



SHIRE OF CARNARVON

MINUTES

ORDINARY COUNCIL MEETING
TUESDAY 26 SEPTEMBER 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on
24 October 2023
as a true and accurate record

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

Chairman

DISCLAIMER

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

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

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes **are not** a transcript of the proceedings of the meetings.

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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 Nil

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14 CLOSURE 41

The meeting was declared open by the Presiding Member at 1.01pm

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.

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

Cr Eddie Smith	Presiding Member/Shire President
Cr Burke Maslen	Councillor, Gascoyne/Minilya Ward
Cr Adam Cottrell	Councillor, Coral Bay Ward
Cr Marco Ferreira	Councillor, Plantation Ward
Cr Alexander Fullarton.....	Councillor, Town Ward
Cr Luke Skender	Councillor, Town Ward
Cr Luke Vandeleur	Councillor, Town Ward
Andrea Selvey	Chief Executive Officer
Alan Thornton.....	Deputy Chief Executive Officer
Mativa Toomalatai.....	Acting Executive Manager Infrastructure Services
Dannielle Hill.....	Senior Executive Officer

Apologies

Cr Tom Langley	Councillor, Town Ward
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Leave of Absence	Nil
Press.....	Nil
Observers	3

2 DECLARATIONS OF INTEREST

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

Cr Vandeleur – (Financial Interest) – Item 7.4.2 – RFQ 11/2013 – Harbour Road and Cornish Street Asphaltting

3 PUBLIC QUESTION TIME

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

Public Question Time commenced at 1.03pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

Public Question Time was closed at 1.03pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 22 August 2023

COUNCIL RESOLUTION OCM 01/09/23

Moved: Cr Burke Maslen

Seconded: Cr Alexander Fullarton

That the minutes of Ordinary Council Meeting held on 22 August 2023 be confirmed as a true record of proceedings.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY SIMPLE MAJORITY 7/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

President Smith wished to thank all Councillors for their support over the past 4 years. We should all be proud of the work that has been put in by your all and the towns people should be proud of all your efforts. A very big thankyou also needs to go out to Councillors partners for their support. A thankyou to all staff who have assisted Councillors. Good luck to everyone in the upcoming elections.

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF AUGUST AND SEPTEMBER 2023

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

Authority/Discretion:

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

Summary of Item

This item reports on actions performed under delegated authority for the months of August and September 2023.

Background

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 - Section 9.49A
 Planning & Development Act 2005 – Part 10 Div. 2
 TPS No. 10 – Section 2.4
 Shire of Carnarvon Local Government Act Local Laws S.29
 Health Act 1911 – S.107; Health Act 1911, Part VI
 Health (Public Buildings) Regulations 1992

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

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

CEO DELEGATIONS

Date	Delegation
14.09.23	Waiver of \$150 hire fee for Carnarvon Community Coach Education Workshop

**DELEGATIONS – BUILDING
(JULY TO SEPTEMBER 2023)**

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/025	NGHIA VAN LU & TUYET XUAN VO	LOT 83 (613) NORTH RIVER RD, NORTH PLANTATIONS	SHED EXTENSION
B23/029	MALCOLM BAIL	LOT 16 (35) HOLDEN ST, EAST CARNARVON	FREESTANDING STEEL FRAME SKILLION ROOF CARPORT ON CONCRETE FOOTINGS
B23/038	MATTHEW JAMES BIRCH	LOT 14 (99) GASCOYNE RD, EAST CARNARVON	PATIO
B23/042	ALEXANDRA DRUMMOND HARPER & BENJAMIN EDWARD MASLEN	LOT 204 (139) OLIVIA TCE, SOUTH CARNARVON	SWIMMING POOL BARRIER (REFER TO B23/021 FOR THE POOL APPLICATION)
B23/043	CORAL BAY INVESTMENTS PTY LTD	LOT 13 (20) ROBINSON ST, CORAL BAY	SEA CONTAINER CLAD WITH PROFILE METAL SHEETING ON CONCRETE FOOTINGS
B23/044	MITCHELL LEE ANNANDALE	LOT 977 (45) DEMPSTER RD, BROCKMAN	INGROUND FIBREGLASS SWIMMING POOL AND BARRIER FENCING
B23/045	ANTHONY & MARIA HENDRIKA ZAKNICH	LOT 97 (12) FORREST ST, SOUTH CARNARVON	CONSTRUCTION OF 3 STAND ALONE RESIDENTIAL DWELLINGS
B23/047	AUSTRALIA POST	31 ROBINSON ST / 8 CAMEL LANE, CARNARVON (ON STRATA PLAN S018861)	REPLACEMENT OF VERANDAH AWNING ATTACHED TO 31 ROBINSON (POST OFFICE)
B23/048	SHIRE OF CARNARVON / BUREAU OF METEOROLOGY	L559 ROBINSON ST, CARNARVON	RADAR TOWER AND EQUIPMENT SHELTER WITH ASSOCIATED SERVICES
B23/049	DAVID COONEY	17B KILLICOAT STREET, SOUTH CARNARVON	1.8M HIGH SHEET METAL POST AND RAIL BOUNDARY FENCE

