



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023

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

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

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 27 June 2023
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 1.00pm.



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2 DECLARATION OF INTEREST

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

3 PUBLIC QUESTION TIME

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

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 23 May 2023

4.2 Minutes of the Special Council Meeting - 6 June 2023

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF MAY AND JUNE 2023

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

Authority/Discretion:

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

Summary of Item

To report on actions performed under delegated authority for the months of May and June 2023.

Background

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

- Development Approvals issued
- Building Permits issued;
- Health Approvals issued;
- 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

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	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

Comments

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

DELEGATIONS

ENVIRONMENTAL HEALTH

Food—Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
26/5/2023	HFO23/007	Food business registration (change of operator) – Wooramel Roadhouse	HM 1973 Pty Ltd	

On-site wastewater management—Health Act 1911, s.107

Health (Apparatus for treatment of sewage and disposal of effluent and liquid waste) Regulations 1974

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
30/5/2023	HOS23/003	Approval to install septic tank – 101 McGlades Rd, North Plantations	Carnarvon Plumbing Service	Flenn Harper (owner)

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
18/5/2023	HPB23/001	Certificate of approval of public building – Carnarvon Hotel, 125 Olivia Terrace, South Carnarvon	Ellbro Pty Ltd	
26/5/2023	HCP23/012	Renewal of caravan park licence (and change of operator) – Wooramel Roadhouse	HM 1973 Pty Ltd	
12/6/2023		House declared unfit for habitation (Health Act, s.135) due to vandalism of vacant house – 108 David Brand Dr, Brockman	n/a	Estate of Benjamin Lee Reddaway
13/6/2023	HCP23/007	Renewal of camping ground licence – Ningaloo Reef Adventure Camps	Kane Simpson	

OFFICER’S RECOMMENDATION

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

7.1.2 QUARTERLY POLICY REVIEW

File No: ADM0124
 Location/Address: Nil
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author(s): Amanda Leighton, Manager People, Culture And Systems
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple majority
 Previous Report: 7.1.3 Policy Manual – Quarterly Review and Update
 Schedules:
 1. June Policy Review - EME018-EME034
 2. Child Safety Awareness Policy CD012
 3. Frequently Asked Questions - Child Safety Awareness

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).
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Summary of Item

The Shire of Carnarvon Council Policy Manual was presented to and adopted by Council at the Ordinary Meeting of Council on 23 August 2022. This agenda item forms part of a quarterly schedule to facilitate the regular formal review of the Council Policy Manual by Council.

The schedule for review is as follows:

Month	Policy Numbers
March	EME001 to EME017(Subject of this report)
June	EME018 to EME034
September	CF001 to CF018
December	ID001 to ID005 and CD001 to CD010

Background

One of the primary functions of a Local Government Council is to determine the local government’s policies. Council policies focus on the strategic and statutory decision-making obligations of the Council. The policy may relate to an Express Power or Duty or a matter that is non-statutory and entirely discretionary.

Council policies will guide and inform the Local Government’s strategic, financial, and operational functions and may also impact service levels provided to the community. Council policies apply to Council, Elected Members, and employees when fulfilling their decision-making responsibilities.

Stakeholder and Public Consultation

Nil.

Statutory Environment

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

Relevant Plans and Policy

Shire of Carnarvon Policy Manual

Financial Implications

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

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Unclear policy direction can result in less transparent decision-making and may impact the Shire’s reputation.	High	The policies aim to provide Council and Employees with clear direction and improve the transparency and consistency of decision-making.
Service disruption	N/A		
Compliance	That policies do not support compliance.	High	Policies have been checked to align with legislation and aim to add clarity to legislation to assist with compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The table below sets out the proposed changes to each policy.

In this review cycle it is proposed that new policy CD012 Child Safe Awareness Policy is adopted as required by the Department of Local Government, Sport and Cultural Industries.

The Child Safe Awareness Policy (the Policy) (based on the DLGSC template) was developed in response to Recommendation 6.12 of the Royal Commission into Institutional response to Child Sexual Abuse (Royal Commission).

The Policy aims to support local governments to introduce and integrate child safe functions into existing local government roles. While grounded in the Royal Commission’s recognition of the role local governments play in keeping children and young people safe, the functions of Recommendation 6.12 have been revised to reflect the diversity of local government contexts and circumstances.

The active role local governments take in community development and community safety, particularly roles that impact on child safety, was recognised by the Royal Commission as making them well placed to support smaller organisations within their communities to create child safe environments.

POLICY REVIEW SCHEDULE AND DOCUMENT CONTROL				
CURRENT POLICY NUMBER	CURRENT POLICY NAME	LAST ADOPTED	PROPOSED CHANGES	ANNUAL REVIEW SCHEDULE
EME018	EME018 Honorary Freeman of the Shire ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME019	EME019 Roles and Responsibilities of Shire delegates to external bodies. ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME020	EME020 Disruptive behaviour at Council meetings and forums ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME021	EME021 Elected Members contact with Shire employees ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME022	EME022 Civic functions and hospitality ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME023	EME023 Governance support to Elected Members ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME024	EME024 Caretaker Policy - Shire Elections	FC7/8/22	Reviewed. No changes to body of text.	June
EME025	EME025 Reference Groups ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME026	EME026 Employee Gratuity Payments	FC7/8/22	Reviewed. No changes to body of text.	June
EME027	EME027 Acknowledgement of The Traditional Owners	FC7/8/22	Reviewed. No changes to body of text.	June
EME028	EME028 Flying of flags ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME029	EME029 Annual closure during festive season ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME030	EME030 Complaint handling ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME031	EME031 Shire social media ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME032	EME032 Election signs	FC7/8/22	Reviewed. No changes to body of text.	June
EME033	EME033 Grievance Investigation and Resolution ²	FC7/8/22	Reviewed. No changes to body of text.	June
EME034	EME034 Communication	FC4/9/22	Reviewed. No changes to body of text.	June
CD0012	CD0012 Child Safe Awareness Policy	New Policy	New Policy	June

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, resolves to adopt policies EME017 to EME034 and CD0012 as presented in Schedule 1 and include them in the Shire of Carnarvon Policy Manual 2022/2023.

