carnarvon Volunteer Fire and Rescue
 - **Warren Hatt-Lieutenant Carnarvon Volunteer Fire and Rescue**
2. Request that, as per the Shire of Carnarvon Bush Fire Brigades Local Law 2021 Section 6, the Gascoyne River Bushfire Brigade formally nominate any changes to persons to be appointed as bush fire control officers and these nominees be presented to Council at the next available Council meeting for appointment as Fire Control Officer as per section 38 of the Bushfire Act of 1954
3. Authorise the Chief Executive Officer to publish these appointments in the local newspaper and formally advise the Department of Fire and Emergency Services of the appointments.

CARRIED

F8/AO

(Note – At the request of the Bush Fire Brigade, Mr Scott Medhurst and Mr Warren Hatt were added to the Bush Fire Control Officer's positions.)

**** TO BE NOTED THAT ITEM 7.3.2 WAS WITHDRAWN AND WILL BE PRESENTED TO COUNCIL AT A LATER DATE*****

7.3.2 ESTABLISH A BUSHFIRE BRIGADE AS PER THE BUSH FIRES ACT 1954

File No:
 Date of Meeting: 25 October 2022
 Location/Address: Shire of Carnarvon
 Name of Applicant: N/A
 Name of Owner: N/A
 Author/s: Michael Antony, Community Emergency Services Manager
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: Nil
 Schedules: Schedule 7.3.2 – LGIS email

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

Summary of Item:

This report seeks Council’s resolution on the establishment of a second bush fire brigade for the Shire of Carnarvon.

Background:

The Bushfires Act of 1954 section 41 subsection (1) Bush fire brigades (1) *for the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*

During the debrief of the Carnarvon Complex fires from 2022, a request to establish a Carnarvon Rural Bush Fire Brigade for pastoral response was raised.

The Carnarvon Rural Bush Fire Brigade will assist with the co-ordination of pastoral response units and allowing landowners to receive further training and personal protection equipment supplied through the Local

Government Grants Scheme (Bush Fire Services, State Emergency Services) (LGGs). The LGGs scheme recognizes the following profiles of brigade operations:

- pastoral response
- farmer response
- rural response
- settlement response
- urban defensive response
- urban offensive with breathing apparatus response

Under the LGGs the Carnarvon Rural Bush Fire Brigade would fall into the above pastoral response brigade for funding.

Benefits of having a Rural Bush Fire Brigade

For the pastoralist, the benefit would be that while attending a fire on other properties, being a registered Volunteer and have advised they are responding to the incident, they will be covered under the LGIS insurance for any workers compensation claim and LGIS motor fleet policy for their vehicles and accessories (see attached email confirming as such from our insurer).

For the Shire this allows the pastoralist to continue to assist the Shire and neighbours in reducing the risk to the region during the high fire season and allows for further use of local resources.

Stakeholder and Public Consultation:

Discussion held with Pastoral station owners during the debrief and with the Captain of the Gascoyne River Bush Fire Brigade and the Chief Bushfire Control Officer.

Statutory Environment:

The statutory power for the delegations resides under the *Bush Fires Act 1954*, Sections 41 and 42.

Relevant Plans and Policy:

- BUSH FIRE BRIGADES LOCAL LAW 2021
- LOCAL GOVERNMENT ACT 1995
- BUSH FIRES ACT 1954

Financial Implications:

Additional cost of personal protective clothing (PPC) which can be reimbursed through the LGGs program.

CESM to provide training as part of normal operations.

Risk Assessment:

Appointment of an additional bush fire brigade allows for improved response times in the rural region of the Carnarvon district and will relieve some of the pressure currently placed on the Gascoyne River Bush fire Brigade, which is the only bush fire service in the district.

		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	Overspend on current LGGs grant to supply uniforms	Moderate	Request additional funding as mid term LGGs grant or apply for overspend, as this will only be for PPC. LGGs will need to approve as a Work Health and Safety requirement.
Health & Safety	There is a risk of insufficient regional resources to control bush fires.	Extreme	Co-ordination of the Pastoral response units would assist in quick response locally to fires.
	Risk of Volunteers being on the fire ground without the knowledge of the shire of DFES and potentially being hurt.		The establishment of a Rural Bush Fire Brigade would allow for a better control over the person at a fire who are there as volunteers from the local region and allows for access to the Local Government Insurance Scheme for those registered volunteers who attend and advise of attendance.
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	Property damage during fires. Loss of pastoral land for stock feed	High	Encouraging the local Pastoralist to be involved and assist at a community level while knowing they have adequate training and insurance will assist in better interaction and directed attack
Environment	Possible widespread environmental damage to bushland and native animals trapped in fires.	Extreme	The establishment of a Rural Bush Fire Brigade would allow better response times to remote fires to get control and reduce the spread of the fire.
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*:

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

3.4.1	Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education
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Goal 5: Civic

Strong and listening Council.

