



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2024

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

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

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 26 March 2024
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 1.00pm.



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)
11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –
(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1 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 DECLARATION OF INTEREST

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

3 PUBLIC QUESTION TIME

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

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME**4 CONFIRMATION AND RECEIVING OF MINUTES****CONFIRMATION OF MINUTES**

4.1 Minutes of the Ordinary Council Meeting - 27 February 2024

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION**6 PRESENTATIONS, PETITIONS AND MEMORIALS**

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 REQUEST TO LEASE RESERVE 39114 - LOT 1286 SHALLCROSS STREET

File No:	ADM0250
Location/Address:	Reserve 39114 – Lot 1286 Shallcross Street
Name of Applicant:	Gascoyne Gymnastics Club
Name of Owner:	Shire of Carnarvon
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. Area of Reserve 39114

Authority/Discretion:

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

Summary of Report

Scouts WA has formally advised the Shire that it is no longer operating in Carnarvon; as such, both parties have mutually agreed to terminate the Scouts WA lease over Reserve 39114, including the Baden Powell Hall, Lot 1286.

This report presents a request from the Gascoyne Gymnastics Club, who currently operate from this building, to formally lease the premises.

The officer recommendation is that Council approves the lease to the Gymnastics Club to provide premises to a community sporting organisation and to avoid a serviceable building being unoccupied.

Background

The Scout Hall on Reserve 39114 in East Carnarvon, WA, has been leased to Scouts WA since December 2016. Scouts WA breached the conditions of the lease by failing to utilise the hall for its intended purpose and by subletting to the Gascoyne Gymnastics Club without proper authorisation. These breaches prompted the Shire of Carnarvon to contact Scouts WA to establish if they are intending to use the Scout Hall for the intended purposes as per the lease conditions or if they are no longer providing their service to the town of

Carnarvon. Scouts WA have confirmed that they are no longer operational and do not foresee recommence operations in Carnarvon; as such, both parties have agreed to terminate the lease as per Item 8 of the Schedule to the lease.

The Gascoyne Gymnastics Club had been subletting the building from Scouts WA. They are seeking a suitable space to continue to operate and have formally applied to the Shire to lease the Scout Hall.

Stakeholder and Public Consultation

Scout Association of Australia Western Australia Branch (Scouts WA)

Gascoyne Gymnastics Club

Statutory Environment

Section 3.58 (3) of the Local Government Act, 1995
 Part 6 of the Local Government (Functions and General) Regulations, 1996;
 30. Dispositions of property excluded from Act s. 3.58

Relevant Plans and Policy

Policy CF018 Lease and Licensing Classification; Tier Two

Financial Implications

The cost of the lease preparation will be paid by the lessee in accordance with Policy CF018. The annual lease fee, all maintenance, all outgoings inclusive of utilities and rates, are to be paid by the lessee. The lease fee will be reviewed annually (at the anniversary of commencement) based on CPI for the previous twelve months.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	The Shire would be responsible for maintenance, utilities and insurance for an empty building.	High	Leasing the building will mitigate this risk.
Health & Safety	N/A	N/A	N/A
Reputation	An empty building when there is community demand for spaces to operate can damage		Leasing the building will mitigate this risk.

	the Shire’s reputation.		
Service disruption	Risk of disruption to community services due to lease termination and transition to new lease holder.	Moderate	Terminating existing lease for Scouts WA and executing a new lease for Gascoyne Gymnastics will ensure that Gascoyne Gymnastics are able to continue delivering their service to our community.
Compliance	Risk of non-compliance with legal or regulatory requirements.	Moderate	Conduct regular reviews to ensure ongoing compliance with lease agreements and regulatory requirements.
Property	Risk of damage or loss to the property during the transition or if left vacant.	Moderate	Executing a lease with Gascoyne Gymnastics will mitigate this risk.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officer’s recommendation that Council approves the lease to the Gymnastics Club, is based on the risks associated with unoccupied buildings as outlined above and a known community need. A longer-term lease would provide stability and support for the Club’s activities. A lease would benefit current Club members while also opening up opportunities for new participants to engage in this sport.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority,

- 1. Pursuant to Section 3.58 of the Local Government Act 1995, resolves to grant a formal lease to Gascoyne Gymnastics Club over Reserve 39114.***
- 2. The proposed lease is to be based on the Shire of Carnarvon Policy CF018 Lease and Licensing Classification –Tier Two and as per the following:***
 - (a) An initial five (5) year lease period, plus an option of a 5-year extension;***
 - (b) An annual lease payment of \$300 (excluding GST) plus annual CPI Indexation.***

3. Authorise the CEO to negotiate the details of the lease with the Lessee in accordance with Council Policy CF018 and the Shire of Carnarvon's standard lease conditions.

7.1.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF FEBRUARY AND MARCH 2024

File No: ADM0043
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author(s): Dannielle Hill, Senior Executive Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Monthly Report
 Schedules: Nil

Authority/Discretion:

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

Summary of Item

This item reports on actions performed under delegated authority in February and March 2024.

