



SHIRE OF CARNARVON

MINUTES

ORDINARY COUNCIL MEETING
TUESDAY 28 NOVEMBER 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

Council Chambers
Stuart Street, Carnarvon, West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
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DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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

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

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

Cr Eddie Smith Presiding Member/Shire President
 Cr Burke Maslen Councillor, Gascoyne/Minilya Ward
 Cr Adam Cottrell Councillor, Coral Bay Ward
 Cr Marco Ferreira Councillor, Plantation Ward
 Cr Luke Vandeleur Councillor, Town Ward
 Cr Paul Kelly Councillor, Town Ward

Apologies

Cr Luke Skender Councillor, Town Ward

Leave of Absence

Cr Dudley Maslen Councillor, Town Ward

Press..... 1

Observers 1

2 DECLARATIONS OF INTEREST

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

Cr Kelly – Financial Interest – Item 7.1.5 – Jamba Nyinayi Festival 2024 Partnership Opportunity

Cr Kelly – Impartiality Interest – Item 7.4.2 – Recycled Water Supply Agreement – Shire of Carnarvon and Carnarvon Christian School

3 PUBLIC QUESTION TIME

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

Public Question Time commenced at 1.02pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

The following questions have been submitted by Mr Joe Eveson of Coral Bay –

1. We applaud Council's efforts with regard to the illegal relocation of 8 villas, Lot 9500 and 1 unit, Lot 52. Please provide details, including the financial penalty and any retrospective approvals Council has agreed to on both Lot 9500 (freehold) and Lot 52 (leasehold).

Answer – *Only retrospective approval is for the new workforce villas on Lot 9500. Financial penalty for breaching planning regulation was \$50, 000.00.*

2. Do you also intend to include the 8 villas and the lapsed (approx. 15 years) temporary approved, worker accommodation known as Belrose and Cavalier as a package deal?

Answer- *Need clarification on the question*

3. In the case of Lot 52, was the State involved in this action, as the landowner?

Answer - *No, was not considered necessary to involve the State as it was only one unit placed on lot 52 for workforce accommodation. The land is already being used for that purpose under management and control of Bayview.*

Have they been advised and are they supportive/satisfied with the outcome?

Answer – *as above*

4. Has the Council completed its traffic study of the Bay Lane/Sailfish Road area and made any decision.

Answer - *The traffic study has been completed and is currently being reviewed by officers. After the officer review, it will be presented to Council in a public agenda with recommendations.*

NB – The owners of Lot 50 have been concerned about safety in the area since we built it in 2014/2015 and now have even greater concerns given the inevitable increase in traffic movements which will come with the increased worker accommodation. Our aim was to provide a family friendly destination with the emphasis on safety. Even without worker accommodation in the area, big 4x4/boat/caravan combinations having to reverse back down Wahoo is the result of decisions made by Council officers contrary to our DA.

Answer - *No, was not considered necessary to involve the State as it was only one unit placed on lot 52 for workforce accommodation. The land is already being used for that purpose under management and control of Bayview.*

5. When was the area at the northern end of Lot 9500 near the cooling pond converted to commercial use from tourism, as shown on the 2014 DBSSP (orange area) and what process was used to achieve this variation which is contrary to the CBSSP?

Answer - *Officers will further investigate this. It might be that it is a non-conforming use that has existing use rights.*

These questions are the result of contributions and comments from a group of concerned ratepayers directly affected due to proximity. Both the 2004 and 2014 CBSSP's have a consistent objective contained within to separate workers from tourists. Mr Bowyer's 10/9 unsolicited letter is a very good example of concerns from a visitors perspective. More

stakeholder consultation needs to be undertaken in conjunction with the independent traffic study.

NB – the creation of Lots 50, 308 and more recently Lot 1 (RAC) were expensive undertakings. We have all been expected to and have followed due process, meet all the conditions, zoning, parking, traffic flow, footpaths, drainage etc. and the results are high quality outcomes. Council retrospectively supporting the villa occupancy plus possibly Belrose/Cavalier, shows that Council has little if any regard for its own CBSSP. CBAH's total disregard for any planning control, going back as far as 1974 has resulted in chaos and confusion at both State and Local level. If we focus on the area bounded by Sailfish Drive and Banksia Avenue, we have seen this area morph from a proposal quality development contained in their 2007 Masterplan:

1. A 3 star motel
2. A function centre
3. A school camp
4. A recreation area
5. A workshop compound for equipment used to maintain the caravan park.