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/050	WACHS MIDWEST - CARNARVON REGIONAL HOSPITAL	R2871 (20) CLEAVER STREET, CARNARVON	OCCUPANCY PERMIT CLASS 5 - NEW BUILDING - COMPLETE (S.46) REF: B23/010 - UWA TRAINING CENTRE
B23/051	STATE OF WA C/- SHIRE OF CARNARVON	LOT 292 (300) NORTH WEST COASTAL HWY, BROWN RANGE	MASONRY NICHE WALL ON CONCRETE STRIP FOOTING AT CEMETERY
B23/052	BRETT THOMAS TALAY	LOT 32 (47) MORGAN WAY, MORGANTOWN	POST AND RAIL COLORBOND FENCE
B23/053	JANIE MAREE & KEVIN JOHN DUMBRELL	LOT 303 (131A) OLIVIA TCE, SOUTH CARNARVON	SINGLE DWELLING, PATIO & DECKING (EXCLUDING SOLAR PANELS)
B23/054	JANIE MAREE & KEVIN JOHN DUMBRELL	LOT 303 (131A) OLIVIA TCE, SOUTH CARNARVON	PICKET FENCE AND COLORBOND POST AND RAIL FENCES
B23/055	ROSS EDWARD & CHRISTINA JOANNE GODDEN	LOT 501 (79) ANGELO STREET, EAST CARNARVON	PATIO - STEEL FRAMED, CLAD WITH PROFILED METAL SHEETING ON CONCRETE FOOTINGS

FOOD—FOOD ACT 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
19/7/2023	HFO23/009	Food business registration (change of operator), Better Choice Minilya Bridge Roadhouse, Lot 50 North West Coastal Hwy, Minilya	WA05 Pty Ltd	
27/7/2023	HFO23/010	Food business registration (Addition of food trailer to existing food business) Bumbaks Preserves and Icecreams. 50 Bibbawarra Road, Carnarvon	Joanne Buzzard	

OTHER

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
19/7/2023	HCP23/001	Issue of new caravan park licence to new operator – Better Choice Minilya Bridge Roadhouse, Lot 50 North West Coastal Hwy, Minilya	WA05 Pty Ltd	

HAWKERS, TRADERS AND STALL HOLDERS

SHIRE OF CARNARVON LOCAL GOVERNMENT ACT LOCAL LAWS, S.29

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
25/08/2023	P27/23	Renewal of existing mobile trading licence – Coral Bay post office	Lisa Eveson	Nil Nil

12/09/2023	P29/23	Knives R Us	William Korver	Nil	Nil
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OFFICER’S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for August and September 2023.

COUNCIL RESOLUTION OCM 02/09/23

Moved: Cr Luke Vandeleur
Seconded: Cr Luke Skender

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for August and September 2023.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY SIMPLE MAJORITY 7/0

7.2 CORPORATE SERVICES

7.2.1 MONTHLY FINANCIAL REPORT JULY 2023

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report - July 2023 ↔

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input 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 checked="" 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 the Statement of Financial Activity for the period ending 31 July 2023 for Council to consider. The officer's recommendation is that the Statement of Financial Activity be received by Council.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the July Statement of Financial Activity being presented at the September 2023 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the draft Statement of Financial Activity, legislative notes, and supporting notes for the period ended 31 July 2023.

Monthly Financial Report – contains:

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

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION OCM 03/09/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

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

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY SIMPLE MAJORITY 7/0

7.2.2 MONTHLY FINANCIAL REPORT AUGUST 2023

File No: ADM0186
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author(s): Alan Thornton, Deputy Chief Executive Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: 1. Monthly Financial Report - August 2023 [⇒](#)

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets
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- 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 31 August 2023 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the August Statement of Financial Activity being presented at the September 2023 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the draft Statement of Financial Activity, legislative notes, and supporting notes for the period ended 31 August 2023.

