



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 28 MARCH 2023

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
Fax: ((08) 9941 1099
Website – www.carnarvon.wa.gov.au

The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.

NOTICE OF MEETING

Notice is hereby given
Shire of Carnarvon
Ordinary Council Meeting
will be held
on Tuesday 28 March 2023
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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1.0 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

2.0 DECLARATIONS OF INTEREST

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

3.0 PUBLIC QUESTION TIME

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

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CONFIRMATION OF MINUTES

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RECEIVING OF MINUTES

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13.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Wednesday 26 April 2023

14.0 CLOSURE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF FEBRUARY/MARCH 2023

File No: ADM0043
 Location/Address: 3 Francis Street, Carnarvon
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author: 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 February and March 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 tables which detail the action performed within the organisation under delegated authority for the months of February and March 2023 are submitted to Council for information.

DELEGATIONS

COMMON SEAL

DATE AFFIXED	DOCUMENT DETAILS
22.03.23	Application for Easement - Ponta

ENVIRONMENTAL HEALTH

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)
27/2/2023	HOS23/001	Permit to use ATU system – Horizon Power, 3 lles Rd, East Carnarvon	Karratha Building Co	Horizon Power Carnarvon
1/3/2023	HOS23/002	Permit to use septic system – 24 Margaret Row, East Carnarvon	Carnarvon Plumbing Service	Kathryn Harper & Jarrod Rick

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
3/3/2023	HCP23/013	Approval to bring park home onto caravan park facility – Ningaloo Coral Bay – Bayview	Adam Manks	Ningaloo Coral Bay Pty Ltd
16/3/2023	HCP23/014	New nature based park licence – Cardabia Station Overflow (signed by CEO based on Council development approval)	Baiyungu Aboriginal Corporation	

LAND USE & DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land

File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
P07/23	A479	139 Olivia Terrace, Carnarvon	Construction of a shed.	Alex Maslen	14/03/2023

LAND ADMINISTRATION ACT 1997 - SECTION 14

Local Government Recommendation on Lease Proposals

File Ref:	DoL Ref:	Subject Land	Purpose	Proponent	Advice Sent
Nil	03195-1977	Lot 350; DP183661 – Quobba Homestead	Transient workforce accommodation	Meanom Pty Ltd	14/03/2023

MINING ACT 1978 - SECTION 41, 58, 70C, 74, 86,91, Reg 64

Local Government Recommendation on Mining Tenements

File Ref:	DMP Ref:	Subject Land	Purpose	Proponent	Advice Sent
Nil	00153-2021	Portion of Lot 350; DP46687	Section 91 licence for investigatory works	Province Resources Limited	14/03/2023

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/087	DAVID WILLIAM & JOANNE LEE PAYNTER	LOT 4 (32) DOUGLAS ST, SOUTH CARNARVON	SOLAR PANEL INSTALLATION ON EXISTING STRUCTURE
B23/005	MARTIN KEITH HENSON & LORNA FERGUSON	LOT 3 (14) WHITLOCK STREET, SOUTH CARNARVON	REMOVAL OF ROOF TILES AND INSTALLATION OF METAL PROFILE SHEET CLADDING ON DWELLING
B23/007	MAIN ROADS WA	LOT 310 ON DEPOSITED PLAN 42660 (ROAD RESERVE - INFORMATION BAY), NORTH WEST COASTAL HIGHWAY	CARNARVON ENTRY STATEMENT - INFORMATION BAY REF: RFQ 01-2023 NORTH WEST COASTAL HIGHWAY ENTRY STATEMENT

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/010	WACHS MIDWEST - CARNARVON REGIONAL HOSPITAL	R2871 (20) CLEAVER STREET, CARNARVON	UWA - CARNARVON TRAINING CENTRE
B23/014	CORAL BAY INVESTMENTS PTY LTD T/A THE PEOPLE'S PARK	LOT 13 (20) ROBINSON ST, CORAL BAY	TRANSPORTABLE DWELLINGS X 2 (1x MANAGER'S RESIDENCE & 1x WORKER'S ACCOMMODATION)
B23/016	BURKE HOLLA	LOT 1 (125) OLIVIA TCE, SOUTH CARNARVON	RE-ROOF OF HOTEL / BAR / RESTAURANT

OFFICER’S RECOMMENDATION

1. *That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of February and March 2023.*

7.1.2 COMPLIANCE AUDIT RETURN 2022

File No:	ADM0011
Location/Address:	Shire Of Carnarvon
Name of Applicant:	Caroline Ballard
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Coordinator Governance & Information
Declaration of Interest:	Nil
Voting Requirement:	Simple majority
Previous Report:	Yearly 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 to Council the recommendations of the Audit and Risk Committee (ARC) regarding the 2022 Compliance Audit Return (CAR), and to recommend that Council adopt the 2022 CAR for submission to the Department of Local Government, Sport, and Cultural Industries (DLGSC) by 31 March 2023.

Background

Local Governments are required to complete a compliance audit for the previous calendar year by 31 March. The DLGSC provides the questions each year with the compliance audit being an in-house self-audit that is undertaken by the appropriate responsible officer. In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996, the ARC is to review the CAR and is to report to Council the results of that review. The CAR is to be:

1. Reviewed by the Audit Committee
2. Presented at an Ordinary Meeting of Council
3. Adopted by Council; and
4. Recorded in the minutes of the meeting at which it is adopted.

Following the adoption by Council of the CAR, a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2023.

The 2022 CAR comprised of 11 categories with 94 questions. The questions require a response of YES, NO or N/A.

- Yes- Indicates compliance.
- No- Indicates non-compliance.
- N/A- Indicates that this function was not required to be performed this year or is not a requirement for this Local Government.

Stakeholder and Public Consultation

Audit and Risk Committee

Statutory Environment

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

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	N/A		
Health & Safety	N/A		
Reputation	There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non-compliances are reported	2D	The compliance % rate is acceptable, and this report demonstrates that improvements have been made
Service disruption	N/A		
Compliance	There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non-compliances are reported	2D	As the CAR serves as a self-audit tool for Local Governments, the non-compliances identified in the report have been addressed as outlined in the comment section of this report.
Property	N/A		
Environment	N/A		
Fraud	There is a risk that the responses provided by officers are fraudulent.	1E	Responses were verified by the CEO; the Manager People, Systems and Culture; and the Governance & Information Coordinator did a thorough audit of responses.

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:

ADDITIONAL FOCUS AREAS:

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

Comments

The process for completing the 2022 CAR involved individual officers for each area being delegated the questions by the Governance & Information Coordinator. As officers returned their information, it was then verified by the Governance & Information Coordinator. Once the whole document was complete, it was then subject to further review by the Manager of People, Culture & Systems and the CEO, to ensure that a high-quality and verified CAR was completed.

When comparing the 2022 CAR against the 2021 CAR, the Shire of Carnarvon has increased its level of compliance by 4% (rounded %).

Compliance Audit Return Categories	Number of 2021 Questions	Non Compliance	Compliance Rating	Number of 2022 Questions	Non Compliance	Compliance Rating
Commercial Enterprises by Local Government	5		100 %	5		100 %
Delegation of Power/Duty	13	1	92 %	13		100 %
Disclosure of Interest	25	2	92 %	21		100 %
Disposal of Property	2		100 %	2		100 %
Elections	3		100 %	3		100 %
Finance	7	5	29 %	7	5	29 %
Integrated Planning and Reporting	3		100 %	3		100 %
Local Government Employees	6		100 %	5		100 %
Official Conduct	3		100 %	4		100 %
Tenders for Providing Goods and Services	22		N/A	22		100 %
Optional Questions	9	1	89 %	9		100 %
TOTAL	98	9	91 %	94	5	95 %

The following are areas that were identified as being non-compliant:

Finance				
No	Reference	Question	Response	Comments
3	s7.9(1)	Was the auditor’s report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?	No	"Letter of apology received from OAG for the delay in finalising the Shire's 30 June 2021 Annual Financial Statements. Final 30 June 2021 Annual Financial Statements received in October 2022. The delay finalising 30 June 2021 audit has resulted in a delay with the commencement 30 June 2022 audit . Hence, no 30 June 2022 audit report available 31 December 2022."
4	s7.12A(3)	Where the local government determined that matters raised in the auditor’s report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	No	Audit report and management letter not received by the time this CAR response had been prepared.
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor’s report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	No	Audit report and management letter not received by the time this CAR response had been prepared.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government’s official website?	No	Audit report and management letter not received by the time this CAR response had been prepared.
7	Audit Reg 10(1)	Was the auditor’s report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?	No	Audit report and management letter not received by the time this CAR response had been prepared.

The non-compliance in this area was due to timing issues because of the delays in finalizing the 2021/2022 Audit and staffing issues that have been previously communicated to Council. The staffing issue has been resolved and the 2022/23 Audit has now been finalized which will result in improved compliance rates in the 2023 CAR.

OFFICER’S RECOMMENDATION

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

1. *Note the review and recommendations of the Shire of Carnarvon Audit and Risk Committee regarding the 2022 Compliance Audit Return for the Shire; and*
 2. *Adopt the Shire of Carnarvon's Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as presented as Schedule 7.1.2 and*
 3. *Authorise the Shire President and Chief Executive Officer to certify the Shire of Carnarvon Compliance Audit Return for the period 1 January 2022 to 31 December 2022 and submit the certified copy to the Department of Local Government, Sport, and Cultural Industries by 31 March 2023.*
- .

7.1.3 POLICY MANUAL – QUARTERLY REVIEW AND UPDATE

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 & Systems
 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

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

This agenda item also presents a new policy CD011 Incoming Corporate Partnerships.

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

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	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:

Choose an item.

Comments

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

In this review cycle it is proposed that new policy CD011 Incoming Corporate Partnerships created by the Economic Development Team is adopted to:

- to form effective partnerships and sponsorships with the corporate/not-for-profit sector and community groups that generates revenue or in-kind support to deliver initiatives that benefit the broader community, the Shire and corporate/not-for-profit or community group partners; and
- to establish a framework and processes for managing partnerships that is clear, equitable, consistent and transparent.