Now lets just look at 5 as an example. Is this area commercial with private entity businesses operating from there.

Answer- *no, it is incidental to the tourism uses of Bayview.*

RAC Service Centre, waste controller, restaurant owner and an electrical contractor or is it residential, Belrose/Cavalier/Lakeview (as the villas are now called) housing both employees of CBAH and other local business owners.

Answer – *Approval has been granted for workforce accommodation incidental to the use of the lot, as per the planning scheme.*

Is it a works and services area for the intended purpose of maintaining a caravan park as identified in the 2007 Master Plan.

Answer - *no*

CBAH created this residential, workshop, private business, mixed use area in close proximity to our fully compliant tourist accommodation, family friendly area (Lot 50).

Council needs to acknowledge that the whole of Lot 9500 is zoned Tourism (CBSP 2004 and 2014) and contained the non conforming use activity, following due process and honor the core values expressed in its structure plan.

The separation of workers and tourists is a core value! I strongly suggest that bollards at the end of Sailfish Drive are necessary, as Council works towards meeting the expectations of the majority of its ratepayer base here in Coral Bay.

Please submit the above questions and your response to them at the November meeting.

On a separate issue with regard to the email I sent on the 17th (see extract below) "I will ask the Shire's Senior Health Officer to inspect the site, as I did not walk the land, and report back

to me. I will then come back to you with a more detailed response.” Has the Shire done the inspection and what progress has been made about the compound on Lot 9500”.

6. Will Council be seeking a parking plan due to the increased bed numbers in the Cavalier/Belrose area.

Answer – this question will be taken on notice.

Public Question Time was closed at 1.07pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 24 October 2023

COUNCIL RESOLUTION OCM 01/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That the minutes of Ordinary Council Meeting held on 24 October 2023 be confirmed as a true record of proceedings.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Shire President Eddie Smith advised that there was an article in the West Australian recently which did not accurately reflect what I had said in the interview. I did say I personally supported the restrictions due to the positive impact on our town services but it does need modifying.

Shire President Eddie Smith also wished it to be noted that our Shire staff are working with Health Services advocating for the completion of the Aged Care Unit at the Carnarvon Health Campus. On behalf of Council I have written to the Premier, the State Health Minister and the Federal Minister for Health lobbying for this to occur.

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

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

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

Authority/Discretion:

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

Summary of Item

This item reports on actions performed under delegated authority in October and November 2023.

Background

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The following table detailing the actions performed within the organisation under delegated authority in October and November 2023 are submitted to Council for information.

LAND USE AND PLANNING

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68					
Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
A2935	P34/23	13A/B MORGAN WAY MORGANTOWN WA 6701	FRONT FENCE	CARNARVON MOWING & MAINTENANCE	23/10/2023
A3271	P35/23	28 ROBINSON ST CORAL BAY WA 6701	RE-DEVELOPMENT OF CARAVAN PARK	HALSALL & ASSOCIATES	16/11/2023
A2055	P36/23	11 CRAGGS CRT BROWN RANGE WA 6701	HOUSE RENOVATION	OWEN DE BONI	06/11/2023

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/060	WARREN HATT	LOT 705 (130) CARNARVON ROAD, SOUTH CARNARVON	6Mx3M SHED
B23/061	UEL JENKINS	LOT 85 (9) TUCKEY COURT, MORGANTOWN 6701	RE-ROOFING OF DWELLING
B23/062	ROSS & CHRISTINA GODDEN	LOT 17 (89) ANGELO ST, EAST CARNARVON 6701	INSTALL SOLAR PANELS ON AN EXISTING SHED
B23/064	SUSAN & PHILIP DAWSON	LOT 503 (51) SHALLCROSS ST, EAST CARNARVON	PATIO EXTENSION
B23/066	JOHNATHON & RACHAEL PERCY	LOT 100 (13A/B) MORGAN WAY, MORGANTOWN 6701	1800MM COLORBOND FENCE TO FRONT AND SIDE OF PROPERTY.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for October and November 2023.

