



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING

TUESDAY 26 JULY 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

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DISCLAIMER

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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.)

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

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4.1 CONFIRMATION OF MINUTES

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14.0	<u>CLOSURE</u>	



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 26 JULY 2022**

The meeting was declared open by the Presiding Member at 1.00pm

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 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
Mrs H Murphy..... Senior Manager Economic & Community Development
Mr S Louw..... Senior Manager Development & Regulatory Services
Mrs D Hill..... Senior Executive Officer

Apologies..... Ms S Mizen, Manager Finance
Leave of Absence..... Cr Skender
Observers..... 3
Press..... 1

2.0 DECLARATIONS OF INTEREST

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

Cr Cottrell (Proximity Interest) – Item 9.1 – Elected Member Motion – Re-opening of French Street Coral Bay

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 1.01pm

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

Nil

2.2 **PUBLIC QUESTION TIME**

The following questions have been submitted by Mr Albert Winder of Carnarvon –

Question 1 – Why hasn't Carnarvon shire have the resources to mow front verges – front fences to the main road from homes (residential)? Shire is responsible – I am a ratepayer.

Answer - Up until the year before last, the Shire was undertaking verge mowing at least once or twice every year. This was a strain on resources which we simply could not sustain, particularly after periods of sustained and frequent rain such as the weather experienced over last winter and the start of this year. The Shire encourages residents and businesses to take pride in their streets and community by tending to the verge outside their property. A maintained verge can also assist as an additional firebreak for your property. If each property owner or resident tends to their own verge area when mowing their lawn, it will be of enormous help in keeping grasses and other plants under control and streets looking their best. Alternatively, there are contractors in town who can undertake this work for businesses, property owners and residents.

The Shire will continue to maintain all properties and land owned or managed by the Shire. The new **Public Places and Local Government Property Local Law** includes verge maintenance responsibilities and this Local Law is presented to Council in today's agenda. Essentially, the Local Law states that if the owner of the adjoining property wants to have a lawn or other "permissible verge treatment", then it is their obligation and responsibility to maintain that verge in front of their residence or property.

Question 2 – How come no domestic airlines fly north of Carnarvon – eg. Port Hedland, Karratha and Exmouth.

Answer – REX Airlines are the licensed operators and can only fly to Carnarvon from Perth - they are not licensed to fly any further north than Carnarvon.

The following question has been submitted by Mr Alistair Brogan of Coral Bay –

My question is directed towards Item 9.1 ELECTED MEMBER MOTION – RE-OPENING OF FRENCH STREET, CORAL BAY

Question - In the background statement it states: "As the road closure was not carried out by the Local Government, nor was appropriate public notice given to invite public submissions, this matter needs to be rectified."

This statement is factually incorrect. In approximately 2009, Mr Avan Davey, A Coral Bay Resident at the time, approached Council to close the road to reduce the flow of traffic on the dirt road for Safety reasons. Banksia Drive had been opened to provide access to the fuel station and boat ramp via a bitumenised road. Council approved the closure and supplied the plastic barriers to close the road. Council does not provide Council minutes on the website dating back that far so I am unable to verify the process that was undertaken. However, I can confirm the closure was not carried without consultation and the involvement of Council. Does Council keep records of works undertaken by Council Officers?

The Safety of pedestrians is paramount in Coral Bay. The road is available for pedestrian and bicycle through traffic. However, we would request that vehicular traffic continue to be restricted as it currently is. The two main accommodation areas of Bayview are divided by French Street. The children's playground, Tennis Courts and Swimming Pool are located adjacent to French Street. Bayview is very much a family oriented resort and the numbers of children staying with us has increased considerably since the through road was instigated in 2009. With no Police presence in Coral Bay it is very difficult to control speed on roads. Reopening French Street to through traffic will greatly increase the danger to children on holiday in Coral Bay.

Answer - The Shire President responded and advised that the matter of the re-opening of French Street will be discussed as per the Elected Member Motion proposed at Section 9.1 of this Agenda. Should the motion be approved by Council, due process will be followed as per the motion.

To be noted that Shire Officers did a comprehensive search of any records relating to a Council decision on the closure of French Street dating back to 2008 and no record of an official Council resolution could be found.

Public Question Time was closed at 1.08pm

4.0 CONFIRMATION AND RECEIVING OF MINUTES

4.1 SPECIAL MEETING OF COUNCIL – 2 JUNE 2022 **ORDINARY MEETING OF COUNCIL – 28 JUNE 2022**

FC 1/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the minutes of the Special Meeting of Council held on 2 June 2022 and the minutes of the Ordinary Meeting of Council held on 28 June 2022 be confirmed as true records of proceedings.

CARRIED
F7/A0

RECEIVING OF MINUTES

4.2 WALGA ZONE MEETING – 24 JUNE 2022

FC 2/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Langley

That the minutes of the WALGA Zone Meeting held on 24 June 2022 be accepted by Council.

CARRIED
F7/A0

5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Shire President advised that he would be bringing an urgent business item to Council for consideration relating to holding the August Council Meeting at the Gwoonwardu Aboriginal Cultural Centre.

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 JUNE AND JULY 2022

File No: ADM0043
Date of Meeting: 26 July 2022
Location/Address: 3 Francis Street, Carnarvon
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Andrea Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Report: Monthly Report
Schedules: Nil

Authority / Discretion

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

Summary of Item:

To report on actions performed under delegated authority for the months of June and July 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:

Goal 5: Civic

Strong and listening Council.

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

Comment:

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

AFFIXING OF THE COMMON SEAL

Date Affixed	Document Details
11 July 2022	Lease – Carnarvon Lotteries House
13 July 2022	Lease – Minister for Education – Youth Hub Building 39 Egan Street

LAND USE AND PLANNING

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
ADM1875	P15/22	Cardabia Station , Coral Bay	Overflow Camping	BAC	28/06/2022
A3144	P19/22	35 Shallcross Street, East Carnarvon	Construction of a front fence	George Stening	21/06/2022
A2089	P21/22	12 Eagan Street, Carnarvon	Ablution facility for RSL	RSL Carnarvon	11/07/2022
A3630	P26/22	22 Mindirra Crescent, Carnarvon	Construction of a front fence	Department of Communities	12/07/2022

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/083	ASHTON RYDER	LOT 280 (30) GRANBERRY DR, BROCKMAN	SOLAR PANEL INSTALLATION ONTO EXISTING DWELLING
B22/020	HOUSING AUTHORITY- DEPARTMENT OF COMMUNITIES	LOT 829 (22) MINDIRRA CRES, BROCKMAN	POST & RAIL COLORBOND FENCE
B22/044	GEORGE JAMES STENING	LOT 104 (35) SHALLCROSS STREET, EAST CARNARVON	POST & RAIL COLORBOND FENCE

B22/048	ROMAN CATHOLIC BISHOP OF GERALDTON c/- ST MARY'S STAR OF THE SEA	LOT 337 (21) JOHNSTON ST, CARNARVON	COMMERCIAL STORAGE SHED
B22/049	SHIRE OF CARNARVON	LOT 1296 (100) SPEEDWAY RD, BROWN RANGE	TELECOMMUNICATIONS TOWER FOR AGRICULTURAL AND LAND MANAGEMENT
B22/050	JA PROPERTY TRUST & RA PROPERTY TRUST	LOT 927 (352) ROBINSON ST, EAST CARNARVON	BOUNDARY WALL
B22/051	KATHRYN LYNETTE HARPER & JARROD RAY RICK	LOT 7 (24) MARGARET ROW, EAST CARNARVON	SINGLE STOREY MODULAR FRAMED RESIDENTIAL DWELLING

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 June and July 2022.

FC 3/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

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 June and July 2022.

CARRIED
F7/A0

7.1.2 ANNUAL REVIEW – SHIRE OF CARNARVON DELEGATION REGISTER

File No: ADM0043
Date of Meeting: 26 July 2022
Location/Address: Shire of 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: Absolute Majority
Previous Report: August 2021
Schedules: Schedule 7.1.2(a) – Delegation Register

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	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 item formally presents the annual review of Council’s delegations of authority as required by legislation.

Background

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

The *Local Government Act, 1995* affords the Council the ability to delegate some of its powers and duties to the CEO or to Committees in order to facilitate the effective operations and implementation of the Shire’s functions. A ‘Register of Delegations’ must be maintained and reviewed annually. The Delegation’s Register was last reviewed in August 2021.

Consultation

Steven Tweedie – Local Government Specialist

Statutory Environment

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities. The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing. The Chief Executive Officer may under the *Local Government Act 1995* place conditions on any sub-delegation passed on to another Shire employee.

The Council must, under Section 5.46(2) *Local Government Act, 1995* review its Delegation Register at least once every financial year. As amendments to the delegations are proposed (see comments section below) Section 5.42 (1) of the *Local Government Act, 1995* applies. This states that any decision to amend or revoke a delegation by a Local Government is to be by an **absolute majority**.

Relevant Plans and Policies

There are no evident policy implications in relation to this review.

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	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This review will ensure the Shire is compliant.
Service disruption	Delivery of services to community are delayed by inadequate delegations.	Moderate	Appropriate delegations allows the CEO and administration to deliver services without having refer items to Council.
Compliance	That the Delegation Register is not endorsed by Council	Low	This review will ensure that the Shire is compliant in reviewing the delegation register once in each financial year.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

Goal 5: Civic

Strong and listening Council.

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

Comment

This review was a major review of the current Delegation Register. In conducting this review, the Shire engaged local government specialist Mr Steven Tweedie to advise the CEO and Shire President.

The delegations are based on the WALGA template to ensure that uniformity is consistent throughout. The delegations as presented are current and consistent with legislation. They are pertinent to the “day to day” functions/operations and will allow the organisation to operate efficiently, effectively, and productively in the interest of good governance.

OFFICER'S RECOMMENDATION

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

FC 4/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

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

7.1.3 FOI STATEMENT

File No: ADM1880
Date of Meeting: 26 July 2022
Location/Address: N/A
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Dannielle Hill, FOI Coordinator
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: December 2020
Schedules: Schedule 7.1.3 – FOI Statement

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 report is to seek Council endorsement of the review of the Shire of Carnarvon Freedom of Information Statement.

Background:

In accordance with the Section 96 of the *Freedom of Information Act, 1992* it is a requirement of Council to undertake an annual review of its Freedom of Information Statement.

The last review was conducted in December 2020.

A copy of the existing FOI Statement is provided at **Schedule 7.1.3**.

Stakeholder and Public Consultation:

Nil

Statutory Environment:

As reflected in the Background Section above this review is undertaken in accordance the *Freedom of Information Act, 1992* – Section 96.

Relevant Plans and Policy:

The Freedom of Information Statement is classed as a Council Policy and is referred to by staff when dealing with any Freedom of Information application/items relevant to this legislation.

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	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.		This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	To not review the FOI Statement will be in breach of the FOI Act		This agenda item aims to ensure that the Shire is compliant with the FOI Act
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.1	A well engaged and informed community and a high standard of customer service
5.1.1	Community members have access to information on their community through a range of different media
5.2	The Shire has a high standard of governance and accountability

Comment:

As mentioned, a copy of the previous Freedom of Information Statement is attached to this report for the Council's information and consideration. In reviewing the document at an officer level there are no apparent changes required to the existing statement.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995 and in accordance with Section 96 of the Freedom of Information Act, 1992 endorse the Shire of Carnarvon Freedom of Information Statement of as presented in Schedule 7.1.3.

FC 5/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995 and in accordance with Section 96 of the Freedom of Information Act, 1992 endorse the Shire of Carnarvon Freedom of Information Statement of as presented in Schedule 7.1.3.

CARRIED
F7/A0

7.1.4 SHIRE OF CARNARVON REVIEW OF WARDS AND REPRESENTATION JULY 2022

File No: ADM0186
Date of Meeting: 26 July 2022
Location/Address: N/A
Name of Applicant: The Shire of Carnarvon
Name of Owner: N/A
Author/s: A. Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Schedules: Shire of Carnarvon Review of Wards and Representation Options Discussion Paper, July 2022

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.

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

Summary of Item:

The purpose of this agenda item is to formally present information for Council to consider commencing a review of wards and representation, as required by the *Local Government Act 1995*.

Background:

Local governments that have a ward system, such as the Shire of Carnarvon, are required to review their ward boundaries and representation every so often to ensure that not more than eight years elapse between successive reviews. The last such review at the Shire of Carnarvon was conducted in 2014; therefore, a review is now required.

For Council's information and interest, in 2015, Council resolved (through failure to achieve an absolute majority vote) to not support the officer recommendation for an amendment to the ward system and default to retaining the existing wards and representation structure (of four wards and seven councillors).

The purpose of a review is to assess the current structure and arrangements and to evaluate a range of options to find a system of wards and representation that best suits the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards
- Changing the boundaries of a ward
- Abolishing any or all of the wards into which a district is divided
- Changing the name of a district or a ward
- Changing the number of offices of councillor on a council
- Specifying or changing the number of offices of councillor for a ward.

The steps in the review process are summarised below:

- Council resolves to undertake the review
- Public submission period opens (minimum 6 weeks) and information provided to the community for discussion
- Public submission period closes
- Council considers all submissions, relevant assessment factors and makes a decision
- Council submits a report (including Proposal) to the Local Government Advisory Board (the board) for its consideration
- If the proposal is for a change, the board submits a recommendation to the Minister for Local Government, who will either accept or reject the recommendation.

The Review will be undertaken in three phases:

Phase 1

- The Shire resolves to undertake a review of its ward and representation.
- Development of a discussion paper.
- The Shire advertises that it is conducting a review and seeks public submissions.

Phase 2

- Administration will assess the submissions and consider options for change against the relevant factors to be considered and draft the proposal.
- Report to council on outcome of submissions and the proposal.
- Council adopts the proposal.

- Preferred option submitted to the board via the board report.

Phase 3

- The board reviews the board report to ensure that the review was validly conducted and makes a recommendation to the Minister on changes (if any).
- Minister accepts or rejects the board's recommendation.
- If the Minister accepts the board's recommendation, the Minister will request the Governor issue a Governor's order.
- The Shire will implement the changes in accordance with the Governor's order.

Reviews usually happen prior to the bi-annual local government elections, so that any approved changes can be implemented in time for the elections. It is important to therefore submit our completed ward and representation review to the Board by no later than 31 January in a local government election year to allow all administrative and legislative requirements to occur before the proposed changes can be finalised and implemented.