POLICY REVIEW SCHEDULE AND DOCUMENT CONTROL				
CURRENT POLICY NUMBER	CURRENT POLICY NAME	LAST ADOPTED	PROPOSED CHANGES	ANNUAL REVIEW SCHEDULE
EME001	EME001 Code of Conduct for Council Members, Committee Members and Candidate	FC7/8/22	Reviewed. No changes to body of text.	March
EME002	EME002 Attendance/Tickets to Events	FC7/8/22	Reviewed. No changes to body of text.	March
EME003	EME003 Professional Development, Conference Attendance of Elected Members	FC7/8/22	Reviewed. Update policy name to "Elected Members Induction, Professional Development and Conference Attendance Policy". Change to objectives to reflect intent of policy. Insertion of new text under 'Continuing Professional Development' insertion of new paragraph 'Elected Member training is..... to enable full participation within the Community' and add 'No training or PD to occur during caretaker period'	March
EME004	EME004 CEO Standards, performance, and Management Review Committee	FC7/8/22	Reviewed. No changes to body of text.	March
EME005	EME005 CEO leave, appointment of Acting or Temporary CEO	FC7/8/22	Reviewed. No changes to body of text.	March
EME006	EME006 Reimbursement of Elected Members' Expenses	FC7/8/22	Reviewed. No changes to body of text.	March
EME007	EME007 Legal Expenses – Elected Members and Employees	FC7/8/22	Reviewed. No changes to body of text.	March
EME008	EME008 Designated Senior Employees	FC7/8/22	Reviewed. No changes to body of text.	March
EME009	EME009 Record Keeping by Elected Members and employees, data migration	FC7/8/22	Reviewed. No changes to body of text.	March
EME010	EME010 Execution of documents, and application of Common Seal	FC7/8/22	Reviewed. No changes to body of text.	March
EME011	EME011 Elected Members – Service Award and Gift	FC7/8/22	Reviewed. No changes to body of text.	March
EME012	EME012 Equal Employment Opportunity	FC7/8/22	Reviewed. No changes to body of text.	March
EME013	EME013 Public Interest Disclosure	FC7/8/22	Reviewed. No changes to body of text.	March
EME014	EME014 Freedom of Information	FC7/8/22	Reviewed. No changes to body of text.	March
EME015	EME015 Elected members - Access to information	FC7/8/22	Reviewed. No changes to body of text.	March
EME016	EME016 Elected members - Access to Shire vehicles for official use	FC7/8/22	Reviewed. No changes to body of text.	March
EME017	EME017 Use of Shire logo	FC7/8/22	Reviewed. No changes to body of text.	March
CD011	CD011 Incoming Corporate Partnerships	NEW POLICY	New policy created.	December

The officer recommendation is that Council adopts the policies as presented for incorporation into the Shire of Carnarvon Council Policy Manual to ensure policies are kept up-to-date and provide a high standard of governance.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 2.7 (2)(b) of the Local Government Act 1995, resolves to adopt policies EME001 to EME017 and CD011 as presented in Schedule 7.1.3(a) and 7.1.3(b), and include them in the Shire of Carnarvon Policy Manual 2022/2023.

File No: ADM0186
 Date of Meeting: 28 March 2023
 Location/Address: Shire of Carnarvon
 Name of Applicant: Shire of Carnarvon
 Author/s: Giang Nguyen – Creditors Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Reports: Presented each month
 Schedules: Schedule 7.2.1 (A) and (B)

Authority / Discretion

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

Summary of Item:

To present the listing of accounts paid from the Municipal Fund and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of January 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 7.2.1 (A)**

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 & 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.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (A) totaling \$2,212,305.01 as presented for the month of February 2023, incorporating:

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT37499	EFT37686	Muni EFT	\$1,525,449.98
-	-	Trust EFT	\$0.00
-	-	Cheque	\$0.00
DD39908.1 – DD39908.3 DD39908.5-DD39908.6 DD39950.1, DD39951.1, DD39952.1 DD39964.1 – DD39964.6 DD39965.1-DD39965.3 DD39971.1	DD39977.1	Bank Directs	\$686,855.03
		TOTAL	\$2,212,305.01

- b) Receive the copies of credit card statements for all such Shire facilities for the period: 23.01.2023 – 22.02.2023*

7.2.2 MONTHLY FINANCIAL REPORT - FEBRUARY

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: Schedule 7.2.2 Monthly Financial Report

Authority/Discretion:

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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 28 March 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:

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*. Attached as **Schedule 7.2.2** for consideration is the draft Statement of Financial Activity for the period ended 28 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 7.2.2 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, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month of February 2023 as per Schedule 7.2.2.

File No:	ADM0027
Date of Meeting:	28 March 2023
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report	Nil
Schedules	Schedule 7.2.3

Authority / Discretion

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

Summary of Item:

This 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
- Is authorised in advance by Council resolution - absolute majority required
- Is authorised in advance by the Mayor or President in an emergency.

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

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

Consultation:

Nil

Statutory Environment:

Local Government Act – Section 6.8(1).

Relevant Plans and Policy:

Financial Implications:

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

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

Community & Strategic Objectives:

Nil

Comment:

Attached as *Schedule 7.2.3* 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 3 items in the attachment and the net effect on the budget position is NIL.

Net budget closing position

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

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, resolves to approve the adjustments to the 2022/2023 Adopted Shire budget as detailed in this report and attachment as per Schedule 7.2.3, in accordance with section 6.8(1) of the Local Government Act 1995.

7.2.4 INDEPENDENT CHAIR OF AUDIT COMMITTEE

File No:	ADM0308
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	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

This item recommends changes to the Terms of Reference for the Audit and Risk Committee for Council’s consideration. The changes to the Terms of Reference will enable this Committee’s membership to include an independent chair.

Background

The *Local Government Act 1995* (the Act) requires that all local governments establish an Audit Committee. The Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability, and internal and external audit functions.

The primary objective of the Audit Committee is to accept responsibility for the annual external audit and liaise with the Shire's auditor so that Council can be satisfied with the performance of the Shire in managing its financial affairs.

Reports from Audit Committees assist Councils in discharging their legislative responsibilities of controlling the local government's affairs, determining the local government's policies, and overseeing the allocation of the local government's finances and resources. These Committees assist with ensuring openness in the local government's financial reporting and liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

As per DLGSC guidelines, if a local government wishes to appoint one or more persons other than elected members to its Audit Committee, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee. Effective Audit Committees have members with the right mix of skills and experience who understand the risks facing the entity.

The Local Government Reforms currently being progressed will require that all Audit Committees are chaired by an independent member; i.e., a member who is not a Councillor or member of the administration.

Stakeholder and Public Consultation

The Local Government reforms in relation to an independent chair were discussed by the Shire of Carnarvon Audit and Risk Committee (the Committee). The Committee formed a view that, while the current Council has a high level of expertise in the area of accountancy, an independent chair would ensure the continuity of the requisite skills on the Committee given that the skill sets of a Council can change.

Statutory Environment

s.5.8 of the *Local Government Act 1995* stipulates the process for the establishment of Committees. The *Local Government (Audit) Regulations 1996*, specify the functions of the Audit Committee.

Relevant Plans and Policy

Nil

Financial Implications

Remuneration of 'other persons' appointed to Committees established under s.5.8 of the *Local Government Act 1995* is a feature of the current Bill, under new section 5.100. This will apply to all Committee members who are not current Council Members or employees. The fee will be determined by the Salaries and Allowance Tribunal.

It is recommended that this position be remunerated at the rate of \$500.00 per meeting sitting fee with a clause that clearly states that the remuneration will be amended to be consistent with the Salaries and Tribunal ruling as soon as the Tribunal establishes the structure for the remuneration of external members of Audit Committees.

The recommended sitting fee of \$500 is reflective of the workload in preparing for meetings including analysing reports and financial statements and for meeting attendance. For comparison, the fee recommended by the State Government of Victoria (July 2022) for Chairs of Advisory Committees, Registration Boards, and Management Boards of government entities is between \$318 to \$586 per day.

Travel costs will be met at cost recovery where travel is necessary.

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	There is some reputational risk in having an independent member who may be publicly critical of the Shire’s financial management.	Low	Ensure the independent member adheres to the Code of Conduct and does not bring the organisation into disrepute. However, the administration has high levels of confidence that an independent, open and honest appraisal of the Shire’s financial management will not find any significant issues, and where issues are found, they will provide an opportunity for continuous improvement.
Service disruption	N/A		
Compliance	An independent chair is not a compliance requirement.	Low	Appointment of an independent chair is currently optional and likely to be mandated.
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:

ADDITIONAL FOCUS AREAS:

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

Comments

At their meeting on 09 March 2023, the Audit and Risk Committee discussed the benefits of an independent chair and concluded that an independent chair will assist the Committee by providing additional and continuous accounting expertise.

Based on this discussion, officers have updated the Terms of Reference for the Shire of Carnarvon Audit and Risk Committee to include the requirement of an independent chair.

Should Council support the proposed change to the Terms of Reference, officers will commence recruitment by way of a widely distributed Expression of Interest process, using sector and industry publications, social media and print media.

Expressions of Interest will be presented to the Audit and Risk Committee to consider and recommend to Council a suitable person to Chair this important Committee.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority in accordance with Section 5.8 of the *Local Government Act 1995*, resolves to:

- a. Adopt the Terms of Reference for the Shire of Carnarvon Audit and Risk Committee which have been updated to include the requirement for an independent chair and the remuneration for that position; and
- b. Commence recruitment for an independent chair; and
- c. At the conclusion of the recruitment period consider the recommendation of the Audit and Risk and appoint the most suitable candidate to chair the Shire of Carnarvon Audit and Risk Committee for a period of two years, commencing as early as possible in the 2023/2024 financial year.

7.2.5 ANNUAL REPORT (INCLUSIVE OF ANNUAL FINANCIAL REPORT) FOR THE YEAR ENDED 30 JUNE 2022 ELECTORS MEETING

File No:	ADM0171
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy 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

This report formally presents the Shire of Carnarvon 2021/2022 Annual Report (the Annual Report), inclusive of the 2021/2022 annual Financial Report. The officer’s recommendation is that Council adopts the Shire of Carnarvon’s 2021/2022 Annual Report as presented *refer Schedule 7.2.5*

Background

Section 5.53 of the *Local Government Act 1995* requires the preparation of an Annual Report and details the contents required within that report. Section 5.54 requires that the Annual Report for a financial year be accepted no later than 31 December after that financial year or within 2 months of receiving the auditor’s report. In this instance, the finalisation of the Annual Report has been delayed as the 2022 Audit did not commence until mid-January 2023 and therefore could not meet the 31 December timeframe. However, as

the auditor’s report was received on 1 March 2023, the Shire is compliant in presenting the report to Council on 28 March 2023, i.e., well within the 2 months required.

The *Local Government Act 1995* requires that an Electors’ General Meeting is to be held within 56 days of acceptance of the Annual Report. Pending Council’s adoption of the Annual Report, the Electors’ General Meeting is proposed to be scheduled for 12noon on Friday 14 April 2023, to avoid the Easter public holidays. The meeting will be held in the Shire of Carnarvon Council Chambers.

Stakeholder and Public Consultation

The Office of the Auditor General (OAG)

The Shire of Carnarvon Audit and Risk Committee

Statutory Environment

Sections 5.53, and 5.27 of the *Local Government Act 1995* provide the statutory framework for the Annual Report and Electors’ General Meeting.

Relevant Plans and Policy

Nil

Financial Implications

There are no direct financial implications from the officer’s recommendation to receive the Annual Report and in setting the date for the Electors’ General Meeting.