7.2 CORPORATE SERVICES

7.2.1 CARNARVON GOLF CLUB REQUEST TO WRITE OFF PORTION OF 2022/23 RATES

File No:	ADM0237
Location/Address:	A667-L1178 Cornish Street, Massey Bay
Name of Applicant:	Carnarvon Golf Club
Name of Owner:	Carnarvon Golf Club
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. Carnarvon Golf Club Letter requesting portion of 2022/23 rates write-off

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 a request from the Carnarvon Golf Club for Council to consider writing off 50% of the rates owed by the Golf Club for the 2022/2023 financial year. See attached letter from the Carnarvon Golf Club.

The officer’s recommendation is that Council approves a once only write off to the value of \$2,128.64 due to the extenuating circumstances which are outlined in this report.

Background

In October 2022, a review of rates processes found that the Carnarvon Golf Club (A667) had not been charged rates since 2013/2014. This is due to a revaluation Schedule G13/14 issued by Landgate which deemed the Golf Club land non-rateable. However, as a Local Government owned property that is leased to a third party, the Golf Club land is rateable. As part of an ongoing review and improvement of processes by the current Rates Officer, this oversight in process that dates from 2013/14 has been uncovered.

The Shire arranged for an interim rates assessment for this property and subsequently issued a Rates Notice for \$4,257.28 on 25 May 2023 for rates for the 2022/2023 financial year. A due date of 29 June for rates to be paid in full was stipulated on the Rates Notice.

The Golf Club has regularly and promptly paid their annual waste service charges and the Emergency Services Levy (ESL).

At a meeting with the Carnarvon Golf Club, the lease agreement was reviewed, and it is clear in that document that the Golf Club is required to pay rates. The Golf Club accepts that they are responsible for paying rates but has requested leniency this year due to the circumstances that led to late billing.

Stakeholder and Public Consultation

Carnarvon Golf Club

Statutory Environment

S.6.12 of the *Local Government Act 1995* gives Council the power to write off debts of any amount of money.

Relevant Plans and Policy

Community Growth Fund Policy has some relevance in the context that community groups had the opportunity earlier in this financial year to apply for funding support to assist with paying their rates.

Financial Implications

Should Council resolve to support the officer’s recommendation, the funds would be taken from the account for Rates Write Off which currently has \$37,233 remaining. The officer’s recommendation is that 50% of the rates amount payable, equating to \$2128.64, is written-off.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Loss of revenue	Low	Amount is not material in the context of the overall budget.
Health & Safety	N/A		
Reputation	Not recognising the impost of a breakdown in the Shire’s processes on a community organisation, could impact the Shire’s reputation.	Moderate	Provide financial support and interest free payment terms.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officer's recommendation that Council, as a once only acknowledgement of an oversight by the Shire, writes off 50% (\$2128.64) of the rates owed by the Golf Club for the 2022/2023 financial year based on the following:

1. The delay in billing the Carnarvon Golf Club has prevented the Club from applying for funding under the Community Growth Fund process. While it is recognised that the Golf Club may not have been successful in an application, they did not have the same opportunity as other clubs and organisations to at least apply.
2. The late billing for the 2022/23 rates will result in the Club receiving another Rates Notice within approximately three months, resulting in the Club having to find almost \$9000 within a three-month period (noting that the Club does have the option to enter into a payment arrangement to spread the debt over the year).
3. As this is the first Rates Notice the Club has received since August 2012, the Club had not budgeted for this expenditure.

OFFICER'S RECOMMENDATION

That Council, by simple majority, pursuant to s6.12(C) of the Local Government Act 1995 resolves to:

1. ***Write off \$2,128.64 of the outstanding rates owed by the Carnarvon Golf Club, Assessment No. A667, for the 2022/2023 financial year as a once only arrangement; and***
2. ***Allow the Carnarvon Golf Club to enter into an interest-free payment arrangement for the balance of their 2022/2023 rates for 12 months commencing 28 June 2023.***

7.2.2 MONTHLY FINANCIAL REPORT MAY 2023

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

This item presents the Statement of Financial Activity for the period ending 31 May 2023 for Council to consider. The officer’s recommendation is that the statement is received by Council.

Background

Each month a local government is to prepare a Statement of Financial Activity reporting on the revenue and expenditure for the month as set out in the budget.

The *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	NA	NA	
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	NA	NA	
Compliance	<i>Local Government Act 1995</i> requires Council receives these statements within 2 months of the end of the applicable month.	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	
Fraud	NA	NA	

Community and Strategic Objectives

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

OBJECTIVES**In 2040 Carnarvon is a place where:**

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

The officer advises that the February Statement of Financial Activity being presented at the March 2023 Ordinary meeting of Council complies with the *Local Government Act 1995*. Schedule attached for consideration is the draft Statement of Financial Activity for the period ended 31 March 2023. Any material variances are highlighted in the Statement of Financial Activity and included by way of note to the Statement of Financial Activity as per Schedule to the Agenda.