Background

In accordance with the conditions of delegation and to increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for:

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 - Section 9.49A

Planning & Development Act 2005 – Part 10 Div. 2
 TPS No. 10 – Section 2.4
 Shire of Carnarvon Local Government Act Local Laws S.29
 Health Act 1911 – S.107; Health Act 1911, Part VI
 Health (Public Buildings) Regulations 1992

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire	Low - 1	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 - 1	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The following table detailing the actions performed within the organisation under delegated authority in February and March 2024 are submitted to Council for information.

LAND USE AND PLANNING

PLANNING AND DEVELOPMENT ACT 2005 - PART 10: DIVISION 2					
Applications to subdivide, re-subdivide, or amalgamate land parcels					
File Ref:	WAPC Ref:	Subject Land	Purpose	Applicant/ Proponent	Advice Sent
ADM1789	164524	LOT 9001 OLIVIA TERRACE	SUB-DIVIDE	MNG SURVEY	YES

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
A96	P08/24	111 CORNISH ST, MASSEY BAY 6701	EQUINE SAMPLE COLLECTION SHED	BENEDETTO DEI GIUDICI	29/02/2024
A3979	P11/24	67 ROBINSON ST CORAL BAY	SHED	CORAL BAY AMALGAMATED HOLDINGS PTY LTD	06/03/2024
A4085	P12/24	85 OLIVIA TCE CARNARVON WA 6701	BOUNDARY FENCE	ANGOVENP PTY LTD	08/03/2024

LIQUOR CONTROL ACT 1988 - SECTION 40					
Certificate of Local Planning Authority					
File Ref:	Subject Land	Purpose	Applicant/ Proponent	Advice Given	Advice Sent
A3216		LIQUOR LICENCE	PORTFRAME ENTERPRISES	16/02/2024	16/02/2024

ENVIRONMENTAL HEALTH

Food—Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant
25-Jan-24	HFO24/001	Food business registration (fruit processing), Riverside Family Organics, 40 Maywood Rd, Kingsford	Riverside Family Organics Pty Ltd
9-Feb-24	HFO24/002	Food business registration, Kestrel Café, One Mile Jetty, Annear Place, Babbage Island	Minh & Alan Henderson

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
5/2/2024	HCP24/014	Approval to bring park home onto facility – Ningaloo Coral Bay Bayview, Lot 2 Canya site 14	Adam Manks	Bayview Coral Bay Pty Ltd
8/3/2024	HPB24/001	Event approval — Jamba Nyinayi Festival Cardabia, 12 April 2024 with event camping 11-13 th April.	BangBangCo	Baiyungu Aboriginal Corporation (pastoral lessee)

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B24/004	BURKE HOLLA	LOT 4 (269) MARGARET ROW, EAST CARNARVON WA 6701	NEW GARAGE
B24/006	CORAL BAY AMALGAMATED HOLDINGS PTY LTD	67 ROBINSON ST, CORAL BAY WA 6701	OCCUPANCY PERMIT - UNAUTHORISED WORK-RELOCATED ACCOMMODATION UNITS
B24/007	CARNARVON RACE CLUB	111 CORNISH ST, MASSEY BAY WA 6701	EQUINE SAMPLE COLLECTION SHED
B24/008	RAC TOURISM ASSESTS PTY LTD	14 ROBINSON ST, CORAL BAY WA 6701	DEMOLITION OF 7 DWELLINGS - NINGALOO REEF RESORT
B24/009	SHIRE OF CARNARVON (OCCUPIER CORAL COAST HELICOPTER)	LOT 547 (26) JAMES ST, CARNARVON 6701	OCCUPANCY PERMIT CLASS 7B - NEW BUILDING COMPLETE (s.46)

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for February and March 2024.

7.1.3 SUBMISSION TO CARNARVON FLOODPLAIN MANAGEMENT WORKING GROUP ON BOUNDARY ROAD.

File No:	ADM0143
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	<ol style="list-style-type: none"> 1. Submission to Carnarvon Floodplain Management Working Group on Boundary Road recommendation. 2. Status of actions arising from Floodplain Management Working Group Report

Authority/Discretion:

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

Summary of Report

This report presents a submission to the Carnarvon Floodplain Management Working Group (Working Group) from Mr Tony Vrankovich, a member of the Working Group, on the matter of adding soil to the Boundary Road levee during flood events. The report seeks Council’s position on this matter in order for the Shire President, as the Council’s nominated representative on the Working Group, to vote on Mr Vrankovich’s submission at the Working Group meeting.

Background

Following the flooding of the lower Gascoyne River in February 2021, the Carnarvon Floodplain Management Working Group was established to assist with the recovery from that flood and to consider how to reduce the impact of future floods. The Working Group membership includes representatives from Departments of Primary Industries and Regional Development (DPIRD), Water and Environmental Regulation (DWER) and Fire and Emergency Services, along with the Shire of Carnarvon, the Carnarvon Growers Association, and individual growers. The Working Group report was completed in May 2022 and a second iteration of the

Working Group was formed to implement actions arising from the May 2022 report. A summary of actions from the Report and their status as of February 2024 is provided for Council's interest.