5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
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Comment:

Section 41 of the *Bush Fires Act 1954 (Act)* gives local governments the power to establish Bush Fire Brigades and the Act provides the brigade with the necessary authority to perform their duties under the Act.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 41 of the Bush Fires Act, 1954 resolves to:

- 1. Establish the Carnarvon Rural Bush Fire Brigade and commence recruitment of members for the Brigade ; and*
- 2. Authorise the Chief Executive Officer to advise the Fire and Emergency Services (FES) Commissioner and the Department of Fire and Emergency Services of the new brigade.*

7.3.3 SCHEME AMENDMENT NO. 4 LOCAL PLANNING SCHEME NO. 13 – NORTHWATER ESTATE

File No: A3216 & A3217
Date of Meeting: 25 October 2022
Location/Address: Part of Lot 9001n on Plan 402324, David Brand Drive, Brockman
Name of Applicant: Taylor Burrell Barnett
Name of Owner: Development WA
Author/s: Stefan Louw, Senior Manager Development and Regulatory Services
Declaration of Interest: Nil
Voting Requirements: Absolute Majority
Previous Reports: 27 September 2022 FC 7/9/22
Schedules: Schedule 7.3.3 (a) – Amendment Documentation
Schedule 7.3.3 (b) – Subdivision plan

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:

This report is in relation to an item that has been presented to Council at the Ordinary Council meeting held on 27 September 2022. Council, at this meeting, resolved to support the amendment in principle subject to rezoning the current POS to residential to create waterfront lots. This item aims to address the ambiguity of the note to the resolution made at the September Council meeting, provides further information in regard to items that were of concern for Council and recommends that Council adopt the proposed 'basic' scheme amendment as originally presented.

Background:

The Shire has received an application from Taylor Burrell Barnett on behalf of DevelopmentWA for a 'basic' scheme amendment to Local Planning Scheme No. 13 (LPS13). The amendment seeks to rezone land from 'Urban Development' zone and 'Residential R20' zone to apply an appropriate zone for future development. The proposal is consistent with adjacent properties in this locality. The scheme amendment also avoids rezoning any land in the Scheme's special control areas and the public open space local scheme reserve along the Fascine.

Lot 9001 is vacant land owned by DevelopmentWA with road frontage to Jaaga Cove, David Brand Drive and Parnaa View, within the suburb of Brockman. Lot 9001 has a land area of 12.1551 hectares and the scheme amendment area only relates to a southern portion of the site (approximately 3.8 hectares), illustrated below in Figure 1 by the red boundary.

Lot 9001 extends further north to Babbage Island Road and is bound by the Fascine waterway to the west/south-west and existing residential development to the east. Lot 9001 has been cleared and filled with dredge spoil. Levee systems were built within the northern section of Lot 9001 to protect the existing homes in the Brockman suburb. The site has been subject to earthworks with the intention for it to be developed for residential purposes.



Figure 1: Aerial photo of the scheme amendment area

The subject land has long been identified for residential use and development through previous structure plans, and is recognised for residential use and development in the Shire's Local Planning Strategy (Shire of Carnarvon, 2017), the Gascoyne Coast Sub-regional Strategy (WAPC, 2018), the Gascoyne Regional Planning

and Infrastructure Framework (WAPC, 2015) and the Ningaloo Coast Regional Strategy Carnarvon to Exmouth (WAPC, 2004). The scheme amendment is considered to be consistent with the objectives, principles, terms, actions and guidelines within State Planning Policy 6.3 Ningaloo Coast.

On 1 June 2022, the Western Australian Planning Commission (WAPC) conformed a subdivision application for the scheme amendment area for 33 residential lots ranging in area between 741m² and 1,109m² {Refer to Schedule 7.3.2 (b)}. The subdivision application was placed on deferral on 24 August 2022 to address the submission and approval of a local planning scheme amendment due to the current zoning being considered unsuitable by the Department of Planning, Lands and Heritage (DPLH) for residential development.