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	The slight delay in calling an Electors’ General Meeting (Annual Electors’ Meeting) has the potential to raise	Low	The agenda item states very clearly that the delay is due to the late commencement of the 2022 audit and therefore not a reflection of the Shire’s processes.

	concerns and cause reputational damage.		
Service disruption	N/A		
Compliance	The Shire does not maintain a high standard of governance and accountability	Low	The Audit Opinion is satisfactory.
Property	N/A		
Environment	N/A		
Fraud	Fraudulent reports	Low	The objective of the audit is to obtain reasonable assurance that the financial report is free from material misstatement, either by fraud or error. This is expressed in the Auditor’s Report.

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:

ADDITIONAL FOCUS AREAS:

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

Comments

As required by the Auditor General Act 2006, The Office of the Auditor General has a responsibility to express an opinion on the financial report. The objective of the audit is to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an Independent Auditor’s Report that includes an opinion.

The audit opinion is expressed in the Independent Auditor’s Report 2022. The Office of the Auditor General has audited the annual Financial Report of the Shire of Carnarvon (Shire) which comprises:

- the Statement of Financial Position, the Statement of Comprehensive Income by Nature or Type, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year, as at 30 June 2022.
- Notes comprising a summary of significant accounting policies and other explanatory information.

In the opinion of The Office of the Auditor General, the financial report is:

- based on proper accounts and records; and
- presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2022 and its financial position at the end of that period; and
- in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

OFFICER'S RECOMMENDATION*Recommendation 1*

That Council, by Simple Majority, resolves to:

- 1. Note the Audit and Risk Committee resolution ARMC 3/3/23 that Council adopts the audited 2021-2022 annual Financial Report;*
- 2. Note that the Independent Auditor's Report is to be included as the final page of the annual Financial Report; and*
- 3. Note the response from management to the items raised in the Auditor's Management Letter.*

Recommendation 2

That Council, by Absolute Majority, pursuant to Section 5.54 of the Local Government Act 1995, resolves to:

- 1. Accept the Shire of Carnarvon Annual Report for the 2021/2022 Financial Year, incorporating the Shire President's Report, CEO's Report, annual Financial Report and Independent Auditors Report, presented at Schedule 7.2.5, and make the Annual Report publicly available via the Shire website, at the Shire Administration Centre, and at the Carnarvon Regional Library;*
- 2. Set the date for the Annual Electors' General Meeting as Friday 14 April, 2023 at 12 noon at the Shire of Carnarvon Council Chambers, Stuart Street, Carnarvon; and*
- 3. Give Public Notice of the Annual Electors meeting via local print media, social media platforms, and notices in public venues in Carnarvon and Coral Bay.*

7.3.1 DEVELOPMENT APPLICATION P06/23 – “THE PIER” MIXED USE DEVELOPMENT – STAGES 2 & 3

File No: A4085
 Date of Meeting: 28 March 2023
 Location/Address: 85 Olivia Terrace, Carnarvon
 Name of Applicant: ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST
 Name of Owner: ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST
 Author/s: Stefan Louw
 Declaration of interest: Nil
 Voting Requirements: Simple and Absolute Majority
 Previous Reports: SCM 2/1/23 – 10 January 2023; SCM 1/2/23 – 14 February 2023
 Schedules: Schedule 7.3.1 (a) – RAR
 Schedule 7.3.1 (b) – Proposed plans
 Schedule 7.3.1 (c) – Overall development plan
 Schedule 7.3.1 (d) - Objection

Authority / Discretion

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

Summary of Item:

This item relates to a development application for stages 2 and 3 of the former ‘The Pier’ - multi use development proposal to be located on Lot 300 (HN) 85 Olivia Terrace, Carnarvon. Stage 1 of this development was approved by Council at a Special Meeting of Council held on 14 February 2023. Stages 2 and 3 comprise a mixed-use component, with associated car parking. The overall proposal, stages 1 to 3 as per Schedule 7.3.1(c), will be developed in 3 stages over a period of 2 – 4 years.

This report provides the background context and rationale for the officer’s recommendation that Council approves the application.

Background:

The original application, comprised of 3 stages, was withdrawn by the applicant on 8 February 2023 and a new application was received for stage 1 only, and was approved on 14 February 2023.

The Shire has now received an application for stages 2 and 3 of the development for Council to consider. The new application does not propose any changes to the development as previously considered by Council.

The proposed development site is located at the western end of Robinson Street (the main street within the Carnarvon townsite) where it intersects with Olivia Terrace – via a roundabout - which extends along the

Fascine waterway (formerly the south arm of the Gascoyne River).

It is a prominent landmark site within the Carnarvon town centre, with outlooks onto Robinson Street, along Olivia Terrace (north and south), the Fascine waterway, and across to Babbage and Whitlock Islands.

The development site is presently vacant with some remnant palm trees located along its Olivia Terrace frontage and within the south-west corner of the site, and some remnant river gums along its Robinson Street frontage towards its eastern corner.

The development site previously contained the Carnarvon Police Station and Court House, which are now located in relatively new premises at the corner of Robinson Street and Babbage Island Road, Morgantown (the existing premises having been demolished).

Proposal

The proposal consists of a mixed use component with associated car parking that forms part of stages 2 and 3 of the three staged development known as 'The Pier', upon lot 300 on DP 412840 located at 85 Olivia Terrace Carnarvon.

Proposed stages 2 and 3 includes the following aspects:

Stage 2 will encompass commercial, retail and office tenancies on the ground and first floors; a continuous covered colonnade along the Robinson Street façade will link all major commercial and office access; and centrally located will be the lobby for the offices and for the hotel which will occupy the top two storeys of the stage. Private covered car-parking areas and storage and service facilities are included in this second stage, integrated with those of Stage 1. The rooms and suites of the hotel will be 'twin-keyed' managed by one of the premier accommodation providers in Australia (Operator). That same Operator will subsequently operate the Hotel component of Stage 3.

Stage 3 will encompass short-stay residential apartments of one and two bedrooms, with private balconies; extensive common outdoor areas which will subsequently serve as the outdoor hub for the fully developed three stages; private car-parking areas and storage and service facilities.

Planning assessment

This application has been subject to a comprehensive assessment that was undertaken as part of the previous JDAP application and as part of that assessment, stages 2 and 3 were found to be compliant with relevant State planning policies as well as the relevant requirements of the Shire of Carnarvon Local Planning Scheme No. 13. Please refer to Schedule 7.3.1 (a) for the complete assessment that was undertaken as part of the Responsible Authority Report (RAR).

Waiver of planning fees

The applicant has requested that Council consider waiving the planning application fee of \$15,708.00 as a detailed assessment of the application has been carried out as part of the previous JDAP application. It is worth noting that the applicant has paid \$31,010 for the original application (including the DAP fees) that was submitted to the JDAP.

In consideration of the above please note the following in relation to processing the application:

- Application was received by officers and discussions took place around the mechanics of the new application.
- Advertising was required.
- Internal discussions with infrastructure department.
- Writing the agenda item.

Referrals/consultation with Government/Service Agencies

The application was not referred to external authorities as the servicing authorities have already expressed their consent with the previous JDAP application and did not require any conditions to be included on the development approval.

Stakeholder and Public Consultation:

Pursuant to the Shire of Carnarvon Local Planning Scheme No. 13 the proposed application for Stages 2 and 3 constitutes an application that requires public consultation, and as such the application was advertised in the local newspaper, on the Shire website as well as notices sent to surrounding property owners. One objection was received, refer to Schedule 7.3.1 (d). The University of Western Australia (UWA) also commented on the application, requesting certain conditions be imposed on the permit if one is to issue, refer to Schedule 7.3.1 (e). The table below details the submission and the officer’s response thereto.

The reasons for objecting to the proposal are based on non-planning-related matters and can be summarised by the following two main reasons.

- The lack of and dwindling population, ongoing anti-social behaviour and lack of staff to service the stretched community.
- Objector listed the number of hotels, liquor stores, licenced premises, caravan parks, motels and eateries that will be affected by the proposed development.

From a planning perspective, the above reasons for objecting cannot be considered due to the fact that it is not based on planning grounds and, therefore, should not be considered as part of this application.

Submission by the UWA

Submitter	Submission	Officer response
UWA	<p>Generally supportive of the proposed development. Particularly supportive of the activation of the site in the Town Centre and its benefits to housing diversity and greater food and beverage premises in the area.</p> <p>A review of the development report and plans has only raised a few comments that the submitter would like to draw the Shire’s attention to, as follows:</p> <ul style="list-style-type: none"> • Noise Management Plan (NMP) – There is a significant sized food and beverage tenancy with outdoor dining on the ground floor of stage 2 on the corner of Olivia Terrace and Robinson Street. Based on the information submitted, there was no information provided about noise management and acoustic attenuation proposed by the applicant. <p>It should be noted that UWA has student accommodation owned by the Western Australian Centre of Rural Health (WACRH) at 73 Olivia Terrace, Carnarvon and is within 100m of the proposed mixed use development as well as other residential properties along Olivia Terrace that could be impacted if noise is not appropriately managed by the</p>	<p>A suitable condition will be included in the permit to address this matter.</p>

	<p>proposed mixed use development. It is recommended that the Shire conditions a NMP requirement in the event if an approval is granted for the proposed mixed use development in particular on all food and beverage uses.</p> <ul style="list-style-type: none"> • Lighting Management Plan (LMP) - It is recommended that the Shire conditions a LMP requirement in the event if an approval is granted to ensure proposed mixed use development will not cause adverse amenity impacts on the surrounding locality and comply with relevant Australian Standards for lighting. • Landscaping – There appears to be a missed opportunity for high quality landscaping and deep soil areas for trees within the site itself to activate Robinson Street and Olivia Terrace better. Additional landscaping along the street frontages would provide shade opportunities for pedestrians and reduce the heat island effect. <p>It is also recommended that proposed awning additions along the street frontages can also provide shade to help protect pedestrians from the hot weather in Carnarvon.</p> <ul style="list-style-type: none"> • Universal Design – Universal design considerations should be applied to the proposed workers accommodation proposed in Stage 3. There appears to be no considerations to include a minimum 20% of all dwellings sizes to meet Silver Level requirements defined in the <i>Liveable Housing Design Guidelines</i> 	<p>The commercial aspects of the development faces surrounding commercial activities and as such it is not considered that it would have a detrimental impact on the locality. The common areas for the residents of the hotel and other accommodation facilities where lighting is required are located in the centre of the development away from surrounding properties and would therefore not have an impact. A lighting Management Plan requirement is not supported as an appropriate condition will be included to manage light spill.</p> <p>A condition will be included on the permit to provide a landscape plan.</p> <p>This particular matter has been addressed as part of the previous DAP application and it was determined that this requirement be addressed at the building permit stage.</p>
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	<p>(liveable Housing Australia) and section 4.9 in State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Code Volume 2).</p> <p>It is recommended that the Shire conditions a minimum 20% of all dwellings sizes to meet Silver Level requirements defined in the <i>Liveable Housing Design Guidelines</i> for the workers accommodation.</p>	
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Statutory Environment:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnarvon Local Planning Scheme (LPS) 13
- Local Government Act 1995

Relevant Plans and Policy:

- State Planning Policy (SPP) 1: State Planning Framework
- State Planning Policy (SPP) 3: Urban Growth and Settlement
- State Planning Policy (SPP) 3.4: Natural Hazards and Disasters
- State Planning Policy (SPP) 7.0: Design of the Built Environment
- State Planning Policy (SPP) 7.3: Residential Design Codes

Financial Implications:

There are no identified financial implications.