Monthly Financial Report – contains:

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

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION OCM 04/09/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

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

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY SIMPLE MAJORITY 7/0

7.2.3 ACCOUNTS FOR PAYMENT AUGUST 2023

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

Authority/Discretion:

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

Summary of Item

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 August 2023

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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:

Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,876,891.10.

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

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT39028</i>	<i>EFT39293</i>	<i>Muni EFT</i>	<i>\$2,907,516.85</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>DD40310.1, DD40323.1, DD40325.1, DD40327.1, DD40329.1, DD40331.1, DD40333.1, DD40335.1, DD40337.1, DD40340.1, DD40342.1, DD40344.1, DD40346.1, DD40354.1, DD40355.1, DD40357.1- DD40357.6, DD40361.1- DD40361.3, DD40361.5, DD40361.6, DD40363.1- DD40363.3, DD40367.1-</i>	<i>DD40367.6</i>	<i>Bank Directs</i>	<i>\$ 969,374.25</i>
		<i>TOTAL</i>	<i>\$3,876,891.10</i>

b) Receive the copies of credit card statements for all such shire facilities for the period 24 July 2023 to 22 August 2023.

COUNCIL RESOLUTION OCM 05/09/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

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

Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,876,891.10.

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

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT39028</i>	<i>EFT39293</i>	<i>Muni EFT</i>	<i>\$2,907,516.8:</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
		<i>Cheque</i>	<i>\$0.00</i>

-			
DD40310.1, DD40323.1, DD40325.1, DD40327.1, DD40329.1, DD40331.1, DD40333.1, DD40335.1, DD40337.1, DD40340.1, DD40342.1, DD40344.1, DD40346.1, DD40354.1, DD40355.1, DD40357.1- DD40357.6, DD40361.1- DD40361.3, DD40361.5, DD40361.6, DD40363.1- DD40363.3, DD40367.1-	DD40367.6	Bank Directs	\$ 969,374.25
		TOTAL	\$3,876,891.10

b) Receive the copies of credit card statements for all such shire facilities for the period 24 July 2023 to 22 August 2023.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Crs T Langley

1. **CARRIED BY SIMPLE MAJORITY 7/0**

7.2.4 BUDGET ADJUSTMENTS - AUGUST 2023

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

Authority/Discretion:

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

Summary of Item

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

Background

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

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

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

Approval is therefore sought for the budget adjustments detailed in the attachment for the reasons specified. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed by Officers regularly. Officers have reviewed the adopted budget and recommend adjustments to the budget as detailed in this report.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

- N/A

Comments

Attached as **Schedule 1** for consideration is the proposed budget adjustment at the time of preparation of this report.

Adjustments Impacting Budgeted Closing Position

Nil

Adjustments with no impact on budget closing position

There are three items in the attachment and the net effect on the budget position is nil.

Net budget closing position

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION OCM 06/09/23

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

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

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY ABSOLUTE MAJORITY 7/0

7.2.5 AMENDMENT OF ANNUAL LANDING AIRPORT FEES 2023-2024

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Viv Matangi, Finance Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Proposed Amendment to Annual Landing Charge 23-24 ⇨

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 report requests Council to consider an amendment to Fees and Charges 2023-2024 concerning Aircraft Landing Fees, in particular the Fee Unit description for Annual Landing Charge.

Background

At the 22 August 2023 Ordinary Council Meeting Council adopted the Fees and Charges 2023-2024 schedule. The Annual Landing Charge is itemised in the Fees and Charges 2023-2024 schedule.

The Annual Landing Charge is based on operators applying for an annual landing arrangement and approval from the Shire of Carnarvon. The arrangement is that operators are charged a fee per 1,000kg of maximum take-off weight (MTOW). As in previous years, the Annual Landing Charge is charged for every 1,000kg of the aircraft MTOW.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.16 (a) & (b)

Relevant Plans and Policy

Nil

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	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Not amending the Fee Unit description for Annual Landing Charge may result in ambiguity to operators.	Minor	Only one operator has applied for an annual landing charge. Formal notification will be sent to the operator advising of the Fee Unit description change and follow up to any questions/concerns to be considered.
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

In the Fees and Charges 2023-2024 schedule the Annual Landing Charge increased by CPI to be \$1,746.00 with a Fee Unit description of ‘per annum’ without clarifying that the fee is per 1,000kg of MTOW. The

Officer's recommendation is that the Fee Unit description of 'per annum' be amended for clarity to read 'per annum, per 1,000kg of MTOW'.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to amend the Fee Unit description for Annual Landing Charge from 'per annum' to 'per annum, per 1,000kg of MTOW'.