The Boundary Road levee, particularly the raising of the levee height with additional soil when a flood is expected to top the levee, has been one topic of discussion at Working Group meetings.

The Boundary Road levee is part of a levee system owned and managed by the Shire of Carnarvon. It was constructed in 1990 to mitigate the flood risk in East Carnarvon and to protect critical infrastructure such as the airport, hospital, food supply and communication infrastructure. In major flood events, the Department of Fire and Emergency Services (DFES), as the agency responsible for coordinating the emergency response, has the authority to raise the Boundary Road levee with additional soil. Please see attachment *Submission to Carnarvon Floodplain Management Working Group on Boundary Road recommendation* for a more detailed explanation of this matter and the authority of DFES to act in managing a flood response.

The attached submission was developed by DPIRD for the Working Group and contains background context for the Working Group to consider when they vote on a recommendation from Mr Vrankovich. The recommendation from Mr Vrankovich is provided below.

Recommendation from Mr Vrankovich: "Irrespective of the predicted flood level, and in the absence of new flood modelling information being available, the Carnarvon Flood Plain Working Group recommends that NO soil should be placed on the Boundary Road levee as a flood mitigation strategy to protect the Town of Carnarvon's critical infrastructure and its ability to support the region during and after flood events."

Further to the attached submission, at the last meeting of the Working Group held on 14 March 2024, DFES explained that their decision-making in determining the appropriate response to an emergency is made collaboratively with other on-ground agencies with appropriate local knowledge and informed by available technical data. Acknowledging that there is currently limited technical data of the impact of adding soil to flood levels, one of the actions the Working Group has been progressing under the Improving Flood Preparedness project is the new Flood Model that can model the impact of various interventions or scenarios on flood levels, including adding soil to the Boundary Road levee. It is anticipated that the new model will be available in the coming months and will assist in addressing that technical knowledge gap.

The Shire President is Council's delegate on the Working Group and is therefore required to vote on Mr Vrankovich's recommendation. Council's policy *EME019 ROLES AND RESPONSIBILITIES OF SHIRE DELEGATES TO EXTERNAL BODIES* states that if Council has not previously established a position, the delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter, i.e., potential for negative environmental or social impact, or risk of community conflict. Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the CEO is to be requested to prepare a report for Council's consideration. The delegate may provide a position statement for inclusion in the report however, the administration must provide professional opinion, advice, and a recommendation for Council determination.

Stakeholder and Public Consultation

The Carnarvon Floodplain Management Working Group consists of representatives from relevant stakeholder agencies and community members. No further consultation is recommended.

Statutory Environment

S3.18 *Local Government Act 1995*

Relevant Plans and Policy

EME019 ROLES AND RESPONSIBILITIES OF SHIRE DELEGATES TO EXTERNAL BODIES

Financial Implications

There are no direct financial implications from officer’s recommendation; however, it is clear the financial implications of actions taken during a flood, including whether to add soil to the Boundary Road levee, are significant.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Potential for litigation from property owners impacted by the Boundary Road levee.	B3 -High	Documented evidence that any decision is considered and based on quality data. This could be used to defend a decision to follow the request from DFES. DFES’ tactical assessment is one such piece of evidence, and the new flood model when it is completed and available will assist in demonstrating considered decision making.
Health & Safety	During a flood, the health and safety of residents is a major risk. Decision will be scrutinised for their impact on the health and safety impacts on citizens of Carnarvon.	A4 - Extreme	Documented evidence that any decision is considered and based on quality data. This could be used to defend a decision to follow the request from DFES. DFES’ tactical assessment is one such piece of evidence, and the new flood model when it is completed and available will assist in demonstrating considered decision making.
Reputation	This decision has the potential to impact the Shire’s reputation.	B3 -High	Documented evidence that any decision is considered and based on quality data. This could be used to defend a decision to follow the request from DFES. DFES’ tactical assessment is one such piece of evidence, and the new flood model when it is completed and available will assist in demonstrating considered decision making.

Service disruption	Inadequate protection of critical infrastructure could impact delivery of critical services such as medical, airport, education.	A4 - Extreme	DFES' tactical assessment considers impact on infrastructure and delivery of critical services.
Compliance	The Fire and Emergency Services Commissioner has powers in relation to natural disasters under the Fire and Emergency Services Act 1998 to require soil to be added to Boundary Road levee. A Council resolution that prevents employees from complying with a direction from DFES could be a compliance risk.	A4 - Extreme	Awareness of relevant legislation as outlined in the attached schedule.
Property	Property damage is a significant risk in a flood event and the Boundary Road levee protects some properties and not others.		DFES' tactical assessment considers impact on property.
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

BIG IDEAS FOR THE FUTURE OF CARNARVON:

Comments

As per Council Policy EME109, the Shire President has identified the potential for a significant level of sensitivity regarding this matter and has requested this report for Council consideration and direction.

As per Policy EME019 a recommendation from the administration is presented for Council determination having regard to the risks and serious implications of this decision.