It should be noted that Local governments may undertake reviews on a more frequent basis if they are experiencing significant changes to their population.

Stakeholder and Public Consultation:

The local government must give public notice advising that a review is to be carried out and that submissions may be made to the local government. The purpose of the public notice is to inform the community that the council intends to conduct a review – it should not try to advocate a particular option.

The submission period is to be not less than six weeks.

The local government is to invite submissions from the public.

In addition to giving public notice, the Shire may undertake other initiatives to promote community discussion including public and/or ward meetings, website and media articles and interviews, and distributing information to all households. It is proposed to hold public information sessions in Carnarvon and in Coral Bay and to live stream both sessions to allow digital participation.

A discussion or information paper should be developed to explain some of the various options and the factors that need to be considered, i.e.,

- Community of interest
- Physical and topographical features
- Demographic trends
- Economic factors
- The ratio of councillors to electors in the various wards.

Statutory Environment:

Schedule 2.2 of the *Local Government Act 1995*.

Relevant Plans and Policy:

N/A

Financial Implications:

There will be minor administrative costs involved in advertising which can be met from existing budget. Should the review result in changes to elected member numbers, there will be a corresponding impact on the budget for elected members.

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Community members feel that they do not have a voice in this important matter.	Moderate	Ensure public notices, media releases and the public information sessions communicate clearly that community submissions are welcomed and will be considered by Council and the Local Government Advisory Board.
Service disruption	N/A		
Compliance	The review is not completed in time or to the required standard.	Low	This item mitigates the risk by commencing the review within a reasonable timeframe for completion and in strict accordance with the legislation.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 5: Civic

Strong and listening Council.

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

Comment:

In considering Wards and Elected Member representation, options must be assessed against the following five factors in terms of the whole district (rather than just individual wards):

- Community of interest
- Physical and topographical features
- Demographic trends
- Economic factors

- The ratio of councillors to electors in the various wards.

The ratio of elected members to electors is considered particularly important to the Board, with an expectation that local governments should have similar ratios of elected members to electors in all wards, within a ratio deviation of plus or minus 10%. Therefore, the Board may be reluctant to recommend (to the Minister) changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% unless exceptional circumstances apply.

However, during the review, it may emerge that our community believes that representation that results in a ratio deviation greater than plus or minus 10% is important to achieve good representation, for example due to physical features or communities of interest.

The current context shows that the ratio deviation for the Shire of Carnarvon elected member : elector ratio is in excess of the Board’s expectation.

Ward	Suburbs	No. of Electors	No. of Elected Members (NB: The Shire President is equally split across all four wards.)	Ratio - Elected Member: Elector	% Ratio deviation from average*
Town Ward	8	2534	4.25	1: 596	-48%
Plantation Ward	4	519	1.25	1:415	-3.25%
Coral Bay Ward	1	77	1.25	1:62	84%
Gascoyne/Minilya Ward	7	78	1.25	1:62	84%
Shire President	1		Included as a percentage (.25) across all four wards		
TOTAL	20	3208	8	1:401	

The draft Options Discussion Paper, see attached, considers five options for community interest and to encourage further ideas and options.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to Schedule 2.2 Local Government Act 1995, resolves to:

- a. Commence the process for the Shire of Carnarvon Review of Wards and Representation;
- b. Give public notice of its intention to carry out a Review of Wards and Representation via:
 - i. The Midwest Times throughout the month of August;
 - ii. The Shire of Carnarvon social media platforms;
 - iii. The Shire Newsletter; and
 - iv. Media Releases to relevant Media outlets (e.g., the ABC, Midwest Times); and
- c. Invite public submissions prior to 12noon Wednesday 31 August 2022 on the “Shire of Carnarvon Review of Wards and Representation Options Discussion Paper, July 2022” as presented at Schedule

7.1.4.

FC 6/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to Schedule 2.2 Local Government Act 1995, resolves to:

- a. Commence the process for the Shire of Carnarvon Review of Wards and Representation;
- b. Give public notice of its intention to carry out a Review of Wards and Representation via:
 - i. The Midwest Times throughout the month of August;
 - ii. The Shire of Carnarvon social media platforms;
 - iii. The Shire Newsletter; and
 - iv. Media Releases to relevant Media outlets (e.g., the ABC, Midwest Times); and
- c. Invite public submissions prior to 12noon Wednesday 31 August 2022 on the "Shire of Carnarvon Review of Wards and Representation Options Discussion Paper, July 2022" as presented at Schedule 7.1.4.

CARRIED
F7/A0

7.1.5

STRATEGIC COMMUNITY PLAN

File No:	ADM0158
Date of Meeting:	26 July 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Amanda Leighton, Manager People, Culture & Systems
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Schedules:	Draft Strategic Community Plan Community Jury Strategic Community Plan Recommendations and Report.

**The Chief Executive Officer advised that this item has been withdrawn and will be resubmitted to Council at the August Council Meeting. Council received a submission on the Plan which requires further evaluation.

7.1.6

ORGANISATIONAL RESTRUCTURE 6 MONTH REVIEW

File No:	ADM0172
Date of Meeting:	26/07/2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon

Name of Owner: N/A
Author/s: Amanda Leighton, Manager People, Culture & Systems

Declaration of Interest: Nil
Voting Requirements: Simple Majority
Schedules: Schedule 7.1.6(a) Draft Organisational Structure
 Schedule 7.1.6(b) Table of Positions Directly Affected by Restructure

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:

Following Council's endorsement of the Organisational Structure that was formally presented to Council at the June 2021 Ordinary Council Meeting and adoption of the budget by Council in August 2021, the implementation of the structure officially commenced in October 2021.

As part of the recommendation, continual review of the structure for efficiencies and improvement would be required to ensure that the Shire continues to have the capacity to deliver services to our community, and ensure that our organisation structure is relevant in an evolving environment that presents new opportunities and new risks.

The six monthly review has now taken place and the findings are now outlined in this agenda item for your consideration. The officer's recommendation is that Council adopts the Organisational Structure as presented and considers the budget allocation as part of the upcoming budget deliberations.

Background:

In October 2021 the Shire of Carnarvon implemented the Organisation Structure which was presented to Council for their endorsement.

Following the initial review, it was proposed that the implemented Organisational Structure be reviewed after 6 months to:

- Review of services outlined in the CBP and identify what we are currently delivering.
- Review services outlined in the CBP and identify what we are not delivering.
- Identify any services that are not currently being delivered due to staffing capacity.
- Identify any services that we are currently delivering that are not on the CBP.

- Identify any gaps in staffing levels against the services required to be delivered.
- Identify any other risk to the Shire arising from the structure.

Due to COVID, employee movements (personal and professional) the 6-month review was required to be completed in a virtual environment. This process involved asking the Leadership Group (Managers and Coordinators from across the organisation) to consult with their teams and, as a team, provide responses to survey questions. The questions were designed for employees to evaluate the efficiency and effectiveness of their own teams and to provide their views on other departments across the organisation.

The survey contained the following questions:

1. Looking at the current structure of your team how would you rate the overall ability to perform core duties?
2. Looking at the current structure of your team, is your team able deliver their services internally and externally? Please provide details
3. Looking at the current structure of your team, does your team believe there are gaps preventing their ability to perform their duties? There may be tasks that are not being performed due to under-resourcing or training. Please provide details
4. Looking at the current structure of your team, does your team have capacity with some roles/people able to take on additional work? There may be people within your team that are just performing their role and have the time and aptitude to take on extra work in other areas. Please provide details
5. Looking at the current structure of your team, what recommendations would you make to improve the structure and performance, keeping in mind any budget constraints? Please provide details
6. Looking at the current structure of your team, what recommendations would you make to improve the structure and performance, if budget was not an issue? Please provide details
7. How would you rate the following other departments' ability:
 - a. STRUCTURE FOR THIS TEAM SEEMS TO WORK - ABLE TO DELIVER THEIR SERVICES
 - b. STRUCTURE FOR THIS TEAM NEEDS TWEAKING - THEY ARE NOT ABLE TO DELIVER THEIR SERVICES
 - c. STRUCTURE OF THIS TEAM APPEARS TO HAVE CAPACITY (CROSS TRAINING/ADDITIONAL DUTIES ETC)
 - d. STRUCTURE OF THIS TEAM HAS GAPS PREVENTING THEIR ABILITY TO PERFORM THEIR DUTIES ADEQUATELY
 - e. I HAVE RECOMMENDATIONS FOR THIS TEAM STRUCTURE
8. Thinking of the overall structure and considering budget constraints, what recommendations would you make to improve the overall structure?
9. Thinking of the overall structure, if budget was not an issue, what recommendations what you make to improve the overall structure?

Once the Leadership Group completed the survey, the results were summarised and reviewed to improve the Organisational Structure.

It was identified that several departments were able to identify risks across the organisation, these risks have been submitted to Council as part of a confidential Human Resource report.

Risks Identified:

Corporate risk was identified through the review with the risk being a heavy reliance on external specialist support, challenges in meeting legislative deadlines and in the Shire's ability to deliver core services and ability to revenue raise. The challenge with recruitment and retain suitably qualified staff in this environment was also raised as a risk, noting that this not limited to the Shire of Carnarvon and is a challenge facing many sectors in regional areas and in cities.

The proposed structure aims to place the Shire in a better position to deliver core services and meet statutory and regulatory deadlines. The Shire will also be investing in upskilling their workforce to meet workforce gaps.

Stakeholder and Public Consultation:

Due to COVID, employee movements (personal and professional) the 6-month review was required to be completed in a virtual environment.

This process involved asking the Leadership Group (Managers and Coordinators from across the organisation) to consult with their teams and, as a team, provide responses to survey questions. The questions were designed for employees to evaluate the efficiency and effectiveness of their own teams and to provide their views on other departments across the organisation.

Statutory Environment:

Sections 5.2 and 5.36 of the *Local Government Act 1995* articulates Council’s responsibility to ensure that there is an appropriate structure for the administration of the Shire.

Relevant Plans and Policy:

Shire of Carnarvon 2018/22 Workforce Plan
 Shire of Carnarvon Corporate Business Plan

Financial Implications:

Following the wage freeze from 2020/2021, wages and salaries were increased by 3% in the 2021/22 year. The recommended CPI increase for wages and salaries is 5.2% and the wages and salaries budget has been premised on this basis which will see an increase of \$376,081

Superannuation has increased for the 2022/2023 Financial Year from 10% to 10.5%, this has resulted in an additional \$37,246 in superannuation costs.

The combination of the 5.2% wage increase and 0.5% superannuation increase has resulted in an total increase of \$75,650 being included in the following calculation of wages and salaries for the 2022/2023 financial year.

BREAKDOWN OF WAGES & SALARIES 2022/2023 PERIOD		
Wages & Salaries	\$ 7,608,416.00	<i>This figure is based on a 5.2% increase.</i>
Superannuation	\$ 798,884.00	\$ 782,176.00 <i>Super 10.5%</i> \$ 20,072.00 <i>Council Super 2%</i>
Workers Comp	\$ 190,000.00*	<i>*Estimate</i>
Uniforms	\$ 43,120.00*	<i>*Estimate</i>
Airfares	\$ 43,120.00*	
Fringe Benefit Tax	\$ 25,000.00*	<i>*Estimate</i>
TOTAL WAGES & SALARIES	\$ 8,708,540.00	<i>This will be the total budgeted line item for Salaries and Wages</i>
INCOME	\$ 378,186.00	<i>This is income for funded positions and traineeships/apprenticeships.</i>
INCOME	\$ 244,000.00	<i>This is income for funded positions within the Youth Services team.</i>
GRAND TOTAL	\$ 8,086,354.00	

WAGES AND SALARIES BUDGET COMPARISON	CURRENT PROPOSED
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	2018/19	2019/2020	2020/2021	2021/2022	2022/2023
ACTUAL	\$7,443,464.00	\$7,771,785.00	\$6,933,103.00	\$6,449,198.00*	
BUDGETED	\$7,686,536.00	\$8,334,100.00	\$7,296,303.57	\$7,791,465.00	\$8,086,354.00
DIFFERENCE	-\$243,072.00	-\$562,315.00	-\$363,200.57	-\$1,342,267.00*	
	*2 more pay run for this period.				

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	<p>The proposed structure cannot be accommodated within the Shire's current financial capacity.</p> <p>Due to current staffing levels, some staff have been unable to take leave resulting in the Shire carrying significant leave liabilities.</p>	High	<p>The proposed Organisational Structure is seeking approval for a salary and wages budget of \$8,086,354. The draft budget is being prepared to include this expenditure.</p> <p>The proposed structure will provide some backfill and support to enable staff to take leave within acceptable timeframes, thus reducing the Shire's leave liability.</p>
Health & Safety	<p>Current staffing levels are not adequate which has resulted in gaps and pressure points within the organisation. There is a high risk of burn out with staff, some staff are unwilling to take leave due to their current workloads and lack of staff to backfill</p>	High	<p>The proposed Organisational Structure aims to address the priority gaps and areas of risk.</p> <p>Employees should feel confident to take leave knowing that there is a succession plan in place.</p>

	positions. This impacts staff health and wellbeing and impacts on retention.		
Reputation	An inadequate structure could result in a risk of high staff turnover as a result of a stressful environment. The Shire also risks reputational damage if it not able to deliver the services in the CBP.	High	The proposed Organisational Structure aim to provide mitigation against these risks to reputation.
Service disruption	Current staffing levels do not allow for contingency for planned and unplanned staff absences. High risk areas are the airport, administrative support and finance. An over-reliance on individuals can result in business interruption when the employee leaves the Shire.	High	The proposed Organisational Structure aims to minimise staff turnover and improve the Shire's capacity to deliver services as per our CBP.
Compliance	N/A		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*:

Objective 5: Civic – *Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.2	Highly capable executive leadership and management
5.2.3	Risks are well managed
5.5	The right people with the right skills in a productive workplace
5.5.5	Organisation and strategic workforce development

Comment:

The officer's recommendation is that Council supports the Organisational Structure as it is presented, given the consultative process that has involved all tiers and teams. It is also recommended that the proposed structure will improve service delivery and mitigate the risks as outlined above. Officers have been mindful of the budget impact of the review and have worked to ensure the financial impact can be managed within the Shire's financial capacity.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to sections 5.2 and 5.36 of the Local Government Act 1995, resolves to endorse the proposed Organisational Structure for the Shire of Carnarvon as presented at Schedule 7.1.6(a) and consider the Salary and Wages costs required to support this structure as part of the 2022/2023 budget process.