Previous Council resolution

This item has been presented to Council at the Ordinary Council meeting held on 27 September 2022. Council, at this meeting, resolved to support the amendment, adding a note to the resolution that it was subject to rezoning the current POS to residential to create waterfront lots. This 'in principle' support was included as a note and does not form part of the actual resolution and, therefore, does not require a revocation. The item before Council today is to provide clarity around the matters associated with the 'in principle' support notation and the impact of that on planning matters.

Following discussion with the applicant on what the notation means, it is the officer's understanding that the rezoning of the POS to residential would modify the basic scheme amendment to a standard or possibly even a complex scheme amendment, which would not only take much longer to complete and thereby delaying subdivision approval but would also have an increased cost associated with it. This is mainly due to additional environmental studies that would have to be undertaken due to the POS area being located within the Special Control Area 3: Flood Prone Area. The flow-on effect of this could be increased land prices that would arguably make it harder to develop and not address the critical shortage of developed land in Carnarvon.

It is common knowledge that Carnarvon is currently experiencing a high demand for good quality housing supply and this amendment, if supported, would facilitate the release of the aforementioned subdivision resulting in the creation of 33 additional lots to enter the market in a sought-after area.

Considering the above it is requested that Council initiate a basic scheme amendment to LPS13 to:

- Rezone part of Lot 9001 on Plan 402324 from 'Urban Development' zone to the 'Residential R20' zone; and
- Amending the Scheme Map accordingly.

Stakeholder and Public Consultation:

The scheme amendment proposal, once initiated, will be forwarded to the Environmental Protection Authority (EPA) in accordance with s. 81 of the Planning and Development Act 2005.

Within 21 days of passing a resolution the amendment must be submitted to the Western Australian Planning Commission (WAPC).

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*.

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 the Shire.

Relevant Plans and Policy:

Shire of Carnarvon Local Planning Strategy 2017

The Local Planning Strategy outline the long-term intent for the scheme amendment area to be developed for residential purposes. Given the proximity to the Carnarvon town centre and the need to deliver residential land, this scheme amendment supports the orderly and proper development of land for residential purposes.

State Planning Policy 3.0 – Urban Growth and Settlement

This policy guides the planning of urban settlements to promote sustainable and well-planned settlement patterns across the state, build on existing communities to concentrate services and infrastructure, manage growth and development of urban areas, promote sustainable and liveable neighbourhood forms, and to coordinate new development. The Scheme Amendment is consistent with these policy outcomes, seeking to utilise readily available services and infrastructure and facilitate residential development in a manner that is compatible with the immediate locality.

State Planning Policy 3.7 (SPP3.7) – Planning in Bushfire Prone Areas

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas.

The scheme amendment area is not affected by the Bushfire Prone Area and a Bushfire Management Plan is not required for this scheme amendment.

State Planning Policy 6.3 Ningaloo Coast (SPP6.3)

The Ningaloo Coast Statement of Planning Policy 6.3 applies to all land within the Ningaloo Coast Policy area, including Carnarvon townsite.

The objectives of the policy are to:

- 1. Provide state agencies, local government, community and proponents with clear guidance regarding acceptable and sustainable development on the Ningaloo coast.*
- 2. Maintain the Ningaloo coast as an all-seasons recreation and nature-based tourism destination and limit growth with managed staged development, to ensure that the community continues to enjoy a remote and natural experience.*
- 3. Preserve and protect the natural environment and enhance and rehabilitate degraded areas within the environment.*
- 4. Consolidate future residential, commercial, higher-impact tourism and industrial development in the towns of Carnarvon and Exmouth and provide strategic directions for their future growth.*

The policy also sets several guiding principles that must be considered such as:

- Sustainable development;
- Community aspirations;
- Economic development;
- Limits of acceptable change;
- Precautionary principal;
- Cumulative impacts;
- Protection of high-conservation values;
- Protection of Biodiversity.

The proposed amendment is consistent with the above key components of the SPP6.3.

Ningaloo Coast Regional Strategy Carnarvon to Exmouth (NCRS)

The Ningaloo Coast Regional Strategy (NCRS) was released by the WAPC in 2004. The NCRS is a strategic land use plan that sets a planning framework for sustainable tourism and land use within the Ningaloo Coast strategy area with guiding planning objectives and actions. The NCRS included the Carnarvon Structure Plan, which identified key land uses including residential, future urban land, special residential / rural residential, commercial, industrial and land identified for recreation and cultural activities.