It is important that Mr Vrankovich has raised this matter as it has ensured that any decision to add soil to the Boundary Road levee is carefully considered. The officer's recommendation is based on compliance with the *Fire and Emergency Service Act 1998*, and on the understanding that before such a decision is made, DFES will consult with stakeholders and conduct a thorough tactical risk assessment.

It should be noted that the impact of floods on property owners outside the Boundary Road levee is taken seriously by the Shire, DFES and other stakeholders. The new flood model will assist the Working Group to identify potential actions to mitigate the impact on those property owners.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to adopt the following position in relation to flood mitigation actions and responses, including adding soil to the Boundary Road levee:

- a. The Shire of Carnarvon will support decisions made by the Department of Fire and Emergency Services (DFES) as the controlling agency in an emergency under the Fire and Emergency Services Act 1998, based on triggers within the DFES tactical risk assessment; and***
- b. The Shire of Carnarvon, in partnership with other agencies, will continue to progress the Flood Modelling as a tool to inform potential future decisions and actions that aim to minimise the impacts of floods on all members of our community, to the greatest extent possible.***

7.1.4 POLICY REVIEW

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	7.1.5 Policy Review March.2024
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

The updated Shire of Carnarvon Council Policy Manual was adopted by Council at the Ordinary Meeting of Council on 23 August 2022. This agenda item forms part of a schedule to facilitate the regular formal review of the Council Policy Manual by Council. Table 2 in the comments section details the recommended changes to the policies.

Background

One of the primary functions of a Local Government Council is to determine the local government’s policies. Council policies focus on the strategic and statutory decision-making obligations of the Council. The policy may relate to an Express Power or Duty or a matter that is non-statutory and entirely discretionary. Council policies guide and inform the Local Government’s strategic, financial, and operational functions and may impact service levels provided to the community. Council policies apply to Council and employees when fulfilling their decision-making responsibilities.

A full review of all policies was completed by Council in August 2023. At that time the Council advised it was onerous to review all 71 policies at once and a quarterly review cycle would be more manageable.

The schedule for review is as follows:

Table 1

Month	Policy Numbers
March	EME001 to EME017
June	EME018 to EME034
September	CF001 to CF019
December	ID001 to ID005 and CD001 to CD013
New Policies	Presented to Council as required.

Stakeholder and Public Consultation

Nil.

Statutory Environment

Section 2.7 of the Local Government Act 1995 articulates the Role of Council, which includes determining policies of the local government.

The specific legislation for different policies is provided for reference in each policy document.

Relevant Plans and Policy

Shire of Carnarvon Policy Manual.

Financial Implications

There are no additional financial implications from adopting the updated policies. Any impacts have either already been considered in the budget setting, e.g., Community Growth Fund allocations, or will be brought before Council if there is a financial impact outside the current budget allocation.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Unclear policy direction can result in less transparent decision-making and may impact the Shire’s reputation.	High	The policies aim to provide Council and Employees with clear direction and improve the transparency and consistency of decision-making.
Service disruption	N/A		

Compliance	That policies do not support compliance.	High	Policies have been checked to align with legislation and aim to add clarity to legislation to assist with compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officer’s recommendation is that Council adopts policy numbers EME001 to EME017 as presented to Council.

Policy Title	Proposed Change
EME001	Code of Conduct for Council Members, Committee Members and Candidates for Election No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME002	Attendance/Tickets to Events No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME003	Elected Members Induction, Professional Development, and Conference Attendance Policy No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME004	CEO Standards, Performance, and Management Review Committee No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME005	Council Leave, Appointment of Acting or Temporary CEO No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME006	Reimbursement of Elected Members’ Expenses No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME007	Legal Expenses – Elected Members and Employees No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME008	Designated Senior Employees No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME009	Record Keeping by Elected Members and Employees, Data Migration

	No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME010	Execution of Documents, and Application of Common Seal No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME011	Elected Members – Service Award and Gift No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME012	Equal Employment Opportunity No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME013	Public Interest Disclosure No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME014	Freedom of Information No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME015	Elected Members – Access to Information No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME016	Elected Members – Access to Shire Vehicles for Official Use No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.
EME017	Use of Shire Logo No significant changes. Reviewed by Shire Officers. Minor grammar, spelling and formatting changes.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with Section 2.7 of the Local Government Act 1995, resolves to adopt Policies EME001 – EME017, as presented in Schedule 1 and include them in the Shire of Carnarvon Policy Manual.

7.2 CORPORATE SERVICES

7.2.1 BUDGET ADJUSTMENTS - FEBRUARY 2024

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Seema Dutt, Senior Finance Officer - Reporting Sarah Beresford, Procurement Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly report
Schedules:	1. Budget Adjustments February 2024

Authority/Discretion:

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

Summary of Item

This item presents officer requested budget adjustments arising after the adoption of the 2023-2024 Budget for Council to consider. The officer’s recommendation is that the adjustments are approved by Council.