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	Approving developments at all costs could be a reputational risk to Council in that undesirable precedents could	Low	Assessing each development on its own merits against the Shire of Carnarvon Local Planning Scheme No. 13 requirements and relevant State planning policies will prevent this from happening. This application was subject to a robust assessment in accordance with planning scheme requirements as well as State policy.

	be set.		
Service disruption	N/A		
Compliance	Complying with conditions	Low	Including measurable conditions on the Development Approval
Property	N/A		
Environment	Removal of native vegetation without permission.	Low	No remnant native vegetation exists on the land.
Fraud	N/A		

Community & Strategic Objectives:

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

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.*

Comment:

It is a rare opportunity for a landmark site, in a regional context, to be considered viable for development. “The Pier” is intended as a benchmark regional development proposing quality urban design and desired mixed-use outcomes. It is intended to be a development of longevity, public relevance and civic significance underpinning the heart of Carnarvon.

This report recommends Council supports the officer’s recommendation to approve the application.

OFFICER’S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P06/23 for a mixed use development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:

Conditions

- This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;*
- The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within stages 2 and 3 of the proposed development, including access to them, shall be designed, constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the respective stage of the development;*
- The applicant shall prepare a legal agreement to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 in which Shire of Carnarvon's interests are protected.*

This agreement shall be prepared at no cost whatsoever to the Shire of Carnarvon.

Occupancy of the approved development shall not occur until the agreement is executed by the applicant and the Shire of Carnarvon;

- d) *The porte cochere structure shall be a cantilevered type with no supports located within the Robinson Street Road reserve. The porte cochere shall be designed constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the approved hotel in Stage 2;*
- e) *The applicant shall submit to the Shire of Carnarvon a legal agreement for the registered proprietor (RP) of lot 300 on DP 412840 to:

 - (i) *maintain the porte cochere within the Robinson Street reserve at its expense and to the satisfaction of the Shire of Carnarvon for the duration of the hotel use; and*
 - (ii) *should the hotel use permanently cease, remove the porte cochere and make good at its expense to the satisfaction of the Shire of Carnarvon the land occupied by the porte cochere within 6 months of the hotel use permanently ceasing.**

This agreement shall be prepared at no cost whatsoever to the Shire of Carnarvon.

Occupancy of the approved development shall not occur until the agreement is executed by the applicant and the Shire of Carnarvon;

- f) *Prior to issue of a building permit for any stage of the development, a stormwater and drainage management plan shall be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

This plan shall specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off;

- g) *Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon;*
- h) *Prior to occupancy of the approved development a waste management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon. This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development;*
- i) *Prior to issue of a building permit for any stage of the development an acoustic report for stages 2 and 3 be prepared and submitted to the Shire of Carnarvon for approval.*
- j) *Prior to occupancy of any stage the recommendations of the acoustic report for stage 2 and 3 must be implemented to the satisfaction of the Shire of Carnarvon.*
- k) *Prior to issue of a building permit for any stage of the development a landscape plan must be submitted to the satisfaction of the Shire of Carnarvon;*
- l) *Prior to occupancy of the approved development, the approved landscaping must be completed in accordance with the approved landscape plan;*
- m) *That there is to be no light spill emanating from corridors and common spaces within the approved development into the habitable rooms of adjoining lots;*
- n) *Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;*
- o) *Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to a reticulated water supply to the requirements of the Water Corporation;*

- p) *Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation;*
- q) *Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to the reticulated electricity network to the requirements of Horizon Power;*
- r) *Filling of lot 300 on DP 412840 is prohibited, other than that directly necessary for the development as approved under a building permit;*
- s) *A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.*

This plan shall address:

- *site accessibility;*
- *parking for contractors and 'tradies';*
- *ongoing dust control;*
- *provision and maintenance of construction site fencing and signage;*
- *location, unloading and storage of construction materials;*
- *storage and removal of construction waste;*
- *contingency arrangements for any construction works and securing materials during cyclone season; and*
- *contact details and availability of the project manager and site supervisor;*

The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;

- t) *Occupancy within each stage of the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the Building Act 2011;*
- u) *No hotel suite (Stage 2) and no short-stay suites and studio suites in Stage 3 are to be occupied by any person for more than 3 months within any 12 month period. To this end, the proprietor/manager of these suites is to maintain a register of guests, which is to be made available for inspection by authorised officers of the Shire of Carnarvon upon request.*

Advice Notes

- (a) *Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;*
- (b) *All building development is to comply with the National Construction Code Series;*
- (c) *A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the Building Regulations 2012.*

OFFICER'S RECOMMENDATION PART 2

That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 waives the planning application fee of \$ 15,708.00 as requested by the applicant in recognition that the applicant has previously paid \$31,010 for the original application (including DAP fees) for Stages 1 to 3.

7.3.2 RFT 16/2022 PROVISION OF TOWN PLANNING SERVICES – PREPARATION OF A COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)

File No. ADM2215
 Date of Meeting: 28 March 2023
 Location/Address: 3 Francis Street Carnarvon
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Shire of Carnarvon
 Author/s: Stefan Louw
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Reports: Nil
 Schedules: Confidential Schedule 7.3.2 Tender Evaluation report

Authority / Discretion

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

Summary of Item:

This report details the process undertaken for Request for Tender (RFT) 16/2022 – Provision of Town Planning Services. It is recommended to award the contract to Land Insights.

Background:

The Coastal Management Plan Assistance Program (CMPAP) is a Western Australian Planning Commission (WAPC) initiative, administered by the Department of Planning, Lands and Heritage (DPLH).

The primary objective of CMPAP is to support the *State Planning Policy 2.6 State Coastal Planning Policy (SPP2.6)* and associated policies by providing grants to coastal land managers to prepare and implement plans and strategies that:

- plan for long-term management of areas that are, or are predicted to become, under pressure from challenges including the impacts of climate change, coastal hazards such as erosion and inundation, population growth, and competing land uses;
- develop community appreciation for the coast as a contested space and facilitate informed community input into local decision making about coastal planning issues.

Applications were invited for grants of up to \$200,000. The Shire applied for, and was successful in an application for funding under this program to develop a Coastal Hazard Risk Management Adaption Plan (CHRMAP) for the Shire of Carnarvon.

A Tender process has been undertaken seeking a suitable consultant to undertake the work to develop the CHRMAP.

The Tender closed on 25 January 2023. Two submissions were received. A panel has evaluated and scored the submissions. A detailed Evaluation and Recommendation Report is provided in *Confidential Schedule 7.3.2*

Stakeholder and Public Consultation:

N/A

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:

There are no additional financial implications associated with the awarding of the tender apart from the Shire’s co-contribution of \$100,000.00 over the two-year period, which has been budgeted for.

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	Project not completed on time and within budget.	Low	A milestones report has been drafted and to be finalised with the successful tenderer to ensure on time delivery of the project and within budget.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Environment	Risk to infrastructure and natural assets from coastal hazards such as erosion and inundation	Low	Planning for long-term management of vulnerable coastal areas will inform decisions about how best to protect infrastructure.
Fraud	N/A		

Community & Strategic Objectives:

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

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons.*

Comment:

The Panel agreed that both tenderers are more than capable of completing the project. The Panel recommends Land Insights as the preferred tenderer for the following reasons:

- The difference in tender evaluation scoring was minimal and Land Insights scored comparatively high.
- Land Insights’ team consists of specialist consultants in their respective fields of expertise from different companies, whereas GHD only had in-house support.
- A specialist coastal, ocean and port consultant who is part of Land Insight’s team, has recently completed cyclone modelling for Carnarvon and has also done investigations into dredging channel stability in the Fascine area. This recent work is likely to assist with timeframes for this project.

With Land Insights’ recent work history in the Carnarvon area and because the Land Insights team are all specialist in their field of expertise, the Panel recommends awarding Tender RFT 16/2022 Provision of Town Planning Services to Land Insights.

OFFICER’S RECOMMENDATION PART ONE

That Council, by Simple Majority,

- a. *pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, resolves to accept the submission from Land Insights based on the schedule of rates as detailed in the Confidential Tender Evaluation Report for RFT 16/2022 – Provision of Town Planning Services.*
- b. *pursuant to Section 3.18 of the Local Government Act, 1995 resolves to authorise the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Land Insights for RFT 16/2022 – Provision of Town Planning Services.*

File No:	A2087; ADM2148
Date of Meeting:	28 March 2023
Location/Address:	Lots 195 (231) Robinson Street, Morgantown
Name of Applicant:	Shire of Carnarvon
Name of Owner	Dr. Emma Barrett
Author/s:	Stefan Louw, Manager Regulatory Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	22 November 2022; FC 12/11/22
Schedules:	Schedule 7.3.3 (a) – Amendment Documentation Schedule 7.3.3 (b) – Submissions Schedule 7.3.3 (c) – Submission assessment

Authority / Discretion

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

Summary of Item:

The Shire has received a proposal from Coral Coast Vets (Dr Emma Barrett) with regards to establishing a veterinary centre at her property at Lot 195 (HN 231) Robinson Street, Morgantown which is zoned Light Industry. A veterinary centre is a 'X' use within a Light Industry zone. A scheme amendment has subsequently been prepared to enable the Shire to consider a future development application for the business.

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

Background:

The proposed amendment was submitted before Council on 22 November 2022 for initiation and to publicly advertise the amendment for a period of 42 days. Please refer to the Council's resolution below:

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Skender

That Council by Absolute Majority, Pursuant to section 75 of the Planning and Development Act 2005, resolves to adopt the amendment of Shire of Carnarvon Local Planning Scheme No. 13 by:

- 1. Amending Schedule 2 – Specified additional use for zoned land in Scheme area, by including item S7 in relation to Lot 195 (HN 231) Robinson Street, Morgantown with the additional use being veterinary centre and the conditions being:***
 - i. All development relating to the additional use shall be at the local government's discretion.***
 - i. All other provisions of the scheme, shall apply.***
- 2. Amending the Scheme Map 24 to include the designation A7 on Lot 195 (HN 231) Robinson Street, Morgantown.***
- 3. Accept the report 'Scheme amendment No. 5 to the Local Planning Scheme No. 13', as formal documentation for the purpose of the proposed Scheme amendment;***
- 4. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 5 is a standard scheme amendment on the basis that it is:***
 - i. (a) an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;***
 - ii. (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;***
 - iii. (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;***
- 5. Resolves to authorise the Shire President and the Chief Executive Officer to execute the relevant documentation for adoption to enable referral of the amendment, pursuant to Section 81 and 82 of the Planning and Development Act 2005, to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;***
- 6. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Geraldton Guardian, placement of a notice in the Shire Office, erection of a sign on-site and posting of notices to affected parties; and***
- 7. Pursuant to Regulation 37 of the Planning and Development Regulations 2015, resolves to forward the proposal to the Western Australian Planning Commission.***

CARRIED BY ABSOLUTE MAJORITY

F8/A0

The advertising period has now closed, and the amendment is submitted to Council for a decision to either support the amendment, support the amendment with modification or not to support the amendment.