COUNCIL RESOLUTION OCM 02/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for October and November 2023.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.1.2 MEMBERSHIP OF COMMITTEES AND REVIEW OF TERMS OF REFERENCE

File No:	ADM2014
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	November 2021
Schedules:	<ol style="list-style-type: none"> 1. Awards Committee Terms of Reference 2. Audit and Risk Committee Terms of Reference 3. Behaviour Complaints Committee Terms of Reference 4. Community Growth Fund Committee Terms of Reference 5. Local Emergency Management Committee Terms of Reference 6. Management Review Committee Terms of Reference 7. Reconciliation Action Plan Reference Group Terms of Reference

Authority/Discretion:

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

Summary of Item

The report presents draft Terms of Reference for internal Council Committees for review. A Council resolution to appoint Council representatives to Council Committees and to appoint Council delegates to the external Committees of various other agencies is sought.

Background

Council provides representation to the following types of Committees as follows:

1. Internal Committees, established under the *Local Government Act 1995*, to provide Council with recommendations or to undertake a specific function under delegation;
2. Reference Groups that provide support and advice; and
3. External Committees on which Council wishes to be represented.

Committees are required to be reviewed within three months of an ordinary local government election to determine whether they should continue and if so, whether the Terms of Reference should be modified. The Council should also consider and resolve to appoint members to committees it wishes to retain.

Stakeholder and Public Consultation

Nil

Statutory Environment

The establishment of a Committee is conducted under *Section 5.8 of the Local Government Act 1995*.

At any given time each Elected Member is entitled to be a member of at least one Council Committee under *Section 5.10 of the Local Government Act, 1995* and where a staff member is to be appointed to a committee and the CEO indicates his or her wish to be a member or have a member as his representative then the local government is to appoint the CEO or the representative as the case may be.

Section 7.1A. of the *Local Government Act 1995* stipulates the requirement for an Audit Committee.

Section 38 of the *Emergency Management Act 2005* states that “local government is to establish one or more local emergency management committees for the local government’s district.”

Relevant Plans and Policy

- EME019 – Roles and Responsibilities of Shire Delegates to External Bodies
- EME004 – Standards, Performance and Management Review Committee

Financial Implications

Travel costs may be incurred by Members to attend meetings where travel is required. These are not material and can be accommodated within the current budget allocation for Council expenses.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Risk is that Council is not seen to be providing input or interest into the various groups.	D2 - Low	Elected members are nominated on various committees and working groups to ensure that Council is represented and have input in discussions

Service disruption	N/A		
Compliance	Legislative requirement to establish committees and appoint members is not met.	C2 -Moderate	This report supports 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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The use of Council Committees to support Council functions and provide advice to Council is an important means of progressing projects and issues without the need for full Council representation.

Council representation on community and industry groups is an important link for the awareness of the Council on issues that may impact upon the community or Council business. Representation on these groups helps establish and maintain strong links with the community.

Council may at any time exercise its authority to:

- change the composition of an existing Committee or Reference Group;
- create a new Committee or Reference Group; or
- disband an existing Committee or Reference Group if there is no further purpose or need to attend.

This report presents updated Terms of Reference for each Internal Committee for Council review and seeks Council to appoint Members to the Internal Committees, Reference Groups and External Committees.

OFFICER'S RECOMMENDATION

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

- 1. establish the following Committees as per the Terms of Reference in the Schedules:***
 - a. Audit and Risk Committee;***
 - b. Awards Committee;***
 - c. Community Growth Fund Committee;***
 - d. Local Emergency Management Committee;***
 - e. Management Review Committee;***
 - f. Behaviour Complaints Committee; and***

g. Reconciliation Action Plan Reference Group.