Background

The Council adopted the Annual Budget for the Shire on 22 August 2023.

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

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

It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed by Officers regularly. Officers have three recommendations for the month of February.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

The proposed adjustments for Council to consider will result in no change to the projected budget closing position.

Risk Assessment

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

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

Community and Strategic Objectives

The tabling of information relative to the budget adjustments aligns itself with no specific objective as expressed in the Community Strategic Plan 2022-2032. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON

- *N/A*

Comments

The proposed adjustments are included for council to consider for the month of February 2024.

Adjustments Impacting Budgeted Closing Position

The adjustments presented in this report have no net impact on the closing position.

Adjustments with no impact on budget closing position

Proposed budget adjustments have no impact on closing budget.

Net budget closing position

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

OFFICER'S RECOMMENDATION

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

7.2.2 ACCOUNTS PAID UNDER DELEGATION FEBRUARY 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	1. Accounts for Payments in February 2024 2. Credit Card Reconciliation 23.01.2024 to 22.02.2024

Authority/Discretion:

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

Summary of Report

To present the listing of accounts paid under delegation from the Municipal Fund and Trust Fund, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*, for the month of February 2024.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund (Delegation 1.2.20) with a statutory condition on the delegation that a list of all payments is to be recorded in the Council Minutes. The list of payments is provided at Schedule 1 and 2 attached.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

The tabling of information relative to payments made under delegation aligns itself with no specific objective as expressed in the Community Strategic Plan 2022-2032. It is solely a legislative requirement common to all local governments within Western Australia. Without compliance in this regard, achieving strategic or community objectives would be at risk.

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,592,278.72 as presented for the month of February 2024, incorporating the following; and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT40527</i>	<i>EFT40768</i>	<i>Muni EFT</i>	<i>\$1,589,277.80</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40715.1 – DD40715.5; DD40727.1; DD40730.1; DD40735.1; DD40735.2; DD40737.1; DD40739.1; DD40739.2; DD40741.1; DD40741.2; DD40747.1; DD40753.1; DD40756.1; DD40758.1 – DD40758.5; DD40760.1; DD40762.1 – DD40762.6</i>	<i>DD40762.7</i>	<i>Bank Directs</i>	<i>\$1,003,000.92</i>
		<i>TOTAL</i>	<i>\$2,592,278.72</i>

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23 January 2024 to 22 February 2024.***

7.2.3 SUNDRY DEBTORS WRITE-OFF PROPOSAL FOR COUNCIL

File No:	ADM0026
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Vika Nafetalai, Finance Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

This item presents to Council Sundry Debtor debts considered unrecoverable and seeks a Council resolution to write off these debts.

Background

The officer has reviewed the aged debts as outlined in Council Policy CF007 Debt Collection to ensure aged debts are recovered, including outsourcing to third party and hand delivered notices by Rangers. However, the debts presented in this report are deemed to be unrecoverable.

Statutory Environment

Local Government Act 1995 Section 6.12 (1)(c)

Relevant Plans and Policy

CF007 Debt Collection; and Delegation 1.2.21 Defer, Grant Discounts, Waive or Write-Off Debts is delegated to the CEO where a debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Carnarvon. Delegation is also limited to individual debts valued below \$200 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.

Financial Implications

The total recommended write-off is \$842.25. This amount is considered immaterial in the overall context of the Shire’s financial position.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

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

Debtor Code	Amount Outstanding	Date	Details of Debt	Reason for Write off	Preventative Actions
MCMVAN	\$603.55	12/10/2023	Reimbursement cost for recovering Ford Territory from New Beach and tow to TIP site.	Multiple efforts to recover debt internally, hand delivered notices and through Recoveries Legal have been unsuccessful.	As part of the reviewing process into debt recovery within Sundry Debtors, the Shire has streamlined the process and shortened the time frames that trigger actions in accordance with the debt recovery. These changes will ultimately lead to improved recovery debts and allow for a more efficient process of commencing litigation claims and write-off of bad debts.
OFSEAU	\$238.70	18/10/2023	Carnarvon Airport landing charges for the period from 1 September 2023 to 24 September 2023	Multiple efforts to recover debt internally and through Recoveries Legal have been unsuccessful.	

OFFICER'S RECOMMENDATION

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

	Debtor Code	Amount
1	MCMVAN	\$603.55
2.	OFSEAU	\$238.70
	TOTAL	\$842.25

7.2.4 MONTHLY FINANCIAL REPORT FEBRUARY 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Seema Dutt, Senior Finance Officer - Reporting
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report- February 2024

Authority/Discretion:

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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 29th February 2024 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

Background

Each month a local government is to prepare a Statement of Financial Activity reporting on the revenue and expenditure for the month as set out in the budget. The *Local Government (Financial Management) Regulations* provide that the statements be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations.
Health & Safety	N/A	N/A	
Reputation	The delay in achieving timely reporting has the potential to damage the Shire’s reputation.	High	High priority has been placed on preparing Statutory reporting within legislated timeframes.
Service disruption	N/A	N/A	
Compliance	<i>Local Government Act 1995</i> requires Council receives these statements within 2 months of the end of the applicable month.	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations.
Property	N/A	N/A	
Environment	N/A	N/A	
Fraud	N/A	N/A	

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the February 2024 Statement of Financial Activity being presented at the February 2024 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the Statement of Financial Activity, legislative notes, and supporting notes for the period ended 29th February 2024.

