



SHIRE OF CARNARVON
MINUTES
ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

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

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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

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

COUNCIL RESOLUTION OCM 01/02/24

Moved: Cr Burke Maslen
Seconded: Cr Luke Skender

That Cr Kelly be permitted to join the meeting by instantaneous communication from his residence in Perth as approved by Council.

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

CARRIED BY SIMPLE MAJORITY 8/0

1.01pm – Cr Kelly joined the meeting via TEAMS.

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

Mrs Andrea Selvey Chief Executive Officer
 Mr Alan Thornton Deputy Chief Executive Officer
 Mr Michael Mallon Acting Executive Manager Infrastructure Services
 Mrs Dannielle Hill Senior Executive Officer
 Mr Stefan Louw Manager, Regulatory Services

Apologies

Mr David Nielsen Executive Manager, Infrastructure Services

Leave of Absence Nil
Press Nil
Observers Nil

2 DECLARATIONS 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.)

Cr Cottrell (Proximity Interest): Item 7.4.2 – French Street Coral Bay Transport Study

Cr B Maslen (Impartiality Interest): Item 7.4.3 – Beach Vehicle Access Closure Exemption Request – Norwest Boardriders

Cr Kelly (Financial Interest): Item 7.3.6 – Community Growth Fund Round 1 - 2024

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

President Smith advised that the questions submitted and taken on notice at the Annual General Meeting of Electors will be answered in writing in due course.

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 - 23 January 2024

COUNCIL RESOLUTION OCM 02/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That the minutes of Ordinary Council Meeting held on 23 January 2024 be confirmed as a true record of proceedings.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

RECEIVING OF MINUTES

4.2 Minutes of the Audit & Risk Management Committee - 13 February 2024

COUNCIL RESOLUTION OCM 03/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That the minutes of the Audit & Risk Management Committee Meeting held on 13 February 2024 be received.

CARRIED BY SIMPLE MAJORITY 8/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JANUARY AND FEBRUARY 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:

- | | | |
|-------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 reports on actions performed under delegated authority in January and February 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 January and February 2024 are submitted to Council for information.

COMMON SEAL

DATE AFFIXED	DOCUMENT
25 January 2024	Deed of Assignment of Lease – Lot 515 Robinson St – Ponta
01 February 2024	Lease – Building 103 Old Terminal – Coral Coast Helicopter Services Pty Ltd
05 February 2024	Deed of Extension – Lot 547 James Street – World Fuel Services (Airport)

LAND USE AND PLANNING

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A2718	P33/23 **	14 ROBINSON ST, CORAL BAY	USE AND DEVELOPMENT OF THE LAND FOR A TOURIST DEVELOPMENT	RAC TOURISM	04/01/2024
A917	P41/23	17 HILL ST CARNARVON	CONSTRUCTION SHED	GINA MAITRE	17/01/2024
A2279	P47/23	760 CORAL BAY RD, LYNDON	CULTURAL MUSIC ARTS FESTIVAL - PROVISIONS FOR CAMPING, CULTURAL WORKSHOPS & FOOD.	BAIYUNGU ABORIGINAL CORPORATION	19/01/2024
A4085	P01/24	85 OLIVIA TCE, CARNARVON	AMENDMENT TO P06/23: STAGE 1 - RELOCATION OF STORES - REDUCTION OF GYM - INCREASE TO COMMUNAL OPEN AREA - ADDITION OF	NICK DI LATTE	01/02/2024

			GROUND FLOOR LOBBY STAGE 2 - ELIMINATION OF OFFICES ON FIRST FLOOR - EXPANSION OF MULTIPLE DWELLINGS & SHORT STAY ACCOMODATION FIRST, SECOND, THIRD FLOORS.		
A3533	P03/24	269 MARGARET ROW EAST CARNARVON WA 6701	GARAGE	BURKE HOLLA	07/02/2024

** P33/23 was not approved under delegated authority by a Council Officer but under the Development Assessment Panel approval process.**

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B24/000	BATAVIA HOLDINGS PTY LTD	LOT 10 (16) ROBINSON ST, CORAL BAY	2 DETACHED PARTIALLY PREFABRICATED DWELLING UNITS
B24/001	BARRY & SANDRA MASON	LOT 71(967) NORTH WEST COASTAL HWY KINGSFORD WA 6701	CONSTRUCTION OF NEW STORAGE SHED
B24/002	BARRY & SANDRA MASON	LOT 71(967) NORTH WEST COASTAL HWY KINGSFORD WA 6701	DEMOLITION OF EXISTING STORAGE SHED
B24/003	BRADLEY & TRUDY COX	LOT 11 (62) DAVID BRAND DRIVE, BROCKMAN 6701	SOLAR PANELS

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 January and February 2024.

COUNCIL RESOLUTION OCM 04/02/24

Moved: Cr Luke Vandeleur
Seconded: Cr Burke Maslen

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 January and February 2024.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.1.2 BIBBAWARRA BORE PARTNERSHIP GROUP - MEMORANDUM OF UNDERSTANDING

File No: ADM2281
 Location/Address: Lot 351 On Plan 46687 Bibbawarra Bore Reserve (Reserve No. 48283)
 Name of Applicant: Friends of the Bibbawarra Bore
 Name of Owner: Shire of Carnarvon
 Author(s): Andrea Selvey, Chief Executive Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: 1. Bibbawarra Bore Partnership Group Memorandum of Understanding (DRAFT)

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 draft Memorandum of Understanding (MoU) between the Shire of Carnarvon, Friends of the Bibbawarra Bore, Gascoyne Development Commission and Yinggarda Aboriginal Corporation for Council’s consideration.

The background to the MoU and opportunities for improved amenity and management of the Bibbawarra Bore that arise from the proposed partnership are provided to assist with Council’s deliberations.

The officer’s recommendation is that Council resolves to support the MoU to enable the partnership to proceed with a formal structure and with Council’s imprimatur.

Background

The Bibbawarra Bore (the Bore) is a reserve located 16km north of Carnarvon. The reserve is under a Management Order to the Shire for the purpose of Artesian Bore.

The recorded history of the Bore in the ‘InHerit’, the State Register of Heritage Places states that the Bore was “discovered by explorers in 1905 when looking for coal. However, instead of coal the explorers struck hot artesian water. Discussions with Yinggarda via the Yinggarda Aboriginal Corporation have shown that the site has a significance to the Yinggarda people.

The Boolathana Pastoral Company built a trough in the 1940s in conjunction with the government of the day to transport water for livestock.

The 180-metre-long trough is recognised as the longest trough in the Southern Hemisphere. This allowed the water to cool for livestock to drink. Remnants of the troughs are still visible.

Over the years, there have been several attempts to restore the Bore in recognition of its value as a cultural heritage, community, and tourism asset. However, these efforts have not progressed, and the site is currently badly degraded and infested with mesquite.

The Shire has received funding to reduce mesquite throughout the area and will focus first on the Bore site. The Shire has engaged the Rangelands NRM to progress that work on behalf of the Shire. Investigative works and research on methods has commenced and Bibbawarra Bore is the first area planned for treatment.

The Shire also made investigations into the use of the water from the Bore. These investigations showed that the licence was previously held by a private individual not based in Carnarvon. After enquiries from the Shire, Department of Water and Environmental Regulation advised that the licence was under review and likely to be cancelled in March 2022. The Shire applied for the licence and the water licence was issued to the Shire in August 2023.

In the interim, there has been strong community sentiment that the Shire has not taken enough action to protect this site.

In 2021, Naomi McMahon approached the Shire to speak on behalf of a group of people interested in seeking the Bore restored for community use by the community. This group became formally incorporated as the Friends of the Bibbawarra Bore (FBB) in January 2024 and is seeking grant funding to develop a Business Plan.

A small working group consisting of the FBB, Gascoyne Development Commission (GDC), Yinggarda Aboriginal Corporation (YAC) and the Shire was formed in mid-2023 to discuss working together to restore the cultural heritage, community, and tourism values of the Bore. To date, those discussions have been informal, and this report seeks Council's support to formalise the Shire's participation in this Working Group via an MoU. Signing of the MoU does not commit any additional Shire resources. Any tasks arising from the Partnership group will be managed within current human and financial resourcing. Should additional resourcing be required, a request would be presented to Council for consideration.

Stakeholder and Public Consultation

The Shire has been working with the Friends of the Bibbawarra Bore, the Gascoyne Development Commission and the Yinggarda Aboriginal Corporation and the draft MoU reflects those discussions.

Statutory Environment

Nil

Relevant Plans and Policy

Economic Development Strategy 2023-2028

Financial Implications

There are no direct financial implications that would arise from signing the Memorandum of Understanding. Any requests for financial investment arising from this partnership would be presented to Council via the budget process or specific reports to Council.

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	Requests for funding cannot be accommodated within the Shire’s funding capacity.	D3 – Moderate	Ensure all parties to the MoU understand the Shire’s budget constraints and process for requesting additional funding. Utilise the MoU as a tool to demonstrate buy in to attract grant funding.
Health & Safety	N/A		
Reputation	Reputational damage from the perception that we do not care for or have any interest in maintaining this asset.	B3- Major	Being a party to this MoU and collaborating with stakeholders communicates our interest and actions to restore this asset, but also demonstrates the challenges we have had to address along the way – e.g., water licence.
Service disruption	N/A		
Compliance	As a water-based activity, the compliance requirements will be high and may be a risk if not met.	D3 – Moderate	Investigations into compliance requirements have commenced and will continue to ensure full compliance.
Property	N/A		
Environment	The area is degraded and continues to degrade.	B3 - High -	The MoU encourages and supports community ownership and strengthens the case for funding to restore and maintain this asset.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our 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 Shire has received many requests from the community about improving this asset, with community members and visitors expressing strong concerns about the state of the Bore.

While several actions have been taken by the Shire to restore the area, such as securing the water licence, attracting funding for control of mesquite, and consulting with the Yinggarda Aboriginal Corporation, these actions have not been visible to the community.

The officer's recommendation to sign this Memorandum of Understanding will be a public demonstration of the Shire's commitment to restore the Bibbawarra Bore and of the community group willing to support its restoration and ongoing management.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to authorise the Chief Executive Officer to execute the Memorandum of Understanding between the Shire of Carnarvon, Friends of Bibbawarra Bore, Gascoyne Development Commission and Yinggarda Aboriginal Corporation as a formal commitment to work together to seek funding to restore and develop the Bibbawarra Bore area.

COUNCIL RESOLUTION OCM 05/02/24

Moved: Cr Dudley Maslen

Seconded: Cr Burke Maslen

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to authorise the Chief Executive Officer to execute the Memorandum of Understanding between the Shire of Carnarvon, Friends of Bibbawarra Bore, Gascoyne Development Commission and Yinggarda Aboriginal Corporation.

FOR: Crs Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur and Dudley Maslen

AGAINST: Crs Eddie Smith, Luke Skender and Paul Kelly

CARRIED BY SIMPLE MAJORITY 5/3

Note: Council were in agreement that to enter into an MOU at this stage is appropriate however, until such time as further investigation has been carried out in relation to the costs and works associated with this project, that a formal commitment is not necessary at this point in time.

Note: It was identified in the report that the InHerit data base in relation to the history of the bore contains some errors and Council asked that the State Heritage Council be asked to update the incorrect history accordingly.

ALTERNATIVE MOTION**COUNCIL RESOLUTION**

Moved: Mr Eddie Smith

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to authorise the Chief Executive Officer to execute the Memorandum of Understanding between the Shire of Carnarvon, Friends of Bibbawarra Bore, Gascoyne Development Commission and Yinggarda Aboriginal Corporation as a formal commitment to work together to seek funding to restore and develop the Bibbawarra Bore area.