Stakeholder and Public Consultation:

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

Following advice received from the EPA the amendment was advertised for 42 days in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment was advertised on the Shire's website, notices were sent to surrounding property owners and published in the Midwest Times. The amendment was also referred to the following public authorities:

- Department of Aboriginal Affairs WA
 - Department of Fire and Emergency Services
 - Department of Primary Industries & Regional Development
 - Department of Jobs, Tourism, Science and Innovation
 - Department of Communities
 - Department of Communities - Housing
- Ordinary Council Meeting Agenda

- Gascoyne Development Commission

Three submissions were received during the advertising period, which can be found in **Schedule 7.3.3 (b)**. The submissions are summarized below along with the officer’s response to points raised in submissions.

Submissions assessment

No.	Main issues summarised	Officer response
1	No objection to the amendment.	Noted. No further action required.
2	No objection to the amendment	Noted. No further action required.
3	Concerns that the Vet could be used as a boarding kennel, which will impact on the residential housing nearby.	Coral Coast Vets advised that they ceased the boarding kennel service in July 2022 and that they do not have any plans to offer the service in the future. No further action required.

Statutory Environment:

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

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

Pursuant to Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government must consider all submissions in relation to a standard amendment to a local planning scheme and pursuant to Regulation 50(3) must pass a resolution before the consideration period ends, which is 60 days after the end of the submission period (30 April 2023), to support the amendment without modifications, or support the amendment with proposed modifications to address issues raised in the submissions, or not support the amendment.

Shire of Carnarvon Local Planning Scheme No. 13

The Shire of Carnarvon Local Planning Scheme No. 13 provides the statutory framework for development of land within the Shire.

Relevant Plans and Policy:

Shire of Carnarvon Local Planning Strategy:

The Local Planning Strategy sets out specific objectives for business and employment which relate to the growth and prosperity of a community. The Strategy recognizes that the performance of the local economy directly affects several key areas relating to the growth and prosperity of a community including:

- *Attracting and retaining new residents;*
- *Attracting new investment and sustaining existing businesses;*
- *Providing access to important services for the local community;*

Having veterinary services is consistent with the aim of the Strategy to have a diverse and dynamic local economy that meets the needs of the local population and provides for local investment and increased employment.

State Planning Policy No. 3 Urban Growth and Settlement

The aim of the Policy is:

to facilitate sustainable patterns of urban growth and settlement by setting out the requirements of sustainable settlements and communities and the broad policy in accommodating growth and change.

The Objectives of the Policy include:

- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*

The proposed amendment will provide for the establishment of a service to meet the needs of the community in an area with a high level of domestic animal ownership. The service will support the distinctive character of the Carnarvon region and will assist the Shire which has a strong focus on measures to retain and attract residents.

The proposed amendment has been assessed against the requirements of the Local Planning Scheme No. 13 and the requirements of the Planning and Development Regulations 2015. It is concluded that the proposal is consistent with the objectives and provisions of relevant policy documents applicable to the site and, therefore, the proposed amendment should be supported.

Financial Implications:

There are no financial implications associated with the proposal.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	The landowner's ability to establish a veterinary centre on the site is constrained by current zoning in the Scheme.		The scheme amendment will address the zoning constraint to facilitate future development of the site.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

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

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.*

Comment:

The proposal to amend Schedule 2, if gazetted, will enable the Shire to consider a future development application for a veterinary centre within the subject land. The Scheme was prepared in such a way as to control a type of land use that has the potential to have an adverse impact on the amenity of nearby residents. The proposed development is considered to be appropriate for the site on the basis that:

- The subject land is zoned for light industrial purposes and is abutted by commercial properties.
- The site is relatively isolated from residential properties, the closest dwelling is 50 metres to the east.
- Plans submitted by the proponent indicate that pets kept overnight will be accommodated inside the centre.
- The proponent is a registered veterinary surgeon.
- The veterinary centre will not have a boarding kennel component to it.

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

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

1. *Support without modification Scheme Amendment No. 5 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 7.3.3 (a) attached to this report.*
2. *Note the submissions received as detailed in Schedule 7.3.3 (b) attached to this report.*

3. *Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.*
4. *Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.*
5. *Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*

7.3.4 RFT 03-2023 – CARNARVON YOUTH PRECINCT REVITALISATION

File No:	ADM0227
Location/Address:	Hutchison Park
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Stephanie Leca, Community & Cultural Development Manager Kyle Williams, Community & Cultural Development Coordinator Michael Mallon, Project Delivery Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Confidential Schedule 7.3.4 – Tender Evaluation and Recommendation Report

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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) 03/2023 – Carnarvon Youth Precinct Revitalisation – Pump Track (Design and Construction). It is recommended Council accept the tender from Landscape Australia Construction.

Background

An election commitment of \$80,000 was received by the Shire for the renewal of the existing skate park on Babbage Island Road, immediately outside the Aquatic Centre. The Shire was able to use that funding to leverage additional funds from Lotterywest to create a larger Youth Precinct with a new Pump Track facility at Hutchison Park. Hutchinson Park is located on Babbage Island Road, adjacent to the Aquatic Centre and Skate Park.

Tender RFT 03/2023 for the new Pump Track was advertised for 3 weeks and closed on 1 March 2023. At close of the tender, three submissions were received. A panel has evaluated and scored the submissions. A detailed Evaluation and Recommendation Report is provided in Confidential Schedule 7.3.4.

Stakeholder and Public Consultation

Community consultation was conducted in 2021 around the concept of the Pump Track being developed at Hutchison Park to assist develop the business case to Lotterywest for funding.

Preliminary concept plans were provided at the funding launch for the Pump Track and Skate Park, known as the Carnarvon Youth Precinct Revitalisation project.

Feedback from neighbouring streets was received in October 2022 where a number of concerns were addressed. These have been noted and will form part of the formal consultation for the Design phase of the project.

Statutory Environment

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

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

Local Government Act 1995 - Section 3.18 Performing executive functions.

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy applies.

Policy C002 – Purchasing Policy applies.

Financial Implications

A budget of \$450,000 is available for the design and construction of the Pump Track. A total budget of \$503,500 is available for the overall project, with provisional items such as shelters, bike tracks, and water fountains will be purchased and installed by the Shire of Carnarvon.

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	Project Variations exceeding available budget.	High	Monitoring bill of quantities through design phase and reduction in scope if necessary.
Health & Safety	N/A		
Reputation	Concerns from nearby residents could have an impact on this project if not addressed.		Concerns have been noted and will form part of the formal consultation for the design phase of the project.
Service disruption	N/A		
Compliance	Compliance with design standards. Construct to design.		The contractor will design and construct and ensure compliance with design standards. The principal to ensure works meets the approved design.
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*

Comments

Confidential Schedule 7.3.4 provides the tender evaluation report for RFT 03/2023. This report is a comprehensive summary of the tender process undertaken; the submissions received, and the tender evaluation.

The panel has recommended that the works be awarded to Landscape Australia Construction. Landscape Australia Construction has significant experience in the industry, from pump tracks to playgrounds and has delivered similar projects for other Local Governments in regional locations.

The panel has recommended that the works be awarded to Landscape Australia Construction.

OFFICER'S RECOMMENDATION

That Council,

That Council, by Simple Majority,

- a) pursuant to Section 3.57 of the *Local Government Act, 1995* , and Division 2 of the *Local Government (Functions and General) Regulations, 1996*, resolves to accept the submission from Landscape Australia Construction for Tender RFT 03/2023 – Carnarvon Youth Precinct Revitalisation (Design and Construction) for the tendered price provided in Confidential Schedule 7.3.4 of \$XXX (ex GST) PRICE TO BE INCLUDED IN MINUTES OF COUNCIL MEETING; and
- b) pursuant to Section 9.49A 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 Landscape Australia Construction for Tender RFT 03/2023 Carnarvon Youth Precinct Revitalisation (Design and Construction).

7.3.5 DEMOLITION OF HOUSE

File No:	ADM0182
Location/Address:	Confidential – Property Assessment No. A1210
Name of Applicant:	N/A
Name of Owner:	State of WA
Author(s):	Dane Wallace, Environmental Health Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple majority
Previous Report:	26 April 2022, Item 7.3.6
Schedules:	Draft letter to DPLH and current photos of the house

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 proposes a Council resolution to take down and remove the house at the above property assessment number so as to carry out the terms of the notice issued by the Shire on 29 April 2022 under section 137 of the *Health (Miscellaneous Provisions) Act 1911* (Health Act) wherein the owner was ordered to take down and remove the house within 60 days of the service of the notice.

Background

On 20 December 2021, the house was declared unfit for habitation (section 135 Notice) due to substantial vandalism, with notice being sent to the registered owner.

On 29 April 2022, pursuant to the Council meeting of 12 April 2022, a section 137 notice was served on the owner directing him as follows:

- 1) Within 14 days of the service of the notice, to securely board up all openings of the house (including eave, gable, window and door openings) with 12mm plywood to minimise the impacts of any cyclone, and
- 2) Within 60 days of the service of the notice, to take down and remove the house leaving the land in a tidy state without miscellaneous debris.

The notice was not complied with by the due date and on 13 May 2022 the owner advised via an email that he no longer owns the property.

On 23 June 2022, the Shire received notice from ANZ bank that they are in the process of releasing their security over the property and thereafter will have no further interest in the property.

On 31 August 2022, the Shire received verbal advice from the Australian Financial Securities Authority (AFSA) that, being bankrupt, the owner was no longer responsible for the property.

On 28 September 2022 advice was received from the Official Trustee of Bankruptcy that they had disclaimed the property as owners and were no longer responsible for the property.

On 29 September, AFSA advised by email that the ownership of the property has reverted to the Crown, i.e. the WA State Government, and that the Shire should speak to Landgate on this matter.

The Shire wrote to Landgate on 10 October 2022 formally requesting that the relevant State agency take immediate steps to secure the house and remove loose materials.

Landgate responded on 28 October 2022 by email passing on the following information from the Commissioner of Titles:

In order to make a final decision in relation to the vesting of the land, a Court Order will be required.

Landgate is concerned with the registration of land ownership details only and not with regards to land management.

If the Land in question vests in the Crown, Landgate will not be acting on behalf of the Crown.

The Shire of Carnarvon will need to take its own legal advice on whether it can exercise demolition and boarding powers under the Local Government Act 1995

The Department of Planning, Land and Heritage handles some matters of Crown Land Management. The Shire may wish to enquire with them whether they have any role in instances such as this.

On 24 November 2022, a letter was sent to the Department of Planning, Lands and Heritage (DPLH) requesting urgent attention to demolishing and cleaning up the property or otherwise dealing with the situation and providing a copy of the original section 137 notice to board up and remove the house, along with the Disclaim Notice and Further Report to Creditors from AFSA.