2. appoint Elected Members to the Committees as per the table below:

	Council Committee	Terms of Reference	Representation	Membership
1	Community Growth Fund Committee	Evaluate and determine grant applications for community funding contributions from the Shire Community Growth Fund.	4 x Elected Members 1 x Elected Member (Proxy)	Cr Cr Cr Cr (Proxy)
2	Management Review Committee	1. To manage Council’s obligations established of the Local Government Act 1995, relating to the CEO Review process. 2. To recommend to Council in regard to the CEO performance and remuneration.	Shire President 3 x Elected Members 1 x Elected Member (Proxy)	Cr Cr Cr Cr (Proxy)
3	Awards Committee	Assessing nominations and recommending appropriate community members and organisations for awards and honours.	4 x Elected Members 1 x Elected Member (Proxy)	Cr Cr Cr Cr (Proxy)
4	Audit and Risk Management Committee	To carry out Council’s functions in relation to audits under Part 7 of the Local Government Act 1995 and the Local Government (Audit) Regulations.	4 x Elected Members 1 x Elected Member (Proxy)	Cr Cr Cr Cr (Proxy)
5	Local Emergency Management Committee (LEMC)	In accordance with the Emergency Management Act 2005 to manage the community’s bush fire prevention and emergency response major events including fire, flood and cyclones.	Shire President 1 x Elected Member 1 x Elected Member (proxy) Shire of Carnarvon CEO, CESM Various Government and Community Emergency Management Representatives as per the Terms of Reference	Shire President Cr Cr (proxy)
6.	Reconciliation Action Plan (RAP) Reference Group	To inform and guide the implementation of the RAP.	Shire President 1 x Elected Member (proxy) CEO Yinggarda Aboriginal Corporation Representative, Kath Ryan,	Shire President Cr (proxy)

			NTGAC Representative, Karla Tittums Community Members – Karla Tittums, Rennee Turner, Carleen Ryder and Paige Ryan	
7.	Behaviour Complaints Committee	For the purpose of dealing with Behaviour Complaints made under Division 3 of Shire of Carnarvon’s Code of Conduct for Council Members, Committee Members and Candidates.	4 x Elected Members 2 x Elected Members (proxy)	Cr Cr Cr Cr (Proxy) Cr (Proxy)

2. That Council, by Absolute Majority, in accordance with s.5.10 of the Local Government Act 1995 resolves to appoint Elected Members to the External Committees/Groups as per the table below:

	External Committee/Group	Committee Purpose	Representation	Member
1	Carnarvon Heritage Group Interpretive Working Group	To manage the Heritage Centre and One Mile Jetty precinct.	1 x Elected Member 1 x Elected Member (Proxy)	Cr Cr (Proxy)
2	Aviation Community Consultation Group	Department of Transport Consultation Group with the purpose of ensuring the air service to Carnarvon and Shark Bay is adhering to license conditions.	1 x Elected Member	Cr
3	Gascoyne Joint Development Assessment Panel	To determine development applications that meet set type and value thresholds (under legislation) in accordance with relevant planning instruments, such as the local planning scheme.	2 x Elected Members 2 x Proxies (Ministerial appointment)	Cr Cr Cr Cr
4	Ningaloo World Heritage Advisory Committee	To oversee the biological diversity and protection of marine species encompassed in the Ningaloo World Heritage Area inclusive of best practice in tropical marine, terrestrial and coast management.	1 x Elected Member (State appointed for 2-3 year term)	
5	Carnarvon Chamber of Commerce	To provide support to the Business Community	1 x Elected Member	Cr

6	<i>Ningaloo Resilient Reefs Working Group</i>	<i>To oversee the biological diversity and protection of marine species encompassed in the Ningaloo World Heritage Area inclusive of best practice in tropical marine, terrestrial and coast management.</i>	<i>1 x Elected Member (State appointed for 2-3 year term)</i>	<i>Cr</i>
7	<i>Carnarvon Floodplain Management Group</i>	<i>To oversee the implementation of recommendations for management of the floodplain.</i>	<i>Shire President CEO</i>	<i>Shire President CEO</i>
8	<i>Ningaloo Tourism Advisory Group</i>		<i>1 x Elected Member CEO</i>	<i>Cr</i>
9	<i>Gascoyne Zone WALGA (determined at the October 2023 Council Meeting)</i>	<i>Comprises representatives from the 4 Gascoyne local governments and considers common issues by making representation to the WALGA State Council.</i>	<i>1 x Elected Member 1 x Elected Member (Proxy)</i>	<i>Cr President Cr Burke Maslen (proxy)</i>
10	<i>Gascoyne Regional Road Group (determined at the October 2023 Council Meeting)</i>	<i>Comprises representatives from the 4 Gascoyne local governments and Council's delegate provides input into roads funding allocations across the Gascoyne, including the submission of the Council's annual and supplementary road programme.</i>	<i>1 x Elected Member 1 x Elected Member (Proxy)</i>	<i>Cr Burke Maslen President Smith (proxy)</i>
11	<i>Horticultural Standards Implementation Reference Group</i>		<i>1 x Elected Member 1 x Elected Member (Proxy)</i>	