7.1.3 COMPLIANCE AUDIT RETURN 2023

File No:	ADM0011
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Caroline Ballard, Governance & Information Coordinator
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. Compliance Audit Return 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 Report

This report presents the recommendations of the Audit and Risk Committee (ARC) regarding the 2023 Compliance Audit Return (CAR). The ARC recommend that Council adopt the 2023 CAR as presented in **Schedule 1** for submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March 2024.

Background

Local Governments are required to complete a Compliance Audit for the previous calendar year by the 31 March. The Compliance Audit is an in-house audit that is undertaken by the appropriate Responsible Officer using questions provided by DLGSC. The 2023 CAR comprises of 94 questions over 11 categories, these questions require a response of YES, NO or N/A.

- Yes – indicates compliance
- No – indicates non-compliance
- N/A – indicates that this function was not required to be performed this year or is not a requirement for this Local Government. In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the ARC is to review the CAR and is to report to Council the results of that review.

The CAR is to be:

1. reviewed by the Audit Committee;
2. presented to an Ordinary Meeting of Council;
3. adopted by Council; and
4. recorded in the minutes of the meeting at which it is adopted.

Subject to the adoption of the CAR by Council, a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2024. The return requires the Shire President and the Chief Executive Officer to certify that the statutory obligations of the Shire of Carnarvon are compliant.

Stakeholder and Public Consultation

Nil

Statutory Environment

Regulation 14, *Local Government (Audit) Regulations 1996*

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	The CAR is not completed or if significant non-compliance is reported	D-2 Low	The compliance % rate and comparison table demonstrate improvements have been made
Service disruption	N/A		
Compliance	Non-compliance should the CAR not be completed on time	D-2 Low	With the ARC recommendation this item can be presented to Council in time to meet the 31 March 2024 deadline.
Property	N/A		
Environment	N/A		
Fraud	The CAR responses are fraudulent	D-3 Moderate	The responses are validated by the Governance & Information Coordinator

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:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON

- N/A

Comments

The process for completing the 2023 CAR involved Officers from each area being delegated the relevant questions to answer. When the responses were received, they were checked and validated by the Governance & Information Coordinator for accuracy and to ensure a high quality, verified CAR was conducted. When comparing the 2023 CAR against the 2022 CAR the Shire of Carnarvon has increased its level of compliance by 5% to 99% overall.

Compliance Audit Return Categories	2022 Audit Questions	Non Compliance	Compliance Rating	2023 Audit Questions	Non Compliance	Compliance Rating
Commercial Enterprises by Local Government	5		100%	5		100%
Delegation of Power/Duty	13		100%	13		100%
Disclosure of Interest	21		100%	21		100%
Disposal of Property	2		100%	2		100%
Elections	3		100%	3		100%
Finance	7	5	29%	7		100%
Integrated Planning and Reporting	3		100%	3		100%
Local Government Employees	6		100%	5		100%
Official Conduct	3		100%	4		100%
Optional Questions	9	1	89%	9		100%
Tenders for Providing Goods and Services	22		100%	22	1	95%
TOTAL	94.00	6.00	94%	94.00	1.00	99%

Tenders – the non-compliance in this area was a result of an oversight in respect of information provided to Tenderers following the award of a tender, this process has now been updated to ensure future compliance.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to the Local Government (Audit) Regulations 1996, resolves to:

- 1. accept the recommendation of the Audit and Risk Committee and adopt the Shire of Carnarvon's Compliance Audit Return for the period 1 January 2023 to 31 December 2023; and*
- 2. authorise the Shire President and Chief Executive Officer to certify the Shire of Carnarvon Compliance Audit Return and submit the certified copy to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.*

COUNCIL RESOLUTION OCM 06/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority pursuant to the Local Government (Audit) Regulations 1996, resolves to:

- 1. accept the recommendation of the Audit and Risk Committee and adopt the Shire of Carnarvon's Compliance Audit Return for the period 1 January 2023 to 31 December 2023; and*
- 2. authorise the Shire President and Chief Executive Officer to certify the Shire of Carnarvon Compliance Audit Return and submit the certified copy to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.*

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

**OF7.1.4 REQUEST FOR DEED OF EXTENSION OF LEASE - PORTION OF LOTS 547 ON DP205438
POWERHOUSE BUILDING (OFFICE) CARNARVON AIRPORT**

File No: ADM1793
 Location/Address: Powerhouse Building (Office), Portion of Lot 547, Carnarvon Airport
 Name of Applicant: BP Australia Pty Ltd
 Name of Owner: Shire of Carnarvon
 Author(s): Caroline Ballard, Governance & Information Coordinator
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: N/A
 Schedules: Nil

Authority/Discretion:

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

Summary of Report

This report details a request from BP Australia Pty Ltd (Lessee) seeking a Deed of Extension of a lease over the Powerhouse Building (Office), Portion of Lot 547, Carnarvon Airport. It is recommended that Council approve the renewal of the lease.

Background

An initial lease for a portion of the Powerhouse Building (Office), Portion of Lot 547, Carnarvon Airport commenced on 28 November 2018 for an initial period of 5 years, with an option to renew for a further 5 years. The current lease expired on 27 November 2023; the Shire received a request to renew the lease on 13 November 2023. A market valuation report was prepared in December 2023 by Asset Valuation Advisory which provides an in-depth market rental analysis and comparisons, the report summarises a market rental value of \$7,000 (ex. GST).

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 section 3.58 Disposal of Property

Relevant Plans and Policy

Policy CF018 Lease and Licensing Classification; Tier Three – Commercial Licence

Financial Implications

The cost of preparation of the lease, market valuation, advertising and maintenance will be paid by the lessee in accordance with Policy CF018.

This lease proposal will guarantee a set income of \$7,000 per annum (ex.GST) through an annual lease rental charge to be paid by the lessee, based on the valuation report. The rental fee will be reviewed annually (at the anniversary of commencement) based on CPI for the preceding quarter.

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	Commercial leases revenues within Carnarvon are an important income for the Shire.	C2 - Moderate	Renewing the lease mitigates the risk of loss of income to the Shire of Carnarvon
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 economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Consistent with other commercial leases and licences in and around Carnarvon Airport Precinct it is recommended that Council grant a Deed of Extension of the lease for a five (5) year term in accordance with property disposal provisions under the *Local Government Act, 1995* and secure a continuing revenue stream.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, and the Shire of Carnarvon Policy CE018 Lease and Licensing Classification – Tier Three, resolves to:

- 1. exercise the option and renew the lease to BP Powerhouse Pty Ltd over Powerhouse Building (Office) Portion of Lot 547 Carnarvon Airport, for a further five-year term subject to:***
 - a. an annual licence fee of \$7,000 (ex GST) per annum plus annual review based on CPI for the previous 12 months;***
 - b. conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - c. lease documentation is prepared at the Lessee's cost to be invoiced to the Lessee upon execution of the lease.***
- 2. advertise by local public notice its intention to renew the lease for the Powerhouse Building (Office) Portion of Lot 547 Carnarvon Airport, for a period of not less than two (2) weeks; and***
- 3. authorise the CEO to negotiate the details of the lease with the Lessee as outlined above, subject to no objections being received to the Public Notice for the proposed Disposal of Property.***

COUNCIL RESOLUTION OCM 07/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, and the Shire of Carnarvon Policy CE018 Lease and Licensing Classification – Tier Three, resolves to:

- 1. exercise the option and renew the lease to BP Powerhouse Pty Ltd over Powerhouse Building (Office) Portion of Lot 547 Carnarvon Airport, for a further five-year term subject to:***
 - a. an annual licence fee of \$7,000 (ex GST) per annum plus annual review based on CPI for the previous 12 months;***
 - b. conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - c. lease documentation is prepared at the Lessee's cost to be invoiced to the Lessee upon execution of the lease.***
- 2. advertise by local public notice its intention to renew the lease for the Powerhouse Building (Office) Portion of Lot 547 Carnarvon Airport, for a period of not less than two (2) weeks; and***
- 3. authorise the CEO to negotiate the details of the lease with the Lessee as outlined above, subject to no objections being received to the Public Notice for the proposed Disposal of Property.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2 CORPORATE SERVICES

7.2.1 BUDGET ADJUSTMENTS - JANUARY 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 Seema Dutt, Senior Finance Officer - Reporting
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly report
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 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 officer requested budget adjustments arising after the adoption of the 2023-2024 Budget for Council to consider. For the month of January, no adjustments are required as the mid-year budget review has been completed.

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 no recommendations for the month of January.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

No adjustments are required; therefore, there is 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	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

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

No adjustments are required for the month of January 2024.

Adjustments Impacting Budgeted Closing Position

Please note that adjustment number 07/24 approved by Council at the December Ordinary Meeting of Council OCM 18/11/23, did have an impact on the closing budget position, resulting in a deficit of \$14,400. The Mid-Year Budget Review will be utilised to identify savings from other areas, allocate reserve funds, and return the final budget surplus to a balanced position.

Adjustments with no impact on budget closing position

NIL

Net budget closing position

N/A

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, notes that no budget adjustments are required for January 2024.

COUNCIL RESOLUTION OCM 08/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority, notes that no budget adjustments are required for January 2024.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.2 ACCOUNTS PAID UNDER DELEGATION JANUARY 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 Payment January 2024 2. Credit Card Reconciliation 27.12.2023-22.01.2024

Authority/Discretion:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input type="checkbox"/> Advocacy</p> <p><input type="checkbox"/> Executive</p> <p><input type="checkbox"/> Legislative</p> <p><input type="checkbox"/> Information</p> <p><input type="checkbox"/> Quasi-judicial</p> | <p>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</p> <p>The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</p> <p>Includes adopting local laws, town planning schemes and policies.</p> <p>Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</p> <p>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</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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 January 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 \$1,936,308.16 as presented for the month of January 2024, incorporating the following; and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT40301</i>	<i>EFT40526</i>	<i>Muni EFT</i>	<i>\$1,236,199.07</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40668.1; DD40670.1 – DD40670.6; DD40673.1; DD40673.2; DD40676.1 – DD40676.3; DD40678.1; DD40680.1; DD40680.2; DD40682.1 – DD40682.7; DD40689.1; DD40694.1; DD40705.1; DD40707.1; DD40707.2; DD40709.1; DD40711.1 – DD40711.3;</i>	<i>DD40713.1</i>	<i>Bank Directs</i>	<i>\$700,109.09</i>
		<i>TOTAL</i>	<i>\$1,936,308.16</i>

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 27 December 2023 to 22 January 2024.***

COUNCIL RESOLUTION OCM 09/02/24

Moved: Cr Luke Skender

Seconded: Cr Luke Vandeleur

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 \$1,936,308.16 as presented for the month of January 2024, incorporating the following; and**

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
EFT40301	EFT40526	Muni EFT	\$1,236,199.0
-	-	Trust EFT	\$0.00
-	-	Cheque	\$0.00
DD40668.1; DD40670.1 – DD40670.6; DD40673.1; DD40673.2; DD40676.1 – DD40676.3; DD40678.1; DD40680.1; DD40680.2; DD40682.1 – DD40682.7; DD40689.1; DD40694.1; DD40705.1; DD40707.1; DD40707.2; DD40709.1; DD40711.1 – DD40711.3;	DD40713.1	Bank Directs	\$700,109.09
		TOTAL	\$1,936,308.16

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 27 December 2023 to 22 January 2024.**

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.3 BUSHFIRE RISK MANAGEMENT PLAN 2023/2028

File No:	ADM1673
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
Previous Report:	N/A
Schedules:	1. Bushfire Risk Management Plan

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets
- 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 the Shire of Carnarvon Bushfire Risk Management Plan 2023/2028 to Council for approval.

Background

The Bushfire Risk Management Plan (BRMP) has been developed by the Shire of Carnarvon to identify significant bushfire risk. The Shire has completed a BRMP which has been endorsed by the Office of Bushfire Risk Management (OBRM). The OBRM has requested that the BRMP be presented to Council for approval. This signifies the BRMP meets the standard required by the Guidelines for Preparing a Bushfire Risk Management Plan (the Guidelines).