FC 7/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Ferreirinha/Cr Langley

That Council, by Simple Majority, pursuant to sections 5.2 and 5.36 of the Local Government Act 1995, resolves to endorse the proposed Organisational Structure for the Shire of Carnarvon as presented at Schedule 7.1.6(a) and consider the Salary and Wages costs required to support this structure as part of the 2022/2023 budget process.

CARRIED
F7/A0

7.1.7 SHIRE OF CARNARVON REVENUE STRATEGY

File No: ADM0186
 Date of Meeting: 26 July 2022
 Location/Address: N/A
 Name of Applicant: The Shire of Carnarvon
 Name of Owner: N/A
 Author/s: A. Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Schedules: Shire of Carnarvon Revenue Strategy (Draft)

Authority / Discretion

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

Summary of Item:

The purpose of this agenda item is to present public comments on the draft Revenue Strategy to Council. The item also presents the officer's response to the comments and several proposed amendments to the Revenue Strategy based on these comments.

Background:

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

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

Stakeholder and Public Consultation:

One submission was received from Mr Wally Dale. The following table shows comments from Mr Dale, along with the officer’s response and proposed amendments to the Revenue Strategy.

Comment	Response	Change to Revenue Strategy
<p>I would find it very difficult to determine a “comparable L/G”. Carnarvon’s size and multi-cultural population, that is decreasing, and the fact that we are deemed a Regional Centre, a title that results in greater resident expectations, would make any comparison rather meek.</p>	<p>Comment noted. Carnarvon is in a unique position.</p>	<p>N/A</p>
<p>For the four categories in Recommendation #4, I would strongly reject numbers 1 and 4. The Council members would be well aware that the rating system based on the Gross Rental Value of property is a pseudo “wealth tax” and to apply an SAR to a small group of ratepayers over and above for the maintenance of an asset used by all is an abuse of the system.</p> <p>Regarding the possibility of adding a “specified area rate” for Northwater ratepayers, might I suggest that the Councillors spend some time comparing the current rate level for these properties.</p> <p>Perhaps owners of boats, yachts, canoes, paddle boards etc should be targeted if the funds raised are specifically for Fascine waterway access!</p>	<p>The current levels of revenue limit the Shire’s ability to maintain the public open space and the waterway from Northwater into the Fascine.</p> <p>Officers acknowledge that the Fascine water can be accessed by all residents and visitors, the intent of a SAR is to improve the accessibility specifically for Northwater residents who have direct access to the waterway and a higher level of visual amenity and public open space.</p> <p>Need to maintain Tramway Bridge.</p> <p>This higher level of amenity contributes to higher property values in Northwater.</p>	<p>Revenue Strategy amended to include the following: <i>Full and detailed modelling of expenditure and possible revenue and further public consultation will be carried out prior to a SAR being recommended to Council.</i></p>

<p>I would be concerned about the employment of a “Business Development Officer” before a very detailed business case were presented. This case would need to show actual examples of possible involvement in the attraction of productive enterprise that may seek Carnarvon as a base. I believe that this case study would need to cover at least 12 months before requesting Council members to consider further administrative expenditure. (I suggest that pie graphs of total Budget items would be extremely valuable.)</p>	<p>Adding this responsibility to existing staff members. Over the next twelve months we will assess the volume of work and outputs/outcomes of this function to inform a business case for Council to consider.</p> <p>Pie Graphs are provided as part of the Monthly Financial Statement that is published with the Council Agenda papers and minutes. The Annual Financial Statement also includes graphs of income and expenditure.</p> <p>A flyer accompanying the Rates Notice provides graphical information.</p>	<p>Revenue Strategy amended to include the following:</p> <p><i>Expand the role of Manager Economic Development and Tourism to include this function. Monitor and review in twelve months.</i></p>
<p>The strategy notes a need to encourage property owners to improve and maintain the street frontages. State Government could be well placed to fulfil this need by attention to the State Housing properties and the state of the two school precincts – Carnarvon Primary and Senior High School sites.</p>	<p>Noted and agreed. The Shire will develop a draft policy for verges, similar to Crossover policy. Involve community in developing the policy.</p> <p>Continue to lobby Dept of Communities re State Housing, Carnarvon Primary and Senior High School sites.</p>	<p>No change to the Revenue Strategy.</p>
<p>Any forward-looking strategy must have “growth” as its fundamental basis and this is, unfortunately, contrary to our current situation. Personally, I see only two potential areas of population growth – FIFO workers and retirement residents. The former has potential for the induction of families and the second has a growing need for support workers. I believe that there is potential for a “Retirement Village” in Carnarvon. As a suggestion, Council could seek to have land on Babbage and Whitlock Islands be vested in Council and then negotiate with developers of such facilities to make land available with very attractive terms. Land adjacent to the</p>	<p>The view of the Shire is that population growth for Carnarvon has many potential drivers and many needs, such as affordable and quality housing. See actions below that the Shire is progressing to support growth.</p> <p>FIFO workers will require an upgraded / relocation of the airport as the current airport cannot support jet services. Funds allocated in 2022/2023 budget for feasibility studies and planning for a potential airport upgrade/relocation.</p> <p>Retirement village. Private developers have investigated. This also requires an upgrade to medical/hospital services and social facilities that are</p>	<p>Revenue Strategy amended to include the following:</p> <p><i>Additional point under Recommendation Ten to read Identify attractive land packages for residential and commercial developments with consideration to reducing barriers to this development.</i></p>

<p>CBD with water access could be marketed very aggressively.</p>	<p>State Government supplied. Shire will continue to advocate with the State Government for investment in these services.</p> <p>Vesting (management orders) preclude commercial development. Funding for development of serviced land is currently being investigated by the Shire via NAIF applications.</p> <p>The view of the Shire is that population growth has many potential drivers and many needs, such as affordable and quality housing. See actions above that the shire is progressing to achieve this.</p>	
<p>Which brings me to what I believe to be the major problem for Carnarvon (and hence an important negative factor in seeking young families) – the state of the Carnarvon Community College that, if it were located in the Metropolitan area, would be closed due to the tragically low attendance numbers. As the Chair of the consultative committee that oversaw the move to one school, I am disgusted at the Government’s attitude to simply allow the College to be used as a stepping stone for those seeking promotion. This school needs a Principal and senior staff to be “head-hunted” and given considerable incentives to come to Carnarvon to turn the present situation around. This school that is currently a major liability can be built up to become an asset as it once was. Unless this is actioned by Council continuing to pressure the Education Minister and Department to act in this way, in my opinion, our downward spiral will continue towards disaster.</p>	<p>Noted. Out of scope for the revenue strategy. Concerns with the standard of education has been identified in the Strategic Community Plan and will be considered in the Corporate Business Plan, noting that the Shire’s role is to raise awareness of concerns with the relevant agencies and to advocate on behalf of the community.</p>	<p>N/A</p>

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Statutory Environment:

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

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

Relevant Plans and Policy:

N/A

Financial Implications:

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

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
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	The cost to implement recommendations will have an impact on the budget.	High	Recommendations will be presented to Council to consider affordability during Council’s budget deliberations.
Health & Safety	N/A		
Reputation	The strategy may suggest that Council has not been proactive in raising revenue in the past.	High	The report demonstrates that there is already significant work being done to improve the Shire’s finances; however, this document provides a framework and strategy.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		

Fraud	N/A		
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Community & Strategic Objectives:

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

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

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

Comment:

The revenue strategy aims to:

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

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

OFFICER’S RECOMMENDATION

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

- Note the public submission and acknowledge Mr Dale for his contributions to the Strategy; and*
- Adopt the Shire of Carnarvon Revenue Strategy 2022 to guide the Long Term Financial Plan and annual budget decisions; and*
- Review the Revenue Strategy in April 2023 during the 2023/2024 Budget process.*

FC 8/7/22

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

Cr Cottrell/Cr Vandeleur

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

- Note the public submission and acknowledge Mr Dale for his contributions to the Strategy; and*
- Adopt the Shire of Carnarvon Revenue Strategy 2022 to guide the Long Term Financial Plan and annual budget decisions; and*
- Review the Revenue Strategy in April 2023 during the 2023/2024 Budget process.*

CARRIED
F7/A0

7.2 CORPORATE & COMMUNITY SERVICES

7.2.1 CREDITORS REPORT OF ACCOUNTS PAID UNDER DELEGATION 1 TO 30 JUNE 2022

File No: ADM0186
 Date of Meeting: 26 July 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 June 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 \$2,189,516.44 as presented for the month of June 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT35627 - EFT35629 EFT35631 - EFT35741 EFT35745-EFT35834 EFT35836-EFT35837 EFT35840 EFT35842-EFT35844 EFT35846-EFT35848 EFT35850-EFT35860 EFT35862-EFT35865 EFT35867-EFT35871 EFT35873-EFT35884 EFT35886-EFT35890 EFT35892-EFT35893	EFT35895-EFT35911	Muni EFT	\$2,152,075.61
EFT35742	EFT35744	Trust EFT	\$1,145.87
	47237	Cheques	\$18,624.55

47236			
EFT35630; EFT35835 EFT35838-EFT35839 EFT35841; EFT35845 EFT35849; EFT35861 EFT35866; EFT35872 EFT35885; EFT35891 EFT35894	EFT35912	Visitor Centre EFT	\$17,670.41
		TOTAL	\$2,189,516.44

b) Note Sundry Creditors as of 30 June 2022 - \$2,169,145.88

FC 9/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

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 \$2,189,516.44 as presented for the month of June 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT35627 - EFT35629 EFT35631 - EFT35741 EFT35745-EFT35834 EFT35836-EFT35837 EFT35840 EFT35842-EFT35844 EFT35846-EFT35848 EFT35850-EFT35860 EFT35862-EFT35865 EFT35867-EFT35871 EFT35873-EFT35884 EFT35886-EFT35890 EFT35892-EFT35893	EFT35895-EFT35911	Muni EFT	\$2,152,075.61
EFT35742	EFT35744	Trust EFT	\$1,145.87
47236	47237	Cheques	\$18,624.55
EFT35630; EFT35835 EFT35838-EFT35839 EFT35841; EFT35845 EFT35849; EFT35861 EFT35866; EFT35872 EFT35885; EFT35891 EFT35894	EFT35912	Visitor Centre EFT	\$17,670.41
		TOTAL	\$2,189,516.44

b) Note Sundry Creditors as of 30 June 2022 - \$2,169,145.88

CARRIED
F7/A0

7.3 DEVELOPMENT SERVICES

7.3.1 PROPOSED SHIRE OF CARNARVON PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW

File No: ADM2087
Date of Meeting: 26 July 2022
Location/Address: Shire of Carnarvon
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: Patricia Ouellette, Senior Customer Service Officer
Declaration of Interest: N/A
Voting Requirements: Absolute Majority
Previous Reports: 7.3.3 - Public Places and Local Government Property Amendment Local Law
Schedules: Schedule 7.3.1 Public Places and Local Government Property Local Law Amendment

Authority / Discretion

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

Summary of Item:

The *Shire of Carnarvon Public Places and Local Government Property Local Law 2021* was published in the Government Gazette on 15 December 2021. A copy of the local law was also submitted to the WA

Parliamentary Joint Standing Committee on Delegated Legislation who requested a minor amendment about the application of a clause in the local law that deals with animals in public places.

A copy of the Amendments was sent to the Minister and advertised for public comment for the required 60 days, during which no feedback had been received. Having completed the requirements set out under s3.16 of the Local Government Act 1995, the amendment Local Law can now be made law.

This report seeks Council's resolution to adopt the Public Places and Local Government Property Amendment Local Law 2022.

Background:

The Shire is near the end of the process of updating, amending and replacing most of its local laws under s3.16 of the *Local Government Act 1995*, which requires that local governments review local laws at least once every eight years.

One of the outcomes was that the Shire made a *Public Places and Local Government Property Local Law* (the 'local law'), which was published in the *WA Government Gazette* on 15 December 2021.

The process to make or amend a local law is set out in section 3.12 of the Local Government Act 1995, part of which requires local governments to make a submission to the WA Parliamentary Joint Standing Committee on Delegated Legislation (the JSCDL) in a set format. The JSCDL oversees the making of subsidiary legislation such as local laws and regulations on behalf of Parliament. The JSCDL can request a local government to amend a local law if it believes the Local Law does not comply with an Act or Regulation, has not been correctly made, is beyond a power of local government, or it simply believes to be inappropriate.

A copy of the *Shire of Carnarvon Public Places and Local Government Property Local Law 2021* (the local law) was therefore submitted to the JSCDL on 17 December 2021. On 16 February 2022 the JSCDL advised that it has concerns with clause 5.5 of the local law which read:

5.5 Animals

(1) A person must not-

(a) tether any animal to a tree, shrub, tree guard, wall or fence; or

(b) permit any animal to enter upon or into any local government property,

unless authorised by a permit or under this local law

(2) A person may exercise a horse in the area described in Schedule 2

(3) In this clause, "animal" does not include a dog

The JSCDL further advised that it considered that '*the effect of clause 5.5(1)(a) is that a person cannot tether any animal other than a dog to a tree, shrub, tree guard, wall or fence in any location including their own backyard. The use of the word "or" between subsection (a) and (b) provides that a person cannot do this anywhere. This is beyond the scope of the Shire's power to make laws and it is unreasonable.*'

At its meeting held on 26 April 2022 (item 7.3.3 refers) Council subsequently resolved to advertise the *Shire of Carnarvon Public Places and Local Government Property Amendment Local Law* for public comment, and send a copy to the Minister as required by s3.12 of the Act. The amendment to the principal local law was to replace Clause 5.5 with:

5.5 Leaving animal or vehicle in public place

(1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a licence or is authorized to do so under a written law.

(2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

Consultation:

As required by s3.12(3) of the Act, local public notice was given of the proposed Amendment local law via the Shire of Carnarvon Website, Noticeboard, and the West Australian Newspaper. The period for comment closed on 24 June 2022; no public comments were received.

Statutory Environment:

The process to make or amend a local law is set out in section 3.12 of the *Local Government Act 1995*.

Relevant Plans and Policy:

Nil.