Several follow up emails were sent by the Shire CEO to the DPLH.

No written response has yet been received from DPLH other than advice that the Land Use Management section of the Department deals with any State-owned land unvested in a particular Department.

On 7 February 2023 a phone call was received from DPLH to say they are awaiting a response from their legal team and that it is a very peculiar case.

DPLH have not as yet acknowledged that they are responsible for this property.

Stakeholder and Public Consultation

N/A

Statutory Environment

Section 355 of the Health Act provides that a notice served on an owner is binding upon all subsequent owners to the same extent as if it had been served on the subsequent owner.

Section 140 provides that if an owner fails to comply with a section 137 notice within the time specified, the local government may carry out the terms of the notice and recover all expenses from the owner, including by selling the materials taken from a demolished building.

Section 371 provides that where the local government carries out work in default of an owner, the amount due to the local government in respect of such work may be recovered from the owner in any court of competent jurisdiction, and until paid shall be and remain a charge upon the land.

Legal advice has been obtained on multiple occasions relating to this property with the latest advice recommending the Shire write to the landowner (now DPLH) asking if they have any objection to the Shire demolishing the house in accordance with the terms of the Notice and registering a charge on the land in respect of the costs of the demolition.

A letter has been drafted, attached to this report, in accordance with the solicitor’s advice that will be sent to DPLH pending the Council decision.

Relevant Plans and Policy

N/A

Financial Implications

There could be difficulties in recovering the costs of demolishing the house.

Further quotes are still being sought and at this stage the cheapest quotes are \$35,000 ex GST to demolish the house, shed and slabs and \$27,000 ex GST to remove the house and shed and leave the slabs.

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	Difficulties and/or lengthy delay in recovering costs – potential loss to the Shire of over \$30,000	Moderate	The Shire will seek costs from DPLH but if unsuccessful the costs can be registered as a charge on the certificate of title.
Health & Safety	Getting involved with demolition involves risk but the house itself is a risk if nothing is done.	Moderate	The demolition would be undertaken by a suitably qualified person.
Reputation	There is no direct risk to the Shire, however, there is a reputational risk to Carnarvon as a town.	Moderate	Removing the damaged house will make some improvement to the streetscape of the area and will help reduce the risk.
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*

Comments

It would appear that the fastest way to resolve the situation at the subject land would be for the Shire to remove the house, albeit at some cost to the Shire and with an element of uncertainty about costs being reimbursed. It is unlikely that the State would be aggrieved by the Shire demolishing the house, but they may also avoid any responsibility for the works or liability if anything went wrong. It is proposed that the Shire would do no more than the minimum to make the property clean and tidy and to do no more without consent than what the notice ordered to minimise any risk of the costs not being recoverable.

There is additional cost in removing the house slab versus leaving the slab without trip hazards, but it could be difficult and expensive to remove the house without doing any damage to the slab.

Advice from the Building Surveyor is that the slab would be unlikely to be reused in a new house. It is recommended to not remove the slab.

Another option is for the Shire to remove the slab along with the house for some extra cost. An argument for this could be that it would cost more to remove the slab later than at the time of removing the building and so the land might be valued more without the slab which could then potentially improve the Shire's chances of getting reimbursed.

If no response is given to the proposed letter to DPLH, which is likely given the lack of responses so far, it is proposed that the Shire would only remove the house, shed and associated parts but leave the slab and leave the land in a tidy state, and that the house slab need only be left without trip hazards.

The Shire is not legally obliged to remove the house, but it is in the public's interest to reduce the safety risk the partially dismantled house poses to the community, as well as to improve the amenity of the neighbourhood despite some financial risk.

OFFICER'S RECOMMENDATION PART 1

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

- a) write to the Department of Planning, Lands and Heritage advising that the Shire intends to carry out the terms of the section 137 currently outstanding by taking down and removing the house, shed, internal fences and verge fences leaving only the slabs and the dividing fences, leaving the land in a tidy state and that the costs will be registered as a charge on the land and inviting the Department to express any consent or objection to the proposed works.
- b) after giving four weeks' notice to the Department of Planning, Lands and Heritage and if no objection is received, the Shire will take down and remove the house, shed, internal fences and verge fences leaving only the slab and the dividing fences, leaving the land in a tidy state and register the costs as a charge on the land.

7.4.1 RFT 01/2023 - IMPROVING FLOOD PREPAREDNESS PROJECT - PROJECT DELIVERY MANAGER

File No:	ADM2225
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	Confidential Schedule 7.4.1 RFT 01/2023 Recommendation Report

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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) 01/2023 – Flood Preparedness Project – Project Delivery Manager. A single tender submission was received which is significantly above the available budget. It is recommended to not accept the tender submission received.

Background

As a result of February 2021 flooding, DWER engaged an engineering consultant to inspect the flood levee systems to identify mitigation works and strategies that could improve the region’s flood preparedness. External funding has been sourced to address the first stages of the flood mitigation works.

A working group has been established including three project partners to implement the Flood Preparedness Project. These project partners consist of:

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

The first stages of the Flood Preparedness project include elements divided into:

- Infrastructure works - to maintain the effectiveness of the existing levee system within the Town and Airport districts and upgrades to the natural floodway infrastructure in the horticulture district.
- Technical investigations - related to planning and investigative activities to prepare for later stages. Technical investigations include a detailed survey to define hydraulic conditions, updated Hydraulic Modelling and development of a river care floodway management plan.

To support the Project Partners a Project Delivery Manager is to be engaged to provide support with the procurement of contractors for the delivery of the project elements and provision of contractor supervision and management.

RFT 01/2023 closed on 27 February with only one submission received. A Panel evaluated and scored the submission. A detailed Evaluation and Recommendation report is provided in ***Confidential Schedule 7.4.1.***

Stakeholder and Public Consultation

DPIRD and DWER collaborated strongly with the Shire through the process. Including development of the scope of works and the tender.

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 applies.

Policy C002 – Purchasing Policy applies.

Financial Implications

A portion of the project budget is allocated for engagement of an external project manager. To calculate an estimated cost of project management Tenderers were requested to provide an estimated quantity of hours, days and/or km.

Upon review of the submission it was clear the quoted estimated project management cost is substantially over budget. Accepting the Tender submission will require re-allocation of the project funds which is likely to impact on the budget available for the delivery of the project elements.

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	1. Accepting the Tender submission is likely to impact the available project funds for the implementation of the project elements. 2. Insufficient funds to engage a Project Manager.	B3 – high	1. Not accepting the Tender submission 2. Reduce the scope of works with some of the project management tasks to be completed by the Project Partners.
Health & Safety	N/A		
Reputation	Delays in the delivery of the Flood Preparedness Project.	B3-high	Progress engagement of a Project Delivery Manager as a matter of urgency.
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

During the Ordinary Council meeting in February 2023 Council awarded the Tender for the Gascoyne River Flood Modelling. The Gascoyne River Flood Modelling includes one of the technical investigations for the Flood Preparedness Project. That project element does not specifically require project management at this point in time.

The project partners reviewed the submission from JJ Ryan and discussed how to proceed if the Tender is not accepted. Several options have been discussed, including:

- A review of the Tender document and possible reduction of the scope works. It might prove useful to first contact prospective Tenderers to discuss their rationale of not submitting for the Tender. Based on their comments the Project Partners may be able to make amendments to the Tender scope document. A revised Tender Document will require a new public Tender
- If no amendments are required to the Tender Document quotes can be requested from preferred experienced engineering Consultants.
- Some of the Project Management tasks can be delegated to the individual Project Partners to reduce the responsibility of the Project Delivery Manager.
- Further to the options above, the project partners are to investigate an available experienced member of staff that would be able to provide project management services. The Shire will be able to engage this staff member by way of a secondment.
- Recruitment of a Project Manager by the Shire was also discussed. With the current labour market shortage it seems unlikely recruitment of a suitably qualified and experienced project manager will be successful and this would be considered the least desirable option.

These options were developed at a meeting with project partners on 9 March after the tender period closed. They are being considered by partners before being discussed in detail at a meeting scheduled for 23 March 2023 with the partners. It may be possible to provide Council with an update during the Council meeting if a direction is determined from that meeting.

OFFICER'S RECOMMENDATION

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 resolves not to accept the submission from JJ Ryan Consulting Pty Ltd for Tender RFT 01/2023 Flood Preparedness Project – Project Delivery Manager.

7.4.2 LRCI PHASE 4 - NOMINATION OF PROJECT(S) FOR ALLOCATION OF FUNDING

File No:	ADM2241
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	Schedule 7.4.2 Shortlisted Project Proposals

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

Council approval to nominate a project for allocation of Local Roads and Community Infrastructure (LRCI) Phase 4 funding is sought. Final approval of the nominated project will depend on acceptance by the LRCI program.

Background

In February 2023 the Federal Department of Infrastructure, Transport, Regional Development and Communications (Department) announced LRCI Phase 4. Upon approval of any project nomination, the Shire would receive \$844,041 in funding under the LRCI program. Funding will be available from 1 July 2023. Construction is to be completed by 30 June 2025.

Earlier communication from the Department announced LRCI Phase 3 extension funding. More recent communication from the Department has advised LRCI Phase 3 extension has been replaced by LRCI Phase 4. LRCI Phase 3 extension is no longer in place.

The Department has a further \$250 Million available within the LRCI Program in addition to that already committed to Phase 4. Allocation of these additional funds is likely to be announced shortly. It is reasonably anticipated that the Shire will receive further LRCI funding (Phase 5 or a Phase 4 extension perhaps) with details pending advice from the Department.

The LRCI Program supports Local Governments to deliver priority local road and community infrastructure projects to:

- Stimulate additional infrastructure construction activity, growth and create jobs in local communities following the impacts of COVID-19.
- Deliver benefits to communities such as improved road safety, accessibility and visual amenity.

Since July 2020 the Shire has received the following contributions via the LRCI Program:

Phase	Amount
1	\$ 844,041
2	\$ 698,912
3	\$ 1,688,082
Sub Total	\$ 3,231,035
4	\$ 844,041
Grant Total	\$ 4,075,076

To be eligible for this funding, Project nomination(s) are required to be submitted to the Department. To support Council with the nomination of a Project(s) for Phase 4, Shire officers have shortlisted four project proposals.

Shortlisted projects have been selected from a total of nine project proposals prepared by staff following a request for all members of the leadership team to work with their teams to identify and develop proposals. Each proposal was prepared in line with the LRCI funding requirements and the Shire’s Strategic Community Plan and Corporate Business Plan.