Monthly Financial Report – contains:

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

Notes for other supporting Information include:

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

Councillors should note a change to the statutory format of the Statement of Financial Activity at page 2 and 3 of the Financial Report where totals of each category of Income or expenditure have been aggregated at the bottom of the report. For information, the old format is still included in the other supporting information.

Operating Grants Subsidies and Contributions are \$647K lower than year to date budget, this is due to the timing of completed works and the claiming of AGRN flood damage funds (\$759K). Funds are claimed from DRFAWA based on milestone progress claims. The Shire has also received additional Financial Assistance Grants funding that will be included as additional funds available in the budget review.

Interest Earnings are higher than budget with staff managing cash flow and investing surplus funds in term deposits. Details of these deposits are disclosed in Note 5 of the Notes to the Monthly Financial Report.

Operational Material and Contracts is \$3.07M lower than year to date budget, this is considered a timing variance relating mainly to DRFAWA and Improving Flood preparedness projects. There are various other contracts throughout the service areas that are lower than year to date budget, that are noted in the variance explanation.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to receive the Draft Statement of Financial Activity for February 2024 as per attached Schedule 1.

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 CARNARVON ACTIVATION PLAN FUNDING - LOTTERYWEST

File No:	ADM0275
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Harriet Murphy, Manager, Economic Development
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	7.3.4
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

This item presents an offer of \$3.357 million in funding from Lotterywest towards the Carnarvon Activation Plan Phase One. The officer’s recommendation to Council is that the offer is accepted, and that Council considers the required co-contribution commitment of \$554,650 over two years as part of the 2024/25 and 2025/26 budgets.

Background

At the Ordinary Council meeting in December 2023, Council endorsed the Carnarvon Activation Plan (CAP) and authorised the CEO to pursue funding opportunities to implement the CAP. Officers subsequently lodged an application for \$3.35m from Lotterywest towards the delivery of CAP Phase One. The application was successful, and an offer of funding has been presented to the Shire based on the following elements.

1. Tramway Walk Trail – Whitlock Island shelter, healing space, trail furniture, and signage. This element leverages the LRCI funding which has been allocated towards the Tramway Bridge repairs.
2. Van Dongen Park – playground, landscaping, and day use facilities.
3. Public Art - utilising the Community Art Hub, local artists will be engaged to design artworks to be installed in Robinson St, Town Oval, and Van Dongen Park.
4. Digital Screen - A large digital display screen installed outside the Civic Centre for promotion and marketing.
5. Town Oval – outdoor stage, public art, and furniture.

The project will be delivered using a design and construct methodology. It is aimed to deliver the project over two years, 2024/2025 and 2025/2026.

Stakeholder and Public Consultation

The Carnarvon Activation Plan was developed with strong stakeholder and community engagement including two workshops with the community. The co-design process was widely advertised to encourage participation and a total of 35 community members attended across the two workshops.

The Shire has received formal support from the following key stakeholders:

- Gascoyne Development Commission
- Tourism WA
- WA Police
- Yinggarda Aboriginal Corporation via Gumala
- Carnarvon Chamber of Commerce and Industry
- Lock Hospital Working Group
- Ngala

Further public and stakeholder consultation will form part of the final design process.

Statutory Environment

s.3.18 of the *Local Government Act 1995*

Relevant Plans and Policy

Carnarvon Activation Plan

Financial Implications

The CAP Phase One leverages committed funds of \$1,049,000 (LRCl, Real Futures, GDC) to secure \$3.357m from Lotterywest. A cash contribution of 11% of the total project cost which equates to \$554,650, is required from the Shire to fund elements of the project that are ineligible under the Lotterywest grant guidelines. These elements include landscaping/planting, irrigation, and marketing.

Understanding the cash contribution required to secure this funding is sizable, officers have considered the impact on the budget and offer the following to lessen the impact:

- The project delivery period of 24 months; therefore, the Shire’s contribution may be considered over two financial years.
- Savings from the operational areas such as project planning and marketing are directed to this project.
- Additional funding opportunities will continue to be explored to reduce the Shire co-contribution.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
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Financial	The required Shire cash contribution is sizable. Project comes in over budget, increasing the cash contribution required by the Shire.	High	Savings be identified from within Shire operational areas. Contribution be absorbed over two financial years. Officers will continue to explore other grant funding opportunities to reduce the Shire’s co-contribution. Robust project management and budget provided as part of the design and construct tender process.
Health & Safety			
Reputation	Project does not meet community expectations in quality and timely delivery of the project	Medium	Project governance and delivery management have been considered in the planning stages of the project. The project budget allows for engagement of suitably experienced contractors to deliver the more technical elements of the project.
Service disruption			
Compliance			
Property			
Environment			
Fraud			

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*
- *Our equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our sustainable livelihoods create a community that can flourish into the future*
- *Our community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

- *Supports the needs of youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Fascine Waterway Improvement*
- *Whitlock Island Development*
- *Gascoyne River Path and Parks*

Comments

The project design has focused on improving amenity for the local community and visitors by renewing and adding value to existing assets. The intent is to add interest to existing spaces, encouraging visitors to stay

longer rather than pass through Carnarvon. The phased approach has allowed officers to secure significant external funding, for a relatively small investment from the Shire.