Financial Implications:

There are minor costs associated with the drafting, giving of public notice and the Gazettal of the proposed Amendment Local Law which can be met within the advertising budget.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation		Medium	
Service disruption	N/A	N/A	N/A
Compliance	If the Shire does not respond, the JSCDL will recommend that the local law be revoked.	N/A	This item brings the process for the local law to be amended to Council to ensure the Local Law is compliant.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

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

Objective 3: Social

Healthy, safe and resilient community, where everyone belongs

3.4	Healthy and safe community
3.4.3	Ensure safety and amenity standards are upheld through Ranger Services and Environmental Health Services

Objective 5: Civic

Strong and listening Council.

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

Comment:

The Shire has complied with sections 3.12(1) to 3.12(3) and may now take the final steps to make the Amendment Local Law as recommended to Council below.

The proposed *Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022* is attached.

OFFICER'S RECOMMENDATION

That Council by, Absolute Majority, pursuant to Section 3.12 of the Local Government Act 1995 RESOLVES:

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, to adopt the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022;*
- 2. In accordance with s3.12(5) of the Local Government Act 1995 to publish the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022 in the Government Gazette and send a copy to the Minister for Local Government;*
- 3. In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal to give local public notice:*
 - a. Stating the title of the local law;*
 - b. Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
 - c. Advising that copies of the local law may be inspected or obtained from the Shire offices.*
- 4. In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, send a copy of the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022 and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

FC 10/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council by, Absolute Majority, pursuant to Section 3.12 of the Local Government Act 1995 RESOLVES:

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, to adopt the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022;*
- 2. In accordance with s3.12(5) of the Local Government Act 1995 to publish the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022 in the Government Gazette and send a copy to the Minister for Local Government;*
- 3. In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal to give local public*

notice:

- a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire offices.
4. In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, send a copy of the Shire of Carnarvon Public Places and Local Government Property Amendment Local Law 2022 and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY
F7/A0

7.3.2 RECONCILIATION ACTION PLAN 'REFLECT' JULY 2022 – JULY 2023

File No: ADM0281
Date of Meeting: 28 June 2022
Location/Address: N/A
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author/s: Kristine Adcock, A/Community Services Coordinator
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: Nil
Schedules: 7.3.1 Reconciliation Action Plan Reflect DRAFT 2022-2023

Authority / Discretion

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

Summary of Item:

The item seeks Council's formal consideration of the Reconciliation Action Plan 'Reflect' July 2022 – July 2023. The officer's recommendation is that the Reconciliation Action Plan 'Reflect' is endorsed by Council.

Background:

The Shire of Carnarvon plays an important role in reconciliation within the community. The Reconciliation Action Plan serves as a formal and important step in progressing genuine reconciliation between Council and the Aboriginal and Torres Strait Islander peoples across our region.

All Reconciliation Action Plans are developed in association with Reconciliation Australia, the lead body for reconciliation in Australia. Reconciliation Australia is an independent, not-for-profit organisation that promotes and facilitates reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples. Under Reconciliation Australia’s framework, there are four types of Reconciliation Action Plans that an organisation can develop: reflect, innovate, stretch and elevate and they provide the framework and template for the development of the Plan. The Shire of Carnarvon’s Reconciliation Action Plan is a Reflect plan which is an entry level, one-year plan that sets out the steps in preparing an organisation for reconciliation initiatives in successive plans.

The Reconciliation Action Plan is aimed at continuing the reconciliation journey within the local community. The actions are grouped into 4 (four) ‘Reflect’ pillars:

- Relationships;
- Respect;
- Opportunities; and
- Governance

Within these 4 (four) Reconciliation Action Plan pillars are goals and actions/deliverables that have been identified to implement the Reconciliation Action Plan over a one-year prescribed period. This information is presented in a table format to clearly outline the overarching pillar; description of actions and deliverables; level of Council involvement; and the suggested implementation timeframes.

Statutory Environment:

S3.18 of the Local Government Act 1995.

Relevant Plans and Policy:

Strategic Community Plan 2018 – 2028

Consultation:

Feedback has been gathered by community and stakeholder engagement phase which has led to some structural amendments of the draft Reconciliation Action Plan. Such engagement included the Yinggarda Aboriginal Corporation who provided minor comment to the acknowledgement section of the document and also engagement with the NTGAC to provide feedback. The Plan has been submitted to Reconciliation Australia three times for their feedback and on 8 July 2022 we received conditional endorsement.

Financial Implications:

Implementation of the Reconciliation Action Plan July 2022 – July 2023 will be resource-intensive; funding will be required to carry out initiatives and activities as outlined in the actions or as a result of the actions required. This will be primarily completed by sourcing funding and support from external funding bodies and organizations or where a Council contribution is required, Officer’s have made a \$2,000 consideration during the annual budget deliberations for 2022/2023.

Risk Assessment:



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 initiatives and activities as a result of the action items will require significant administration and financial support.	Moderate	The intent is to actively seek external grant funding and partnerships as a primary source for resourcing.
Health & Safety	N/A		
Reputation	The Shire of Carnarvon is seen as the leaders in reconciliation and such plan is a important document.	Moderate	All actions and desired outcomes are achievable and stakeholder feedback was sought on draft document.
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 4: Cross-cultural connection

Acknowledged and celebrated traditional owners and diverse cultures that make up the community.

ITEM	OUTCOMES AND STRATEGIES
4.1	The community's distinctive cultural mix and history is acknowledged and celebrated
4.1.1	Yinggarda, the first people of this area, are acknowledged and celebrated
4.1.2	The diverse cultures of the Shire's residents are acknowledged and celebrated, including Aboriginal and other cultures

Comment:

Shire of Carnarvon has always done a lot of work to enhance and support reconciliation within the community, this Plan will provide structure and transparency to continue to positively support and maintain this reconciliation. Our community is comprised of people from diverse cultural backgrounds. The total number of local residents from Aboriginal and Torres Strait Islander backgrounds from the 2016 Census Data was 960 people, which represents 21.7% of the total overall local population. Measuring the success of the actions related to the delivery of the Reconciliation Action Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods.

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Reconciliation Action Plan July 2022 – July 2023 as attached at Schedule 7.3.2.

FC 11/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995, resolves to adopt the Shire of Carnarvon Reconciliation Action Plan July 2022 – July 2023 as attached at Schedule 7.3.2.

CARRIED
F7/A0

7.3.3 SCHEME AMENDMENT NO. 2 LOCAL PLANNING SCHEME NO. 13 – BINNING ROAD, BABBAGE ISLAND, CARNARVON

File No: A966
Date of Meeting: 26 July 2022
Location/Address: Lots 626, 1044 and 1198 Binning Road, Babbage Island, Carnarvon
Name of Applicant: Halsall and Associates Town Planning Consultants
Name of Owner: Nor-West Seafoods Pty Ltd
Author/s: Stefan Louw, Senior Manager Development and Regulatory Services
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: 26 October 2021 FC 15/10/21
Schedules: Schedule 7.3.3 (a) – Amendment Documentation
Schedule 7.3.3 (b) – Submissions
Schedule 7.3.3 (c) – Submission assessment

Authority / Discretion

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

Summary of Item:

The Shire has received an application from Halsall & Associates, on behalf of the landowner, to amend the Local Planning Scheme maps to facilitate a tourist development on lots 1044, 1198 and 626 Binning Road Babbage Island, Carnarvon.

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

Background:

Under Local Planning Scheme No.13 the subject site has had its zoning amended to 'Special Use No.2' and the surrounding land has been identified as 'Foreshore Reserve'. This is evident at Figure 3 below.

With reference to the Special Use Zone, Schedule 4 of the Scheme indicates that the primary uses are Industry Primary Production and Workforce Accommodation. Given that the previous use of the site as a fish and prawn processing factory is no longer in existence, this zoning relates to a defunct land use that is no longer a sustainable development outcome for the subject land.

The proposal is to amend the zoning of the land to 'Tourism' as per the draft Local Development Plan (LDP) and those parts of the land in the northwest which are surplus to requirements, are to be zoned as "Foreshore Reserve to be consistent with surrounding land.

Pursuant to the zoning table in the scheme, all the land uses that are proposed under the draft LDP are permissible under the Tourism Zone.



Figure 3: Current zoning

The amendment to Local Planning Scheme No. 13 is, therefore, simply to modify the allocation of the zoning of the land to suit ongoing land uses as presented under the draft LDP.

The proposed scheme amendment report with supporting documentation can be found at **Schedule 7.3.3 (a)**.

Draft Local Development Plan (LDP)

Under the Deemed Provisions, a LDP in respect of an area of land in the Scheme may be prepared if:

- “The Commission has identified the preparation of a LDP as a condition of approval of a plan for subdivision of an area;
- A Structure Plan requires a LDP to be prepared for the area;
- An Activity Centre requires a LDP to be prepared for the area;
- The Commission and the Local Government considers that a LDP is required for the purposes of orderly and planning.”

Stakeholder and Public Consultation:

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

Following advice received from the EPA the amendment was advertised for 60 days in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment was advertised on the Shire's website and published in the Midwest Times. The amendment was also referred to the following public authorities:

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

Four submissions were received during the advertising period and one late submission received, which can be found in **Schedule 7.3.3 (b)**. The submissions are summarized and discussed in **Schedule 7.3.3 (c)** which includes the officer recommendation.

Statutory

Environment:

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

The Scheme amendment is required to be prepared pursuant to Section 75 of the *Planning and Development Act 2005*, with the process to amend the scheme enacted under the *Planning and Development (Local Planning Schemes Regulations) 2015*.

Pursuant to Regulation 41(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government must consider all submissions in relation to a complex amendment to a local planning scheme and pursuant to Regulation 41(3) must pass a resolution before the consideration period ends, which is 90 days after the end of the submission period (25 June 2022), to support the amendment without modifications, or support the amendment with proposed modifications to address issues raised in the submissions, or not support the amendment. The WAPC has given an extension of time for Council to pass a resolution on this item.

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:

Concerning consistency with established relevant policies, the applicant's report provides a comprehensive assessment of the proposal against the following relevant documents:

Shire of Carnarvon Local Planning Strategy 2017

The Local Planning Strategy recognizes the importance of tourism and the need to support unique activities, however, it currently continues to recognize the sites previous land use. Given the previous land use is now defunct and the Babbage and Whitlock Island Structure Plan is silent with respect to the future use of the land, there is scope to entertain the proposal through a complex amendment to the scheme.

Babbage and Whitlock Island Structure Plan 2014

The subject site is recognized as an existing area with no change proposed. The structure plan does not need to be modified to facilitate the proposal as it will be done under the provisions of a LDP.

State Planning Policy 2.0 (SPP2.0) – Environment and Natural Resources Policy

The environment and natural resources policy define the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy.

State Planning Policy 2.6 (SPP2.6) – Coastal Hazard and Inundation

There are pressures on the coastal zone for land use and development for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. The policy provides a balanced approach to these often competing needs and desires in a way that takes into account the values of the coastal zone. The policy ensures that current and future generations of Western Australians can benefit from opportunities presented by the values and resources of the Western Australian coast.

Guidance is provided for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values. The policy recognises and responds to regional diversity in coastal types; requires that coastal hazard risk management and adaptation is appropriately planned for; encourages innovative approaches to managing coastal hazard risk and provides for public ownership of coastal foreshore reserves.

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.

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

A Bushfire Management Plan and Emergency Evacuation Plan have been prepared for the site based on the proposed development as shown on the draft LDP. The scheme amendment and associated documentation will be referred to the relevant authority for comment.

State Planning Policy 6.3 (SPP6.3) – Ningaloo Coast

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

Financial Implications:

There are no financial implications associated with the proposal.

Risk Assessment:

Consequence



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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning	Low	If the proposal is not supported the current scheme will stay in force and 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 landowners ability to develop tourist accommodation within the site is constrained by current zoning in the Scheme.	Low	The scheme amendment will remove the zoning constraint to facilitate future development of the site.
Environment	Removal of native vegetation.	N/A	A Flora and Fauna assessment was undertaken and no signs of threatened flora, fauna or ecological communities have been presented.
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 amendment to rezone parts of the land to 'Tourism' zone and 'Foreshore Reserve' will ensure that the appropriate zoning is in place to provide for tourist development and for those parts of the land that are not proposed for any development be turned into a reserve consistent with adjacent land.

A draft Local Development Plan has also been prepared for the site to guide future development in an orderly fashion. The amendment to the Scheme is simply to modify the allocation of the zoning to the land to suit ongoing land uses as presented under the draft Local Development Plan.

Considering the above and the submissions received, it is recommended that Council support the complex amendment without modifications as outlined in **Schedule 7.3.3 (a)** attached to this report.

OFFICER'S RECOMMENDATION

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

1. Support without modification Scheme Amendment No. 2 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 7.3.3 (a) attached to this report.
2. Note the submissions received as detailed in Schedule 7.3.3 (b) attached to this report.
3. Note that pursuant to Regulation 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, amendment No. 2 to the Shire of Carnarvon Local Planning Scheme No. 13 affects the Babbage and Whitlock Island Structure Plan 2014. Upon the amendment taking effect, the approval of the Babbage and Whitlock Island Structure Plan 2014 is not affected.
4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.
5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

FC 12/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Maslen

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

1. Support without modification Scheme Amendment No. 2 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 7.3.3 (a) attached to this report.
2. Note the submissions received as detailed in Schedule 7.3.3 (b) attached to this report.
3. Note that pursuant to Regulation 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, amendment No. 2 to the Shire of Carnarvon Local Planning Scheme No. 13 affects the Babbage and Whitlock Island Structure Plan 2014. Upon the amendment taking effect, the approval of the Babbage and Whitlock Island Structure Plan 2014 is not affected.
4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.
5. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

CARRIED
F7/A0

File No: P32/21
Date of Meeting: 26 July 2022
Location/Address: Lots 626, 1044 and 1198 Binning Road, Babbage Island, Carnarvon
Name of Applicant: Halsall and Associates Town Planning Consultants
Name of Owner: Nor-West Seafoods Pty Ltd
Author/s: Stefan Louw, Senior Manager Development and Regulatory Services
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: 26 October 2021 FC 15/10/21 (cross reference report)
Schedules: Schedule 7.3.4 (a) – Local Development Plan
Schedule 7.3.4 (b) – Submission assessment

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

Summary of Item:

This report relates to a proposed Local Development Plan (LDP) for the Babbage Island holiday park, Lots 1044, 1198 and 626 Binning Road, Babbage Island, Carnarvon (subject land). The Shire of Carnarvon received an application for a LDP along with Local Planning Scheme Amendment No. 2 to facilitate the development of the subject land for the purpose of a holiday park. The LDP and amendment have been discussed at previous Corporate Information Session (CIS) meetings with Council.