The staff leadership team (principally managers and senior management) reviewed and scored each project proposal by completing an evaluation across the six selection criteria developed by Council and staff at the ‘Big Ideas Workshop’ in April 2022. Criteria are as follows:

A) Social - Creates an improved sense of community - driven by a growing population in a safe, liveable environment - that is immediate and ongoing
B) Social - Contributes to the town's reputation - encouraging a positive outlook and appeal as a place to live, work, play and invest
C) Economic - Community benefit and satisfaction vs financial cost (CAP and Ongoing for life of asset)
D) Economic - Boosts local economy and creates sustainable long-term local employment opportunities for the lifespan of the project.
E) Environment - Respects and protects native culture, wildlife and environmental heritage, maintaining the region's beauty and encourages educational opportunities and accessibility

F) **Environment**- Sustains natural environments balancing historic, current and future community use while minimising environmental negative impacts

The following are the shortlisted projects resulting from that evaluation:

- Project 1 – Tramway Bridge Restoration, including a structural assessment and restoration plan. Works will include the replacement of decking boards and missing handrails. It is also intended to install lighting across the bridge.
- Project 2 – Plaza / RV Friendly Park, creating day-use facilities for caravanners and other tourists to be able to navigate town and set up for the day at Town Oval. To improve pedestrian access into the town the parking lot between the Medical Centre and Barry Evans (Plaza) will be part of the project.
- Project 3 - Baxter Park Adventure land, to further develop the Baxter Park precinct by installing additional play, sport and leisure furniture and equipment to establish a family friendly area.
- Project 4 – Brockman Park Nature Garden, to further reinvigorate the park with a nature garden including walkways, shelters, seating, public art/ signage and planting of trees, lawn and improved lighting.

Further detail for each of the shortlisted project proposals is provided in **Schedule 7.4.2**.

Stakeholder and Public Consultation

The Heritage Council has been contacted to request advice regarding the repair of the Tramway bridge. The proposed repair works are required to be undertaken in a careful manner with like for like replacement.

Lotterywest has also been contacted to discuss funding for the Tramway Bridge project. Potentially Lotterywest is able to fund interpretive signage and/or art. It is unlikely Lotterywest is able to financially support the repair works of the bridge.

No further consultation has taken place regarding the other shortlisted projects at this point in time.

Statutory Environment

Local Government Act 1995 – 9.49A Execution of documents

Relevant Plans and Policy

Nil

Financial Implications

LRCI funding does not require a Local Government contribution. Additional Shire funds to the recommended project is not proposed. Potentially, additional external funding can be sourced if available.

The shortlisted project proposals have been budgeted on the basis of the available LRCI funding. In the case of the Plaza / RV Friendly Park, this project can be delivered in stages. The first stage can be delivered within the available LRCI Phase 4 funding budget. Future additional funding will need to be sourced to complete any further stages.

The LRCI Phase 4 funding will be included as part of the Budget 2023/24 budget preparations.

It should be noted, most of the shortlisted projects include installation of new infrastructure however they also incorporate elements of renewal and maintenance of existing assets. Part of the design and planning process will be to ensure any new infrastructure is of a robust and low maintenance nature.

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	Under-estimation of the Project cost	B3 – High	<p>Understanding and identification of cost has been part of the delivery of the project proposals. Cost estimates have been included with the Shortlisted project information.</p> <p>Most shortlisted projects can be delivered in stages. Each stage will be tailored to the amount of available budget. With future funding opportunities the next stage can be implemented.</p> <p>LRCI has announced potential further funding.</p> <p>Other external funding sources have been identified for the shortlisted projects which could be contacted for funding opportunities.</p>
Health & Safety	N/A		
Reputation	Nominating a project(s) that does not reflect the community needs	C2 - Minor	The proposed shortlisted projects have been developed in line with the Strategic Community Plan and the Corporate Business Plan. Both plans have been developed with significant input from community.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		

Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our community acknowledges our history and celebrates out diverse cultures*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Carnarvon RV Friendly Park*

Comments

Delivery of projects nominated for previous LRCI phases has been complex. The quantity of projects nominated, and insufficient budget allocations resulted in project completion delays.

To avoid similar issues for delivery of LRCI Phase 4, the leadership team has been very involved in preparing project proposals and shortlisting the four highest scoring projects for Council’s consideration after undertaking a structured evaluation process.

In preparing the project proposals, particular attention was given to alignment with strategic directions described in the Strategic Community Plan, affordability, and timing.

As a result of the evaluation of the project proposals by the Leadership team, the Tramway Bridge Project received the highest score and is therefore recommended to Council for approval. The current state and historic value of the bridge to the town of Carnarvon positively impacted that high score.

The Leadership team considers that any of the shortlisted projects would provide a substantial benefit to the Carnarvon community. It is therefore also recommended that all shortlisted projects are further developed to a greater “shovel ready” state to prepare for any potential funding opportunity, including but not limited to further LRCI phases.

LRCI phase 4 funding is a great opportunity to invest in a substantial community infrastructure project. External funding sources are generally more interested in the development of new infrastructure, rather than the repair of existing assets. Repair of the Tramway Bridge will support further grant applications to develop the walking trail starting from Town Beach, across Babbage Island out to the Heritage Precinct.

OFFICER’S RECOMMENDATION

That Council, by simple majority

- a) pursuant to Section 3.18 of the Local Government Act, 1995 nominate the Tramway Bridge Restoration Project for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4 funding program.***
- b) pursuant to Section 9.49A of the Local Government act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.***
- c) pursuant to Section 3.18 of the Local Government Act, 1995 directs the CEO to further develop the remaining shortlisted projects to achieve a “shovel ready” status utilising existing approved budgets and to include provision in the draft 2023/24 budget to progress development of shovel ready project status.***

7.4.3 RRG FUNDING 2022-23 ALLOCATION - ADDITIONAL WORKS AT QUOBBA GNARALOO ROAD

File No:	A3899
Location/Address:	Shire of Carnarvon
Name of Applicant:	Mr Paul Richardson – Gnaraloo Station
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	FC 15/12/22
Schedules:	Schedule 7.4.3(a) Submission Mr Richardson Gnaraloo station, dated 18 January 2023. Schedule 7.4.3(b) Letter to Mr Richardson Gnaraloo Station, dated 2 March 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 report details a request for approval of additional works on Quobba Gnaraloo Road from Gnaraloo Homestead to Gnaraloo Bay. Works are proposed to be funded from any remaining funding from 2022/23 Regional Roads Groups (RRG) upon completion of SLK 18.6 to SLK 23.6 on Quobba Gnaraloo Road as previously nominated by Council.

Background

During the Ordinary Council Meeting in December 2022 Council awarded a Tender for the unsealed road upgrade projects for Minilya Lyndon Road (SLK 102 to SLK 107) and Quobba Gnaraloo Road

(SLK 18.6 to SLK 23.6). These works form part of the Shire of Carnarvon Regional Roads Group (RRG) funding allocation for 2022/23.

Included in that resolution was allocation of 2023/24 RRG Road Project Funding for the northern section of Quobba Gnaraloo Road from the Gnaraloo Homestead to Gnaraloo Bay (approx. SLK 77 to SLK 84). That resolution was the result of a request from the Applicant to redirect the works on Quobba Gnaraloo Road from SLK 18.6 to SLK 23.6 to the section from Gnaraloo Homestead to Gnaraloo Bay. Council agreed this section of the road requires repairs.

Since the December Council meeting, further correspondence was received from Gnaraloo Station to again reconsider allocating 2022/23 RRG Road Project funding for the section north of the Gnaraloo Homestead to Gnaraloo Bay. That correspondence is provided in **Schedule 7.4.3(a)**.

A formal response has been forwarded to the Applicant as provided in **Schedule 7.4.3(b)**. The response included:

“To support your request and honour the intent of the Council resolution that the section of road from Gnaraloo Homestead to Gnaraloo Bay be given priority attention, Shire officers will present a proposal to Council to utilise any potential unspent funds from the Quobba Gnaraloo RRG 2022/23 Road Project to the Gnaraloo Homestead to Gnaraloo Bay road section.”

The final part of Council’s resolution in December included acceptance of additional RRG funding for the Quobba Gnaraloo Road 2022/23 Road project. Availability of additional RRG funding has supported the response to the Applicant.

It is likely works between SLK 18.6 to SLK 23.6 will be completed under the current available budget. The full extent of that underspend will depend upon the success of negotiations currently underway with Rio Tinto to utilise their southern Cape Cuvier haul road for the transport of roadbase materials to the work site.

Any remaining funds can be utilised for the works on the northern section of Quobba Gnaraloo. That work as a minimum would include the winning of resheeting materials to be utilised in the 2023/24 works already determined in December 2022 by Council to proceed.

Stakeholder and Public Consultation

Nil

Statutory Environment

Nil

Relevant Plans and Policy

Nil

Financial Implications

RRG funding requires a cash contribution from the Shire, being a third of the project cost. The 2022/23 contribution from the Shire for the RRG project has already been allowed for in the 2022/23 budget.

The Applicant has been advised only unspent funds from the 2022/23 RRG Quobba Gnaraloo project allocation are to be utilised for works from Gnaraloo Homestead to Gnaraloo Bay.

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	Unable to complete all works on the northern section of Quobba Gnaraloo Rd.	B3 - High	Allocation of a portion of RRG funding for 23/24 to finalise the northern section of Quobba Gnaraloo.
Health & Safety	N/A		
Reputation	The northern section of Quobba Gnaraloo Rd. is in a poor condition with very rough sections requiring slow vehicle speeds. Gnaraloo Bay is a popular tourist destination with increase of visitation to be expected during the Easter holiday and winter season.		It will not be possible to complete works on the northern section before easter and the solar eclipse. Maintenance grading on this section has recently been completed.
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:

Choose an item.

BIG IDEAS FOR THE FUTURE OF CARNARVON:

Choose an item.

Comments

Upon completion of works between SLK 18.6 to SLK 23.6 on Quobba Gnaraloo Road it remains uncertain how much 2022/23 RRG funding will be available to complete additional works on the section from Gnaraloo Homestead to Gnaraloo Bay.

It is likely, any remaining funds will be insufficient to complete the full extent of that work. Further, it is possible that remaining funds may not justify remobilisation of the work team to the northern site. In that case, remaining funds will be utilised for the winning of gravel materials for completion of that northern section of Quobba Gnaraloo Road in the 2023/24 RRG Quobba Gnaraloo Project allocation, as previously resolved by Council.

A tender for the 2023/24 RRG Road projects is proposed to be advertised in April. That will also include works on Wahroonga Pimbee Road as previously resolved by Council. The aim will be to have those works commence as soon as funding is finalised and the 2023/24 budget is adopted.

Latest information from Northern Goldfields Earthmoving (NGE) currently contracted under RFT 06/2022 to complete the Shire of Carnarvon 2022/23 RRG road project works on both Quobba Gnaraloo Road and Minilya Lyndon Road is that:

- a) Their camp has been mobilised to site on the Minilya Lyndon Road;
- b) Works are expected to commence on Minilya Lyndon Road around 14 April 2023;
- c) Works are expected to take around 10-14 days to complete; and
- d) They will shift camp upon completion and remobilise to Quobba Gnaraloo Road around the beginning of May with completion before end of May.