This BRMP is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting ‘Treatment Schedule’ sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP. Government agencies and other land managers responsible for implementing treatments participate in developing the BRMP to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands.

Stakeholder and Public Consultation

WALGA

Department of Fire and Emergency Services

Statutory Environment

- *Aboriginal Heritage Act 1972*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*
- *Conservation and Land Management Act 1984*
- *Country Areas Water Supply Act 1947*
- *Emergency Management Act 2005*
- *Emergency Management Regulations 2006*
- *Environmental Protection Act 1986*
- *Environmental Protection and Biodiversity Conservation Act 1999 (cth)*
- *Fire and Emergency Service Act 1998*
- *Fire Brigades Act 1942*
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Wildlife Conservation Act 1950*

Relevant Plans and Policy

Nil

Financial Implications

There are no direct financial implications that arise from adopting the BRMP. With an approved BRMP the Shire will be eligible for Mitigation Activity Fund (MAF) funding. The MAF grants are available to local governments that have a Bushfire Risk Management Plan endorsed by the Department of Fire and Emergency Services.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	There is a risk that the Shire will not receive all available funding for bushfire mitigation activities.	High	Endorse the BRMP to ensure Shire has eligibility to MAF funding.
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A

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 sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The BRMP is a strategic document that facilitates a coordinated approach towards the identification, assessment and treatment of assets exposed to bushfire risk. Approval of the BRMP is a commitment by the Shire of Carnarvon to work with landowners and managers to address unacceptable risk within the community. The approval of the BRMP by the Shire of Carnarvon Council satisfies their endorsement obligations under State Hazard Plan - Fire.

The Officer's recommendation is for Council to endorse the Shire of Carnarvon Bushfire Risk Management Plan 2023/2028.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, endorse the Shire of Carnarvon Bushfire Risk Management Plan (BRMP) 2023/2028 and supporting documents, as provided in Schedule 1.

COUNCIL RESOLUTION OCM 10/02/24

Moved: Cr Luke Skender

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, endorse the Shire of Carnarvon Bushfire Risk Management Plan (BRMP) 2023/2028 and supporting documents, as provided in Schedule 1.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.4 PROPOSED AMENDMENTS TO FEES AND CHARGES 2023/2024

File No:	ADM0002
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sarah Driscoll, Senior Finance - Operations
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	N/A
Schedules:	1. Proposed Amendments to Fees and Charges 2023/2024

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 report seeks Council approval for amendments to the Shire Fees and Charges 2023/2024 resulting from the mid-year review.

Background

In July 2023, Council adopted its 2023/2024 schedule of fees and charges. Those fees and charges came into effect on 25 September 2023 with a review of all fees and charges after the six-month trial period as part of the Mid-Year Budget Review. In particular, Council requested a review of waste disposal fees six months after their implementation due to the extensive nature of the changes.

The 2023/2024 fee schedule included significant revision of charges applicable at the Browns Range Waste Facility. A comprehensive restructuring of tip fees was undertaken as part of the 2023/2024 budget process. That restructure was directed toward eliminating the “Service Fee” that applied to all commercial disposals. The restructure eliminated the service fee. A revised structure was developed that was intended to recover the same overall fee revenue. Council requested a review of fees and charges six months after their implementation. This report presents the results of that review for Council’s consideration.

Stakeholder and Public Consultation

Nil

Statutory Environment

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

6.16. Imposition of fees and charges

6.19. Local government to give notice of fees and charges

Relevant Plans and Policy

Nil

Financial Implications

External waste received at the waste facility is less than 5% of total commercial waste received. The proposed external waste revised fees and charges will have minimal impact on received revenue. Additionally, changes to the other categories presented in Schedule 1 will not have a significant impact on revenue.

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			
Health & Safety	N/A	N/A	N/A
Reputation	Complaints have been received regarding the 1 tonne minimum fee structure on external waste.	High	Adopt the revised external waste fee structure.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
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 infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Waste facility revenue year-to-date (YTD) is lower in comparison to previous year's (YTD) revenue as of 31 January. Total waste received from commercial sources at the same time last year is lower by approximately 2500 tonnes. Therefore, it is not possible to determine categorically that the reduction in revenues is associated with the revised fee structure or is due to the reduction in total commercial waste received.

The only restructured fee known to have attracted comment is external waste (waste collected from outside Shire boundaries). This fee has been in place for at least seven years. It is the highest fee at the tip. It is currently set at \$285/tonne. A minimum charge of 1 tonne is applicable to any single disposal.

It is proposed to retain the unit fee rate at \$285 per tonne but reduce the minimum charge from 1 tonne to 100kg to allow for lesser loads being disposed. This reduced minimum charge will not impact on any administration operations at the waste facility as the rate is remaining the same. The proposed External Waste fee change is detailed in Schedule 1.

Fees and Charges relating to Camping ground Fees and Animal Control Fees are also recommended to be amended as part of this review. The fee change for Camping grounds has been included as part of the 2023/2024 review, rather than including within the 24/25 Fees & Charges process, to align with the start of tourist season. Additionally, removing concessions on camping grounds will reduce confusion in the booking process and reduce the impact on rangers and improve efficiencies.

From the review Fees and Charges relating to Mobile Trading needed to be included in the 2023/2024 Fees & Charges schedule. Schedule 1 details the proposed Mobile Trading fees be included in the revised 2023/2024 Fees and Charges Schedule.

OFFICER'S RECOMMENDATION

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

- 1. amend fees and charges for the categories of External Waste, Camping grounds, Animal Control and Mobile Traders detailed as in Schedule 1;***
- 2. implement the new fee structure effective from 1 April 2024; and***
- 3. give public notice of the amended fees and the date from which they take effect.***

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 11/02/24

Moved: Cr Burke Maslen
Seconded: Cr Luke Vandeleur

A motion was moved that Council suspend standing orders.

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

CARRIED BY SIMPLE MAJORITY 8/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 12/02/24

Moved: Cr Burke Maslen
Seconded: Cr Luke Vandeleur

A motion was moved that Council resume standing orders.

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

CARRIED BY SIMPLE MAJORITY 8/0

COUNCIL RESOLUTION OCM 13/02/24

Moved: Cr Burke Maslen
Seconded: Cr Luke Skender

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

- 1. amend fees and charges for the categories of External Waste, Camping grounds, Animal Control and Mobile Traders detailed as in Schedule 1;***
- 2. implement the new fee structure effective from 1 April 2024; and***
- 3. give public notice of the amended fees and the date from which they take effect.***
- 4. as part of the Budget 2024/2025 fee schedule, consider the following –***
 - a. separate the fee for external liquid waste brought in by local contractors; and***
 - b. a fee for local contractors bringing in external waste to the district***

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

CARRIED BY ABSOLUTE MAJORITY 8/0

Note: Part 4 a. and b. were included to ensure that these fees and charges are reviewed as part of the 2024/2025 budget deliberations.

7.2.5 PROPOSED BUDGET REVIEW 2023/2024

File No:	ADM0027
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:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Proposed Budget Review 2023/2024

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

This report presents the proposed 2023/2024 Mid-Year Budget Review for Council to consider. The officer’s recommendation is that Council adopts the review as presented.

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to undertake a review of their 2023/2024 annual budget no earlier than 31 December 2023 and no later than 29 February 2024.

The review is an opportunity to re-evaluate the current budget and allocate funding for emerging community and social priorities, allowing the organisation to respond and provide the best result for the Shire. There are other factors and urgent matters that affect the operational activities and revenue streams which have resulted in budget variations and are discussed further in this report. Budget reviews provide a tool for decision making for current and future activities and they are a key component of prudent financial management practices to mitigate financial risk exposure to Council.

In conjunction to compliance with legislation, the review aims to reconsider all budget items and review them by considering any changes in the macro or minor economic variables and any other relevant information.

Stakeholder and Public Consultation

Nil

Statutory Environment

s.6.8 Local Government Act 1995

33A Local Government (Financial Management) Regulations 1996

Relevant Plans and Policy

There are no policy implications related to this report.

Financial Implications

The Budget Review has identified areas of over and underspend, with minimal effect on the bottom line of the Budget. However, figures presented in this report are indicative and subject to change following further review and prioritisation.

Further and ongoing analysis of the budget will be undertaken over the next few months during the formulation of the 2024/2025 Annual Budget and any areas requiring Council’s attention will be identified in the standard monthly budget adjustment 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	Mitigating Action/s
Financial	Risk of over expenditure occurring on some line items in the budget and/or a deficiency in funds to complete specific projects or tasks.	High	Endorse the budget review with any amendments (as specified by Council).
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	Insufficient budget could result in potential delays and service disruptions.	Medium	The Review has attempted to accurately predict budget requirements to maintain service continuity for the remainder of the financial year.
Compliance	That the review is completed within statutory timeframes.	Medium	Compliance will be achieved if adopted prior to end of March.

Property	N/A	N/A	N/A
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 sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The focus of the 2023/2024 Mid-Year Budget Review has been to consider any changes in Council’s operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the financial year and make a determination in relation to prevailing economic conditions and the most likely impact on the Council’s financial position.

Future monitoring is required and further budget adjustments may be required later in the financial year to ensure Council is prepared for the 2024/2025 budget process and on 30 June 2024. These will be presented as part of the monthly budget adjustment process and report that is presented to Council.

Note 5 of the Statutory Reports provides a detailed list of proposed budget amendments.

OFFICER’S RECOMMENDATION

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to:

- 1. adopt the 2023/2024 Mid-Year Budget Review, as per Schedule 1, in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996; and***
- 2. forward a copy of the Council resolution and the statutory budget review to the Department of Local Government, Sport and Cultural Industries within 14 days after adoption.***

COUNCIL RESOLUTION OCM 14/02/24

Moved: Cr Luke Vandeleur
 Seconded: Cr Burke Maslen

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to:

- 1. adopt the 2023/2024 Mid-Year Budget Review, as per Schedule 1, in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996; and***

2. forward a copy of the Council resolution and the statutory budget review to the Department of Local Government, Sport and Cultural Industries within 14 days after adoption.

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

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.2.6 MONTHLY FINANCIAL REPORT JANUARY 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- January 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 31st January 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 January 2024 Statement of Financial Activity being presented at the January 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 31 January 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

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 January 2024 Statement of Financial Activity being presented at the January 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 31 January 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

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 \$990K lower than year to date budget, this is due to the timing of completed works and the claiming of AGRN flood damage funds (\$1.09M). 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 \$2.56M 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.

Staff have prepared the Statutory Budget Review that is presented elsewhere in the agenda, that addresses material variance to the Adopted Budget

The capital works program is well underway with over 50% of funds spent or committed to projects with the Roads program 88% complete or committed.

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 January 2024 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 15/02/24

Moved: Cr Luke Skender

Seconded: Cr Luke Vandeleur

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 January 2024 as per attached Schedule 1.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029

File No:	ADM0051
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Kyle Williams, Development Coordinator - Development & Community
Authoriser:	Stefan Louw, Planning And Building Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. Disability Access And Inclusion Plan 2024-2029

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

The report seeks a Council resolution to endorse the Shire of Carnarvon Disability Access and Inclusion Plan (DAIP) 2024 to 2029.

Background

The Shire of Carnarvon, as a local government authority, is required under the *West Australian Disability Services Act 1993* to develop and implement a Disability Access and Inclusion Plan. As per Schedule 3 of the *Disability Services Amendment Regulations 2013* the plan must aim to achieve seven outcomes:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.

- 6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
- 7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The Shire of Carnarvon (DAIP) 2024-2029 meets the legal obligations under the Act.

Stakeholder and Public Consultation

A community consultation reviewing the most recent DAIP and the Shire of Carnarvon’s progress against it was carried out on the 21 June 2023. A follow-up survey was sent to service providers who were unable to attend the in-person session. The community consultation and results are covered in section “Review of Previous Disability Access and Inclusion Plan,” with this feedback informing the development of new strategies and actions.