The Carnarvon Structure Plan identified the Scheme Amendment area as 'Residential' (refer Figure 2) with the following planning objectives:

- *Encourage appropriate residential infill in existing residential areas to accommodate growth within flood levee banks.*
- *Encourage medium-density development near the town centre to accommodate aged and dependent persons' accommodation.*
- *Encourage subdivision and development within the townsite that incorporates the philosophy of Liveable neighbourhoods.*

The scheme amendment is entirely consistent with the Carnarvon Structure Plan and the planning objectives.

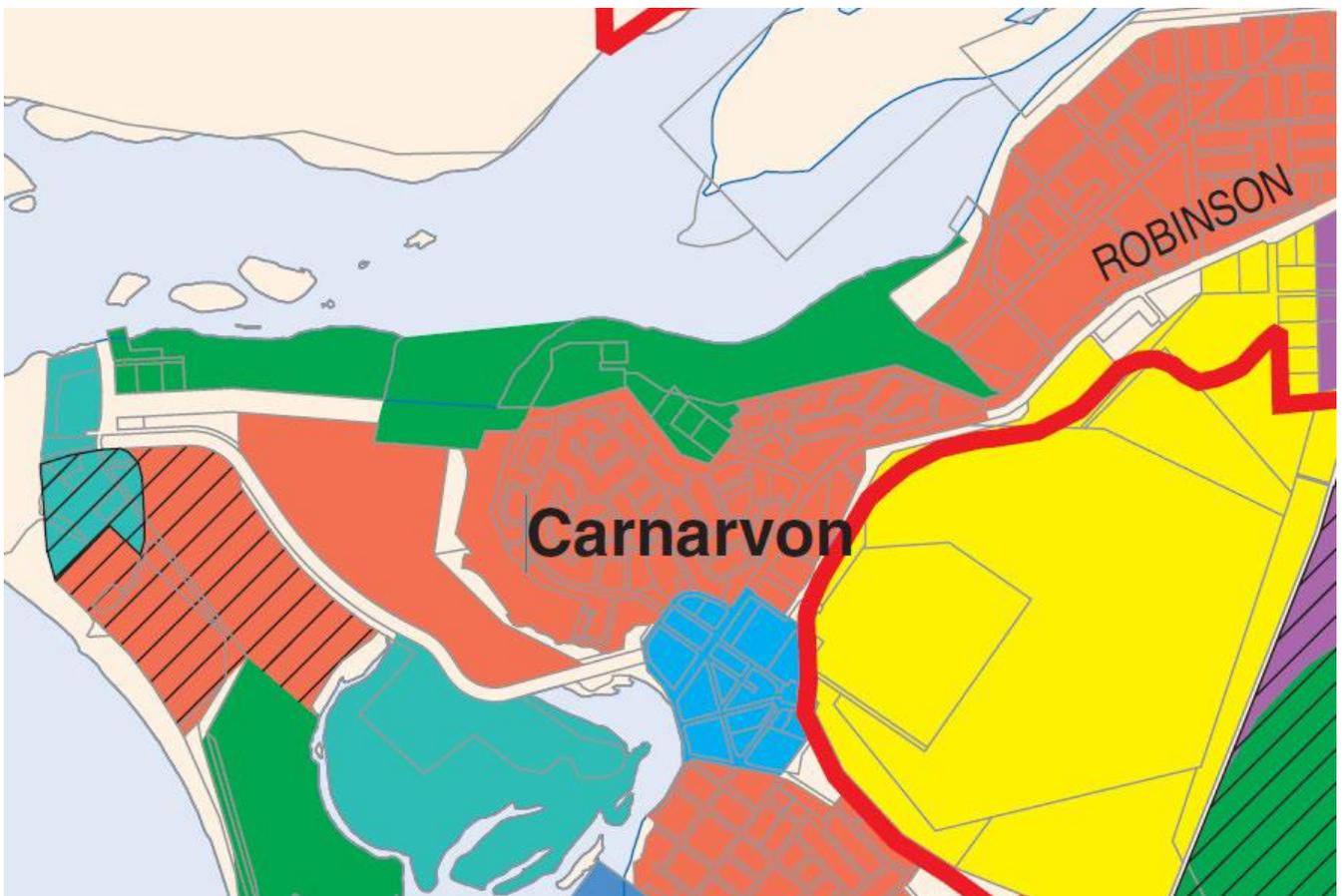


Figure 2: Carnarvon Structure Plan, WAPC 2004 (Extract)

Gascoyne Regional Planning and Infrastructure Framework and Gascoyne Coast Sub-Regional Planning Strategy

The Gascoyne Regional Planning and Infrastructure Framework was released in February 2015 and provides regional context for land use planning in the Gascoyne region. The Framework outlined major issues and priority actions and identified infrastructure projects for implementation.