The land is currently zoned ‘Special Use’ under Local Planning Scheme 13 (LPS13). Under LPS13 the site has a land use provision limiting the lot to the use of ‘Industry – Primary Production and Workforce accommodation’.

The purpose of the LDP is to provide guidance as to the future development of the subject land. A LDP can be described as a mechanism to coordinate and assist in achieving better built form outcomes for future development.

The Shire of Carnarvon is to have due regard to an approved LDP when determining development applications on land subject to a LDP.

It is considered that the LDP has been prepared in a manner and form to accord with Schedule 2, Part 6, clause 48(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Currently, there is no mechanism in LPS13 to allow Council to adopt a LDP for the subject land, without rezoning the land to ‘Tourism’ first and removing the subject land from Schedule 4 – Special use zones in

the scheme area, in LPS13. However, to help speed up the planning process the officers recommend that Council delegates its power to the CEO to issue an approval for the LDP after the rezoning is put into effect, through the approval of Amendment No.2, which is a separate agenda item before Council today.

Background:

Location and existing conditions

The site is located south of the 'One Mile Jetty' precinct and is surrounded by foreshore reserve with Pelican Point Road generally west of the site, as can be seen on the aerial photo below.



Aerial Photo

The subject site comprises Lot 1044, Lot 1198 and Lot 626 Binning Road, Babbage Island, Carnarvon. Lot 1044 is 8088m² in area, Lot 1198 is 3650m² in area and Lot 626 is 26.0085 hectares. Lot 1044 and Lot 1198 are the subject of lease H133883; however, subject to this proposal the owner is to surrender the lease for this portion of land as it is considered surplus to the proposal. Lot 626 is also subject to the same lease and is the primary land area which is the subject of the future tourist development except for the north-western section of the land, which is to be relinquished subject to the proposal.

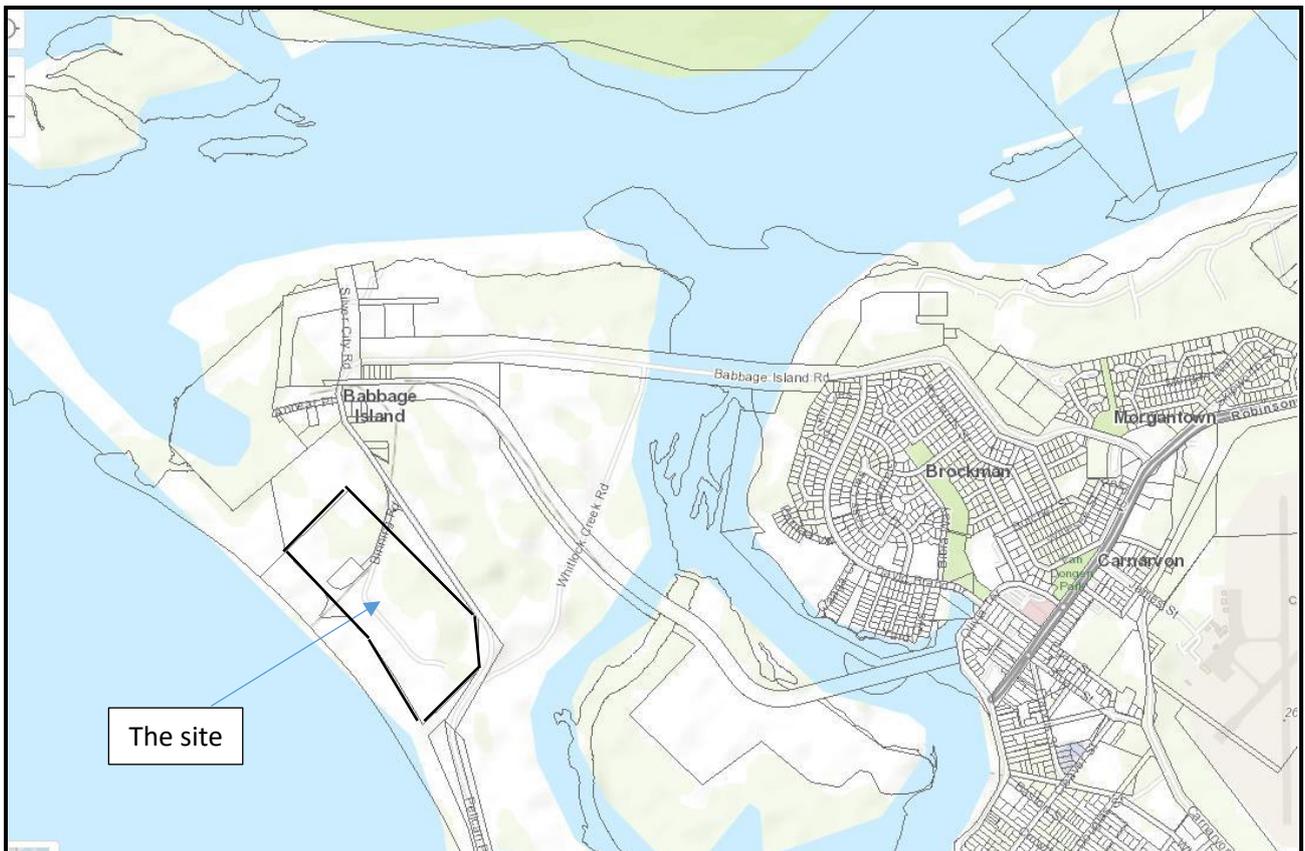


Figure 1: Lots 1044, 1198 & 626 Binning Road Babbage Island, Carnarvon

Access to the site is available via Binning Road, which is a short spur road off Pelican Point Road that connects with Babbage Island Road to the town in the east.

The subject site is occupied by substantial development in the form of a previously established fish and prawn processing factory establishment in the central west. Buildings occupy an area of over 3,000m². These buildings incorporate a number of rooms previously used for receiving, processing, storage and packing of seafood products. The site is also connected to reticulated water via Binning Road.

To the southeast is a substantial area that was established as accommodation for workers at the seafood/prawn processing premises and previous uses. Access to the buildings is in the form of gravel roads and power, telecommunications, reticulated water supply and onsite effluent disposal systems are in place. See Figure 2 below for the existing conditions.

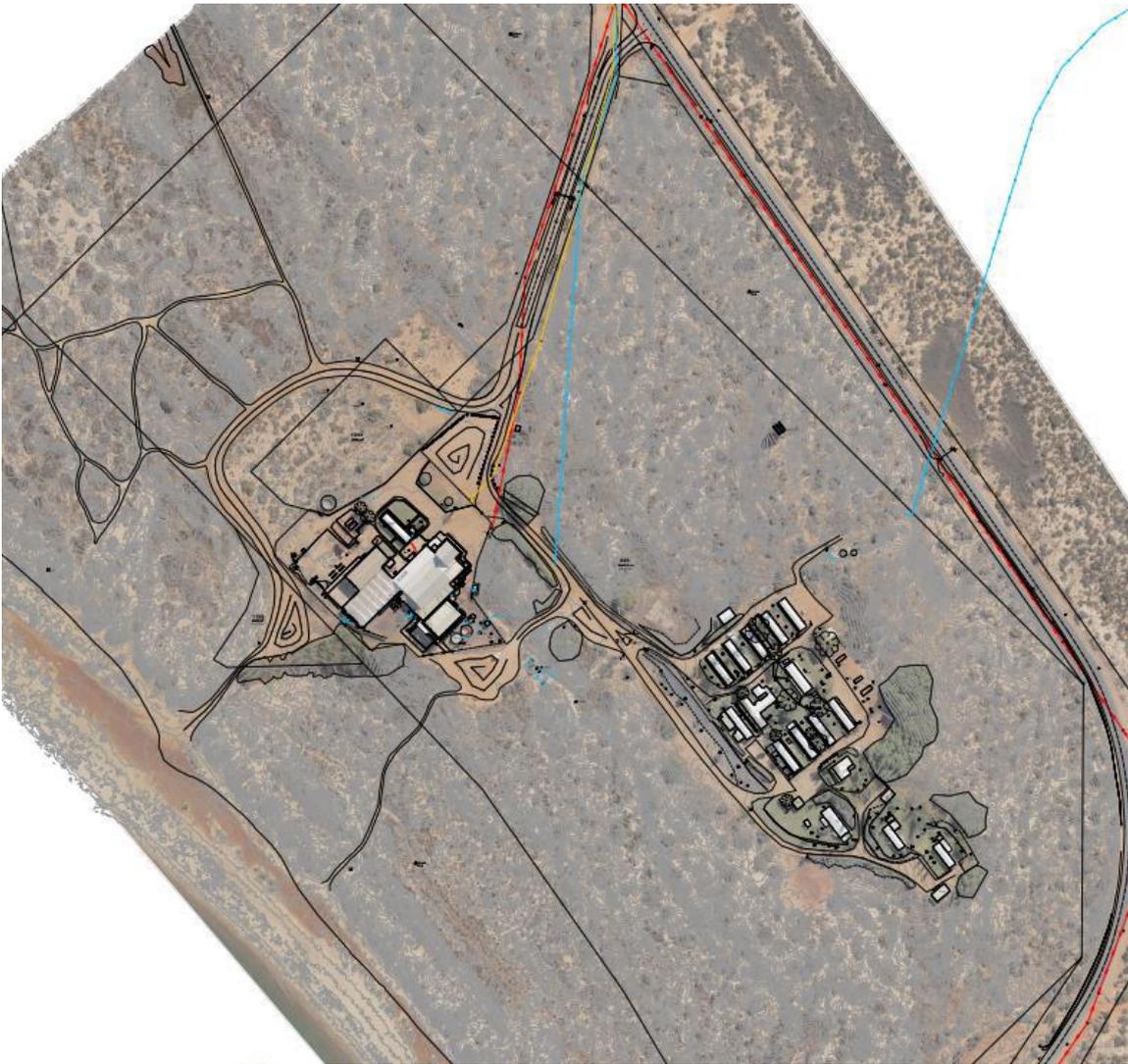


Figure 2: Existing conditions

Proposal

Draft Local Development Plan

Under the Deemed Provisions, a LDP in respect of an area of land in the Scheme may be prepared if:

- *“The Commission has identified the preparation of a Local Development Plan as a condition of approval of a plan for subdivision of an area;*
- *A Structure Plan requires a Local Development Plan to be prepared for the area;*
- *An Activity Centre requires a Local Development Plan to be prepared for the area;*
- *The Commission and the Local Government considers that a Local Development Plan is required for the purposes of orderly planning.”*

The LDP has also informed the identification of foreshore reserve in the northwest of the site, which is an area that is surplus for development and was previously used for other activities and is subject to inundation.

The LDP proposes the following:

- Refurbishment and establishment of tourism use within and around the existing 59 accommodation units utilising the ablution facilities, lawn areas, access and services. This proposal is using the existing camp area and would rely on existing services. An emergency exit to Pelican Point Road in the

southeast would be provided along with a new manager's/reception residence adjacent to the entry.

- Further expansion under the LDP includes caravan and camping sites immediately to the west of the current accommodation proposing a further 150 caravan/camping sites. This will be located lower in the relatively flatter dune area with provision of supporting facilities including café/kiosk, numerous fire pits, ablution facilities at appropriate locations, recreation areas including swimming pool, bowling green, playgrounds, and other lawn areas. Coupled with this could be the establishment of a brewery, small scale aquarium and outdoor dining area in the seafront section of the seafood processing facility and a Rottnest Island style mini golf, trampolines, recreation area and associated café/kiosk.
- A later stage development includes new chalet accommodation on the higher ground with accommodation providing opportunities for views across the ocean and the jetty and back towards Carnarvon. A more significant bowling green arrangement could be established along with an Amphitheatre for outdoor screening of movies, sports events, etc. This would further add to the tourist development being presented as a destination-based accommodation premises on the beach, but also on the doorstep of Carnarvon.
- Further caravan and camping are proposed in the higher areas of the park providing views to the ocean from caravan and camping sites as well as glamping sites with appropriate ablutions, camp kitchen and further refurbishment and reuse of the existing seafood processing facility. Opportunities include possible ice creamery, badminton, or squash court, climbing wall, jungle gym, etc.

A standalone higher end accommodation facility is proposed in the north of the site with possibly 16 accommodation units and central pool, low key water park, indoor bbq area, playground, and pump track to suit families staying and to also take advantage of other recreational opportunities on the site.

A possible staging of development as indicated above is provided on the plan, however, it is possible that the stage sequencing could be modified depending on market forces and experiences when development occurs.

The proposal intends to commence with the existing 59 accommodation units and use the ablution facilities that are already in place so that the park can be established and start operating as soon as possible.

Contamination

Given the previous uses of the land, a review of the contaminated sites data base was undertaken and it was found that Lot 1044 is potentially contaminated. It was also noted during the investigation that land north and west of Lot 1044 may also be subject to contamination. Therefore, the proposal is to avoid the use of Lot 1044 and land to the north and west of Lot 1044 and relinquish the use of this land from any lease associated with the ongoing proposed tourism use, and to identify the land zoned as 'Foreshore Reserve' such that the land can continue to be managed by the Department of Lands.

The draft LDP was referred to the Department of Water and Environmental Regulation (DWER) who did not object to the proposal. Please refer to Schedule 7.3.4 (b) – Submission assessment for DWER's response and the officer's recommendation.

Flora and Fauna

A Flora and Fauna assessment was undertaken for the entire site by specialist consultants with the following recommendation:

- *There were no threatened flora, fauna or ecological communities identified within the site.*
- *One Priority 3 flora species was observed within the site, being *Carpobrotus* sp. Thevenard Island.*
- *Two Vegetation Communities were observed within the site, Acacia open shrubland and Samphire closed heath.*
- *The vegetation is ranked from Very Good to Completely Degraded condition. Impacts affecting the condition of the vegetation include aggressive weeds, clearing for development, vehicle tracks and grazing.*
- *Given there were no signs of threatened flora, fauna, or ecological communities, a referral under the EPBC Act is not considered a requirement, as any proposed actions are unlikely to significantly impact on threatened species or communities.*
- *An approved clearing permit is required prior to any vegetation modification in the site.*

Consultation:

Following the lodgment of the joint Scheme amendment and LDP application, the documents were referred to the following agencies for comment:

Gascoyne Development Commission

Department of Planning, Lands and Heritage

Department of Biodiversity Conservation and Attractions

Water Corporation

Department of Water and Environmental Regulation

No objections were received in relation to the draft LDP.