Schedule Monthly Financial Report - March contains legislative Notes:

- Note 1 Explanation of Composition of Net Current Assets
- Note 2 Explanation of Material Variances

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

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

7.2.3 ACCOUNTS PAID UNDER DELEGATION MAY 2023

File No:	ADM0186
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Presented each month
Schedules:	1. Accounts for Payment 2023 2. Credit Card Statement 24.4.23 - 22.5.23

Authority/Discretion:

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

Summary of Item

To present the listing of accounts paid from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of May 2023.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

N/A

Financial Implications

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

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	Payments are made without appropriate budget authority	Low	Internal controls are in place to manage this potential risk.
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
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.

Comments

Nil

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 5.42 of the Local Government Act 1995 resolves to:

- a) *Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) at a total value of \$1,944,134.55 as presented for the month of May 2023, incorporating the following:*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT38243</i>	<i>EFT38507</i>	<i>Muni EFT</i>	<i>\$1,313,503.71</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>DD40131.4</i> <i>DD40153.1-DD40158.1</i> <i>DD40162.1</i> <i>DD40167.1, DD40168.1</i> <i>DD40169.1-DD40169.6</i> <i>DD40171.1</i> <i>DD40176.1-DD40176.6</i> <i>DD40181.1</i>	<i>DD40182.1</i>	<i>Bank Directs</i>	<i>\$630,630.84</i>
		<i>TOTAL</i>	<i>\$1,944,134.55</i>

- b) *Receive the copies of credit card statements for all such Shire facilities for the period 24 April 2023 to 22 May 2023.*

7.2.4 BUDGET ADJUSTMENTS - JUNE 2023

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

Authority/Discretion:

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

Summary of Item

This item presents Officer requested budget adjustments arising after the adoption of the 2022-2023 Budget for Council to consider. The Officer’s recommendation is that the adjustments are approved by Council.

Background

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

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

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

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

- N/A

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

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

Adjustments Impacting Budgeted Closing Position

Nil

Adjustments with no impact on budget closing position

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

Net budget closing position

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

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to Section 6.8(1) of the Local Government Act 1995 resolves to approve the adjustments to the 2022/2023 Adopted Shire Budget as detailed in this report and attached at Schedule 1.

7.2.5 SCHEDULE OF FEES AND CHARGES 2023/24

File No:	ADM0027
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Viv Matangi, Finance Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute 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 Item

The proposed Schedule of Fees and Charges for the 2023 - 2024 financial year is attached for Council to consider. A CPI increase of 5.8% is generally applied across the fees and charges with exceptions to waste fees and statutory fees. Changes to the Fees and Charges schedule include new fees for the following:

- Hire of the Woolshed (Kitchen only)
- Cinema advertising for businesses and/or government agencies
- Hire of the new Gallery Nook space at the library
- Aquatic Centre entrance fee for spectators
- Consistency of printing/photocopying services across all Shire facilities

Significant changes to Fees and Charges are for the waste disposal fees. In previous years, the Browns Range Waste Facility Management fees included a Commercial Service Fee of \$40.00 per load. This schedule proposes that the commercial service fee is removed and an increase to tonnage fees are applied for the financial year 2023-2024.

Background

The Shire adopts the Schedule of Fees and Charges on an annual basis in accordance with Section 6.16 of the *Local Government Act 1995*. This section of the Act permits the Shire to impose a fee or charge for any goods or services it provides or proposes to provide.

During the fees and charges review, officers have considered the impact of the increases and made recommendations that take into consideration current economic conditions, previous increases, legislated

and regulated fees. The adoption of the Schedule of Fees and Charges 2023 - 2024 forms part of the 2023 - 2024 budget process. The intention is for the Fees and Charges 2023 - 2024 to take effect 60 days after being adopted by Council.

Stakeholder and Public Consultation

Extensive internal consultation has occurred between all departments and corporate information sessions held with elected members. It is also intended that a public notice will be published advising the community of the Shire’s intent to increase fees and charges for 2023 -2024.

Statutory Environment

Local Government Act 1995 - Section 6.16 (a) & (b)

Relevant Plans and Policy

Nil

Financial Implications

The proposed Schedule of Fees and Charges has allocations of income streams with a CPI increase of 5.8% included as part of the draft 2023-2024 Budget. Fees and Charges are forecasted to return approximately, \$3.4million in 2023 – 2024 financial year to the Shire.

Risk Assessment

STEP 3 – Risk Tolerance Chart Used to Determine Risk

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Increases to fees and charges	Low	Fees and charges need to be aligned to CPI and statutory increases. They are also increased with consideration of current economic conditions.
Health & Safety	N/A	N/A	N/A
Reputation	Increases to the Fees and Charges could be seen as an impost to the community.	Low	Increases have been generally maintained at CPI.
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

Fees and Charges assist with supporting overall delivery of a range of desired objectives as expressed in the *Community Strategic Plan 2022-2032*.