The CAP Phase One, is one of two phases that will deliver a series of eight projects. Further third-party funding is being sought to deliver the remaining elements, creating a connected and activated town centre. Successful delivery of Phase One will be a strong demonstration to other potential funding bodies of the Shire's commitment to implementing the CAP.

OFFICER'S RECOMMENDATION

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

- a. accept the offer of \$3.357 million in funding from Lotterywest for the Carnarvon Activation Plan Phase One;***
- b. commit to considering the co-contribution required from the Shire being:***
 - a. \$277,325 in the 2024/2025 budget;***
 - b. \$277,325 in the 2025/2026 budget; and***
- c. authorise the CEO to execute the Lotterywest Grant Agreement for the Carnarvon Activation Plan Phase One.***

7.4 INFRASTRUCTURE SERVICES

7.4.1 GASCOYNE 2050 CYCLING STRATEGY

File No:	ADM1904
Location/Address:	Gascoyne Region
Name of Applicant:	Department of Transport
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Gascoyne 2050 Cycling Strategy

Authority/Discretion:

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

Summary of Report

This report presents the Gascoyne 2050 Cycling Strategy and Action Plan for consideration by Council. It is recommended Council endorse the Strategy and Action Plan for future budget and planning considerations.

Background

The Department of Transport’s (DoT) Western Australian Bike Network (WABN) Plan 2014-2031 includes a key action to develop long-term cycle strategies for Perth and Regional WA. DoT have identified the need for twelve cycling strategies across WA including eleven regional plans. The Gascoyne Region is one such regional plan. The aim of the strategy is to create and guide a long-term vision for cycling in the regions and deliver safe, trafficable networks that facilitate change in travel behaviour.

Stakeholder and Public Consultation

Stakeholder and public consultation was conducted throughout the process of developing this strategy by means of face-to-face, public stalls and online surveys. Consultation included those affected in both the Shire of Carnarvon and adjacent Shires in the Gascoyne region. Some local stakeholders involved in the consultation include:

- Carnarvon Community College;
- Ningaloo Surfari;

- Carnarvon Sports; and
- Various members of the public

More detail on the public consultation is in Appendix B of the attached **Schedule 1 – Gascoyne 2050 Cycling Strategy**.

Other government agencies were involved in the development of this strategy such as Department of Planning, Lands and Heritage (DPLH), Main Roads WA (MRWA), and Department of Biodiversity , Conservation and Attractions (DBCA).

Statutory Environment

- *Local Government Act, 1995 – Section 3.18 Performing Executive Functions*

Relevant Plans and Policy

CF016 – Asset Management Policy. This policy applies to infrastructure that enables services to be provided within the community and can extend into footpath and cycleway infrastructure that could grow and service the region. A main principle of the policy is to ‘ensure that Council’s services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors, and the environment.’

Financial Implications

There are no financial implications with the recommendation. Endorsement of this strategy does not commit the Shire to delivering all, or any part of the Gascoyne 2050 Cycling Strategy.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Limited resources to deliver and construct the strategy’s aims.	C1 – Low	Utilise the strategy when seeking grant funding to assist in delivery and construction.
Health & Safety	NA		
Reputation	NA		
Service disruption	NA		
Compliance	NA		
Property	NA		
Environment	NA		
Fraud	NA		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The development of the strategy was funded by DoT but developed in partnership with Local Governments to ensure information is accurate and relevant. The strategy includes a five-year Action Plan that is intended to guide future funding efforts and align with DoT's regional network plan for infrastructure construction.

Endorsement of this strategy demonstrates region-wide collaboration for the shared vision for improved cycle networks across WA. The Shires of Exmouth, Upper Gascoyne and Shark Bay have all provided direction and cooperation in developing this strategy for the Gascoyne region. These Shires will also be considering endorsement of the Gascoyne 2050 Cycling Strategy in the near future.

OFFICER'S RECOMMENDATION

That Council, by simple majority, pursuant to Section 3.18 of the Local Government Act 1995, resolves to endorse the Gascoyne 2050 Cycling Strategy including the proposed action plan for future planning, budget and grant application consideration.

8 APPLICATIONS FOR LEAVE OF ABSENCE

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 NOTICE OF MOTION - CONTINUING PROFESSIONAL DEVELOPMENT - CR PAUL KELLY

File No:	ADM2271
Author(s):	Paul Kelly, Councillor
Declaration of Interest:	Financial
Voting Requirement:	Simple Majority
Schedules:	Nil

Background:

This matter relates to elected member Cr Paul Kelly seeking to undertake Continuing Professional Development by completing the **WA Diploma of Local Government (Elected Member) 52756WA**.