COUNCIL RESOLUTION OCM 07/09/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to amend the Fee Unit description for Annual Landing Charge from 'per annum' to 'per annum, per 1,000kg (pro rata part thereof) of MTOW'.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY ABSOLUTE MAJORITY 7/0

Note to Minute – A slight change to the recommendation in that the words "pro rata part thereof" were added to enable simpler calculations when administering the Annual Landing Charge.

7.3 DEVELOPMENT AND COMMUNITY SERVICES

Nil

7.4 INFRASTRUCTURE SERVICES

7.4.1 REQUEST FOR EXTENSION OF TIP FEE AMNESTY

File No:	ADM0122
Location/Address:	739 North River Road and 551 North River Road, Carnarvon
Name of Applicant:	Mr Stephen Lyall
Name of Owner:	Mr Stephen Lyall and Mr Bill Lyall
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Correspondence from Mr Stephen Lyall ⇒ 2. CEO Response to Mr Lyall ⇒

Authority/Discretion:

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

Summary of Item

This report seeks Council approval to extend the tip fee amnesty for Mr Stephen Lyall for the removal of hazardous materials, predominantly asbestos, from two properties in North River Road.

It is recommended that Council approve the requested extension of the tip fee amnesty by Mr Stephen Lyall to facilitate the removal of the hazardous materials from the horticultural district.

Background

Mr Stephen Lyall wrote to the Shire on 8 August 2023 (see copy of letter attached at **Schedule 1**) expressing his gratitude for the tip fee amnesty initiative but advising that due to the need to obtain certain licences, approvals and permits to remove hazardous materials, he may be unable to complete the desired clean up of legacy waste from the two North River Road properties before the amnesty expires on 8 September 2023.

A response from the CEO to Mr Lyall dated 15 August 2023 is attached at **Schedule 2**.

Mr Lyall is now seeking an extension of the amnesty for disposal of specific waste types only, being asbestos, conduit tubing and concrete drainage to complete the clean up of both properties.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.16 – Imposition of fees and charges and Section 6.12 – Power to defer, grant discounts, waive or write off debts.

Relevant Plans and Policy

Nil

Financial Implications

Under the new Fees and Charges for 2023/24 the fee for depositing more than 10kg of asbestos waste at the Browns Range landfill site is \$103 per tonne with a minimum charge of one tonne. An additional burial fee of \$75 per load applies.

The estimated amount of asbestos proposed to be delivered to the landfill site is 58 cubic metres or 0.754 tonnes (~ ¾ tonne). This equates to a loss of revenue to the Shire of \$103 plus a burial fee of \$75 for each load of asbestos delivered.

Mr Lyall has advised that additional waste will comprise of approximately 400m conduit tubing and 150m of disused concrete drain.

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	Loss of operating revenue for service delivery.	High	Loss of revenue from the tip fee amnesty has been an acceptable consequence to encourage the clean up of the horticultural district.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Declining the request for a tip fee amnesty extension could result in hazardous waste remaining on both horticultural properties. This poses a risk during future	High	Disposal of waste from horticultural properties will assist in flood preparedness and future cyclonic weather events.

	floods and cyclonic weather events.		
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 sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Within two weeks of the commencement of the amnesty Mr Lyall had engaged a contractor to safely remove old and disused hazardous materials on the two properties. However, the need to obtain licences, approvals and permits delayed the contractor from commencing the clean up within the amnesty timeframe.

Mr Lyall’s contractor has estimated the volume of asbestos to be removed to the Brown’s Range landfill site to be 58 cubic metres. He has indicated that up to three months may be required to complete the work due to sourcing a suitably sized asbestos vacuum. Once the asbestos vacuum arrives he plans to start the clean up works immediately and has delayed other longer term contracts to ensure he is available to complete Mr Lyall’s work.