Internal stakeholder engagement was carried out in October and November 2023, with departments providing suggestions for actions and feedback on the draft plan. A final version pending Council approval of the DAIP 2024-2029 was approved by ELT in December 2023.

Statutory Environment

West Australian Disability Services Act 1993

West Australian Disability Services Act 1993 – Disability Services Amendment Regulations 2013 (Schedule 3)

Relevant Plans and Policy

Shire of Carnarvon Strategic Community Plan for 2022-2032

Financial Implications

Day-to-day activities of the DAIP are already funded and part of the Shire’s operations, such as the maintenance of Shire facilities, enforcement of local laws and maintenance of complaints system.

Some action items may carry financial costs in the future, such as the installation of a disability access ramp at the Carnarvon Aquatic Centre and installation of a Changing Places toilet at the town beach if found to be viable. These items will need to be presented to Council as part of the annual budget process and will be subject to funding capacity and/or grants.

Shire Officers will investigate grant opportunities to fund infrastructure named in the DAIP, reducing the financial burden on the Shire.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Failure to obtain grant funding increases financial cost to Shire for implementation of plan.	Low	DAIP provides strategic alignment for funding applications, strengthening the quality of submissions. If necessary, some projects may be delayed until funding becomes available.
Health & Safety	Failure to plan for accessibility in the workplace creates health and safety risks for Shire of Carnarvon employees.	Moderate	DAIP provides Council and Employees with clear direction to ensure accessibility is maintained in the workplace, ensuring the safety and productivity of all staff members.
Reputation	Failure to adopt DAIP damages the reputation of the Shire of Carnarvon as an organisation committed to inclusivity.	Moderate	Adoption of DAIP will show the Shire of Carnarvon’s commitment to an inclusive community, implementing actions that ensure our community is engaged, inclusive and supportive.
Service disruption	N/A		
Compliance	<i>The West Australian Disability Services Act 1993</i> requires Local Government Authorities to develop and implement DAIP.	High	Adoption of DAIP will ensure we are compliant with <i>West Australian Disability Services Act 1993</i> .
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:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Endorsement of DAIP will meet the legal obligations of the Shire of Carnarvon as a public authority, as well as improving the reputation of Carnarvon as an inclusive community. This aligns with the Community Strategic Plan and provides clear direction to Shire officers to achieve the objectives of the Plan.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, endorses the Shire of Carnarvon Disability Access and Inclusion Plan (DAIP)2024-2029.

COUNCIL RESOLUTION OCM 16/02/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Skender

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, endorses the Shire of Carnarvon Disability Access and Inclusion Plan (DAIP)2024-2029.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3.2 PUBLIC OPEN SPACE STRATEGY

File No:	ADM1929
Location/Address:	Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. Public Open Space strategy

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 purpose of this item is to seek Council’s endorsement of the draft Public Open Space (POS) strategy along with its explanatory background document.

Background

In 2017, the Shire engaged Land Insight to conduct an audit of the Shire’s existing POS and compile an explanatory document (**schedule 2**) outlining the state of existing recreation spaces within the Local Government Area. This background report was utilised to formulate a Public Open Space strategy (**schedule 1**).

Stakeholder and Public Consultation

The draft strategy has gone through an extensive public consultation period. Submissions to the draft strategy have been considered by Council when it was presented in 2017. The strategy before Council today is a renewal of the original in terms of current status of open spaces, it was therefore not deemed necessary to conduct another public consultation process.

Statutory Environment

The statutory environment of the draft strategy is described in the explanatory document and audit; however, several statutory instruments are referenced. These includes:

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015

- Shire of Carnarvon Local Planning Scheme 13
- Shire of Carnarvon Local Planning Strategy
- Development Control Policy 2.2 – Residential Subdivision
- Development Control Policy 2.3 – Planning for Public Open Space
- Liveable Neighbourhoods

Relevant Plans and Policy

Shire of Carnarvon Local Planning Strategy:

The Local Planning Strategy establishes (as a complimentary action) to prepare a Public Open Space strategy. Specifically, the Local Planning Strategy prescribes this ‘in order to identify areas of land that are potentially underutilised and that could be established to better meet needs of the community into the future, and further to evaluate Open Spaces within the Shire and presenting recommendations to guide the future development and management of parks, reserves and sporting facilities within the Shire.’

Financial Implications

There are no direct financial implications associated with the adoption of the POS strategy. Indirect financial implications include the ongoing maintenance program for all public open spaces. Any recommended capital or operational improvements will be presented for Council’s consideration as part of the annual budget process.

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	Risk of having to refund the money received for the project if the POS strategy is not completed.	Low	Adopting the POS strategy will allow the acquittal of the project.
Health & Safety	N/A		
Reputation	Grant money was received from the State to prepare the POS strategy and by not completing the process the Shire would not be able to acquit the project and risk reputation damage with the State for future projects.	Moderate	By adopting the POS strategy, the project can be acquitted.
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

The draft Public Open Space strategy will assist the Shire in planning for the development of the public realm as well as identify potentially under-utilised spaces.

It is worth noting that the current strategy before Council has been amended by officers since it was prepared by Land Insights back in 2017. Amendments included bring the strategy up to date with current legislation and terminology as well as current status of public open spaces.

Several areas within the Shire are currently earmarked for further urban expansion (which is identified in the explanatory report). This strategy will guide decisions for public amenities in these areas are developed to a high standard and can benefit the community as a whole.

OFFICER’S RECOMMENDATION

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

- 1. receive the Public Open Space strategy background report as presented; and***
- 2. adopt the Public Open Space strategy, (jointly prepared by the Shire and Land Insights) dated November 2022.***

COUNCIL RESOLUTION OCM 17/02/24

Moved: Cr Luke Skender

Seconded: Cr Paul Kelly

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

- 1. receive the Public Open Space strategy background report as presented; and***
- 2. adopt the Public Open Space strategy, (jointly prepared by the Shire and Land Insights) dated November 2022.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3.3 ROAD DEDICATIONS AND CLOSURES - INITIATION OF ADVERTISING

File No: ADM0128 & ADM0200
 Location/Address: *Road dedications:*
 Lots 582 and 591 on DP 419180 Carnarvon – Mullewa Road, Inggarda
 Lots 588 and 589 on DP 418942 Carnarvon – Mullewa Road, Inggarda
 Lot 506 on DP 420949 Bush Bay Road, Brown Range
 Lots 9114, 9117, 9120, and 9123 on DP 418941 South River Rd., S.Plantations
 Lots 9168, 9171 and 9174 on DP 425264 South River Road, South Plantations
Road closures:
 Lot 583 on DP 419180 formerly Carnarvon – Mullewa Road, Inggarda
 Lot 584 on DP 418942 formerly Carnarvon – Mullewa Road, Inggarda
 Lot 508 and 509 on DP 420949 formerly NW Coastal Highway, Brown Range

Name of Applicant: Department of Planning, Lands and Heritage
 Name of Owner: State of Western Australia
 Author(s): Stefan Louw, Planning And Building Manager
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: Nil
 Schedules: 1. Deposited plans

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 seeks Council’s resolution, pursuant to Sections 56 and 58 of the *Land Administration Act 1997 (the Act)* and *Regs. 8 and 9 of the Land Administration Regulations 1988 (The Regulations)*, to request the Chief Executive Officer to provide public notice and seek submissions for a period of no less than 35 days of

the Shire’s intent to close a number of disused roads and to dedicate a number of roads within the Shire as indicated within this report.

Background

The Shire has received a request from the Department of Planning, Lands and Heritage (the Department), to amend the above Crown land parcels to enable them to be dedicated as roads consistent with the ‘as constructed’ road works in the relevant localities. The Department has also requested that a number of disused road reserves be formally closed. See Figures 1, 2, 3 and 4.

The Department is seeking to progress the land dedications as part of a suite of activities associated with its land tenure assembly program for the Carnarvon Flood Mitigation levees.

Funding has been received for the development of floodplain modelling through comprehensive surveys of the river and floodplain. This will assist with a better understanding of flood behaviour, inform potential new engineering solutions and guide land use planning for the future management of the levees. This modelling is estimated to be completed by mid-2024, which will help inform a decision on a management body for the proposed levee reserves.

As part of the proposed land tenure rationalisation associated with the project there will be road actions that need to be completed by the Shire under Sections 56 and 58 of The Act. These road actions relate to the Lawson Street, Six Mile and South River Road levees.

Schedule 1 contains copies of Deposited Plans containing the details of the of the affected reserves.



Figure 1. Road closures and dedications – Inggarda

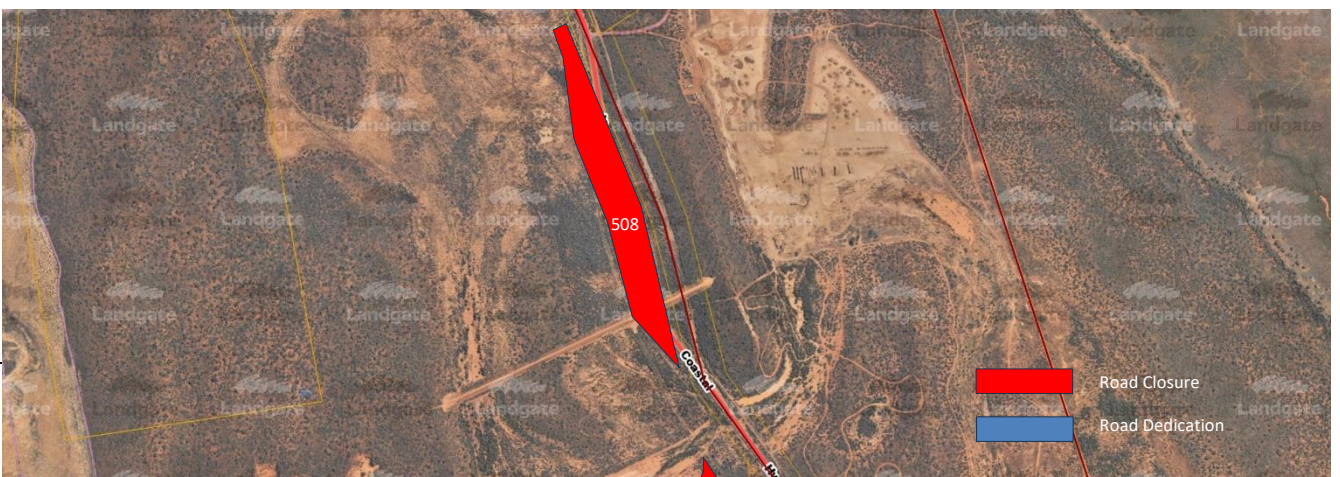


Figure 2. Road closures and dedications – Brown Range



Figure 3. Road dedications – Adjacent No. 450 South River Rd., South Plantations



Figure 4. Road dedications – Adjacent Nos. 124, 138, 148 & 158, South River Rd., South Plantations

The levees were constructed in 2011 by the State Government to protect the town and horticultural district from 1-in-100-year flooding events. The levees are currently located on various Crown land parcels including a pastoral lease, Crown reserves, dedicated road reserves and unallocated Crown land. The proposed road dedications are part of the actions required to ensure adequate management is in place to address future flooding events within the Shire.

Stakeholder and Public Consultation

In accordance with *Sections 56 and 58 of the Act*, the Shire will have responsibility to carry out public advertising for a period of not less than 30 days for the road dedications and 35 days for the road closures by:

- Newspaper advertisement.
- Shire website.
- Writing to public utility service providers.

Statutory Environment

Section 56 of the Act provides for a local government to make a request the Minister to dedicate land as a road.

Section 58 of the Act applies in relation to the proposed road closures and amalgamations. All road closures for the purpose of amalgamation with the adjoining property require a 35-day public comment period before being submitted to the Department.