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

An assessment based upon data from Brown’s Range Waste Facility was conducted for the period July 2022 – March 2023 as follows:

Month	No. of Commercial Transactions	Commercial Tonnage Received	Service Charge (based upon \$40/commercial transaction) Charge	Total Fees Received (incl admin)	Tonnage Fees	Admin Fee as proportion of total fees	Additional tonnage fee to "make up" service fee
Jul	498	1269.32	\$19,920	\$38,735	\$18,815	51%	\$15.69
Aug	514	754.56	\$20,560	\$46,228	\$25,668	44%	\$27.25
Sep	445	669.661	\$17,800	\$40,066	\$22,266	44%	\$26.58
Oct	424	567.89	\$16,960	\$40,005	\$23,045	42%	\$29.86
Nov	482	1304.81	\$19,280	\$45,662	\$26,382	42%	\$14.78
Dec	374	461.96	\$14,960	\$40,052	\$25,092	37%	\$32.38
Jan	408	606.5025	\$16,320	\$34,493	\$18,173	47%	\$26.91
Feb	365	727.82	\$14,600	\$34,830	\$20,230	42%	\$20.06
Mar	297	973.2	\$11,880	\$41,083	\$29,203	29%	\$12.21
Total	3,807	7335.7235	\$152,280	\$361,154	\$208,874	42% Avg	\$22.86 Avg

Based on the data above, the following considerations need to be made for the Fees & Charges Schedule 2023-24:

- On average for the reporting period Jul 2022 – Mar 2023, the existing service charge represented approximately 42% of tip fees collected.
- An average increase of approximately \$20.00 per tonne is required to maintain existing revenue levels if the service charge is eliminated.
- This increase would be in addition to the CPI increase of 5.8% to keep pace with inflationary increases.
- Eliminating the service charge may result in greater commercial disposals at the facility however this needs to be supported by actual data.

It is therefore recommended that “Commercial Service Fee” (administration fee) is removed and tonnage fees increased to maintain the overall revenue stream for the Browns Range Waste Facility. Given that the impact of this change is difficult to determine, it is also recommended that these Fees and Charges be reviewed after 6 months to see if revenues are being maintained at level that overall provides a CPI increase. The six-month trial period will provide opportunity for stakeholder and community consultation.

OFFICER’S RECOMMENDATION

1. ***That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the schedule of Proposed Fees and Charges for the 2023 - 2024 financial year;***
2. ***Review the Waste Disposal Fee – Browns Range after the six-month trial period as part of the Mid Year Budget Review;***
3. ***Give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2023 - 2024, effective from 28 August 2023.***

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 BUSINESS CASE 'PROVISION OF HEADWORKS TO TRIGGER WORKER ACCOMMODATION DEVELOPMENTS'

File No:	ÁDM0275
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Harriet Murphy, Manager, Economic Development
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Business Case - Provision to Trigger Worker Accommodation Developments

Authority/Discretion:

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

The Business Case ‘Provision of Headworks to Trigger Worker Accommodation Developments’ is presented to Council for consideration at Schedule 1. The Officer’s recommendation to Council is that the Business Case is endorsed to be utilised as evidence of the constraints on residential housing developments in Carnarvon and to attract required investment.

Background

The State Government, via the Department of Planning, Lands and Heritage (DPLH) has established a \$40 million fund to unlock workers accommodation opportunities in regional areas. The WA State Government Infrastructure Development Fund is open for a period of 18 months, with the first applications under review from the 7 June 2023.

The fund aims to address infrastructure constraints in the water, wastewater and electricity network which are impacting the delivery of regional worker accommodation.

Applicants are required to provide a business case evidencing the impacts of the lack of available headwork infrastructure on their ability to develop land. It is anticipated that this funding round will be highly competitive.

To assist developers to apply for funding, the Shire, with funding support from the Gascoyne Development Commission, developed a business case that highlights the constraints on residential housing developments and the impact this has on attracting and retaining a workforce in Carnarvon.

In March 2023, the Shire called for Expressions of Interests from developers and has subsequently assisted one developer to submit an application for this funding. This application is currently under review by DPLH.

Stakeholder and Public Consultation

The CEO participates on the Gascoyne Regional Housing Sub-Committee with several State agencies including:

- Gascoyne Development Commission
- Department of Planning Lands and Heritage
- Water Corporation
- Horizon Power
- Department of Communities
- Gascoyne Local Governments

The intent of the Committee is to work collaboratively to resolve housing constraints across the Gascoyne region. The Committee is supportive of working with developers to trigger private investment into residential housing.

Statutory Environment

Local Government Act 1995

Relevant Plans and Policy

Shire of Carnarvon Community Strategic Plan 2022 - 2032

Shire of Carnarvon Corporate Business Plan 2023-2027

Financial Implications

There are no financial implications arising from the Officer’s Recommendation.

Risk Assessment

Risks have been assessed and there appears to be no risk associated with having this business case ready for use by the Shire as an advocacy document, or by developers seeking funding support.

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	N/A	N/A	
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	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:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Shire of Carnarvon’s 2022 – 2032 Community Strategic Plan identified housing availability as a key issue for the community.

The development of innovative, high-quality housing will play a pivotal role in attracting and retaining essential workers in Carnarvon, to service new and existing industry requirements.

This Business Case will assist in advocacy for investment in service infrastructure to support residential housing developments.

This Business Case is a snapshot of this current moment in time. The external environment, economic and business context is dynamic. The Business Case will be reviewed regularly, at least annually, to ensure it reflects changes to the environment.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, pursuant to S.318 of the Local Government Act 1995, resolves to endorse the business case ‘Provision of Headworks to Trigger Worker Accommodation Developments’ as an advocacy tool to assist with attracting investment in utilities infrastructure in Carnarvon.

7.3.2 PROPOSED WRITE-OFFS - SUNDRY DEBTORS

File No:	ADM0187/ADM0188/ADM0465
Location/Address:	27 June 2023
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:	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 Item

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

Background

Ongoing reviews of outstanding infringements are conducted and during the latest review it was found that several Infringements were issued to persons not residing in Western Australia. Unfortunately, most states will not disclose an individual’s information to another state.