With regards to housing challenges in the Gascoyne, the Framework recognises that housing availability can be influenced by residential land supply and the availability of appropriately zoned land in the region.

The Gascoyne Coast Sub-regional Strategy (WAPC, 2018) was prepared to articulate a strategic direction for land use planning, to analyse the capacity of Gascoyne settlements to accommodate growth, and to guide local planning processes. The coastal portion of the Shire of Carnarvon, including the subject site, is located within the strategy area.

Financial

Implications:

There are no financial implications associated with the proposal.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
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 subject land 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 develop the land for residential purposes.	Low	The scheme amendment will remove the zoning constraint to facilitate future development of the site. The site is subject to a current subdivision application.
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:

The Scheme Amendment is proposed as a 'Basic' Amendment under the provisions of Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015. The manner through which the proposed Scheme Amendment meets the requirements of a 'Basic' Amendment is justified in detail in the applicant's report and summarised below:

- (a) The amendment responds to the historical planning for the land, where it has previously been planned and approved for residential purposes. The WAPC has granted subdivision approvals for residential development. The land has been earth worked and services are readily available;
- (b) The amendment is consistent with State Planning Policy 6.3 Ningaloo Coast and the various strategic documents that inform the State Planning Policy. The land has consistently been identified for residential development, including the NCRS and its Carnarvon Structure Plan (WAPC, 2004) and the Gascoyne Coast Sub-regional Strategy (WAPC, 2018);
- (c) The amendment is consistent with State Planning Policy 3.0 Urban Growth and Settlement as it complies with the objectives of the policy to promote sustainable and well planned settlements; managing growth and development of an urban area in response to social and economic needs of the Carnarvon community; facilitating new development that will result in the provision of infrastructure and services.
- (d) The Shire's endorsed Local Planning Strategy (Shire of Carnarvon, 2017) identifies the site as 'Residential';
- (e) The scheme amendment only rezones land that is currently zoned 'Urban Development', and does not rezone land that is contained within the existing Public Open Space reserve, and does not intersect with the Special Control Area 1 – Floodplain (SCA 1);

Consequentially, the amendment will have minimal effect on the scheme or landowners in the area and in consultation with the DPLH, it has been directed that the rezoning is 'basic' as it is consistent with the planning framework and is administrative in nature.

The Scheme Amendment report has outlined the rationale to rezone part of Lot 9001 from the 'Urban Development' zone to 'Residential R20' zone. It is considered that through this Scheme Amendment, future subdivision and development opportunities will be available to support the continued growth of Carnarvon.

It is recommended that Council support the proposal as a 'basic' amendment as outlined below.

OFFICER'S RECOMMENDATION

1. That Council by Absolute Majority pursuant to section 75 of the Planning and Development Act 2005, resolves to initiate the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by amending the Shire of Carnarvon Local Planning Scheme No. 13 by:
 - Rezoning part of Lot 9001 on Plan 402324 from 'Urban Development' zone to 'Residential R20' zone; and
 - Amending the Scheme Map accordingly.
2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 4 is a basic scheme amendment on the basis that it is:
 - a. The amendment is consistent with a State Planning Policy; and

- b. *The amendment is not a standard or complex amendment.*
3. *Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.*
 4. *Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
 5. *Pursuant to Regulation 58 of The Regulations, resolves to forward the proposal to the Western Australian Planning Commission.*
 6. *Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer to the Local Planning Scheme No. 13 Amendment No. 4 to the Environmental Protection Authority.*