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 03/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

A motion was moved that Council suspend standing orders to discuss Committee nominations.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 04/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

COUNCIL RESOLUTION OCM 05/11/23

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

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

- 1. establish the following Committees as per the Terms of Reference in the Schedules:**
 - a. Audit and Risk Committee;*
 - b. Awards Committee;*
 - c. Community Growth Fund Committee;*
 - d. Local Emergency Management Committee;*
 - e. Management Review Committee;*
 - f. Behaviour Complaints Committee; and*
 - g. Reconciliation Action Plan Reference Group.*
- 2. appoint Elected Members to the Committees as per the table below:**

	Council Committee	Terms of Reference	Representation	Membership
1	Community Growth Fund Committee	<i>Evaluate and determine grant applications for community funding contributions from the Shire Community Growth Fund.</i>	4 x Elected Members 1 x Elected Member (Proxy)	<i>Cr Ferreirinha Cr B Maslen Cr Kelly Cr Vandeleur Cr Skender (Proxy)</i>
2	Management Review Committee	1. To manage Council’s obligations established of the Local Government Act 1995, relating to the CEO Review process. 2. To recommend to Council in regard to the CEO performance and remuneration.	Shire President 3 x Elected Members 1 x Elected Member (Proxy)	<i>Cr B Maslen Cr Vandeleur Cr Kelly Cr D Maslen(Proxy)</i>
3	Awards Committee	Assessing nominations and recommending appropriate community members and organisations for awards and honours.	4 x Elected Members 1 x Elected Member (Proxy)	<i>President Cr Vandeleur Cr B Maslen Cr Skender Cr D Maslen(Proxy)</i>

4	Audit and Risk Management Committee	<i>To carry out Council’s functions in relation to audits under Part 7 of the Local Government Act 1995 and the Local Government (Audit) Regulations.</i>	4 x Elected Members 1 x Elected Member (Proxy)	President Cr Vandeleur Cr B Maslen Cr Kelly Cr Skender(Proxy)
5	Local Emergency Management Committee (LEMC)	<i>In accordance with the Emergency Management Act 2005 to manage the community’s bush fire prevention and emergency response major events including fire, flood and cyclones.</i>	Shire President 1 x Elected Member 1 x Elected Member (proxy) Shire of Carnarvon CEO, CESM Various Government and Community Emergency Management Representatives as per the Terms of Reference	Shire President Cr B Maslen Cr Kelly (proxy)
6.	Reconciliation Action Plan (RAP) Reference Group	<i>To inform and guide the implementation of the RAP.</i>	Shire President 1 x Elected Member (proxy) CEO Yinggarda Aboriginal Corporation Representative, Kath Ryan, NTGAC Representative, Karla Tittums Community Members – Karla Tittums, Rennee Turner, Carleen Ryder and Paige Ryan	Shire President Cr D Maslen(proxy)
7.	Behaviour Complaints Committee	<i>For the purpose of dealing with Behaviour Complaints made under Division 3 of Shire of Carnarvon’s Code of Conduct for Council Members, Committee Members and Candidates.</i>	4 x Elected Members 2 x Elected Members (proxy)	Cr Vandeleur Cr Kelly President Cr B Maslen Cr Cottrell (Proxy) Cr Ferreirinha (Proxy)

2. That Council, by Absolute Majority, in accordance with s.5.10 of the Local Government Act 1995 resolves to appoint Elected Members to the External Committees/Groups as per the table below:

	External Committee/Group	Committee Purpose	Representation	Member
1	Carnarvon Heritage Group Interpretive Working Group	To manage the Heritage Centre and One Mile Jetty precinct.	1 x Elected Member 1 x Elected Member (Proxy)	President Cr B Maslen (Proxy)
2	Aviation Community Consultation Group	Department of Transport Consultation Group with the purpose of ensuring the air service to Carnarvon and Shark Bay is adhering to license conditions.	1 x Elected Member	President
3	Gascoyne Joint Development Assessment Panel	To determine development applications that meet set type and value thresholds (under legislation) in accordance with relevant planning instruments, such as the local planning scheme.	2 x Elected Members 2 x Proxies (Ministerial appointment)	Cr Ferreirinha Cr Cottrell Cr Skender Cr Kelly
4	Ningaloo World Heritage Advisory Committee	To oversee the biological diversity and protection of marine species encompassed in the Ningaloo World Heritage Area inclusive of best practice in tropical marine, terrestrial and coast management.	1 x Elected Member (State appointed for 2-3 year term)	Cr Cottrell
5	Carnarvon Chamber of Commerce	To provide support to the Business Community	1 x Elected Member	Cr Vandeleur
6	Ningaloo Resilient Reefs Working Group	To oversee the biological diversity and protection of marine species encompassed in the Ningaloo World Heritage Area inclusive of best practice in tropical marine, terrestrial and coast management.	1 x Elected Member (State appointed for 2-3 year term)	Cr Cottrell
7	Carnarvon Floodplain Management Group	To oversee the implementation of recommendations for management of the floodplain.	Shire President CEO	Shire President CEO
8	Ningaloo Tourism Advisory Group		1 x Elected Member CEO	Cr Cottrell
9	Gascoyne Zone WALGA (determined at the October 2023 Council Meeting)	Comprises representatives from the 4 Gascoyne local governments and considers common issues by making representation to the WALGA State Council.	1 x Elected Member 1 x Elected Member (Proxy)	Cr President Cr Burke Maslen (proxy)

10	Gascoyne Regional Road Group <i>(determined at the <u>October 2023 Council Meeting</u>)</i>	<i>Comprises representatives from the 4 Gascoyne local governments and Council's delegate provides input into roads funding allocations across the Gascoyne, including the submission of the Council's annual and supplementary road programme.</i>	<i>1 x Elected Member 1 x Elected Member (Proxy)</i>	<i>Cr Burke Maslen President Smith (proxy)</i>
11	Horticultural Standards Implementation Reference Group		<i>1 x Elected Member 1 x Elected Member (Proxy)</i>	<i>Cr Skender Cr Ferreirinha (proxy)</i>

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

CARRIED BY ABSOLUTE MAJORITY 6/0

7.1.3 2024 SCHEDULE OF MEETINGS - DATES, TIMES AND VENUES

File No:	ADM0308
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Dannielle Hill, Senior Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	December 2022
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 seeks Council approval for the Shire of Carnarvon Ordinary Council Meeting dates and the Audit and Risk Management Committees for the 2024 calendar year.

Background

Under the *Local Government Administration Regulations 1996*, Council is required to set dates, times and venues of Ordinary Council Meetings for the upcoming calendar year and provide local public notice of the schedule.

Monthly Ordinary Council Meetings and Agenda Forums are held on the fourth Tuesday of each month, with at least two Ordinary Meetings of Council to be held in Coral Bay, the date and time to be determined by Council.

It should also be noted that with Christmas falling close to the scheduled fourth Tuesday in December, it has been normal practice to bring this meeting forward by one week. For 2024 the meeting day is proposed to be moved forward to Tuesday 17 December.

The following proposed schedule for the Agenda Forums and Ordinary Council Meetings in 2024 is presented for Council’s consideration:

Date	Meeting	Time	Venue
Tuesday 23 January 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 February 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 26 March 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 April 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 27 May 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 28 May 2024	Council Meeting	10.30am	Cardabia Station
Tuesday 25 June 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 July 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 August 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 24 September 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 21 October 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 22 October 2024	Council Meeting	10.30am	Coral Bay Tavern
Tuesday 26 November 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 17 December 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers

Council is also required to establish and give public notice of Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, The Audit and Risk Committee is the only such Committee at the Shire of Carnarvon. As such, the following schedule is proposed.