Given that the removal of asbestos and other waste from the horticultural district is the desired outcome of the amnesty initiative, it is recommended that a further 3-month extension to the tip fee amnesty be approved for Mr Lyall to complete the clean up of both properties.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority pursuant to Sections 6.16 and 6.12 of the Local Government Act, 1995, approve the extension of the tip fee amnesty for Mr Stephen Lyall for three months with an expiry date of 27 December 2023.

COUNCIL RESOLUTION OCM 08/09/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Skender

That Council, by Simple Majority pursuant to Sections 6.16 and 6.12 of the Local Government Act, 1995, approve the extension of the tip fee amnesty for Mr Stephen Lyall for three months with an expiry date of 27 December 2023.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Alexander Fullarton, Luke Skender and Luke Vandeleur

AGAINST: Nil

ABSENT: Cr T Langley

CARRIED BY SIMPLE MAJORITY 7/0

7.4.1 AWARD CONTRACT FOR RFQ 11/2023 HARBOUR ROAD AND CORNISH STREET ASPHALTING

At 1:17 pm, Cr Luke Vandeleur declared a Financial Interest in this matter as he is a Director of the company carrying out the rectification works, and left the meeting.

File No: ADM2253
 Location/Address: Intersections of Harbour Road and Cornish Street and intersections of Harbour Road and Road Train Assembly area
 Name of Applicant: N/A
 Name of Owner: Shire of Carnarvon
 Author(s): Mativa Toomalatai, Acting Projects Contracts Manager
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: 1. RFQ 11/2023 Evaluation and Recommendation Report - Confidential (under separate cover)

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 report details the evaluation of a submission received for RFQ 11/2023 Harbour Road and Cornish Street Asphaltting – Surface Preparation, Supply and Placement of Asphalt Across Two Intersections.

Council’s approval is sought to accept the quote submitted by Fulton Hogan and award them with the contract for RFQ 11/2023.

Background

In July, a Request for Quotation (RFQ) process was initiated seeking to engage an asphalt sealing contractor for the overlay of two intersections within the Shire. The works comprise of a tie-in and overlay of the existing sealed surface with asphalt to the following –

- Intersection of Harbour Rd and Cornish St and
- Intersection of Harbour Rd and the Road Train Assembly Area (RTAA)

The Shire procured the services of Greenfield Technical Services (Greenfields) to assist with the quotation process. The RFQ document was prepared by Greenfields and distributed by email to five suitable contractors on the WALGA Preferred Supplier Panel.

The works proposed under the RFQ were originally included as provisional items in RFT 07/2021 for the construction of Harbour Road which was completed in 2022. However, asphalt intersection works were removed due to budget constraints at the time.

The less durable sprayed bitumen on these intersections have not withstood the demand on the surface giving rise for reassessment of the type of sealed surface. This is particularly apparent at the road train assembly area. Regular maintenance of the seal in that area was required over the previous summer period.

The Harbour Road/Cornish Street intersection seal has performed better due to less heavy vehicle traffic volumes. Construction defects in the form of rutting were however noted at that intersection after completion of the Harbour Road construction contract during the contract defect liability period. Those defects are required to be rectified by the original construction contractor. Asphalt to correct that rutting is considered the most appropriate solution to address that rutting. The construction contractor has agreed that the defects be rectified under RFQ 11/2023.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act, 1995 – Section 3.57 Tenders for providing goods and services

Local Government Act, 1995 – Section 3.18 Performing executive functions

Local Government (Functions and General) Regulations, 1996 – Division 2 Requirements for Tendering

Relevant Plans and Policy

Policy CF001 Purchasing and Procurement

Policy EME024 Caretaker Policy – Shire Elections

Financial Implications

The adopted 23/24 budget includes an allocation of \$460,000 toward this work which is sufficient to meet the recommended contract award.

Approximately \$22,228 of the project cost will be met by the contractor for the Harbour Road construction project under RFT 07/2021 to rectify rutting defects at the Cornish Street intersection. That cost will be deducted from security retained under that contract.

The remainder is 100% funded by grant monies under the Roads to Recovery program.

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 an increase in costs to be incurred if contract is not awarded, creating delays in completing the work that is required to rectify defects. Delays will impact on the availability of a contractor, place pressure on project delivery timeframes and risk further damage being done to the road.	High	Appoint a contractor to complete the works as soon as possible.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Work outlined in the RFQ is required to:

- a) Rectify construction defects identified at the intersection of Harbour Road and Cornish Street, and
- b) Improve seal durability at the intersections of Harbour Road and the Road Train Assembly area and Harbour Road and Cornish Street.