In addition to this, the Department of Justice Fines Enforcement Registry (FER) will also only accept infringements up to a 12–24 month period as per the relevant legislation. For example: Caravan and Camping infringements can be submitted within 12 months and Parking infringements up to 24 months. The Infringements submitted before Council are past the FER acceptance date and/or the person does not reside in WA.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 Section 6.12 (1)

This section of the Act allows a local authority to write off any amount of debt which is not a debt for rates.

Relevant Plans and Policy

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

Financial Implications

The total recommended for write-off is \$15,323.10.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Reduction in Shire revenue.	Low	Debts are regarded as uneconomical to recover as cost of recovering debt exceeds return.
Health & Safety	N/A		
Reputation	Writing off debts could damage the Shire’s reputation and encourage other non-payment by other debtors.	Moderate	Improve Process- Debt Recovery process is now more efficient to minimise these issues in future.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

All reasonable recovery actions have been undertaken to secure payment of the listed debts. The Debts listed below are recommended to be written off as the debtors do not have a Western Australian address and therefore cannot be pursued or do not fall within the time limitations as accepted by the Department of Justice Fines Enforcement Registry.

Infringement	Amount Outstanding	Date of Offence	Reasons for Write Off	Preventative Actions
16183	\$250.00	21/04/2015	All Infringements are passed their time limitations. There are also a number of infringements that are issued to campers who do not reside in Western Australia. These infringements cannot be followed up as other states will not release car registration details.	The Final Demand process will be run at the end of each month and submissions to FER will be run every 3 months. These changes will ultimately lead to a reminder that the offender has an outstanding amount and if not paid within a further 28 days their infringement will be sent to FER. FER will then follow up payment for these offences.
D1812	\$400.00	18/05/2015		
D1777	\$400.00	10/06/2015		
D1780	\$400.00	10/06/2015		
D1523	\$400.00	26/07/2015		
D1885	\$400.00	27/09/2015		
D1815	\$400.00	12/10/2015		
B15251	\$250.00	18/03/2016		
D1917	\$400.00	23/07/2016		
D1759	\$400.00	29/09/2016		
D1896	\$400.00	02/07/2017		
D1763	\$400.00	20/09/2017		
D1839	\$600.00	22/07/2018		
D1843	\$400.00	11/09/2018		
D5931	\$400.00	02/11/2018		
1769	\$400.00	23/01/2019		
D1927	\$400.00	31/01/2019		
D5955	\$400.00	25/03/2019		
D5947	\$400.00	10/05/2019		
5626	\$400.00	27/06/2019		
D5954	\$400.00	07/07/2019		
D1941	\$400.00	27/08/2019		
D1942	\$400.00	27/08/2019		
D5907	\$400.00	09/10/2019		
5959	\$400.00	14/02/2020		
D5958	\$400.00	19/02/2020		
D5961	\$400.00	15/04/2020		
D6001	\$400.00	26/04/2020		
D1967	\$419.20	18/06/2021		
D1968	\$419.20	18/06/2021		
D1971	\$418.20	18/08/2021		
D1972	\$418.20	15/09/2021		
D1975	\$419.20	16/11/2021		
D7051	\$419.20	12/02/2022		
L6029	\$583.40	08/03/2022		
D1608	\$225.30	01/06/2022		

D1609	\$225.30	01/06/2022		
D1610	\$225.30	02/06/2022		
D1611	\$225.30	02/06/2022		
CC4684	\$225.30	21/06/2022		

OFFICER'S RECOMMENDATION

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

Infringement	Amount Outstanding	Date of Offence
16183	\$250.00	21/04/2015
D1812	\$400.00	18/05/2015
D1777	\$400.00	10/06/2015
D1780	\$400.00	10/06/2015
D1523	\$400.00	26/07/2015
D1885	\$400.00	27/09/2015
D1815	\$400.00	12/10/2015
B15251	\$250.00	18/03/2016
D1917	\$400.00	23/07/2016
D1759	\$400.00	29/09/2016
D1896	\$400.00	02/07/2017
D1763	\$400.00	20/09/2017
D1839	\$600.00	22/07/2018
D1843	\$400.00	11/09/2018
D5931	\$400.00	02/11/2018
1769	\$400.00	23/01/2019
D1927	\$400.00	31/01/2019
D5955	\$400.00	25/03/2019
D5947	\$400.00	10/05/2019
5626	\$400.00	27/06/2019
D5954	\$400.00	07/07/2019
D1941	\$400.00	27/08/2019
D1942	\$400.00	27/08/2019
D5907	\$400.00	09/10/2019
5959	\$400.00	14/02/2020
D5958	\$400.00	19/02/2020
D5961	\$400.00	15/04/2020
D6001	\$400.00	26/04/2020
D1967	\$419.20	18/06/2021
D1968	\$419.20	18/06/2021
D1971	\$418.20	18/08/2021
D1972	\$418.20	15/09/2021
D1975	\$419.20	16/11/2021

D7051	\$419.20	12/02/2022
L6029	\$583.40	08/03/2022
D1608	\$225.30	01/06/2022
D1609	\$225.30	01/06/2022
D1610	\$225.30	02/06/2022
D1611	\$225.30	02/06/2022
CC4684	\$225.30	21/06/2022

7.4 INFRASTRUCTURE SERVICES

7.4.1 RFT 06-2023 CARNARVON COMMUNITY COLLEGE SHARED CONCRETE BICYCLE PATH

File No:	ADM2249
Location/Address:	Gascoyne Rd / Lewer Rd
Name of Applicant:	Shire of Carnarvon
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:	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 Item

This report details the process undertaken for Request for Tender (RFT) 06/2023 Carnarvon Community College Shared Concrete Bicycle Path. No tender submissions were received. Council is requested to note the result of this Tender.