Date	Meeting	Time	Venue
Wednesday 28 February 2024	Audit and Risk Committee	4.00pm	Council Chambers
Wednesday 24 April 2024	Audit and Risk Committee	4.00pm	Council Chambers
Wednesday 28 August 2024	Audit and Risk Committee	4.00pm	Council Chambers
Tuesday 30 October 2024	Audit and Risk Committee	4.00pm	Council Chambers
Wednesday 11 December 2024	Audit and Risk Committee	4.00pm	Council Chambers

Stakeholder and Public Consultation
Nil

Statutory Environment

Local Government Administration Regulations, 1996 Regulation 12.

Relevant Plans and Policy

Nil

Financial Implications

The proposed meeting schedule may include an optional overnight stay in Coral Bay which is accommodated in the current year budget.

Risk Assessment

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

Risk Category	Description	Rating (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.		This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the proposed meetings dates are not set and advertised.	Low	This agenda item aims to ensure that the Shire is compliant in reporting proposed Council Meeting dates for 2022.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Following the Council resolution on the scheduled dates for the Ordinary Council Meetings, Agenda Forums and Audit and Risk Committee meetings for the 2024 calendar year, local public notice will be given in the local newspaper, the Shire of Carnarvon website and Shire public notice boards to encourage community attendance.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, in accordance with the Local Government Administration Regulations, 1996 resolves to:

1. *adopt the following schedule for the Agenda Forum Meetings, Ordinary Council Meetings and Audit and Risk Committee Meetings for 2024;*

Date	Meeting	Time	Venue
Tuesday 23 January 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 February 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 26 March 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 April 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 27 May 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 28 May 2024	Council Meeting	10.30am	Cardabia Station
Tuesday 25 June 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 July 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 August 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 24 September 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 21 October 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 22 October 2024	Council Meeting	10.30am	Coral Bay Tavern
Tuesday 26 November 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 17 December 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers

Date	Meeting	Time	Venue
Wednesday 28 February 2024	Audit and Risk Committee	4.00pm	Council Chambers
Wednesday	Audit and Risk Committee	4.00pm	Council Chambers

24 April 2024			
Wednesday 28 August 2024	Audit and Risk Committee	4.00pm	Council Chambers
Tuesday 30 October 2024	Audit and Risk Committee	4.00pm	Council Chambers
Wednesday 11 December 2024	Audit and Risk Committee	4.00pm	Council Chambers

2. **give local public notice advising of the schedules for the Ordinary Council Meetings, Agenda Forums and Audit and Risk Committee Meetings for 2024.**

COUNCIL RESOLUTION OCM 06/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreirinha

That Council, by Simple Majority, in accordance with the Local Government Administration Regulations, 1996 resolves to:

1. *adopt the following schedule for the Agenda Forum Meetings, Ordinary Council Meetings and Audit and Risk Committee Meetings for 2024;*

Date	Meeting	Time	Venue
Tuesday 23 January 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 February 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 26 March 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 April 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 27 May 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 28 May 2024	Council Meeting	10.30am	Cardabia Station
Tuesday 25 June 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 23 July 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 27 August 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 24 September 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Monday 21 October 2024	Agenda Forum	8.30am	Council Chambers
Tuesday 22 October 2024	Council Meeting	10.30am	Coral Bay Tavern
Tuesday 26 November 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers
Tuesday 17 December 2024	Agenda Forum Council Meeting	8.30am 1.00pm	Council Chambers

<i>Date</i>	<i>Meeting</i>	<i>Time</i>	<i>Venue</i>
<i>Wednesday 28 February 2024</i>	<i>Audit and Risk Committee</i>	<i>4.00pm</i>	<i>Council Chambers</i>
<i>Wednesday 24 April 2024</i>	<i>Audit and Risk Committee</i>	<i>4.00pm</i>	<i>Council Chambers</i>
<i>Wednesday 28 August 2024</i>	<i>Audit and Risk Committee</i>	<i>4.00pm</i>	<i>Council Chambers</i>
<i>Tuesday 30 October 2024</i>	<i>Audit and Risk Committee</i>	<i>4.00pm</i>	<i>Council Chambers</i>
<i>Wednesday 11 December 2024</i>	<i>Audit and Risk Committee</i>	<i>4.00pm</i>	<i>Council Chambers</i>

2. *give local public notice advising of the schedules for the Ordinary Council Meetings, Agenda Forums and Audit and Risk Committee Meetings for 2024.*