No further advertising of the LDP has been undertaken as per cl 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, which allows a local government to not advertise the LDP if it is satisfied that the plan is not likely to adversely affect any owners or occupiers within the plan or an adjoining area.

Statutory Environment:

Planning and Development (Local Planning Schemes) Regulations 2015

Local Development Plans undergo a statutory process in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to approve the Local Development Plan with or without conditions.

The approval of a Local Development Plan has effect for a period of 10 years commencing on the day on which the local government approves the plan.

Notwithstanding an adoption of the LDP, development applications will be required to be lodged for any development on the subject land. This will include a requirement for Bushfire Attack Level (BAL) reports.

Notwithstanding an adoption of the LDP, the development of the holiday park must also conform to the controls set out in LPS13 and the Babbage and Whitlock Islands Structure Plan.

Relevant Plans and Policies

Concerning consistency with established relevant policies, the applicant's report provides a comprehensive assessment of the proposal against the following relevant documents:

- Shire of Carnarvon Local Planning Strategy 2017

The Local Planning Strategy recognizes the importance of tourism and the need to support unique activities, however, it currently continues to recognize the site's previous land use. Given the previous land use is now defunct and the Babbage and Whitlock Island Structure Plan is silent with respect to the future use of the land, there is scope to entertain the proposal through a complex amendment to the scheme.

- Babbage and Whitlock Island Structure Plan 2014

The subject site is recognized as an existing area with no change proposed. The structure plan does not need to be modified to facilitate the proposal as it will be done under the provisions of a LDP.

- State Planning Policy 2.0 (SPP2.0) – Environment and Natural Resources Policy

The environment and natural resources policy define the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy.

- State Planning Policy 2.6 (SPP2.6) – Coastal Hazard and Inundation

There are pressures on the coastal zone for land use and development for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. The policy provides a balanced approach to these often competing needs and desires in a way that takes into account the values of the coastal zone. The policy ensures that current and future generations of Western Australians can benefit from opportunities presented by the values and resources of the Western Australian coast.

Guidance is provided for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values. The policy recognises and responds to regional diversity in coastal types; requires that coastal hazard risk management and adaptation is appropriately planned for; encourages innovative approaches to managing coastal hazard risk and provides for public ownership of coastal foreshore reserves.

- 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.

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

A Bushfire Management Plan and Emergency Evacuation Plan have been prepared for the site based on the proposed development as shown on the draft LDP. The scheme amendment and associated documentation will be referred to the relevant authority for comment.

- State Planning Policy 6.3 (SPP6.3) – Ningaloo Coast

The Ningaloo Coast Statement of Planning Policy 6.3 applies to all land within the Ningaloo Coast Policy area. The proposal is consistent with this policy.

Financial Implications:

There are no financial implications associated with this proposal.

Strategic Implications:

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

Objective 1: Economic

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

ITEM	Outcomes and Strategies
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
2.7.2	Adopt appropriate land use planning and building regulation practices

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

Objective 5: Civic

Strong and listening Council.

5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High
Risk Category	Description	Rating (Consequence x likelihood)		Mitigating Action/s		
Financial	N/A	N/A		N/A		
Health & Safety	N/A	N/A		N/A		
Reputation	N/A	N/A		N/A		
Service disruption	N/A	N/A		N/A		
Compliance	Uncertainty on development potential.	Low		The LDP will clarify the development standards set out in LPS13 and assist the DA assessment process.		
Property	Constrained development potential by current zoning in the Scheme.	Low		Scheme amendment No. 2 will remove the zoning constraint to		

			facilitate approval of a LDP and future development of the site.
Environment	Removal of native vegetation.	Low	A Flora and Fauna assessment was undertaken and no signs of threatened flora, fauna or ecological communities have been presented.
Fraud	N/A	N/A	N/A

Comment:

The LDP has been submitted to the Shire for the purpose of facilitating and guiding future development within the subject site. Any future development on the land will require the lodgement of a development application. All applications will be assessed against the Local and State Planning frameworks. The LDP will guide landowners and decision makers when assessing development applications.

It is recommended that Council support the approval of the Babbage Island Holiday Park Local Development Plan.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, authorises the Chief Executive Officer to approve the LDP pursuant to Schedule 2, Part 6, Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 after the rezoning of the land from 'Special Use' to 'Tourism' has taken effect.

FC 13/7./22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, authorises the Chief Executive Officer to approve the LDP pursuant to Schedule 2, Part 6, Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 after the rezoning of the land from 'Special Use' to 'Tourism' has taken effect.

CARRIED
F7/A0

7.3.5 REQUEST TO CANCEL OUTSTANDING INFRINGEMENT NOTICES

File No: ADM0187, ADM0465, ADM0470
Date of Meeting: 26 July 2022
Location/Address: N/A
Name of Applicant: N/A
Name of Owner: N/A
Author/s: Stefan Louw
Declaration of Interest: N/A
Voting Requirements: Absolute Majority
Previous Reports: N/A
Schedules: Schedule 7.3.5 (a) - List of outstanding Infringement notices

Authority / Discretion

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

Summary of Item:

This report is for Council to consider cancelling outstanding Infringement Notices issued prior to 30 June 2021 by the Shire of Carnarvon in Carnarvon and Coral Bay and that have been unpaid and have either exceeded their statute of limitations or will not be cost effective to recover.

Background:

The statute of limitations of fines to be lodged with Fines Enforcement varies by legislation as follows:

- Dog Infringement causing Physical Injury -24 Months
- Dog Infringements Not causing Physical Injury – 12 Months
- Camping – has no limits
- Shire of Carnarvon Local Laws – has no limits.

While some of these outstanding notices are for illegal camping and are not subject to time limitations, the Shire has received advice that it is difficult and resource intensive to pursue notices outstanding for more than twelve months, given that people change addresses, sell their vehicles, or leave the state/country. Therefore, in the officer's view, the recovery of these fines will not be cost-effective or provide a positive return from the investment in staff resourcing.

Stakeholder and Public Consultation:

Department of Justice – Fines Enforcement – Enquiry regarding Statute of Limitations of Fines.

Statutory Environment:

Local Government Act 1995 Section 6.12

Caravan and Camping Ground Act 1995

Dog Act 1976

Litter Act 1979

Shire of Carnarvon Local Laws - Parking

Relevant Plans and Policy:

N/A

Financial Implications:

The details of the notices can be found in the attached schedule. The total amount to be cancelled is \$25,968.20.

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	Revenue the Shire is owed is not received.	Low	Some of fines are deemed not recoverable with the information on record. Other Fines have passed the statute of limitations or would expend more resource (staff time) than the amount of revenue that potentially could be received.
Health & Safety	N/A		
Reputation	Not following up on unpaid fines could cause reputational damage and undermine the Shire's enforcement of legislation.	Moderate	Final Demand Notices and Fines Enforcement Procedures are now to be conducted on at least a monthly basis to mitigate the non-payment of fines.
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*:

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:

The officer's recommendation is that Council cancels fines outstanding for over twelve months as some have exceeded the statute of limitations and in trying to balance the resource implications (staff time) in pursuing outstanding fines with the likelihood of payment and the return on investment in time. For example, owner details through vehicle registration can only be requested from the WA Department of Transport for Western Australian registered vehicles. The Shire would have to enquire with the relevant

departments of other States regarding this information, which is a time-consuming task compared to the financial value of the fines.

More timely and proactive follow up on unpaid fines has been factored into the Shire's procedures and staff training to ensure detailed information is gathered at the time of issuing fines to allow for efficient follow-up on unpaid fines.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to:

- a. Not pursue the enforcement of infringement notices, as per attached schedule 7.3.5 (a); and
- b. Write off the amount of \$25,968.20 being the value of the unpaid and ineligible or uncollectable fines arising from these infringement notices.

FC 14/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Council, by Absolute Majority, pursuant to section 6.12 of the Local Government Act 1995 resolves to:

- a. Not pursue the enforcement of infringement notices, as per attached schedule 7.3.5 (a); and
- b. Write off the amount of \$25,968.20 being the value of the unpaid and ineligible or uncollectable fines arising from these infringement notices.
- c. Ensure processes are in place to maintain payment compliance

CARRIED BY ABSOLUTE MAJORITY

F7/A0

(Note – Council wished it to be reiterated that the write off of these infringements is a one-off occurrence and that in future all infringements will be followed up for payment with new processes introduced. Part (c) was added to the recommendation accordingly.)

7.4 INFRASTRUCTURE SERVICES

7.4.1 **RRG PROJECT - RESEALING CARNARVON MULLEWA ROAD**

File No.	ADM0046
Date of Meeting:	26 July 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
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Reports:	September 2021 FC 14/9/21
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.
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X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

Approval to proceed with a Regional Road Group (RRG) project for Carnarvon Mullewa Road resealing prior to formal adoption of the 2022/23 budget is requested.

Sealing contractors will be available in Carnarvon in August to carry out resealing work on town streets previously approved by Council under an allocation of Roads to Recovery funds. Council has previously identified resealing of Carnarvon Mullewa Road as a 2022/23 RRG project.

Background:

In September 2021, Council resolved as follows in relation to its 22/23 RRG project nominations.

FC 14/9/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Skender

That Council, by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 approves the following proposed projects for Regional Road Group (RRG) funding in 2022/23 with the final budget allocations to be determined in the 2022/23 budget process:

<i>Road Name</i>	<i>Project Description</i>	<i>INDICATIVE TOTAL STATE CONTRIB</i>	<i>INDICATIVE TOTAL LGA CONTRIB</i>	<i>INDICATIVE TOTAL PROJECT COST</i>
<i>Quobba Gnaraloo</i>	<i>Reconstruct narrow section to Type 3 standard with 7m pavement targeting sections identified in RSA SLK 0 - SLK 84</i>	<i>\$225,114</i>	<i>\$112,557</i>	<i>\$337,672</i>
<i>Minilya Lyndon</i>	<i>Pavement resheeting focusing on areas adjacent to gravel pits and installation of culverts between NWCH & river crossing SLK 0 - SLK 82</i>	<i>\$225,114</i>	<i>\$112,557</i>	<i>\$337,672</i>
<i>Carnarvon Mullewa</i>	<i>Resealing Sections as assessed from SLK 14.5 - 17.3 and SLK 33 - 49</i>	<i>\$466,667</i>	<i>\$233,333</i>	<i>\$700,000</i>
<i>Total</i>		<i>\$916,895</i>	<i>\$458,448</i>	<i>\$1,375,343</i>

CARRIED
F6/A0

In April 2022, Council resolved (**FC 17/4/22**) to defer reconstruction work on Robinson Street Carnarvon. This work was funded under the Roads to Recovery Program (R2R). Council reallocated that funding to resealing work on multiple town streets and resealing of a 19km section of Carnarvon Mullewa Road.

That resealing work was subsequently carried out by the Shire sealing contractor in June 2022. The contractor completed the 19km of allocated work on Carnarvon Mullewa Road but could not complete all town streets due to another work commitment.

The sealing contractor is returning to Carnarvon in August 2022 to complete the town street resealing. This represents an opportunity to have them complete the 2022/23 RRG project resealing work on Carnarvon Mullewa Road. This will mean early completion of one third of the Shire 2022/23 RRG projects

Stakeholder and Public Consultation:

Nil

Statutory Environment:

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

Relevant Plans and Policy:

Nil applicable

Financial Implications:

The finalised RRG project allocation to Shire of Carnarvon for 2022/23 is provided in the table below noting that the Shire contribution equals one third of the total project cost.

Road	Work	TOTAL STATE CONTRIB	TOTAL LGA CONTRIB	TOTAL PROJECT COST
Quobba-Gnaraloo Road	Reconstruct narrow section to Type 3 standard with 7m pavement targeting sections identified in RSA SLK 18.6 - SLK 23.6	\$217,349	\$108,675	\$ 326,024
Minilya-Lyndon Road	Pavement resheeting focussing on areas adjacent to gravel pits and installation of culverts between NWCH & river crossing SLK 35 - SLK 40	\$217,349	\$108,675	\$326,024
Carnarvon-Mullewa Road	Resealing various locations targeting most dangerous sections first, addressing the age & condition of existing. Total area approx. 120,000m2 between SLK 14.5 - SLK 17.3 and SLK 33 - SLK 49	\$458,902	\$ 229,451	\$688,353

Approximately 102,500 SQM or 13.3 km of road has been identified requiring resealing on Carnarvon Mullewa Road. Based upon current sealing contract prices, the cost of that work is estimated at \$645,171.

This is within the identified project budget and should leave a small fund surplus of approximately \$43,000. Any remaining surplus funds are recommended to be allocated evenly between the other two RRG project roads through the RRG process.

Bitumen pricing is continuing to increase beyond typical market rates. An increase of 29 cents per square metre has been identified from the June resealing works, an increase of approximately 4.8%.

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	Further bitumen cost escalation.	B3 - High	Adopting the recommendation as presented.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Failing to complete all RRG projects within the financial year to comply with program requirements.	C3- High	Adopting the recommendation as presented.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 2: Natural and built environment

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

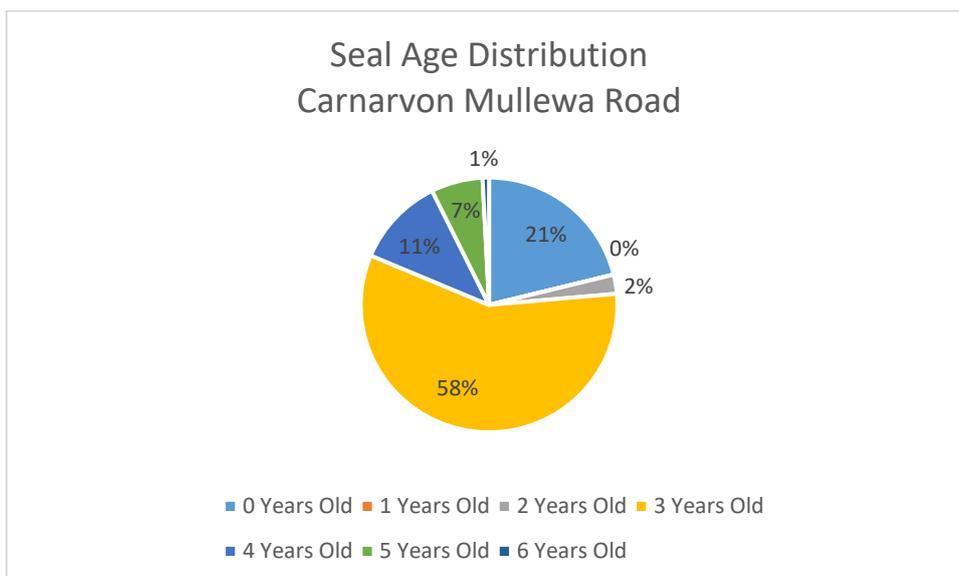
ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

Resealing should typically occur every 12-15 years. Red sections on the map below indicate the areas proposed for resealing. These sections of road identified for resealing are aged between 13 to 19 years.