Background

Tender RFT 06/2023 for construction of up to 850m of a 2.5m wide concrete bicycle path was publicly advertised on 10 May 2023 and closed on 6 June 2023. A total of 11 local contractors were advised of the tender.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act, 1995 – Section 3.57 Tenders for providing goods or services
Local Government (Functions and General) Regulations, 1996 – Division 2 Requirements for Tendering

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy

Policy C002 – Purchasing Policy

Financial Implications

There are no financial implications associated with the recommendation.

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	Material cost increases	C1 - Low	Request for Quotation prices have been immediately sought to avoid goods and services price increases.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Unable to meet project funding deadline of 15 September 2023.	Moderate	Request for Quotation prices have been immediately sought to try to avoid delay in project completion.
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 youth in Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

This project is partially funded under the West Australian Bicycle Network program administered by the WA Department of Transport. The project was initially required to be completed by 30 June 2023. An extension of time request was submitted and subsequently approved by the Department of Transport prior to Tender closing. The revised approved completion date is 15 September 2023.

Due to the project completion time constraints, officers have commenced seeking quotations via a Request for Quotation (RFQ) process in accordance with the Local Government (Functions and General) Regulation 11(2)(c)(i) where the Shire is not required to publicly invite Tenders if:

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications.

Multiple local suppliers have been contacted and requested to respond to this RFQ. Upon completion of this RFQ process, if the total project price exceeds \$250,000 ex GST, an item must be presented to Council for approval to proceed to contract if a suitable submission is received. If a suitable submission is received for less than this amount, a contract to proceed with the works can be established under the CEO's approved delegated authority.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and part 4 of the Local Government (Functions and General) Regulations, 1996, notes that:

- a) No Tender Submissions were received for RFT 06/2023 – Carnarvon Community College Shared Concrete Bicycle Path; and***
- b) Request for Quotation RFQ 10/2023 – Carnarvon Community College Shared Concrete Bicycle Path has been issued for the project.***

7.4.2 AWARD OF TENDER RFT 4-2023 PROVISION OF UNSEALED ROAD GRADING SERVICES AND MINOR WORKS

File No:	ADM2247
Location/Address:	Shire Rural Roads Network
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Tender Evaluation (under separate cover)

Authority/Discretion:

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

Summary of Item

This report details the evaluation of submissions received for Request for Tender (RFT) 04/2023 – Provision of Unsealed Road Grading Services and Minor Works for an initial contract period of two years. The contract is anticipated to commence early in the 23/24 financial year.

It is recommended Council accepts the submission from Northern Goldfields Earthmoving Pty Ltd at the rates specified in their tender submission.

Background

Tenders were called for provision of unsealed road grading maintenance services for the Shire’s rural roads network. The Tender also makes allowance for minor civil road works to be provided upon request.

The required maintenance grading works include grading of an approximate length of 1,227 km of rural roads estimated at requiring up to 2,500 working hours per year. The estimate of working hours include allowance for camp movements to different work sites and potential minor civil road works.

A contract for an initial period of two years is offered to the successful Tenderer. At the sole discretion of the Chief Executive the contract might be extended for a further two periods of two years. The Contract will be a schedule of rates contract.

The Tender closed on 31 May 2023 with five submissions received. A Panel evaluated the submissions received and a detailed Evaluation and Recommendation Report has been prepared and is provided in the attached **Confidential Schedule**.

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Local Government Act, 1995 – Section 3.18. Performing executive functions

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

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy

Financial Implications

Council adopted a Rural Roads Policy in February 2023. That adopted policy includes a maintenance grading regimen for the unsealed road network. The adopted policy regimen results in an estimated annual maintenance grading cost of \$664,894. An allocation of \$665,000 has therefore been included in the draft 2023/24 budget to execute the adopted maintenance grading program. The estimated expenditure from the recommended Tenderer will be within this budget allocation.

Hourly rates submitted by Tenderers are exclusive of the cost of diesel. Diesel is to be provided by the Principal and would also be costed against the budget allocation.

A grader at the estimated 2500 hours of annual operation required is estimated to use in the range of \$62,500 - \$100,000 p.a. of fuel. Including diesel fuel, the total estimated cost of the grading program under the NGE proposal is therefore \$562,500. This is also within the proposed budget allocation of \$665,000.

The NGE proposal will therefore also provide approximately \$100,000 for completion of other minor unsealed road works identified during the grading program.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Over-expenditure of the allocated budget due to a contract based upon a Schedule of rates rather than a Lump Sum.	C2 – Moderate	The Shire now has a dedicated Rural Roads Manager for both budget oversight and works supervision of the maintenance grading contract.

Health & Safety			
Reputation	Lower than desirable unsealed road standards.	C3 - Moderate	Award Tender RFT 04/2023 Provision of unsealed road grading services and minor works. Engagement of a maintenance grading contractor is a culmination of extensive consultation with Council, pastoralists and staff Engaging a contractor for both programmed and responsive maintenance grading and allocation of sufficient budget to complete the maintenance works will improve the network quality for its users.
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 attached **Confidential Schedule** provides the full tender evaluation report for RFT 04/2023. This report is a comprehensive summary of the tender process undertaken, the submissions received and the tender evaluation.