FC 12/10/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

1. *That Council by Absolute Majority pursuant to section 75 of the Planning and Development Act 2005, resolves to initiate the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by amending the Shire of Carnarvon Local Planning Scheme No. 13 by:*
 - *Rezoning part of Lot 9001 on Plan 402324 from 'Urban Development' zone to 'Residential R20' zone; and*
 - *Amending the Scheme Map accordingly.*
2. *Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 4 is a basic scheme amendment on the basis that it is:*
 - c. *The amendment is consistent with a State Planning Policy; and*
 - d. *The amendment is not a standard or complex amendment.*
3. *Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.*
4. *Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
5. *Pursuant to Regulation 58 of The Regulations, resolves to forward the proposal to the Western Australian Planning Commission.*
6. *Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer to the Local Planning Scheme No. 13 Amendment No. 4 to the Environmental Protection Authority.*

CARRIED BY ABSOLUTE MAJORITY

F8/A0

File No.	ADM2142
Date of Meeting:	25 October 2022
Location/Address:	Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Harriet Murphy – Manager Economic Development
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil

Authority / Discretion

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

Summary of Item:

That Council approves Officers to pursue funding opportunities for projects that reduce Shire costs of responding to the April 2023 Total Solar Eclipse and align with current Shire program of works.

Background:

Planning for the Total Solar Eclipse (TSE) occurring in April 2023 is well progressed. Carnarvon is planning to celebrate the 2023 Solar Eclipse by hosting events that showcase the town's unique culture and history. The festival will focus primarily on the local community, through activating existing assets and the creation of inclusive, cost-free activities. The exact program will depend on the success of funding applications with JTSI and Lotterywest, noting that the Shire has already received a small grant of \$7,500 from Horizon Power.

Officers met with the Department of Jobs, Tourism, Science, and Innovation (JTSI) Total Solar Eclipse Project Director and State appointed event management contractors, Mellen Entertainment.

Funding to support festival events is yet to be confirmed and discussions around the level of support from event management contractors are ongoing.

The Shire has been invited to submit funding requests for infrastructure which will ensure a safe and enjoyable experience for visitors and the community. This request is in addition to the funding received for infrastructure improvements in Coral Bay and Carnarvon.

Human resourcing and supply constraints will impact the Shire’s ability to deliver projects by April 2023 that are not on the current program of works. Funding requests are recommended only if they leverage off and add value to the existing project schedule.

Stakeholder and Public Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 3.18 Performing Executive Functions

Relevant Plans and Policy:

Nil applicable

Financial Implications:

The Shire is seeking an additional \$207,000 ex GST from JTSI for further improvement of the Town Beach playground facilities. No further contribution from the Shire will be required for this 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 (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety			
Reputation	A poorly serviced TSE event or poor facilities may result in poor perception of the town. Unable to complete projects by April deadline.	C2- Minor	Projects underway to assist with improving amenity and presentation of the town. This project will further that goal. Project has been carefully selected to reduce this risk.
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 1: Economic

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

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	OUTCOMES AND STRATEGIES
3.2	Strong community identity and spirit through arts, culture and events
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

Comment:

Funding for events and infrastructure for the Total Solar Eclipse have been made available to the Shire.

JTSI appointed event management contractors, Mellen Entertainment, will provide funding and resourcing support for community led initiatives. Officers are in the process of negotiating budget support and additional events for the Shire.

State preference is for infrastructure projects that leave a legacy for the community.

Given the requirement to have projects in place by April 2023 and current demand on the Shire Infrastructure team, projects which leverage of the existing program of works were considered. Improvements to Town Beach Playground and Café Precinct was prioritised. The proposed scope of works includes:

- Improving lighting
- Increasing shade (adding to already planned shade structure)
- Upgrades to ablutions
- Replace and reposition the swimming pontoon
- Installation of an Insta-worthy Carnarvon Banana, which will double as climbing frame
- Additional seating

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

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

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to negotiate and execute a funding agreement between the Shire of Carnarvon and the Department of Jobs, Tourism, Science, and Innovation for the Total Solar Eclipse event for Town Beach improvements, subject to the works being fully funded by the grant.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to negotiate and execute a funding agreement between the Shire of Carnarvon and the Department of Jobs, Tourism, Science, and Innovation for the Total Solar Eclipse event for Town Beach improvements, subject to the works being fully funded by the grant.

CARRIED
F8/AO

7.4 INFRASTRUCTURE SERVICES**7.4.1 RURAL ROADS POLICY**

File No.	ADM0124
Date of Meeting:	25 October 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services Renee Williamson – Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Schedule 7.4.1(a) Policy as presented to August Ordinary Meeting Schedule 7.4.1(b) Stakeholder Feedback Summary Schedule 7.4.1(c) Rural Roads Maintenance Policy

Authority / Discretion

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

Summary of Item:

This item presents a draft Rural Roads Maintenance Policy to provide guidance on the maintenance of road within the Shire. The officer's recommendation is that the policy is adopted.