Relevant Plans and Policy

There are no relevant policy implications associated with the proposal.

Financial Implications

There are no financial implications associated with the proposal with the exception of advertising costs. The land surveys associated with the proposal are being undertaken by the Department. The Shire’s direct responsibility will be limited to consultation with the local community and service providers.

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	N/A		
Compliance	N/A		
Property	If roads are closed there will be an increase in the size of the reserves that the Shire has responsibility for. Has implications for bush fire risk, and land management matters such as illegal dumping etc.	Low	Road dedications will assist in understanding land tenure so that levees and closed roads can be managed accordingly.
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 sustainable livelihoods create a community that can flourish into the future*
- *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

The Department has requested that the Council consider initiating the changes to the road reserves as a suite of preliminary initiatives that its undertaking that are associated with its land assembly program for the Carnarvon Flood Mitigation Levees.

Once the consultation phase has been completed the proposals will be presented to Council for consideration and lodgement of a request to the Minister to undertake the road dedications and road closures.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves:

1. *pursuant to Cl. 56 of the Land Administration Act 1997, and Reg.8 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice and seek submissions on Council's intent to dedicate the following Crown land as roads: Lots 582 and 591 on DP 419180, Lots 588 and 589 on DP 418942, Lot 506 on DP 420949, Lots 9114, 9117, 9120, and 9123 on DP 418941, and Lots 9168, 9171 and 9174 on DP 425264; and*
2. *pursuant to Cl. 58 of the Land Administration Act 1997, and Reg.9 of the Land Administration Regulations 1998, authorise the Chief Executive Officer to provide public notice, seeking submissions for a period of not less than 35 days, on Council's intent to close the roads within Lot 583 on DP 419180, Lot 584 on DP 418942 and Lots 508 and 509 on DP 420949.*

COUNCIL RESOLUTION OCM 18/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That the matter is deferred to the March 2024 Ordinary Council Meeting in order to enable consultation with the affected property owners in regard to any possible implications as a result of the proposed dedications.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

(Note – Council agreed that affected property owners need to be consulted prior to considering the dedications.)

7.3.4 WAIVER OF FEES FOR ECU TAX CLINIC

File No:	ADM0299
Location/Address:	Carnarvon Library and Art Gallery
Name of Applicant:	N/A
Name of Owner:	Edith Cowan University (School of Business and Law)
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
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 report requests Council to consider a waiver of Fees and Charges for the hire of the Carnarvon Library and Art Gallery meeting room for the Edith Cowan University (ECU) Tax Clinic.

Background

ECU Tax Clinic previously requested a waiver of Fees and Charges for use of the Meeting Room in 2023. This received Council approval at the 13 December 2022 Council Meeting (Item 7.3.2). The Tax Clinic ran every Wednesday throughout both semesters in 2023, offering twenty-eight full day sessions in total.

ECU is requesting to a fee waiver for hire of the Meeting Room for use by the ECU Tax Clinic for the following periods:

- Every Tuesday in Semester One from 05 March 2024 to 21 May 2024 (12 full day sessions)
- Every Tuesday in Semester Two from 23 July to 22 October 2024 (14 full day sessions)

Under the 2023-2024 Fees and Charges Schedule, the costs applicable for hire would be \$85 per full day session. Semester Two hire rates cannot be confirmed at this stage but have been calculated using the current schedule.

Consideration was given to utilising alternative spaces in the Library and Art Gallery to avoid costs. However, the confidential nature of interactions between clients and tax agents/students necessitates the use of the Library Meeting Room as the sole suitable space for the ECU Tax Clinic.

During these sessions, clients met online with ECU students at the Joondalup campus, supervised by tax practitioners and facilitated on-site sessions in Carnarvon with a local representative.

Given the positive reception and success of the service, Edith Cowan University would like to continue offering the ECU Tax Clinic in Carnarvon during both Semesters One and Two of 2024. The requested fee waiver will enable the continuation of this valuable community initiative at no cost.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 – Section 6.12 (b)

Relevant Plans and Policy

Shire of Carnarvon Community Strategic Plan 2022-2032

Financial Implications

Under the 2023-24 Fees and Charges Schedule the applicable fee for hire would be \$85 per full day for a Community/Non-profit group.

This request for a waiver of fees would equate to the following estimated amount:

- Semester One (12 full day sessions): \$1,020
- Semester Two (14 full day sessions): \$1,190 (As per 2023-24 Fees & Charges Schedule)

The estimated loss of income to the Shire is \$2,210 for up to 26 full day sessions.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	A fee waiver could result in loss of hire income from other interested parties.	Low	If other parties request hire of the Library Meeting Room during the requested period which clashes with the ECU Tax Clinic use, it would be possible to consult with ECU Tax Clinic to facilitate a change to their client bookings to accommodate both ECU purposes and facilitate other party bookings.

Health & Safety	N/A		
Reputation	N/A		
Service disruption	If a fee waiver is declined, it is possible that ECU Tax Clinic will not continue in Carnarvon, thus limiting alternative tax support options for community members.	Low	ECU Tax Clinic could pursue alternative space for hire in Carnarvon to support their initiative.
Compliance	Local Government Act requires that Fees and Charges are applied or that a fee waiver is presented to Council.	Low	The request for a fee waiver has been processed according to applicable legislation and regulations.
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 Meeting Room has limited demand for hire; as such, it is unlikely that the period of requested use by ECU Tax Clinic would overlap with other parties’ use. Should there be other requests for bookings by other parties, as applied during 2023, ECU Tax Clinic will continue to facilitate changes to their client bookings to accommodate these requests where possible.

Collaboration with external stakeholders such as the ECU Tax Clinic has provided a valuable opportunity to offer professional tax support services to the Carnarvon community which may not otherwise be possible.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to approve the waiver of Fees and Charges request by the Edith Cowan University for the hire of the Meeting Room at the Library and Art Gallery for the ECU Tax Clinic for 2024.

COUNCIL RESOLUTION OCM 19/02/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Skender

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to approve the waiver of Fees and Charges request by the Edith Cowan University for the hire of the Meeting Room at the Library and Art Gallery for the ECU Tax Clinic for 2024.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3.5 REGIONAL ARTS VENUE SUPPORT GRANT APPLICATION

File No:	ADM0006
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
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 report seeks Council consideration for a grant application for Regional Arts Venue Support through the Department of Local Government, Sport and Cultural Industries (DLGSC). The funding requires Council to consider maintaining its funding commitment for the Art Gallery as part of the annual budget process.

Background

The Shire is seeking to apply for the Regional Arts Venues Support Program’s Public Art Galleries category through the DLGSC. This program offers funding to enhance annual programs at arts venues in regional Western Australia over a three-year period, with a focus on expanding reach and engagement. Objectives include elevating the quality and profile of regional arts, creating employment and tourism opportunities, leveraging investment, and fostering community participation in arts and culture.

The proposed funding will enable the Shire to apply for an additional position dedicated to audience development, local artist capacity-building, and program expansion for the next three years. Currently, the Shire employs one part-time position for the Art Gallery.

In 2022/2023, the Shire of Carnarvon's Art Gallery successfully delivered a range of programs, exhibitions, and professional opportunities such as Deep Light: Illuminating the wrecks of Sydney and Kormoran from WA Museum, Wild Garden by local Gascoyne artists Sadie James and Jess Hadden. In 2023/2024 four exhibitions have been delivered including The Alternative Archive, a touring exhibition from Art on the Move which included learning and engagement workshops led by one of the exhibiting artists. The Shire has secured

\$115,713 (ex GST) over the last three years to enhance the Art Gallery's capabilities through Art on the Move. This funding has been strategically utilised for capital works enhancements to increase the Art Gallery's capacity, facilitating the hosting of high-profile touring exhibitions, and providing a platform for local and regional artists to showcase their work.

Stakeholder and Public Consultation

The Shire has consulted with Galleries West, an independent advocacy body dedicated to connecting and strengthening the public galleries in Western Australia.

Statutory Environment

Local Government Act 1995 Section 3.18

Relevant Plans and Policy

Shire of Carnarvon Strategic Community Plan 2022 – 2032

Financial Implications

The Regional Arts Venues Support funding program allows the Shire to apply up to 80% of the project costs. The Shire is seeking to apply for \$50,000 per year over three years, requiring the Shire to allocate \$25,000 in own sourced revenue, each year for the next three years.

Council has historically allocated \$20,300 in 2022/2023 and \$28,000 in 2023/2024 from its own revenue for the Art Gallery's programs. Council's commitment to maintain its current funding levels for the Art Gallery programming for three years is requested, noting that each year's allocation will be subject for formal consideration as part of the annual budget process.

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's financial circumstances changes and Council cannot fund ongoing programming for the Art Gallery.	Moderate	Explore alternative funding sources such as sponsorships, partnerships, or grants to supplement the Regional Arts Venue Support funding.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Unexpected events or circumstances could disrupt the delivery of programs and services at the Art Gallery.	Moderate	The funding will support additional staffing to build resilience and offer succession planning for the Art Gallery.

Compliance	Failure to comply with relevant laws, regulations, or contractual obligations.		The Shire has comprehensive Policies and Procedures and works within Legislation to ensure compliance is met.
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 *Shire of Carnarvon 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*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our community acknowledges our history and celebrates our diverse cultures*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The request for a three-year funding consideration from Council is part of the eligibility criteria requested by the DLGSC for the Regional Arts Venue funding. As per the guidelines, a commitment of \$25,000 each year for the duration of the funding of own-sourced revenue and existing in-kind costs for the Art Gallery Officer role are mandatory for the application to be considered. This funding over three years ensures stability and continuity in our efforts to maintain and enhance our regional arts venue, aligning with the long-term goals of fostering cultural enrichment within our community and the Shire of Carnarvon Strategic Community Plan 2022-2032.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, approves the submission of the Regional Arts Venue funding application and commits to considering a budget allocation of \$25,000 each year for the three years (2024/25, 2025/26, 2026/27) as part of the annual budget process.

COUNCIL RESOLUTION OCM 20/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreirinha

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, approves the submission of the Regional Arts Venue funding application and commits to considering a budget allocation of \$25,000 each year for the three years (2024/25, 2025/26, 2026/27) as part of the annual budget process.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3.6 COMMUNITY GROWTH FUND - ROUND 1, 2024

Cr Kelly declared a financial interest in this matter as he is a Board Member of one of the applicants. Cr Kelly disconnected from the meeting at 1.37pm.

File No:	ADM0080
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Impartiality
Voting Requirement:	Simple Majority
Previous Report:	December 2023
Schedules:	<ol style="list-style-type: none"> 1. Community Growth Fund Committee Minutes - Thursday, 15 February 2024 2. Community Growth Fund Assessment Matrix - Round 1, 2024 (under separate cover) 3. Community Growth Fund Scoring Matrix - Round 1, 2024 (under separate cover)

Authority/Discretion:

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

Summary of Report

This report presents the recommendations of the Community Growth Fund Committee funding under Round 1 of 2024, and seeks Council’s formal endorsement of the Committee’s recommendations.

Background

The Shire of Carnarvon’s Community Growth Fund Committee met on Thursday, 15 February 2024 to assess the applications received in Round 1 of the 2024 Community Growth Fund, which closed on 12 February 2024. Minutes of the Committee meeting are attached in **Schedule 1**. The Minutes include the recommendations of the Committee.

Six applications were received in this round of the Community Growth Fund totalling \$39,500.00. The evaluation of each application was conducted by the Community Growth Fund Committee, utilising the

criteria outlined in the Community Growth Fund Policy, and completing the assessment matrix for a thorough evaluation.

Comments and justification of the recommendations can be found in the Grant Assessment Matrix attached in **Confidential Schedules 2 and 3** under separate cover.