As is noted in the evaluation and recommendation report provided in **Confidential Schedule 1**, the Shire received only one submission. This submission was from Fulton Hogan.

Whilst ideal to receive more submissions, the Fulton Hogan submission is of high quality. Fulton Hogan is a company with many years of experience working in the road construction industry and their submission details multiple previous projects successfully delivered around the state.

Fulton Hogan has been the sprayed sealing contractor for the Shire of Carnarvon since 2017 and has successfully delivered multiple resealing projects for the Shire in that period.

It is preferable to complete this work as soon as possible for the following reasons:

- Availability of asphalt contractors is likely to become more limited over the Summer season. Summer is traditionally the preferred period for sealing works in southern and metro regions of the state;
- The warmer months are likely to result in more seal damage and maintenance requirements at the Road Train Assembly area; and
- It will close out all outstanding contractual matters associated with the Harbour Road construction contract.

Staff also sought advice from WALGA regarding Council decision to award a contract during the caretaker period. As the work required is part of an existing project, to correct shortcomings and defects identified as part of the initial construction of Harbour Road, it is not therefore considered to be a new project or 'new' contract. Currently such a decision does not conflict with any legislation on the caretaker period as changes to caretaker legislation are not due to come into effect until 2024.

The Shire Caretaker Policy EME024 was also reviewed. Staff conclude this action is not deemed as a 'major policy decision' as defined under the policy as this project is included in the Annual Budget for 2023/24 adopted by Council in August. As mentioned in the Financial Implications section of this report, the project expenditure is fully funded under Roads to Recovery and security funds from the contractor who performed the original construction job on Harbour Road.

Council approval to award this contract is required as the total project exceeds the approved CEO delegation level.

Factoring in all the above, it is recommended Council award a contract under RFQ 11/2023 to Fulton Hogan.

OFFICER'S RECOMMENDATION

That Council by Simple Majority:

- a. ***Pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 resolves to accept the submission and schedule of rates provided in Confidential Schedule 1 from Fulton Hogan for RFQ 11/2023 Harbour Road and Cornish Street Asphaltting – Surface Preparation, Supply and Placement of Asphalt Across Two Intersections.***

- b. Pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to make any necessary non-material amendments and finalise the execution of a contract between the Shire of Carnarvon and Fulton Hogan for RFQ 11/2023 Harbour Road and Cornish Street Asphaltting – Surface Preparation, Supply and Placement of Asphalt Across Two Intersections.***

COUNCIL RESOLUTION OCM 09/09/23**Moved: Cr Burke Maslen****Seconded: Cr Alexander Fullarton*****That Council by Simple Majority:***

- a. Pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 resolves to accept the submission and schedule of rates provided in Confidential Schedule 1 from Fulton Hogan for RFQ 11/2023 Harbour Road and Cornish Street Asphaltting – Surface Preparation, Supply and Placement of Asphalt Across Two Intersections.***
- b. Pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to make any necessary non-material amendments and finalise the execution of a contract between the Shire of Carnarvon and Fulton Hogan for RFQ 11/2023 Harbour Road and Cornish Street Asphaltting – Surface Preparation, Supply and Placement of Asphalt Across Two Intersections.***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Alexander Fullarton and Luke Skender

AGAINST: Nil

ABSENT: Crs L Vandeleur and T Langley

CARRIED BY SIMPLE MAJORITY 6/0

At 1:21 pm, Cr Luke Vandeleur returned to the meeting.

8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Cr Fullarton addressed the Council and wished to thank his fellow Councillors and Shire staff for all their support during his term of office. It has been a pleasure working with Council and the administration staff. Cr Fullarton also made mention and appreciation to President Smith for all his support and guidance.

CEO Mrs Andrea Selvey, on behalf of the administration, wished to thank the outgoing Councillors for all their support and understanding during their term and wished all well for the upcoming elections.

Cr Maslen thanked Cr Fullarton for his kind words and stated that Council have enjoyed working with Cr Fullarton and wished him well in his future endeavours.

Cr Vandeleur also wished to thank his fellow Councillors for all their support during his term and wished everyone well in the upcoming elections.

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

Nil

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 24 October 2023 at Shire Council Chambers, Stuart Street Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 1.30.