Background:

In August 2022, to implement part of the Shire of Carnarvon Governance Review completed in May 2021, Council resolved to adopt a new policy manual except for:

- a) Policy No. ID003 (Grid Policy) and
- b) Policy No. ID002 (Maintenance of Shire Roads, Station Access Roads and Station Airstrips)

Council noted that both policies required further consultation with station owners.

The Policy as presented to Council in August 2022 is provided in **Schedule 7.4.1(a)** for reference. Consultation has been completed for what is now referred to as the Rural Roads Maintenance Policy. This report summarises that consultation and presents a revised policy for adoption. Council may also note that due to the substantial stakeholder response to the proposed grids policy, a revised policy was unable to be fully prepared for this meeting and will be presented to the November meeting for Council’s consideration.

Stakeholder and Public Consultation:

Consultation with pastoral stations was undertaken through a series of email notifications and updates. A total of seven pastoral stations responded specifically to the Rural Roads Policy. **Schedule 7.4.1(b)** summarises the feedback received including Shire officer responses to that feedback.

Several changes to the policy were completed during the consultation process and were circulated back to stakeholders. The recommended policy incorporates those changes.

The stakeholder group are to be congratulated in taking such an active role in assisting the policy development.

Statutory Environment:

S.27 of the *Local Government Act 1995*

Relevant Plans and Policy:

There is currently no Council policy position on roads that are to be maintained by the Shire. Should Council adopt the officer’s recommendation, this policy will be added to the Shire of Carnarvon Policy Manual 2022 and provide officer’s with Council’s policy position on this subject.

Financial Implications:

If adopted, this policy will provide guidance on the allocation of the Shire’s road maintenance budget. While the policy is not proposing an change to the road maintenance budget in this financial year, future budget allocations will be informed by this policy.

		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	Insufficient resourcing to maintain the roads listed in the policy.	A3 - Extreme	Focus on increasing revenue and expenditure on roads will be a priority for the Shire.
Health & Safety	N/A		

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Reputation	1. Road maintenance programs and priorities are currently not clear. 2. Stakeholders disagree with the policy and roads chosen for maintenance.	A2 - High	1. Policy aims to provide clarity. 2. Stakeholders have had input which has been incorporated to the greatest extent possible. The policy allows for applications to include roads to be made and considered by Council.
Service disruption	N/A		
Compliance	Policy not adopted/reviewed	A2 - High	Adoption of the recommended policy (or an alternative policy) ensures uniformity in decision making.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Objective 5: Civic – Strong and Listening Council.

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

Comment:

Stakeholder feedback was generally associated with details around particular circumstances of particular roads and were typically, and understandably, related to roads adjacent to or servicing their stations area of interest. Objections to the deletion of Williambury Mt Sandiman Road and Lyndon Maroonah Road from the policy were received from the adjacent stations.

Neither of these roads have received notable maintenance for several years. Williambury station states “This road still receives a large amount of traffic from the pipeline and tourists.”

Total length of these two roads is approximately 90km. A basic annual maintenance grade of both roads is estimated at a total cost of \$40,000.

Omission from the policy does not mean these roads are closed in any formal or legal sense. There are road reserves associated with these two roads. It is notable that the constructed Maroonah Road rarely if ever aligns with actual road reserve boundaries.

Formal traffic counts can be carried out if deemed necessary.

Although not relevant to this policy, Council may note officers are currently working with MRWA to clarify issues associated with a correct and legal definition of public roads. Several scenarios are all represented within Shire of Carnarvon including apparent or assumed public roads on the Shire of Carnarvon inventory that are:

- a) constructed within defined cadastral road reserve boundaries;
- b) constructed outside defined cadastral road reserve boundaries in part or fully but generally follow the road reserve alignment;

- c) constructed nowhere adjacent to a defined road reserve boundary.

Roads “gazetted” under superseded legislation are also likely to exist, undefined by actual cadastral boundaries. It is understood however that these roads may be described in survey documentation by a combination of coordinates, lengths, and bearings.

The possibility also exists that roads with no formal gazettal with an ongoing history of public use may also be classed as public roads under common law provisions.