The Community Growth Fund Committee consists of Elected Members. Shire staff provide administrative support to the Committee by receiving applications, preparing reports for the Committee meeting, obtaining further information required from applicants, and preparing the reports with the Committee’s recommendations for endorsement by Council. Shire staff also provide advice and guidance to applicants to assist with their Community Growth Fund applications.

Stakeholder and Public Consultation

The Shire advertised the Community Growth Fund over six weeks on social media, website, and flyers.

Statutory Environment

Local Government Act 1995 Section 3.18

Relevant Plans and Policy

CD004 – Community Growth Fund Policy
Strategic Community Plan 2022 – 2032

Financial Implications

The Council allocated a total of \$100,000 in the 2023/2024 budget, distributed across three scheduled rounds throughout the financial year. The remaining budget for this final round is \$30,915.65. The six applications received in Round 1, 2024, collectively requested \$39,500. The Committee has recommended allocating a total of \$30,500 for this round.

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	Funding commitments cannot be met within budget.	Moderate	Ensure allocation are within the budget provision.
Health & Safety	N/A		
Reputation	Decision-making on approvals and rejections are subject to community criticism.	Moderate	Provision of clear policy and guidelines and timely communication will assist in mitigating the risk.

Service disruption	N/A		
Compliance	Applications funded are non-compliant with the Community Growth Fund policy.	High	Community Growth Fund committee reviewed all applications to ensure they meet the requirements set out in the Community Growth Fund policy.
Property	N/A		
Environment	N/A		
Fraud	Allocated grants may need to be used appropriately as indicated in the application.	Moderate	Appropriate and substantial acquittal processes are in place that makes each organisation accountable for funds according to their funding application.

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*
- *Our community is engaged, inclusive and supportive*
- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Community Growth Fund Committee has assessed each application against the criteria outlined in the Community Growth Fund policy before making their recommendations to Council. Applications have been assessed and scored against the objectives provided, details of the project budget, demonstrated benefit to the Carnarvon community, and acknowledgement of the Shire of Carnarvon.

OFFICER’S RECOMMENDATION

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

- 1. receive the meeting minutes of the Community Growth Fund Committee meeting held on Thursday, 15 February 2024; and***
- 2. approve the recommendations for funding made by the Community Growth Fund Committee for the Community Growth Fund as listed below:***
 - a. Carnarvon Race Club Incorporated for \$7,000 towards Airport Landing Fee.***
 - b. Carnarvon Volunteer Fire Brigade for \$5,000 towards 60th Anniversary Celebrations.***
 - c. Gascoyne River Volunteer Bush Fire Brigade for \$2,500 towards training equipment.***
 - d. Gascoyne Food Council Incorporated for \$10,000 towards the Gascoyne Food Festival 2024.***
 - e. Queernarvon for \$4,000 towards the Queernarvon Festival 2024.***
 - f. Carnarvon Family Support Services Incorporated for \$2,000 towards the Rights of the Carnarvon Child Poster project.***

COUNCIL RESOLUTION OCM 21/02/24**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:***

- 1. receive the meeting minutes of the Community Growth Fund Committee meeting held on Thursday, 15 February 2024; and***
- 2. approve the recommendations for funding made by the Community Growth Fund Committee for the Community Growth Fund as listed below:***
 - a. Carnarvon Race Club Incorporated for \$7,000 towards Airport Landing Fee.***
 - b. Carnarvon Volunteer Fire Brigade for \$5,000 towards 60th Anniversary Celebrations.***
 - c. Gascoyne River Volunteer Bush Fire Brigade for \$2,500 towards training equipment.***
 - d. Gascoyne Food Council Incorporated for \$10,000 towards the Gascoyne Food Festival 2024.***
 - e. Queernarvon for \$4,000 towards the Queernarvon Festival 2024.***
 - f. Carnarvon Family Support Services Incorporated for \$2,000 towards the Rights of the Carnarvon Child Poster project.***

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

AGAINST: Nil

ABSENT: Crs PK Kelly

CARRIED BY SIMPLE MAJORITY 7/0

At 1:39 pm, Cr Paul Kelly reconnected to the meeting and was advised of Council's decision.

7.4 INFRASTRUCTURE SERVICES

7.4.1 PROPOSED RENAMING OF RUSHTON STREET TO DEBONI STREET

File No:	ADM1869
Location/Address:	Rushton Street, Carnarvon
Name of Applicant:	David Guglielmana
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	Michael Mallon, Project Delivery Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Street Naming Request from David Guglielmana 2. Location of Rushton Street - Sections A, B and C 3. Plan - Renaming of Rushton Street (A) 4. Email from GRAMS - Gascoyne Outreach Service

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 a request to rename a section of Rushton Street to DeBoni Street in recognition of the DeBoni family’s contribution to the horticultural industry in Carnarvon.

It is recommended Council support the proposed renaming request and make a submission to Landgate for approval to rename a section of Rushton Street to DeBoni Street.

Background

In 2023, Mr Guglielmana submitted a letter to the Shire about the historical contributions of the Italian community in Carnarvon. In particular, the contributions of the DeBoni family who were among the first Italian immigrants to come to Carnarvon nearly a century ago. A copy of the letter is provided in **Schedule 1**.

Mr Guglielmana has suggested a street be named Deboni Street to recognise the historical and ongoing contribution of the DeBoni families to the horticultural industry in Carnarvon.

There are no current subdivisional plans to create a new street which offers an opportunity for a new street name. The town street network was however examined to determine if there was scope to rename an existing street. Rushton Street was identified as such an opportunity.

Stakeholder and Public Consultation

GRAMS – Gascoyne Outreach Service were consulted as they are a business located on Rushton Street.

Statutory Environment

Section 26A Clause 5 (b) of the *Land Administration Act 1997*.

Relevant Plans and Policy

Shire of Carnarvon - *Policy ID004 Naming of roads, parks, places, and buildings*

Landgate - *Policies and Standards for Geographical Naming in Western Australia*.

Financial Implications

The Shire would incur a minor financial impact for the new street signs and installation costs which can be met within existing operational budgets.

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	Minor cost to the Shire’s budget for street signage and installation costs.	C1 Low	Costs can be accommodated through the road signage maintenance budget.
Health & Safety			
Reputation			
Service disruption	The renaming of this section of Rushton Street may cause some initial confusion.	B1 Moderate	Ensure the renaming of Rushton Street is well publicised on social media platforms and other media including the newspaper and Shire website. Ensure emergency services organisations are aware of the road name changes.
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 acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Rushton Street currently exists in three non-contiguous sections. These are referred to as Rushton Street A, B and C for internal road asset designation purposes. The official name of each section is however Rushton Street. The plan provided in **Schedule 2** shows each section of Rushton Street and the properties officially addressed as Rushton Street.

The Landgate Policies and Standards for Geographical Naming in Western Australia states as follows:

A named road shall include only one navigable section. If a road design has become obstructed, due to construction of other roads or features, and is separated to become two unconnected navigable sections of road then these road extents must be assigned separate unique road names. This is particularly important when emergency service responders cannot navigate the entire course of the road from one end to the other.

Renaming Rushton Street therefore represents an opportunity to correct a naming anomaly by renaming two sections of Rushton Street whilst retaining one section as Rushton Street.

Each section of Rushton Street was examined to determine the least impact from any name change. The following table summarises renaming impacts and comments.

Section of Rushton	Property Addresses Affected	Comments
Rushton A	4	Includes unused Ambulance Building, 2 x Shire properties and the Gascoyne Outreach Service.
Rushton B	1	Privately owned units at 65 Rushton Street. Extension of Hill Street name is logical naming convention for this street.
Rushton C	6	Privately owner individual properties.

It is important to note that Landgate’s *‘Policies and Standards for Geographical Naming in Western Australia’* discourages any change to an existing approved road name except where the proposal *“is deemed to be in the public interest for safety reasons”*.

Landgate’s Geographic Names Committee may not support the change of name based on the Italian community’s wish to recognise the DeBoni family’s contribution. However, there is a safety factor to consider with Rushton Street.

Currently, this street exists in three disconnected sections – Rushton Street A, B and C. See plan attached at **Schedule 3**. This has the potential to cause confusion, difficulty and delay during an emergency services response situation.

Additionally, this naming structure is not consistent with the *'Policies and Standards for Geographical Naming in Western Australia'*. It is proposed that two sections of Rushton Street be renamed (Section A and at a later date, Section B) with Section C remaining as Rushton Street.

Section A of Rushton Street runs from Francis Street to Egan Street with GRAMS – Gascoyne Outreach Service (Aboriginal Medical Service) being the only business affected by the proposed renaming of this section of Rushton Street. Formal consultation took place with the Manager of GRAMS – Gascoyne Outreach Service who raised no objection to the road name change. See **Schedule 4** attached.

The Shire has invited the Yinggarda Aboriginal Corporation to nominate three preferred and appropriate Aboriginal names for the renaming of Section B of Rushton Street. No response has been received to date.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 and Section 26A of the Land Administration Act 1997 resolves to:

- 1. support the proposed renaming of Section A of Rushton Street to DeBoni Street as shown on the plan at Schedule 2; and***
- 2. authorise the proposed renaming application be forwarded to Landgate for assessment under the 'Policies and Standards for Geographical Naming in Western Australia' criteria.***

COUNCIL RESOLUTION OCM 22/02/24

Moved: Cr Dudley Maslen

Seconded: Cr Luke Skender

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 and Section 26A of the Land Administration Act 1997 resolves to:

- 1. support the proposed renaming of Section A of Rushton Street to DeBoni Street as shown on the plan at Schedule 2; and***
- 2. authorise the proposed renaming application be forwarded to Landgate for assessment under the 'Policies and Standards for Geographical Naming in Western Australia' criteria.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.4.2 FRENCH STREET CORAL BAY - TRANSPORT STUDY AND ROAD SAFETY AUDIT

At 1:43 pm, Cr Cottrell declared a proximity interest in this item as he resides on French Street and left the meeting.

File No:	ADM0201
Location/Address:	French Street, Coral Bay
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Council Resolution FC22/7/22 Council Resolution OCM 26/07/23
Schedules:	1. Coral Bay Transport Study 2. Road Safety Reports - Coral Bay

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 provides Council with a Transport Study and Road Safety Audit (RSA) completed to inform a proposed reopening to through traffic of French Street, Coral Bay. It is recommended Council receive these reports and defers reopening French Street to through traffic until the outcome of the Growing Regions funding is announced for the orderly redevelopment of French Street into a safe shared use street.

Background

At its Ordinary Council Meeting on 25 July 2023, results from a public survey regarding reopening of French Street to through traffic and a preliminary French Street design was presented to Council.

Council resolved as follows:

COUNCIL RESOLUTION OCM 01/07/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to:

- 1. Note the results of the public survey;**
- 2. Receive the preliminary designs for French Street;**
- 3. Authorise the CEO to undertake a current Road Safety Audit and Traffic Study to support access to funding and inform development of a safe trafficable environment for pedestrians and vehicles utilising French Street; and**
- 4. Consider the results of the survey, Road Safety Audit and Traffic Study when making a decision in relation to this matter.**
- 5. That the Road Safety Audit and Traffic Study be submitted to Council on or before the November 2023 Ordinary Council Meeting.**

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

AGAINST: Nil

ABSENT: Crs A Cottrell, L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 5/0

The Transport Study and Road Safety Audit have now been completed and are provided in **Schedules 1 and 2** respectively.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 3.18 – Performing executive functions.

Relevant Plans and Policy

Coral Bay Settlement Structure Plan 2014

Financial Implications

There is no direct financial implication associated with the recommendation.

There is no allocation in the 2023/2024 budget for redevelopment of French Street. Initial estimates based on the preliminary French Street design indicated an estimated cost of \$360,000. Additional items such as streetlighting and other modifications identified in the Transport Study and Road Safety Audit are likely to add to that estimate.