If approved, this resealing work will mean that the full length of Carnarvon Mullewa Road has been resealed since 2016 and will result in a seal age distribution for that road as per the chart below.



This is a positive outcome not thought to be achievable when reseal planning commenced. It reflects well upon Council that they have allocated funding over multiple years to ensure this essential asset renewal work is carried out to maintain its sealed road network.

Work must now begin to plan for the next round of resealing commencing in approximately six to seven years. Planning the necessary financial reserves for that work will be considered in long term financial plan work.

A tender for this work is not required as the Shire of Carnarvon has a bitumen sealing term contract (RFT 08/2017) with Fulton Hogan until August 2023.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995 resolves to:

1. Authorise the CEO to proceed with resealing works on Carnarvon Mullewa Road in accordance with its 2022/23 Regional Road Group (RRG) funding allocation, to a value of not more than \$688,353; and
2. Allocate any remaining funds after completion of the resealing works on Carnarvon Mullewa Road evenly to the remaining two 2022/23 Shire of Carnarvon RRG projects.

FC 15/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995 resolves to:

1. Authorise the CEO to proceed with resealing works on Carnarvon Mullewa Road in accordance with its 2022/23 Regional Road Group (RRG) funding allocation, to a value of not more than \$688,353; and
2. Allocate any remaining funds after completion of the resealing works on Carnarvon Mullewa Road evenly to the remaining two 2022/23 Shire of Carnarvon RRG projects.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

7.4.2

WA BIKE NETWORK GRANT ACCEPTANCE

File No. ADM2160
 Date of Meeting: 26 July 2022
 Location/Address: Gascoyne Road, Carnarvon
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: David Nielsen – Executive Manager Infrastructure Services
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Reports: January 2021 FC 12/1/21
 Schedules: Schedule 7.4.2 – Funding Offer and Project Map

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).
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Summary of Item:

That Council accept project funding offer for design and construction of a shared path on Gascoyne Road to improve cyclist and pedestrian access to the Carnarvon Community College.

Background:

In January 2021, Council resolved as follows in relation to applications for funding under the WA Bike Network (WABN) funding program:

FC 12/1/21

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Fullarton/Cr Pinner

That Council:

1. *Accept the grant for the Carnarvon CBD Shared Space Study from Department of Transport of \$25,000 for the 2021-22 financial year.*
2. *Accept the grant for the Coral Bay Shared Path to Boat Ramp from Department of Transport of \$15,000 in 2021-2022 financial year and \$105,000 in the 2022-23 financial year.*
3. *Acknowledge that grants for Carnarvon Community College Shared Path (\$53,750 in 2021-22) and Babbage Island Loop (\$25,000 2021-22 and \$150,000 2022-23) are on a reserve list for funding and may be bought online if additional funding becomes available through Department of Transport.*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

In relation to item 3 of that resolution, an offer of funding of \$53,750 has now been received from Department of Transport for design and construction of a shared path on Gascoyne Road primarily servicing the Carnarvon Community College.

A copy of the offer and project map is provided in ***Schedule 7.4.2***.

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:

Acceptance of the grant will require a matching contribution from the Shire of \$53,750 toward the project. Allocations in the draft 2022/23 budget for the project revenue and expenditure have been 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	Unable to complete full length of path due to cost escalation.	B2 - High	Seek additional funding from DOT when procurement is completed and/or reduce scope of works to match available funding.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Failing to complete the project within the May 2023 timeframe.	C2 - Moderate	Adopting the recommendation as presented to commence project delivery as quickly as possible.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 2: Natural and built environment

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

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.3	Town footpaths and verges are appropriately managed according to their need and use

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities

Comment:

The project is relatively straightforward however there has been concrete supply cost increases and services cost increases generally since the project was estimated in 2020. Reducing the total length of pathway may be required to match available funding if additional funding cannot be secured to meet any shortfall.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to accept the grant for the Carnarvon Community College Shared Path from Department of Transport of \$53,750 (exc GST) and execute the project grant agreement.

FC 16/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Maslen

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to accept the grant for the Carnarvon Community College Shared Path from Department of Transport of \$53,750 (exc GST) and execute the project grant agreement.

CARRIED
F7/A0

7.4.3 RFT 03/2022 – PROVISION OF CLEANING SERVICES

File No. ADM (New)
 Date of Meeting: 26 July 2022
 Location/Address: Various Shire facilities
 Name of Applicant: N/A
 Name of Owner: Shire of Carnarvon
 Author/s: David Nielsen – Executive Manager Infrastructure Services
 Gloria Quinn – Executive Assistant Infrastructure Services
 Declaration of Interest: Nil
 Voting Requirements: Officer Recommendation 1 – Simple Majority
 Officer Recommendation 2 – Simple Majority
 Previous Reports: Nil
 Schedules: Confidential Schedule 7.4.3 – Tender Evaluation and Recommendation 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:

This report details the process undertaken for Request for Tender (RFT) 03/2022 – Provision of Cleaning Services. Council approval to accept separate submissions for separable portions of the scope of works is recommended.

Background:

To date, Shire cleaning contracts have been awarded under multiple and separate Requests for Tender and Requests for Quotation. It was noted most of these existing contracts were expiring in 2022. This tender consolidates contract cleaning services into a single contract process. A separable portions tender was offered. Tenderers could nominate one, multiple or all the eight (8) cleaning areas listed in the Tender documents.

Tender, RFT 01/2022 closed on 27 June 2022. Two submissions were received from locally based cleaning businesses. A panel has evaluated and scored these submissions. A detailed Evaluation and Recommendation Report is provided in *Confidential Schedule 7.4.3*.

Stakeholder and Public Consultation:

Nil

Statutory Environment:

Local Government Act, 1995 – Section 3.57 *Tenders for providing goods or services*.
 Local Government (Functions and General) Regulations, 1996 – Division 2 *Requirements for Tendering*.
 Local Government Act 1995 - Section 3.18 Performing executive functions

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy applies.
 Policy C002 – Purchasing Policy applies.

Financial Implications:

The total draft budget allocation for cleaning services under this contract is \$247,000.

Based upon the recommendation, the total annual expenditure for the cleaning services is \$259,831

Amendment to the draft budget will need to be made to accommodate the awarded contract pricing.

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		

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Health & Safety	OHS and Public Risk	B3 - High	Providing consistently well cleaned facilities is a basic preventative and OHS maintenance activity that mitigates public risk.
Reputation	Most Shire work sites and facilities are “front counter” to the community and visitors.	C2 - Moderate	Maintaining these facilities to a consistent high standard is a simple practice to mitigate reputational risk.
Service disruption	N/A		
Compliance	N/A		
Property	Single contractor for all sites is a risk in a contingency situation.	B3 - High	A spread of sites between the available contractors as recommended mitigates risk.
Security	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

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

Goal 2: Natural and built environment

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

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

Comment:

Confidential Schedule 7.4.3 provides the tender evaluation report for RFT 03/2022. This report is a comprehensive summary of the tender process undertaken, the submissions received and the tender evaluation.

Both submitters currently provide cleaning services for the Shire. Kleenit have provided pricing for all nominated cleaning areas. Carnarvon Cleaners have tendered for three (3) areas only – the Airport, the Visitors Centre, and the Youth Hub.

Kleenit Pty Ltd have delivered a quality and consistent cleaning service for the Shire and they are also Shire Contractors for cleaning of public areas and footpaths in the CBD and along the Fascine.

Carnarvon Cleaners Pty Ltd are a long-standing business in Carnarvon who provide employment for residents and maintain a transient workforce for travellers wishing to stay and work in Carnarvon for varying lengths of time.

The panel has recommended that, to mitigate risk of loss or decline of service standards, the Airport and Civic Centre cleaning areas remain under contract to Carnarvon Cleaners with all remaining sites being awarded to Kleenit Pty Ltd.

OFFICER'S RECOMMENDATION PART ONE

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the following submissions for Tender RFT 03/2022 – Provision of Cleaning Services:

CLEANING AREA	RECOMMENDED TENDERER	CONTRACT VALUE
1. Administration Building & Council Chambers	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3
2. Carnarvon Airport	Carnarvon Cleaners Pty Ltd	As per Confidential Schedule 7.4.3
3. Visitor Centre, Theatre and Woolshed	Carnarvon Cleaners Pty Ltd	As per Confidential Schedule 7.4.3
4. Carnarvon Library and Art Gallery	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3
5. Works Depot	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3
6. Youth Hub	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3
7. Public Toilet Blocks	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3
8. Baston Hall, Premier Oval, and Netball Courts	Kleenit Pty Ltd	As per Confidential Schedule 7.4.3

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to make any necessary non-material amendments and finalise execution of contracts between the Shire of Carnarvon and Kleenit Pty Ltd and between Shire of Carnarvon and Carnarvon Cleaners Pty Ltd for Tender RFT 03/2022 – Provision of Cleaning Services.

FC 17/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the following submissions for Tender RFT 03/2022 – Provision of Cleaning Services:

CLEANING AREA	RECOMMENDED TENDERER	CONTRACT VALUE
1. Administration Building & Council Chambers	Kleenit Pty Ltd	\$49,195
2. Carnarvon Airport	Carnarvon Cleaners Pty Ltd	\$32,799
3. Visitor Centre, Theatre and Woolshed	Carnarvon Cleaners Pty Ltd	\$26,208
4. Carnarvon Library and Art Gallery	Kleenit Pty Ltd	\$31,150
5. Works Depot	Kleenit Pty Ltd	\$10,640
6. Youth Hub	Kleenit Pty Ltd	\$4,970

CLEANING AREA	RECOMMENDED TENDERER	CONTRACT VALUE
7. Public Toilet Blocks	Kleenit Pty Ltd	\$89,556
8. Baston Hall, Premier Oval, and Netball Courts	Kleenit Pty Ltd	\$15,313

CARRIED
F7/A0

FC 18/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act (1995) authorises the CEO to make any necessary non-material amendments and finalise execution of contracts between the Shire of Carnarvon and Kleenit Pty Ltd and between Shire of Carnarvon and Carnarvon Cleaners Pty Ltd for Tender RFT 03/2022 – Provision of Cleaning Services.

CARRIED
F7/A0

7.4.4 SOLAR ECLIPSE FUNDING

File No. ADM2160
Date of Meeting: 26 July 2022
Location/Address: Carnarvon and Coral Bay
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: Absolute Majority
Previous Reports: Nil
Schedules: Schedule 7.4.4 – Funding Project Proposal

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 a budget allocation of \$121,000 toward project funding to support the April 2023 Total Solar Eclipse event.

Background:

Planning for the Total Solar Eclipse (TSE) occurring in April 2023 is gaining momentum. Officers recently met with the Department of Jobs, Tourism, Science, and Innovation (JTSI) Total Solar Eclipse Project Director.

The meeting purpose was to clarify concerns around servicing the expected visitor influx and to seek State Government support for priority projects required to provide that servicing.

An event project proposal was prepared, and a draft was presented to attending Councillors at the July Corporate Information Session (CIS).

The finalised proposal was submitted to JTSI and is provided in *Schedule 7.4.4*.

JTSI have subsequently advised that a firm commitment from the Shire regarding own source funding for the TSE projects would be required to enable a funding grant to be finalised.

Stakeholder and Public Consultation:

Nil

Statutory Environment:

Local Government Act 1995 – Section 6.8. Expenditure from municipal fund not included in annual budget
Local Government Act 1995 – Section 3.18 Performing Executive Functions

Relevant Plans and Policy:

Nil applicable

Financial Implications:

An allocation for the TSE has been included in the draft 2022/23 budget. The total of that allocation is as follows:

Item	Draft 2022/23 Budget Allocation
Infrastructure	\$50,000
Event Planning and Support	\$64,000
Signage	\$7,000
Total	\$121,000

The submitted project proposal sought funding for projects totalling \$1,071,500.

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	Unable to complete projects by April deadline.	B2 - High	Consider risk associated with each project carefully prior to commitment.
Health & Safety	Large numbers of TSE visitors will strain essential public health servicing needs.	A3 - Extreme	Allocation of some funds to essential public health servicing priority to
Reputation	A poorly serviced TSE event may leave poor regional perception	C2- Minor	State funding will assist with servicing.
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:

The State is unlikely to fund all Shire proposed projects. State preference is for projects that leave a legacy for the community. Officers consider that legacy requirement must however be balanced against practical temporary measures required to support servicing needs for the shorter-term event period.

Given the requirement to have projects in place by April 2023, to keep the funding process moving, it is necessary to confirm a Shire co-contribution as soon as possible.

Based upon preliminary indications, projects from the following shortlist are considered likely to form the basis of a final funding agreement.

- Refurbish existing Coral Bay ablution facility;
- Temporary Coral Bay ablution facilities;
- Additional Coral Bay parking facilities;
- Coral Bay additional event waste management services;
- Coral Bay and Carnarvon water and sewerage disposal service points;
- Additional Carnarvon parking and pedestrian facilities; and
- Carnarvon Visitor Centre and Ablutions Cosmetic Upgrades.

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

OFFICER'S RECOMMENDATION ONE

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995 resolves to:

1. *Allocate a total of \$121,000 toward 2023 Total Solar Eclipse event funding for the purposes of:*
 - a. *Infrastructure - \$50,000*
 - b. *Event planning and support - \$64,000; and*
 - c. *Signage - \$7,000.*

OFFICER'S RECOMMENDATION TWO

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.

FC 19/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Fullarton/Cr Langley

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995 resolves to:

1. *Allocate a total of \$121,000 toward 2023 Total Solar Eclipse event funding for the purposes of:*
 - a. *Infrastructure - \$50,000*
 - b. *Event planning and support - \$64,000; and*
 - c. *Signage - \$7,000.*

CARRIED BY ABSOLUTE MAJORITY

F7/A0

FC 20/7/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Maslen/Cr Langley

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.