The ultimate goal is to ensure that the Shire of Carnarvon road inventory accurately reflects legally defined public roads (both constructed and not constructed) within the Shire of Carnarvon that are confirmed as under Shire care and control.

The proposed Rural Roads Maintenance Policy as presented in Schedule 7.4.1(c) is recommended for adoption by Council.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 2.7 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Rural Roads Maintenance Policy as presented at Schedule 7.4.1(c).

FC 14/10/22

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That this matter be deferred to the November 2022 Ordinary Meeting of Council in order to workshop the proposed policy.

CARRIED
F8/AO

(Note – Council was of the view that the policy required to be workshopped by Council and to also give the Rural Road Manager opportunity to contribute prior to implementation.)

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

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

FC 15/10/22

COUNCIL RESOLUTION

Cr Skender/Cr Maslen

That the meeting be closed to members of the public at 10.27am in accordance with –

- 1. Section 5.23 (2) (c) as Item 12.1 relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- 2. Section 5.23 (a)(f) as Item 12.2 is a matter that if disclosed could be reasonably expected to (ii) endanger the security of the local government's property."*

CARRIED
F8/A0

12.1 CONFIDENTIAL ITEM - REX AIRLINES AGREEMENT

File No:	ADM0219
Date of Meeting:	25 October 2022
Location/Address:	Carnarvon Airport
Name of Applicant:	Regional Express Holdings Ltd
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	FC 18/1/22
Schedules:	Confidential Schedule 12.1(a) – REX Community Fare Agreement Summary – Carnarvon Confidential Schedule 12.1(b) – DOT Comment on Community Fare and Capital Renewal Funding

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to accept the proposal from Regional Express Holdings (REX) in relation to the establishment of a new three-year Partnership Agreement between Regional Express Holdings (REX) Ltd and the Shire of Carnarvon as follows:

- a) As specified in Confidential Schedule 12.1(a); and*
- b) with addition of a clause giving effect to the REX undertaking that REX would be permitted to exercise termination of the agreement only if passenger numbers reduced by more than 20% over a full three month period adjusted for seasonality using the monthly seasonality and passenger number baseline of FY22.*

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to authorise the CEO to finalise and execute a Partnership Agreement between Regional Express Holdings (REX) Ltd and the Shire of Carnarvon and giving effect to recommendation one.

FC 16/10/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to accept the proposal from Regional Express Holdings (REX) in relation to the establishment of a new three-year Partnership Agreement between Regional Express Holdings (REX) Ltd and the Shire of Carnarvon as follows:

- a) As specified in Confidential Schedule 12.1(a); and*
- b) With addition of a clause giving effect to the REX undertaking that REX would be permitted to exercise termination of the agreement only if passenger numbers reduced by more than 20% over a full three month period adjusted for seasonality using the monthly seasonality and passenger number baseline of FY22.*
- c) With further addition of a clause giving effect that a 20% increase in PAX for 3 consecutive months will initiate renegotiation of the agreement.*

CARRIED BY ABSOLUTE MAJORITY

F8/AO

(Note – Part (c) was added to the resolution as Council considered it would make the agreement more fair and equitable.)

FC 17/10/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Maslen/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 resolves to authorise the CEO to finalise and execute a Partnership Agreement between Regional Express Holdings (REX) Ltd and the Shire of Carnarvon and giving effect to recommendation one.

CARRIED BY ABSOLUTE MAJORITY

F8/AO

12.2

IT FRAMEWORK

File No:	ADM1895
Date of Meeting:	25 October 2022
Location/Address:	N/A
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Amanda Leighton, Manager People, Culture & Systems
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	Shire of Carnarvon IT Framework Extract from IT Framework IT Framework Update

OFFICER'S RECOMMENDATION

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

- a. Receive the ICT Framework and;*
- b. Review the ICT Framework plan in six months (April 2023) to ensure compliance and progress.*

FC 18/10/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

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

- a. *Receive the ICT Framework and;*
- b. *Review the ICT Framework plan in six months (April 2023) to ensure it is updated, compliant and being progressed.*

CARRIED

F8/AO

FC 19/10/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be reopened to the public at 10.20am.

CARRIED

F8/AO

13.0 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 22 November 2022 commencing at 1.00pm in Council Chambers.

14.0 CLOSURE:

The Presiding Member declared the meeting closed at 10.21am.