The panel noted the following in respect of arriving at its recommendation of awarding the contract to Northern Goldfields Earthmoving:

- NGE were the highest scoring submission as evaluated by the panel;
- NGE was one of only two submissions likely to deliver Council’s adopted grading program within the proposed grading program budget.
- The NGE submission is estimated to provide more than twice the quantity of budget available for completion of other unsealed road minor works when compared with the only other submission that was likely to deliver Council’s adopted grading program within the proposed grading program budget;

- Recent RRG unsealed works completed by NGE for Shire of Carnarvon have demonstrated their ability to complete work promptly and efficiently to a high standard with minimal supervisory intervention.

The panel therefore considered the submission by NGE to offer the best value for money to the Shire of Carnarvon.

OFFICER'S RECOMMENDATION

- 1. That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from Northern Goldfield Earthmoving Pty Ltd for RFT 04/2023 Provision of unsealed road grading services and minor works.***
- 2. That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Northern Goldfield Earthmoving Pty Ltd for RFT 04/2023 Provision of unsealed road grading services and minor works.***

7.4.3 AWARD OF TENDER - RFT 05/2023 SUPPLY OF PLANT AND OPERATORS FOR UNSEALED ROAD UPGRADE WORKS

File No:	ADM2248
Location/Address:	Wahroonga Pimbee & Quobba Gnoraloo Road
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Tender Evaluation (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 Item

This report details evaluation of submissions received for Request for Tender (RFT) 05/2023 – Supply of plant and operators for unsealed road upgrade works. The works includes the following work packages:

- Package 1: Wahroonga Pimbee Road SLK 74 – 82 (approximately); and
- Package 2: Quobba Gnoraloo Road 76.44 to 83.18 (approximately).

It is recommended Council accepts the submission from Northern Goldfields Earthmoving for both work packages.

Background

Tenders were called for the supply of plant and operators for the unsealed road upgrade for the above-mentioned work packages under a schedule of rates contract.

The work consists of reconstructing and reshaping the existing unsealed road formation followed by its sheeting with a 150mm compacted gravel pavement layer.

Tenderers were able tender for one or both packages. The Principal reserves the right to accept one Contractor to complete both packages or two Contractors to complete one work package each. In both cases, a full complement of plant and equipment shall be supplied for each work package.

All works are to commence no earlier than 1 July 2023 and both packages shall be completed **before** 1 May 2024. It is preferred for works to commence in July/ August/September to take advantage of the more favourable weather conditions.

The Tender closed on 1 June 2023. Seven submissions were received. A Panel evaluated the submissions received and a detailed Evaluation and Recommendation Report has been prepared and is provided in the attached **Confidential Schedule**.

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Local Government Act, 1995 – Section 3.18. Performing executive functions

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

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy

Financial Implications

The road upgrade works tendered are co-funded under the Regional Roads Group (RRG) Roads Projects program 2023/24. That program funds up to two thirds of the cost of the works. The budget allocations for both work packages are provided in the table below:

	Wahroonga Pimbee Road	Quobba Gnoraloo Road	Total
RRG	\$ 503,706	\$ 503,706	\$ 1,007,412
Shire	\$ 251,853	\$ 251,853	\$ 503,706
Total	\$ 755,559	\$ 755,559	\$1,511,118

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	Over-expenditure of the allocated budget due to a contract based upon a Schedule of rates rather than a Lump Sum.	C2– Moderate	Regular checks of actual expenditure of maintenance grading and minor civil works are to take place to avoid over expenditure of the budget. Actual works and SLK’s are to be considered in line with the available budget.

Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- *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 attached **Confidential Schedule** provides the full tender evaluation report for RFT 05/2023. This report is a comprehensive summary of the tender process undertaken, the submissions received and the tender evaluation.

The Panel noted the following in respect of arriving at its recommendation of awarding the contract to Northern Goldfield Earthmoving:

- i. The difference in evaluation scoring for the three highest scoring tenderers (including NGE) is somewhat irrelevant as each of these tenderer submissions has scored in a range where the panel would be confident that the Respondent:
 - Understands the contract requirements; and / or
 - Will be able to satisfactorily complete the contract requirements to a high standard.
- ii. The NGE submission has offered services for completion of both packages of work with no mobilisation/demobilisation costs. Mobilisation costs are proposed by the two other highest scoring submissions received.
- iii. NGE propose to have their mobile camp set up within 10km of the works for both packages fully complying with the tender specification.
- iv. Pricing submitted by NGE for supervision and daily camping/meal allowance components is the lowest of the three highest scoring submissions received. The proposal from NGE is therefore considered likely to result in more works on the road than in ancillary costs, again contributing to greater value for money when compared to the two other highest scoring submissions.
- v. Pricing submitted by NGE fully complies with the requirement of the Contractor *“must make appropriate allowances in their productive hourly rates for all unproductive hours incurred as there will be no separate payment for idle/non-productive plant. There will be no separate payment for idle operators of plant.”*

It is for the above reasons that the Panel recommend acceptance of the submission from NGE as it is more likely to deliver greater value for money to the Shire of Carnarvon.