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	Improvements to French Street is unfunded in the 2023/2024 budget.	A2 – High	Seek external funding for completion of the required improvements.
Health & Safety	According to the completed studies, reopening French Street to through traffic will increase the likelihood and risk of interactions between vehicles and pedestrians.	C4 - Extreme	Implementing safety measures suggested in reports will decrease risk of collisions. Developing a safe trafficable environment through shared zone design principles will reduce risk of interaction between vehicles and pedestrians.
Reputation	<p>Prior public survey results indicated strong preference for French Street to remain closed to through traffic. Opening to through traffic given the study comments may result in reputational damage.</p> <p>If reopened to through traffic and an accident was to occur involving vehicle and pedestrian, reputational damage likelihood increases.</p>	<p>B2 – High</p> <p>A3 - Extreme</p>	<p>Outcomes provided in studies allow Council to make an informed decision on reopening of French Street to through traffic.</p> <p>Defer reopening French Street to through traffic until the necessary funding can be secured for its orderly redevelopment into a safe shared use street.</p>
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:

- *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 Transport Study and Road Safety Audit were completed in September and October 2023. Separate site visits were conducted by the respective consultants. The Transport Study site visit was undertaken during the spring school holiday period peak.

The Transport Study was directed to an assessment of the broader transport issues relevant to Coral Bay in addition to a more detailed focus on the future configuration of French Street.

The Road Safety Audit considered three elements, namely:

1. a Road Safety Inspection of Robinson Street Coral Bay;
2. a Road Safety Audit of the preliminary design for the upgrade of French Street; and
3. a Road Safety Review of the proposal to reopen French Street to two-way vehicle flow in its "as is" configuration.

Three traffic counters were installed in Coral Bay from 1 September to 17 October 2023 to support the Transport Study with traffic data. One counter, at Robinson Street East, unfortunately failed to operate beyond 10 September. Utilising the available data it was however possible to arrive at an estimated profile for that location.

The Transport Study consultant site visit during the peak holiday period also assisted in compensating for the data loss through direct observation and intersection movement counts to validate the estimated profile. MRWA traffic count data for Coral Bay Road west of Minilya Exmouth Road completed in 2022 also informed and validated the data.

The following summarises key findings of both the Transport Study and Road Safety studies.

1. French Street operating with two-way traffic could see daily two-way volumes of approximately 990 vehicles. This is 2.75 times and 1.68 times the one way southbound and one-way northbound options respectively.
2. There are no engineering, design or road reserve impediments to delivering a French Street which would be fit for purpose or able to cater for all movement considerations. i.e. redevelopment of French Street into a shared use area is possible without impediments.
3. Any through traffic arrangement of French Street introduces new turning movements at Robinson Street and Banksia Drive. These have inherent safety risks where none, or very few, exist under the current arrangement.
4. Re-introduction of through vehicle movements on French Street is not required for either capacity grounds or to improve existing network safety.
5. There is no strategic basis for re-introduction of through vehicle movements on French Street either from a strategic planning basis (as set out in the CBSSP) or to accommodate future development in Coral Bay.
6. Any design of French Street through the caravan park areas would need to accommodate existing pedestrians and user connections for those sites. School holiday period observations reinforced the casual or informal nature of those connections. Introducing additional vehicle traffic through the area would increase vehicle-pedestrian interactions and by default increase potential for safety impacts.

7. Connection of French Street between Robinson Street and Banksia Drive would act as a short-cut which would likely remove vehicle traffic from Banksia Drive. Vehicles would use this connection to access the fuel depot or boat ramp rather than Banksia Drive.
8. Cost of introducing the connection for vehicle movements could, at a holistic level, be utilised for improvements to pedestrian facilities which are key for the overall context of movements around Coral Bay.
9. A total of five road safety findings are identified for Robinson Street. Two of those findings (street lighting and informal pedestrian crossings) have IMPORTANT annotation meaning that the finding has the potential to result in fatal or serious injury. Of those IMPORTANT findings, the likelihood of crash occurrence has been assessed as LOW.
10. The preliminary design for French Street has identified a total of five road safety findings. Two of those findings (street lighting and informal pedestrian crossings) have IMPORTANT annotation meaning that the finding has the potential to result in fatal or serious injury. Of those IMPORTANT findings, the likelihood of crash occurrence has been assessed as LOW.
11. The preliminary French Street design for a slow speed one way street has some merit however addressing the findings of the Road Safety Audit within the design would improve safety of that preliminary design.
12. That French Street is not opened to two-way traffic within its current unsealed form due to the additional safety risks it will present.

Council will also note within this agenda that RAC is proposing to reconstruct the current terminus of Robinson Street adjacent to the existing Ningaloo Reef Resort. This redevelopment work is expected to commence early in the RAC construction plan. That work is required to:

- remove informal parking on the RAC property frontage;
- integrate connection from the public road to their development access and internal parking areas;
- increase Robinson Street on street parking capacity; and
- provide a turnaround area (for towing vehicles particularly) at the Robinson Street terminus.

There is little doubt development of French Street can form part of the future vehicle and pedestrian network for Coral Bay. Council is well justified in expressing a desire to retain this road reserve for a vehicle and pedestrian connection.

At this point in time however, given both apparent public sentiment and the transport and road safety study results, there would appear little gain in reopening of French Street to through traffic in its current form. Indeed, if a serious vehicle/pedestrian collision was to occur, in addition to the physical impacts, such an occurrence represents extreme reputational risk.

On balance therefore, it is the officer's recommendation that French Street remains unchanged for the present and closed to through traffic.

However, it is recommended to progress planning for redevelopment of French Street, to have that planning ready should a funding opportunity become available. Council may note potential funding sources include:

- Roads to Recovery (R2R) funding (Federal) – requires no co-contribution. Typically a five-year program, this round is in its final year. There is speculation around the form the future R2R program. The current program has placed emphasis on road safety improvement projects and there is little doubt a French Street project would make an acceptable proposal.
- Blackspot Funding (State and Federal) – Blackspot funding has in recent years been undersubscribed in the Gascoyne region and there is a strong desire for this to be reversed and project nominations are encouraged. The Road Safety Audit completed as part of this report to Council is essential for a Blackspot application so Council resolving to complete that work has broader value.

- Growing Regions Funding (Federal) – the Shire application to construct a pathway from French Street to the boat ramp has progressed to the second stage of this program. If successful there is opportunity to utilise this funding as leverage for the upgrade of French Street itself.
- RRG Project Funding (State) – Although French Street Itself is not nominated as a Significant Local Government Road and is ineligible for RRG Project Funding, both Banksia Drive and Robinson Street are nominated and eligible. Upgrades to the intersection of French Street with these roads are therefore potentially eligible. If RRG funding could be utilised for intersection redevelopment, this may be a mechanism to leverage other funding for French Street itself.

For these reasons, a third part to the recommendation is included to progress the work necessary to make French Street redevelopment funding ready.

OFFICER'S RECOMMENDATION

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

- 1. receive and note the Transport Study and Road Safety Audit reports provided in Schedules 1 and 2;***
- 2. defer the decision of reopening French Street to through traffic until the outcome of the Growing Regions funding program for the development of a bicycle and shared path is announced to leverage further funding for a safe and orderly French Street; and***
- 3. Authorise the CEO to progress project planning, designs and estimates for redevelopment of French Street, within existing budget allocations for works planning and development, informed by the Transport Study and Road Safety Audit reports provided in Schedules 1 and 2.***

COUNCIL RESOLUTION OCM 23/02/24

Moved: Mr Eddie Smith

Seconded: Cr Luke Vandeleur

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

- 1. receive and note the Transport Study and Road Safety Audit reports provided in Schedules 1 and 2;***
- 2. defer the decision of reopening French Street to through traffic until the outcome of the Growing Regions funding program for the development of a bicycle and shared path is announced to leverage further funding for a safe and orderly French Street; and***
- 3. take immediate steps to delineate the road reserve and enforce no private/commercial use of the road reserve.***

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

AGAINST: Nil

ABSENT: Cr A Cottrell

CARRIED BY SIMPLE MAJORITY 7/0

(Note: Until such time as the outcome of the funding program is known, taking action to delineate the road reserve can be progressed as the first step towards the proposed French Street works.)

At 1:50 pm, Cr Adam Cottrell returned to the meeting and was advised of Council's decision.

7.4.3 BEACH VEHICLE ACCESS CLOSURE EXEMPTION REQUEST - NORWEST BOARDRIDERS

Cr Burke Maslen declared an Impartiality Interest in this matter as his daughter is a member of the Norwest Boardriders. Cr Maslen was not required to leave the meeting.

File No:	ADM0141
Location/Address:	Pelican Point Spit, Pelican Point Road, Carnarvon
Name of Applicant:	Norwest Boardriders
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 21/11/23 OCM 09/08/23
Schedules:	1. Beach Access Request - Norwest Boardriders

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 details a request received from Norwest Boardriders for an exemption to the restricted vehicular access under the Shire of Carnarvon’s Beach Vehicle Access Closure Plan. The exemption has been requested for an ongoing period until the Beach Closure Plan is reviewed in November 2024. The request is attached in **Schedule 1**.

It is recommended that Council approve the request from Norwest Boardriders with strict conditions.

Background

At its Ordinary Council Meeting on 28 November 2023, Council resolved as follows to restrict vehicular access to the Pelican Point spit to assist with efforts of revegetating and stabilising the dune system constructed during the Fascine Waterway dredging project.

COUNCIL RESOLUTION OCM 21/11/23

Moved: Cr Burke Maslen
 Seconded: Cr Luke Vandeleur

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

1. temporarily ban vehicle access to Pelican Point spit in accordance with the Beach Vehicle Access Closure Plan;
2. review the Beach Vehicle Access Closure Plan in November 2024;
3. close the beach to vehicles from Pelican Point to the Gascoyne River mouth during turtle nesting season, if nesting turtles and/or turtle tracks are spotted on the beach; and
4. permanently close the beach to vehicle access from the prawning jetty south to Pelican Point.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira and Luke Vandeleur
AGAINST: Cr Paul Kelly
ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/1

At its Ordinary Council Meeting on 22 August 2023, Council resolved as follows to approve funding for Norwest Boardriders towards their youth surfing program.

COUNCIL RESOLUTION OCM 09/08/23

Moved: Cr Luke Vandeleur
 Seconded: Cr Marco Ferreira

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

1. Accept the meeting minutes of the Community Growth Fund Committee Meeting held on Tuesday, 15 August 2023.
2. Approve the recommendations for funding made by the Community Growth Fund Committee for the Community Growth Fund as listed below and make the payments as per the Committee's recommendations:
 - a) Carnarvon Rugby Union Club for \$2,000 for the Gascoyne Games.
 - b) Gascoyne Football Association for \$1,500 for the Nor-West Cup event in March 2024.
 - c) Carnarvon Pistol Club Association for \$1,500 towards the Safety Wall project.
 - d) ABC Foundation for \$1,500 for the Let's Talk Basketball event.
 - e) Carnarvon Fishing Club Incorporated for \$5,000 for the Carnar-Fin Fishing Event in May 2024.
 - f) Carnarvon Events for \$8,000 for the Christmas Street Party 2023.
 - g) Carnarvon Ladies Darts for \$3,440 for the Gascoyne Games.
 - h) Carnarvon Motorcycle Club for \$2,000 for the 2023 Coral Coast Cup.
 - i) Carnarvon Speedway Club for \$5,000 towards the Pit Bank Wall Upgrades.
 - j) Carnarvon Tennis Club for \$2,000 towards Rates Concession and the Gascoyne Games.
 - k) Carnarvon Toy Library for \$1,000 towards Upgrade of toys and promotional signage.
 - l) Stephen Michael Foundation for \$1,300 towards Nightfields program in Term 4.
 - m) Queenarvon for \$2,000 towards Queenarvon event in September 2023.
 - n) Northwest Boardriders Inc for \$3,080 towards Youth Surfing Program.
 - o) Carnarvon Yacht Club for \$3,150 towards Gascoyne Games.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Alexander Fullarton and Luke Vandeleur
AGAINST: Nil
ABSENT: Crs L Skender and T Langley

CARRIED BY SIMPLE MAJORITY 6/0

Stakeholder and Public Consultation

Department of Transport (DoT) – Providing support with the monitoring and maintenance of the Pelican Point spit area through project planning and opportunities for funding.