CARRIED

F7/A0

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 ELECTED MEMBER MOTION – RE-OPENING OF FRENCH STREET, CORAL BAY

1.27pm – Cr Cottrell declared a Proximity Interest in this matter as he rents a site adjacent to French Street. Cr Cottrell left the meeting.

FC 21/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That, under s5.68 of the Local Government Act 1995, Cr Cottrell be permitted to stay for discussion and debate but that he not partake in the voting on the matter.

CARRIED
F6/A0

1.29pm – Cr Cottrell returned to the meeting and was advised of Council’s decision.

Elected Member Motion:

Cr Fullarton

That Council resolves to direct the Chief Executive Officer to commence the process to re-open French Street Coral Bay to traffic including:

- a. Design work to ensure the road is designed to reduce traffic congestion in the area and facilitates the safe movement of traffic and pedestrians; and***
- b. Stakeholder consultation.***

Background:

French Street, Coral Bay has been closed to vehicle traffic for many years. Anecdotal reports suggest that the road was closed to reduce the traffic hazard arising from vehicles speeding through the area. However, the road closure is not compliant with the requirements of S.3.50 of the *Local Government Act 1995* which states that a local government may close a road for periods exceeding four weeks after providing local public notice and inviting submissions. As the road closure was not carried out by the Local Government, nor was appropriate public notice given to invite public submissions, this matter needs to be rectified. This matter has become important and urgent due to the increased volume of traffic and the corresponding need to better manage traffic flow in Coral Bay.

Consultation has been undertaken with:

Shire President
CEO

1.41pm – Cr Cottrell left the meeting

FC 22/7/22

COUNCIL RESOLUTION & ELECTED MEMBER MOTION

Cr Fullarton/Cr Vandeleur

That Council resolves to direct the Chief Executive Officer to commence the process to re-open French Street Coral Bay to traffic including:

- a. Design work to ensure the road is designed to reduce traffic congestion in the area and facilitates the safe movement of traffic and pedestrians; and*
- b. Stakeholder consultation.*

CARRIED

F4/A2

Cr Langley voted against the motion

1.42pm – Cr Cottrell returned to the meeting and was advised of Council’s decision.

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

10.1 HORTICULTURAL CLEAN-UP – WAIVING OF TIP FEES

Cr Ferreirinha enquired as to the progress in relation to assisting the horticultural growers with a clean up of the plantations.

The CEO advised that the matter has been put on hold until further investigation has taken place.

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

The following matters were approved by the President for discussion and consideration.

11.1 AUGUST 2022 COUNCIL MEETING – REQUEST FOR ALTERNATIVE VENUE

The Shire President advised that he had received an invitation from the Regional Manager of the Gwoonwardu Mia Aboriginal Culture Centre asking if Council would conduct the 2022 August Council Meeting at the Venue.

FC 23/7/22

COUNCIL RESOLUTION

Cr Smith/Cr Maslen

That the August 2022 Ordinary Meeting of Council be held at the Gwoonwardu Mia Aboriginal Cultural Centre on Tuesday 23 August 2022 and that local public notice of the change of venue be given.

CARRIED

F7/A0

11.2 PIGEON RACING FEDERATION OF WA – REQUEST FOR AMENDMENT TO HEALTH AMENDMENT LOCAL LAW

The Shire President advised that he had received a letter from the Pigeon Racing Federation seeking Council to reconsider amending the Health Amendment Local Law to allow the releasing of racing pigeons in the Shire of Carnarvon.

The letter was tabled at the meeting and is attached to these minutes.

FC 24/7/22

COUNCIL RESOLUTION

President Smith/Cr Fullarton

That Council review the Health Amendment Local Law to allow the release of racing pigeons within the Shire of Carnarvon but south of the Wooramel River only.

LOST

F3/A4

Cr Fullarton voted for the motion

11.3 HORTICULTURAL ACTIVITY – NORTH OF LAWSON STREET (BRICKHOUSE STATION)

Cr Fullarton has advised – “That as a researcher at Curtin Law School I have access to Landgate records for research purposes. I have recently been researching pastoral lands in Western Australia as part of my academic tax research. In doing so I noticed that immediately adjacent to the Gascoyne Horticultural Region at the eastern end of Lawson St on the southern bank of the Gascoyne River, there is a significant horticultural development shown on the satellite land image produced by Google Maps.

That development does not appear to coincide with the listed land tenure shown on the Landgate records. As a Councillor of the Shire of Carnarvon I am concerned that the purpose of the land use taxed by the Shire might not be the same as the actual activities conducted on the land.

Unfortunately I am not at liberty to share my Landgate records provided to me by the University but I can bring my concern to your attention. It is an extensive area and will be readily identified by Shire staff. If you require further details as to location I am happy to assist.”

CEO Andrea Selvey advised Council that the matter would be taken on notice and further investigated.

11.4 LIQUOR TRADING HOURS IN CARNARVON

Cr Fullarton requested that Council consider the following –

“This matter beyond the scope of a local government authority however, Carnarvon’s isolation concerns which will be of significant social and economic impact to the district.

It has been announced that the Federal Government will re-introduce a \$750 per week payment for individuals required to quarantine due to communicable disease counter measures. I observed that previously the consumption of alcohol, and associated alcohol affected disruptive behaviour, escalated to intolerable levels around Carnarvon. I believe that this behaviour is likely to continue or re-occur.

While the Federal decision is very much outside our jurisdiction, social, economic and environmental concerns of our LGA are not (S 1.3 LGA (WA) 1995). I am led to believe that surrounding districts opening hours for liquor outlets limited to between 11:00 and 12:00 whereas liquor shop hours in Carnarvon open at 10:00am.

I believe that that ‘two hour head start’ is to the detriment of the broader community and the health of those beginning to consume drinking well before the ‘sun is over the yardarm’. I am aware that there is an agreement or ‘accord’ as to liquor sales in Carnarvon. Perhaps it could be agreed to restrict the sales of liquor to hours after 12:00.

I am aware that travellers may wish for and early start to their journey and may have to plan their liquor purchases either later in the day, or the previous day. However I feel that is far preferable to the burdens of general prohibition to the sale of liquor which can sometimes extend for days at times to reduce alcohol fuelled violence. I feel the short term pursuit of economic benefit to the traders runs counter to the long term peace and good public order of the general community. I believe in the long term little profit will be lost by them in any event. Shorter trading hours might even result in lower operational costs, without significant impact on gross sales, thereby resulting in greater net profits to them, in the long term.

*Dr Fullarton
Councillor*

The Shire President advised that there will be a meeting of the Liquor Accord Committee on Wednesday 27 July 2022 and that he would bring this matter to their attention for consideration.

11.5 BANKWEST OPERATING HOURS

Cr Fullarton advised – “I draw attention to observations and a number of complaints as to apparent intermittent trading hours conducted by the Carnarvon Branch of the Bank of Western Australia. The matter is beyond the scope of the normal functions of a local government authority, however our relatively unique isolation and the key role that banking services contribute to our economy impose considerable difficulties to Carnarvon’s businesses and general population.

Might I request that Council make enquiries of the bank to express our concern of the disruption to the service and to provide information to the public as to future operations of the branch?”

FC 25/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Fullarton

That Bankwest be contacted to seek clarification in regard to their intentions on the ongoing operations of the Branch.

CARRIED
F7/A0

FC 26/7/22

COUNCIL RESOLUTION

President Smith/Cr Fullarton

That the meeting be adjourned for a 10 minute break at 2.09pm.

CARRIED
F7/A0

2.09pm – The gallery left the meeting.

FC 27/7/22

COUNCIL RESOLUTION

President Smith/Cr Maslen

That the meeting be reconvened at 2.21pm.

CARRIED
F7/A0

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

The Shire President advised that a late item relating to the CEO Performance Review is to be considered by Council and due to its confidentiality, the meeting will need to be closed to members of the public.

2.22pm – The Press left the meeting.

FC 28/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Langley

That the meeting be closed to the public at 2.20pm in accordance with Section 5.23 (2) (b) as the item relates to a matter which may reveal the personal affairs of any person.

CARRIED
F7/A0

12.1 CEO PERFORMANCE REVIEW

FC 29/7/22

COUJNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Council –

1. *Endorse the outcomes of the CEO Performance Review with a summary assessment of ‘competent and effective’.*
2. *Acknowledge and thanks the CEO for her contribution and commitment to the Shire over the past 12 months; and*
3. *Identifies the following Key Performance Indicators for the attention of the CEO for the forthcoming year -*
 - *Complete the Corporate Business Plan*
Measure: Completion of plan and endorsement by the Council.
 - *Specific Projects:*
 - *Main Street upgrade*
 - *Flood mitigation works*
 - *Coral Bay waste disposal site development**Measure: Completion of works within scope, timeframe and budget.*
 - *Develop a business case facilitating subsidised services infrastructure for undeveloped residential land to assist with land release and population growth.*
Measure: Completion of business case and endorsement by the Council.
 - *Develop a Rural Roads Strategy*
Measure: Completion of strategy and endorsement by the Council

- *Ensure project management capacity and capability can deliver projects within agreed budget, scope and timeframe, subject to matters being within the control of the Shire.
Measure: No significant scope, timing or budgetary problems emerging as a result of matters or actions within the control of the Shire.*

CARRIED
F7/A0

FC 30/7/22

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting be reopened to the public at 2.25pm.

CARRIED
F7/A0

13.0 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 23 August 2022 at the Gwoonwardu Mia Aboriginal Cultural Centre commencing at 1.00pm.

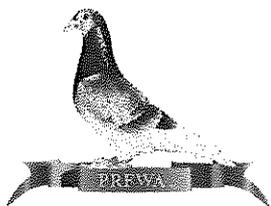
14.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.26pm

RECEIVED
22 JUL 2022

BY: *SB*

The Pigeon Racing Federation of W.A. (Inc)



23 Winship Avenue
Wanneroo WA 6065
Ph: 0437 485 749
Email:
brianbrennan8@bigpond.com

Mr Eddie Smith
President
Shire of Carnarvon
Shire Office, 3 Francis Street,
Carnarvon 6701.

Dear Mr Smith,

RE: Prohibiting Release of Racing Pigeons in the Shire of Carnarvon

Further to our previous correspondence and subsequent conferencing with your council members and follow up with Mr Perry and his recent replacement Mr. Dane Wallace. It is probably now time to update you on our undertaking towards resolving the feral pigeon problem in Carnarvon as a goodwill gesture towards being permitted to release our racing pigeons in the Carnarvon district.

As you may be aware, I accompanied our licensed Pest Control Technician, Mr. Matthew Creemers, to Carnarvon on three occasions, namely 15-16 of June, 20-22 June and 29 June to 1 July, 2022. On our first visit Mr Wallace gave us a conducted tour of the town pointing out known locations where feral pigeons roost and breed.

On our second visit we identified their feeding habits and established that they migrate from Carnarvon CBD and industrial area at about 0710 hours each morning, in flocks of 30 to 40, to the plantations and market gardens and feed on the seeds from melons and other vegetation which are plentiful. In the afternoon they return to the CBD and industrial area with a full crop of seeds. This presented a significant challenge as pigeons with a full crop of food are reluctant to eat. We then set about to strategically set grain laced with alphachloralose in and on top of buildings which resulted in bagging 100 pigeons.

Our final trip built on our previous knowledge and success. The strategy on the plantations, on this occasion, was foiled by the presence of hundreds of Short Billed Corella, which is a protected species. As a result, we again concentrated more on the CBD and industrial areas, which we heavily targeted. Namely Barry's Furniture, Target, the Toll Depot, derelict CWA building, the derelict Korda Club building in Campbell Way and an unoccupied residential house at 3 Craggs Court near the OTC complex. We met with some opposition from the owners of the Woolworths shopping mall, however after participating in a formal induction course, we were granted full access to the extensive roof of Woolworth's shopping Mall and carried out control procedures in that area. From observations of the early morning migrating flocks on Friday 1 June we estimate that we have

reduced numbers by up to a third. The total number of feral pigeons eradicated as a direct result of our control procedures exceeded 250.

We pointed out to your Mr Wallace the feral pigeon problem is of long standing, is far more extensive than we had anticipated and has been allowed to multiply and grow for a very long time and will take consistent regular action to reduce the feral population to manageable numbers.

As mentioned, while we were there, we also encountered a few difficulties in baiting due to some of the feeding sites (for grain species) are common to indigenous birds such as the Little Corella, Galah, Crested Pigeons and Doves. It takes time and needs to be carefully approached so as not to inadvertently affect the indigenous bird populations. While the effective percentage cull rate has been considerable, the reduction in population will be quickly made up unless there is ongoing maintenance to bring numbers under control. Our Licensed Pest Control Technician, Matthew Creemers, is available to undertake further control measures at a collective cost to the affected business community, however your local pest control agents Capricorn Pest Control or Gascoyne Pest Control are well placed to carry out maintenance procedures using alphachlorolase. Shooting of feral pigeons in the plantation environment could also be effective by employing an experienced shooter using the right firearm.

We mentioned in our previous correspondence and was pointed out to your Mr Wallace that on a global scale, less than two-percent of our registered homing pigeons can successfully assimilate into a feral situation. Over the period of our visits no pigeons that we bagged carried a racing pigeon life band. Interestingly, we found an unidentifiable life ring and electronic band attached to an already deceased pigeon in a disused swimming pool in the OTC Satellite Earth Station complex. We also found a Chinese/Taiwanese life band in a bunker on the OTC site. This latter band would no doubt have been on a pigeon making landfall off a passing bulk carrier and had subsequently perished.

In summary, the situation was much more extensive than we had anticipated. We undertook three trips and could have made extensive inroads into eradicating the population, save for the fact of indigenous bird populations frequenting the same widely dispersed sites and requires much closer attention over an extended period than we could devote to the exercise. Without eradicating or mitigating the feed sources, or at least isolating the feed supply into concentrated areas for subsequent baiting the depleted populations will quickly rise again. It is as much a housekeeping problem as a feral pigeon problem. We also believe we have made our case, whereby your Mr Wallace will confirm, there were no banded pigeons found during our baiting programs. We trust this finding will mitigate in our favour in seeking a resolution by way of amendment to your Health Amendment Local Law 73A to facilitate the issuing of a permit to release racing pigeons in your district.

Yours sincerely,



Brián Brennan

President,

The Pigeon Racing Federation of Western Australia (Inc)