OFFICER'S RECOMMENDATION PART 1

1. *That Council, by Absolute Majority, pursuant to s6.8 of the Local Government Act, 1995 resolves to authorise expenditure of not less than \$1,511,118 from the 2023-2024 budget for Regional Road Group projects.*

OFFICER'S RECOMMENDATION PART 2

1. *That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from Northern Goldfield Earthmoving Pty Ltd for Package 1 and 2 of RFT 05/2023 – Supply of Plant and Operators for Unsealed Road Upgrade Works.*
2. *That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Northern Goldfield Earthmoving Pty Ltd for Package 1 and 2 of RFT 05/2023 – Supply of Plant and Operators for Unsealed Road Upgrade Works.*

7.4.4 ENGAGEMENT OF PROJECT MANAGER FOR THE FLOOD PREPAREDNESS PROJECT

File No:	ADM0279
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Ordinary Council Meeting March 2023 – FC 19/3/23
Schedules:	Nil

Authority/Discretion:

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

Summary of Item

This report details the process undertaken for engagement of an external Project Manager for the Flood Preparedness Project (Project). A submission from engineering consultants GHD, was received to provide Project Management services for the project and their proposal is recommended to Council for acceptance.

The estimated total project management cost has potential to exceed the Tender threshold of \$250,000, hence Councils approval is requested to accept the GHD Pty Ltd submission.

Background

The Flood Preparedness Project was established because of a flood event in February 2021. Post this event, the Department of Primary Industries and Regional Development (DPIRD) engaged GHD to inspect the flood levee systems to identify mitigation works and strategies that could improve the region’s flood preparedness.

GHD’s recommendations were utilised for the development of the project and formed the basis of the funding application to address the first stages of completing flood preparedness works.

A working group of three project partners has been established to implement the Project. These project partners are:

- Shire of Carnarvon
- Department of Primary Industries and Regional Development (DPIRD)
- Department of Water and Environmental Regulation (DWER)

In February/March 2023, a public tender for engagement of a Project Manager to oversee the Flood Preparedness Project was conducted. Only one submission was received. At its March Ordinary meeting, Council resolved not to accept the submission as the quoted project management cost was substantially over

After consultation and approval from the project Working Group, the Shire conducted an Expression of Interest (EOI) process in a further attempt to identify a suitable project manager. That EOI process encouraged engineering consultants to lodge a submission in addition to offering a flexible working arrangement to a suitably qualified and experienced individual who could be engaged on a fulltime, part-time, casual or contract consultancy basis.

The appointment of a suitable individual was considered as an alternative arrangement as it was hoped that person could be utilised for the management other Shire Projects in addition to the Flood Preparedness work.

The Shire received a total of eight EOI submissions. Two submissions were from engineering consultancies. A total of six individuals also responded to the EOI.

A panel of four staff members was appointed by the CEO to review the expression of interest submissions and conduct interviews. After interview completion, the panel provided a brief assessment of the interviewed candidates to the CEO shortlisting the selection to a total of three submissions namely, GHD and two individuals.

One of the shortlisted individuals subsequently withdrew their Expression of Interest for the position and it was not possible to resolve secondment issues with the second shortlisted candidate's primary employer, the Department of Transport.

The panel therefore recommended to the CEO that the preferred candidate to undertake the Flood Preparedness work project management was GHD.

Stakeholder and Public Consultation

The working group membership were consulted to determine their endorsement (or otherwise) of the panel recommendation of GHD as the preferred candidate for the Project Management. In-principal support of the engagement of GHD was subsequently received from all project partners. The working group seek to engage GHD as a matter of priority to proceed with implementation of the multiple elements associated with the flood preparedness project.

Statutory Environment

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

Local Government Act, 1995 – Section 3.18. Performing executive functions

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

Relevant Plans and Policy

Policy C002 – Purchasing Policy

Financial Implications

Engagement of GHD will be on a schedule of rates type contract basis. Accurately estimating the cost of project management is difficult due to the nature and complexity of the project which has multiple and diverse elements. An estimate of \$215,000 for 50 weeks of project works has been provided.

The original project budget includes an allowance of \$241,450 for project management. It will be necessary to closely monitor project management costs to avoid over expenditure. Potentially the scope of works of the project mitigation works could be re-scoped to reduce the cost of the project.

The Project is expected to be implemented within 18 months. There is therefore the potential for the project cost to exceed the Tender threshold of \$250,000. To ensure engagement of GHD is compliant with Tender Regulations and delegation authorities, Council approval for the engagement of GHD is sought.

It should be noted that in addition to the Shire completing a public tender process that was unsuccessful in appointing a Project Manager, GHD are also a WALGA preferred supplier, resulting in the officer’s recommendation being compliant with legislative requirements for procurement, and with the Shire’s Purchasing Policy.

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	Over expenditure of the project management budget.	B2 – High	Close project management cost monitoring will be necessary. Potential scope reduction of the mitigation works may be required. Additional funding and/or an increase in co-contributions from the project partners is possible.
Health & Safety			
Reputation	Project progress and implementation is closely followed by several Carnarvon community stakeholders. Engagement of a suitable and qualified project manager will be essential to ensure stakeholder engagement and satisfaction.	B2 - Moderate	Engagement of GHD Pty Ltd as the project manager for the Project. GDH are highly experienced with the necessary resources and background knowledge necessary to carry out the required project management.
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

In addition to GHD being found to be the only available and suitable candidate, their initial involvement with the project scoping and investigation and their extensive experience with management of large civil and engineering projects for State and Local Government was a key element in their recommendation by the Panel. GHD will be able to provide the necessary project management services with minimal assistance of the Project Partners and have the necessary resources to prepare the required technical specifications and provide site supervision where necessary.

OFFICER'S RECOMMENDATION

- 1. That Council by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from GHD Pty Ltd for Project Management of the Flood Preparedness Project.***

- 2. That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and GHD Pty Ltd.***

8 APPLICATIONS FOR LEAVE OF ABSENCE

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

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

Nil

13 DATE OF NEXT MEETING

14 CLOSURE