Norwest Boardriders – Representatives from the community group met with the Chief Executive Officer and Acting Executive Manager Infrastructure Services on Thursday 15 February 2024 to discuss the request for exemption. Further details are available in the comments section below.

Statutory Environment

- Local Government Act, 1995 – Section 3.18 Performing Executive Functions
- Shire of Carnarvon Local Laws

Relevant Plans and Policy

N/A

Financial Implications

There are no direct financial implications associated with this decision.

There are potential indirect financial implications associated through the possible destruction of the dune system. These implications are considered minor as any failure to comply with the agreed upon details will result in immediate termination of exemption and therefore the likelihood of any major destruction occurring is minimal.

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	Repair works to dunes and vegetation by breaching conditions.	D2 - Minor	Immediately terminate the exemption to minimise extent of damage.
Health & Safety	N/A		
Reputation	Allowing individual groups different access.	B2 - High	Public notice outlining partnership with community group and role in the monitoring and maintenance of the Pelican Point spit.
Service disruption	N/A		
Compliance			
Property	N/A		
Environment	Destruction of dune stabilisation.	D2 – Low	Monitor compliance to ensure group adheres to agreed conditions.
	Interference and destruction of identified turtle nests.	E2 - Low	Immediately restrict access once a turtle nest has been identified.
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:

- *Supports the needs of youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The youth surfing program currently operates once a week throughout the winter season. The letter received from Norwest Boardriders acknowledges a variety of complications with delivering such a program for the youth in Carnarvon such as skill level, safety and accessibility. The request for vehicular access is the considered solution to ensure this program can continue to operate in the safest way possible.

The Shire of Carnarvon is currently engaged with DoT to assist in the monitoring and maintenance of the Pelican Point spit works. A potential source of funding has been identified through the Department of Planning, Lands and Heritage (DPLH) Coastwest funding program. This funding program which the Shire has been successful in the past with securing funding presents an opportunity to partner with a local community group to assist (through cash, in-kind support or both) in the delivery of the project.

At the stakeholder meeting between Shire and Norwest Boardriders representatives, the discussion was centred around the sensitivity of the Pelican Point spit area and the work completed by DoT to restore access to the Fascine Waterway. Norwest Boardriders acknowledged the comments and agreed that works like that and revegetation of the area is required. Norwest Boardriders outlined their experience as an environmentally conscious group that has completed revegetation work at Quobba Station. This experience provides scope to commence a partnership that can help secure funding through DPLH noted above and increase the chance of success of the application.

Shire officers have considered the request for exemption carefully and given the following considerations:

- Providing a service to the youth of Carnarvon.
- Previous allocation of funding by the Shire to support expansion of the program.
- Alternative solutions sought through location and accessibility.
- Risk analysis completed by the applicant.
- In-kind support offered for future protection of the spit.

Recommend that Council approve the request for exemption to the vehicular restriction and enter into an agreement to provide support to the Shire in their application and delivery of monitoring and maintenance of the Pelican Point spit.

OFFICER'S RECOMMENDATION

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

- 1. approve the request from Norwest Boardriders for an exemption to the vehicular restriction on Pelican Point spit for one vehicle and one trailer under strict conditions once a week for an ongoing period until the Beach Vehicle Access Closure Plan is reviewed in November 2024; and***
- 2. authorise the Chief Executive Officer to execute an agreement with Norwest Boardriders to provide in-kind support in the monitoring and maintenance of the Pelican Point spit under the Coastwest funding program as part of their vehicular restriction exemption.***

COUNCIL RESOLUTION OCM 24/02/24**Moved: Cr Luke Skender****Seconded: Cr Marco Ferreira*****That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to:***

- 1. approve the request from Norwest Boardriders for an exemption to the vehicular restriction on Pelican Point spit for one vehicle and one trailer under strict conditions once a week for an ongoing period until the Beach Vehicle Access Closure Plan is reviewed in November 2024; and***
- 2. authorise the Chief Executive Officer to execute an agreement with Norwest Boardriders to provide in-kind support in the monitoring and maintenance of the Pelican Point spit under the Coastwest funding program as part of their vehicular restriction exemption.***

FOR: Crs Luke Skender and Paul Kelly**AGAINST:** Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreira, Luke Vandeleur and Dudley Maslen**LOST 2/6**

(Note: Council commended the Norwest Boardriders for their commitment to not only providing the youth of Carnarvon with the opportunity to learn to surf but their ongoing environmental works however, agreed that the Pelican Point spit and dunes are to be protected and therefore agreed that the Shire of Carnarvon's Beach Vehicle Access Closure Plan is to be adhered to and that no exemption be provided.)

7.4.4 TEMPORARY PARTIAL ROAD CLOSURE ANNEAR PLACE

File No:	ADM0201
Location/Address:	Annear Place, Babbage Island, Carnarvon
Name of Applicant:	Department of Transport
Name of Owner:	Shire of Carnarvon
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Michael Mallon, Project Delivery Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Dot Letter - Temporary Road Closure Annear Place 2. One Mile Jetty - Indicative Site Layout

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 details a request received from the Department of Transport (DoT) for the temporary partial road closure of Annear Place. The closure has been requested for a period of 18 months between June 2024 and December 2025 when DoT’s appointed contractor will be carrying out remedial works on the One Mile Jetty.

It is recommended that Council advertise intent to temporarily close the road and consider any submissions received before approving the request to proceed with the partial road closure to Annear Place for the period noted above.

Background

In the attached letter under Schedule 1, DoT advise the Shire of its responsibility to manage the repairs to the One Mile Jetty and its appointment of Ventia Australia Pty Ltd to carry out the works. DoT have proposed that a partial road closure be applied to Annear Place to allow for a designated laydown area for Ventia to utilise during the period of these works. The area proposed is indicated in **Schedule 2**.

In the proposal, considerations have been made for properties within the One Mile Jetty Precinct that will be immediately impacted by the road closure, such as the Museum, Lighthouse Keepers Cottage and the Café. Fencing to segregate the worksite has been strategically placed in a position that poses the least disruption to businesses in this location, whilst still giving the contractor direct access to the jetty.

Stakeholder and Public Consultation

It is a requirement under Section 3.50 of the Local Government Act that a public notice is issued to advise of the Council’s intention to partially close the road and state the reasons why and specify the length of time. The officer’s recommendation is to commence this consultation with the public.

Statutory Environment

Local Government Act, 1995 S3.50 - Closing certain thoroughfares to vehicles.

Relevant Plans and Policy

N/A

Financial Implications

N/A

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	If road is not partially closed no secure laydown area can be provided that is isolated from public access.	B3 - High	Approve the request for a temporary partial road closure to Annear Place.
Reputation	Length of time proposed for the road closure and the potential impact this may have on businesses located within the precinct site.	C2 – Moderate	Keep the public well informed about the road closure. The One Mile Jetty is a historical landmark for Carnarvon and has long been a draw card for tourists. It holds sentimental value to the local community and any efforts made to repair this iconic feature will be welcomed.
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

As noted above, the One Mile Jetty is an iconic and historic landmark for Carnarvon and needs repair and restoration. The request for a partial road closure from DoT is deemed reasonable given the nature of works required and the Contractors need to have direct access to the site. To limit disruption to businesses operating within the precinct area, an allowance has been made for continued access to their facilities along with adequate parking to accommodate their patrons.

Whilst the proposed period for the temporary closure is long, it is deemed necessary to carry out the extensive repairs required on the Jetty and provide public safety. Therefore, it is recommended that Council advertise their intent to temporarily close the road and consider any submissions made during the specified timeframe. It is also recommended that Council ask DoT to provide regular updates to assist in keeping the community well informed on the progress of this project.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.50 of the Local Government Act 1995, resolves to:

- 1. authorise the CEO to give Public Notice of its intention to apply the partial road closures specifying the location, the period of time and the reasons why the road will be closed;***
- 2. invite public submissions to be made by no later than four weeks from the day after notice is given and present submissions made for Council's consideration; and***
- 3. if no submissions are received, authorise the CEO to proceed with the temporary partial road closure request on Annear Place for a period of 18 months between 1 June 2024 to 31 December 2025 from DoT.***

COUNCIL RESOLUTION OCM 25/02/24

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreirinha

That Council, by Simple Majority, pursuant to Section 3.50 of the Local Government Act 1995, resolves to:

- 1. authorise the CEO to give Public Notice of its intention to apply the partial road closures specifying the location, the period of time and the reasons why the road will be closed;***
- 2. invite public submissions to be made by no later than four weeks from the day after notice is given and present submissions made for Council's consideration; and***

- 3. *if no submissions are received, authorise the CEO to proceed with the temporary partial road closure request on Annear Place for a period of 18 months between 1 June 2024 to 31 December 2025 from DoT.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

0

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

Nil

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

COUNCIL RESOLUTION OCM 26/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

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 CARNARVON AIRPORT PAVEMENT INSPECTION REPORT

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.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 27/02/24

Moved: Mr Eddie Smith

Seconded: Cr Burke Maslen

A motion was moved that Council suspend standing orders.

CARRIED BY SIMPLE MAJORITY 8/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 28/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

A motion was moved that Council resume standing orders.

CARRIED BY SIMPLE MAJORITY 8/0

12.1 CARNARVON AIRPORT PAVEMENT INSPECTION REPORT

OFFICER'S RECOMMENDATION

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

- 1. receive the RAMS Pavement Inspection Report completed in January 2024 on behalf of the Department of Transport; and*
- 2. Authorise the Chief Executive Officer to advise the Department of Transport that the Shire of Carnarvon seeks the following:*
 - a. an immediate commitment to complete the rejuvenation treatment, asphalt overlay to turning nodes and upgrades to the apron as outlined in the RAMS Pavement Inspection Report completed in January 2024 on or before June 2024 regardless of the outcome of the Shire of Carnarvon's RAUP funding application; and*
 - b. A written commitment prior to the end of the 2024/2025 financial year to fully fund and complete the structural asphalt overlay project before December 2025.*

COUNCIL RESOLUTION OCM 29/02/24

Moved: Mr Eddie Smith

Seconded: Cr Burke Maslen

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

- 1. receive the RAMS Pavement Inspection Report completed in January 2024 on behalf of the Department of Transport; and*
- 2. Authorise the Chief Executive Officer to advise the Department of Transport that the Shire of Carnarvon seeks the following:*
 - a. an immediate commitment to complete the rejuvenation treatment, asphalt overlay to turning nodes and upgrades to the apron as outlined in the RAMS Pavement Inspection Report completed in January 2024 on or before June 2024 regardless of the outcome of the Shire of Carnarvon's RAUP funding application; and*
 - b. a written commitment prior to 30th June 2024 to fully fund and complete the runway 04/22 and associated infrastructure structural asphalt overlay project as identified by the RAM PIR before 30 June 2025 and provide the aerodrome operators with an updated PCN confirming that the runway meets the standards required; and*

- c. *the Department of Transport provide a written commitment prior to 30 June 2024 to commence construction of a new aerodrome on the approved site north of Carnarvon on or before 30 June 2026 ; or*
- d. *the concession for REX Airlines to operate the Dash8 Q400 into Carnarvon will cease 1 July 2024 if requirements a,b and c are not met.*

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

(Note – The current concession for REX Airlines Dash8 Q400 into Carnarvon is non-compliant with CASA Manual of Standards 139.)

COUNCIL RESOLUTION OCM 30/02/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That the meeting be reopened to the public at 2.32pm.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 26 March 2024 at Shire Council Chambers, Stuart Street Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 2.32pm.