Correspondence from Mr Paul Richardson provided in **Schedule 7.4.3(a)** included comment as follows:

"In addition, the Shire's risk assessment (attached) as presented at the Council meeting considered Safety as "Not applicable". A more accurate risk rating for this matter would be a suggested C4-C5 given possible foreseeable (but preventable) deaths linked to possible driver inexperience coupled with speed on that road given its existing deteriorated condition."

The risk assessment section of reports is intended to comment upon risks associated with the matter at hand for decision by Council. In this case, the award of a contract for renewal works on sections of road that had been previously endorsed by Council for renewal. Council acknowledged the need for works on the section of road north of Gnaraloo Homestead by amending their previously endorsed 2023/24 RRG program to address these concerns.

The unfortunate and inescapable reality for Quobba Gnaraloo Road, and all roads within the Shire of Carnarvon unsealed *and* sealed network, is that current levels of funding are insufficient to meet basic asset renewal requirements such as resheeting (for unsealed roads) and resealing (for sealed roads).

Basic maintenance grading requirements set out under Councils adopted Unsealed Roads Maintenance and Renewal Policy is achievable at present funding levels. Failure to complete basic asset renewal works such as resheeting will however see an ongoing gradual degradation of unsealed roads. That in turn impacts maintenance requirements as low lying roads with little or no pavement layer become more susceptible to damage by both vehicles and wet weather.

The following points are provided to reiterate funding challenges associated with Shire road maintenance:

- a) Quobba Gnaraloo Road is identified as having a Desirable Maintenance Category of “1” with resheeting its complete length every ten years. Estimated annual recurrent cost to achieve this is \$705,840 p.a..
- b) Resheeting every other Desirable Maintenance Category “1” road to the same level of service. Estimated annual recurrent cost to achieve this is \$2,407,498 p.a.
- c) Total estimated annual recurrent cost of all maintenance grading and resheeting as identified in the adopted Unsealed Roads Maintenance and Renewal Policy is \$5,576,237 p.a..
- d) Total estimated annual recurrent cost of sealed road resealing of \$986,200 p.a.

Existing funding is summarised in the following table.

Funding Source	Current Value
FAG Roads Component	\$ 1,586,000
Roads to Recovery	\$ 807,000
Direct Grant (MRWA)	\$ 368,000
Regional Road Group (RRG) Projects Grant (MRWA)	\$ 925,000
Shire Component of RRG	\$ 462,500
Specific Roads Funding	\$ 3,686,000
Total Shire of Carnarvon Rates Income (less the 1/3 matching RRG component)	\$ 6,037,500

To put that into perspective, all Shire rates and specific road funding combined is still insufficient to meet basic road asset renewal and maintenance requirements.

In the foreseeable future therefore, unless additional funding can be sourced or leveraged, it will remain a problematic balancing road maintenance and renewal works priorities with available budget allocations. It is likely Council will be faced with similar competing asset renewal requests such as those from Gnaraloo station.

Building upon work completed to develop Council’s adopted Unsealed Roads Maintenance and Renewal Policy will be additional work to develop an overall Shire of Carnarvon Roads Strategy. That strategy is intended to combine the maintenance and renewal needs for both sealed roads and unsealed roads, and the plant, equipment, and resourcing requirements to deliver those needs.

That strategy should firstly document achievable service levels based upon existing funding availability. Secondly, it will identify funding requirement shortfalls necessary to be met to achieve desirable service levels for the Shire as the road asset manager and the desirable service levels for the community and the road user more generally.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to allocate any unspent funds from the Quobba Gnoraloo RRG 2022/23 Road Project for resheeting and reconstruction works between SLK 18.6 to SLK 23.6 to resheeting and reconstruction works between Gnoraloo Homestead and Gnoraloo Bay being approximately from SLK 77 to SLK 84.

7.4.4 RFT 02/2023 ROBINSON STREET RECONSTRUCTION

File No:	ADM2226
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority and Absolute Majority
Previous Report:	N/A
Schedules:	Confidential Schedule 7.4.4 RFT 02/2023 Recommendation Report

Authority/Discretion:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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) 02/2023 – Robinson Street Reconstruction. It is recommended Council accept the Tender submission from First Class Constructions (WA) Pty Ltd and allocate additional funding from its 2023/24 Roads to Recovery program to cover the estimated budget shortfall.

Background

Reconstruction of a section of Robinson Street from its intersection with Olivia Terrace to the intersection with Camel Lane on the eastern carriageway (traffic into town) only is required. The current layout of this section of Robinson St was constructed in 2010/11 as part of the Carnarvon Town Centre and Fascine Redevelopment.

In 2018, the Shire commissioned Blacktop Consulting Engineers (BCE) to undertake a field investigation to determine the cause of pavement failure in the Project Road Section. Project managers Greenfield Technical Services have noted in their design report that the test results:

“...indicate that there is variability in the constructed layer thicknesses. The table also indicates that there is variability in the materials used for the construction of the pavement.

This suggests that the quality control during construction may not have been sufficient to ensure that:

- the specified pavement thickness was achieved*
- the specified material properties for the various layers were suitable and consistent*

The fact that the basecourse thickness at site No3 was only 65mm is concerning. The likely lack of quality control during construction suggests that there are other sections of the pavement that have a similar thickness. This lack of pavement thickness is likely to be a major contributing factor in the failure of the pavement.”

Greenfield were engaged in 2022 to commence detailed surveys, designs and specifications to reconstruct the failing section of the roadway. Works generally comprise of demolition, clearing, earthworks, drainage works, pavement and surfacing works and miscellaneous other works as required to complete the scope of work as defined in the drawings, and specifications.

A public tender process was conducted to procure contractor services to complete the reconstruction works. The advertised Tender was prepared with two work packages:

- Package A: Flexible pavement reconstruction method
- Package B: Concrete (rigid) pavement reconstruction method

RFT 02/2023 closed on 1 March 2023 with only one submission received. A Panel has evaluated and scored the submission. A detailed Evaluation and Recommendation report is provided in **Confidential Schedule 7.4.4.**

Stakeholder and Public Consultation

Affected businesses along the section of Robinson street where reconstruction works are to take place were invited to attend information sessions. Two consultation sessions were completed. The initial session in May 2022 determined general considerations to be included in the design process. The second session held in November 2022 provided the proposed preliminary design plans.

A strong preference from stakeholders for the work to be completed after the solar eclipse period was expressed. That will be met under the current proposed project timeframe from the recommended tenderer.

It was also expressed by stakeholders that it was not desirable to conduct the works during the peak visitor period. That will not be achieved under the proposed recommendation and cannot be achieved if the works are to be completed by the end of the 2023 calendar year as required by the R2R funding program.

The contractor has proposed a commencement of site works date of 11 May 2023 with completion in the first week in August. It is unlikely the whole of the road will be closed for that period. Further work will be undertaken with the recommended contractor to minimise actual closures to the road during construction and the specification includes requirements to ensure pedestrian access to the affected businesses during the works.

Statutory Environment

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

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

Local Government Act, 1995 – Section 9.49A Execution of documents.

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

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy applies.

Policy C002 – Purchasing Policy applies.

Financial Implications

Robinson Street Reconstruction is funded via the Commonwealth Roads to Recovery (R2R) Program. A total of \$4,036,123 has been allocated to the Shire of Carnarvon over the five-year program length. This equates to approximately \$807,225 p.a.

If the recommended tender is accepted, shortfall of around \$228,000 to complete the project is anticipated.

The 2023/24 R2R funding allocation has not yet been allocated to a road project. That allocation will be determined through the 23/24 budget process.

Officers have requested and received confirmation from R2R that funds from the 2023/24 R2R funding can be allocated toward the Robinson Street Reconstruction project to cover the estimated \$228,000 2022/23 shortfall.

Proceeding on that basis will mean a total available R2R allocation for 2023/24 of approximately \$580,000.

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	1. Unable to complete the project	A3 - Extreme	1. Bring forward 2023/24 R2R funding as approved by the funding body and recommended.

	due to approx. \$200,000 shortfall 2. Value for money unable to be determined due to only one submission received.		2. Needs to be balanced with the need to complete the project due to the essential location of the failing asset.
Health & Safety	N/A		
Reputation	Reinvigorating negative community sentiment from the previous main street redevelopment	B3 - High	The scope of this work is limited to less than a quarter of the extent previously undertaken. Consultation with affected businesses has been undertaken. Ongoing communication with the affected businesses and the community more generally will be undertaken as part of the project execution.
Service disruption	Disruption to main street businesses.	A2 - High	The recommended tenderer has experience with works conducted in business districts and areas of high public exposure. Prior to commencement of works project managers and officers will work closely with the contractor to minimise disruption to businesses.
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:

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

Comments

It is unfortunate to receive only a single tender submission for this project. That remains somewhat reflective of the current marketplace where demand for services continues to outstrip supply to a significant extent.

There is no doubt that the Robinson Street reconstruction project is potentially complex given its prominent location and sensitivity due to general community discontent with previous main street upgrade works.

The submission received from First Class Constructions is however acknowledged by the panel as a strong submission. The panel's evaluation has scored it relatively high with an overall score of 83.83 out of 100. Generally speaking, this would indicate that the panel is confident that First Class Constructions will be able to satisfactorily complete the reconstruction of Robinson Street.

Referee checks detailed in Confidential Schedule 7.4.4. noted strong levels of satisfaction regarding the works completed by First Class Constructions with the company being described as displaying strengths in both technical expertise and cooperative communication in complex work site contexts.

The submission is over the current available budget. Alternatives to accepting the tender submission are:

1. Seek selective quotations from suppliers to carry out the works based upon the existing scope of works or
2. Review the project scope and readvertise the Tender.

In either case, a delay of at least eight weeks before work commencement is likely. The condition of the main street continues to deteriorate. Recently completed remedial works were intended to improve the appearance in the main street prior to the solar eclipse event and offset some of the road surface degradation. At the core of the matter however, inadequate drainage will continue to impact pavement performance after any wet weather event and similar defects such as significant potholing and prolonged inundation during and after rain events remain likely to occur until the drainage improvements and pavement remediation occur.

On balance, therefore, it is recommended that Council accept the submission from First Class Constructions (WA) Pty Ltd to proceed with the project to remediate this long-standing issue.

OFFICER'S RECOMMENDATION 1

That Council, by Simple Majority,

- a) pursuant to Section 3.57 of the Local Government Act 1995 and Division 2 of the Local Government (Functions and General) Regulations 1996 resolves to accept the submission from First Class Constructions (WA) Pty Ltd for the tendered price provided in Confidential Schedule 7.4.4 of \$XXXXXX (ex GST) <PRICE TO BE INCLUDED IN COUNCIL MINUTE.> and***
- b) pursuant to Section 9.49A 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 First Class Constructions (WA) Pty Ltd for Tender RFT 02/2023 Robinson Street Reconstruction***

OFFICER'S RECOMMENDATION 2

That Council, by absolute majority, pursuant to Section 6.8 of the Local Government Act 1995 authorises allocation of up to an additional \$228,000 from the Shire of Carnarvon Roads to Recovery program allocation to the Robinson Street Reconstruction project.