The **WA Diploma of Local Government (Elected Member) 52756WA** has been designed specifically to meet the skills and knowledge requirements of an Elected Member's role in Western Australia. The Diploma is suitable for elected members who have completed WALGA's Council Member Essentials Training and wish to further increase their knowledge and skills to support their role as defined in the *Local Government Act 1995*.

In terms of **EME003 – Elected Members Induction, Professional Development, and Conference Attendance Policy**, the Shire supports the ongoing professional development of Elected Members, particularly in relation to roles, responsibilities, interests, individual conduct, and meeting procedure. Elected Member training is available to Diploma level through WALGA and, where possible, Elected Members will be supported to complete the training.

Statutory Environment:

Division 10 of the Local Government Act 1995 prescribes the requirement for the training for Elected Members, including the requirement for a Council policy to guide decisions regarding training.

Relevant Plans and Policy:

EME003 - Elected Members Induction, Professional Development, and Conference Attendance Policy

Financial Implications:

The WA Diploma of Local Government (Elected Member) program cost is as follows:

- Option One: A once off upfront payment of \$10,170; or
- Option Two: \$1200 per unit for the 12 units (GST exempt)

The allocation for Elected Member training in the 2023/2024 was \$25,000. To date \$6,680 has been spent on the mandatory training for Councillors elected in October 2023 and in-house training delivered by Steven Tweedie. The current unspent balance in the Elected Member training budget \$18,300.

Risk Assessment:

N/A

Community & Strategic Objectives:

Corporate Business Plan – Supporting functions.

Support thoughtful and timely decision making through high quality agendas, transparency, informing and professional development.

Elected Members Comment:

The benefits in supporting of a motion by one of our elected members to pursue the WA Diploma of Local Government (Elected Member) 52756WA. This qualification holds immense value not only for the individual seeking it but also for the Council and the community we serve. Below are several key reasons why supporting this application is in the best interest of all stakeholders involved:

- **Enhanced Governance Skills:** The WA Diploma of Local Government equips elected members with a comprehensive understanding of governance principles, legal frameworks, and ethical considerations pertinent to their roles. By undertaking this qualification, our elected member will gain invaluable insights into governance best practices, ensuring that decision-making processes within the Council are conducted with utmost professionalism, transparency, and accountability.
- **Strategic Leadership Development:** Effective leadership is essential for driving positive change and achieving the Council's strategic objectives. Through the Diploma program, our elected member will develop advanced leadership skills, including strategic planning, stakeholder engagement, and conflict resolution. These competencies are crucial for fostering collaborative relationships within the Council and empowering our elected member to effectively represent the interests of our community.
- **Improved Decision-Making:** The complexities of local government operations require elected members to make well-informed decisions that reflect the needs and aspirations of the community. By undertaking the Diploma program, our elected member will acquire the necessary knowledge and analytical skills to assess policy options, evaluate risks, and make evidence-based decisions. This will ultimately contribute to more robust and informed decision-making processes within the Council.
- **Professional Recognition:** Obtaining the WA Diploma of Local Government demonstrates a commitment to professional development and excellence in governance. It signifies to the community, stakeholders, and fellow elected members that our Council is dedicated to upholding the highest standards of governance and leadership. Furthermore, having a qualified elected member enhances the credibility and reputation of the Council, reinforcing public trust and confidence in our ability to serve the community effectively.
- **Long-Term Benefits for the Community:** Investing in the professional development of our elected members is an investment in the future prosperity and well-being of our community. By equipping our elected member with the skills and knowledge gained through the Diploma program, we are laying the foundation for sustainable development, effective governance, and enhanced community engagement. The benefits of this investment will be felt across various areas, including infrastructure planning, service delivery, and community engagement initiatives.

In supporting the motion, we demonstrate our commitment to fostering excellence in governance, empowering our elected members, and ultimately, serving the best interests of our community.

Officer Comment

This request for professional development is presented to Council in accordance with Council policy **EME003 – Elected Members Induction, Professional Development, and Conference Attendance Policy** and can be met within the current budget allocation for Councillor training.

ELECTED MEMBER'S MOTION

That Council by Simple Majority, in accordance with Council Policy EME003 – Elected Members Induction, Professional Development, and Conference Attendance Policy which has been established in accordance with s5.128 of the Local Government Act 1995, resolves to:

- a. support the request from Cr Kelly to undertake the WA Diploma of Local Government (Elected Member); and***
- b. meet the direct course cost of \$10, 170 (EX GST) only for Cr Kelly to undertake the WA Diploma of Local Government (Elected Member) from the 2023/2024 budget allocation for Councillor training, noting that all other costs such as travel, accommodation, meals and incidentals will be met by Cr Kelly.***

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

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

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

12.1 IT FRAMEWORK

This matter is considered to be confidential under Section 5.23(2) - (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

13 DATE OF NEXT MEETING

14 CLOSURE