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.1.4 INVITATION TO ENTER SISTER CITY RELATIONSHIP - MUNICIPALITY OF ANTUNOVAC, CROATIA

File No:	ADM1961
Location/Address:	N/A
Name of Applicant:	Western Australian Croatian Chamber of Commerce
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. WA Croatian Chamber of Commerce - Sister City Relationship with Municipality of Antunovac 2. Municipality of Antunovac website extract - Economy and entrepreneurship

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 presents a request from Mr Luke Jurcevic, President of the Western Australian Croatian Chamber of Commerce (WA Croatian Chamber) for the Shire of Carnarvon to consider establishing a Sister City relationship with the Municipality of Antunovac in Croatia.

The officer’s recommendation is for Council to accept this invitation, authorise the CEO to enter into formal discussions on behalf of Council, and for the Shire President and CEO to sign a formal agreement.

Background

The WA Croatian Chamber President and members have visited Carnarvon on at least two occasions in the last two years. The visits have been in recognition of the economic, social and cultural contributions of the Croatian community in Carnarvon and Western Australia. The delegation visited the Shire, met with the Chair of the Dalmacija Club, and visited Croatian families. Mr Antunovac could see potential for stronger ties between Carnarvon and a similarly placed local government in Croatia as a vehicle for economic, cultural and social development of both regions. Mr Jurcevic has put forward the suggestion for a Sister City relationship with the Municipality of Antunovac for Council to consider.

Antunovac is a municipality in the region of Osijek-Baranja County, approximately 213 km from the capital of Croatia. The municipality’s website cites a population of 3559 residents and states that “*The area of the Municipality is located in the zone of use of significant transport corridors that pass through the area of*

eastern Croatia.” The attached document, extracted from the municipality website provides information about the economy of the community, an Economic Zone that was built in 2012 which includes a Business Incubator and Accelerator. The website shows a similarity with Carnarvon in terms of the agricultural production focus in Antunovac.

Stakeholder and Public Consultation

No stakeholder or public consultation has commenced. Should Council resolve to proceed with forming a sister city relationship, the Shire will engage with the Carnarvon Croatian community and other interested stakeholders to discuss how to leverage the best outcomes for Carnarvon.

Statutory Environment

Local Government Act 1995 s.3.18 Executive Functions

Relevant Plans and Policy

Nil

Financial Implications

There are likely to be minor costs associated with formalising a Sister City relationship for items such as hospitality for visiting delegations, marketing and signage. These costs can be accommodated within current budget allocations.

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	Declining the request could impact the Shire’s reputation with the Croatian Chamber and Croatian community.	C2 - Moderate	Accepting the invitation will mitigate this 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 community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The decision to enter into a Sister City relationship involves consideration of opportunities, risks and costs. As context, the Shire entered into a Friendship Agreement with the City of Cockburn which has provided a vehicle to exchange intellectual property (templates, policies, procedures), technical advice and support and marketing opportunities.

The following opportunities have been identified for a Sister City between the Shire of Carnarvon and the Municipality of Antunovac:

- Cultural Exchange and Cultural Understanding: the opportunity for cultural exchange in fostering mutual understanding and appreciation of each other's traditions, customs, and ways of life.
- Economic Opportunities: trade and economic development including economic partnerships and shared development initiatives that may benefit both regions.
- Educational and Professional Opportunities: potential educational and professional exchange programs to promote learning and skill development among students and officials from both regions.
- Tourism Promotion: the relationship can be leveraged to promote tourism between the two regions, encouraging residents and visitors to explore each other's cultural and natural attractions.

Given the opportunities identified and noting that there is little risk or cost associated, the officer's recommendation is to accept the invitation from the Municipality of Antunovac and formalise the Sister City relationship.

OFFICER'S RECOMMENDATION

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

- 1. accept the invitation to establish a Sister City relationship with the Municipality of Antunovac in Croatia; and***
- 2. authorise the Shire President and CEO to formalise the agreement on behalf of Council.***

COUNCIL RESOLUTION OCM 07/11/23**Moved:** Cr Paul Kelly**Seconded:** Cr Luke Vandeleur

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

- 1. accept the invitation to establish a Sister City relationship with the Municipality of Antunovac in Croatia; and*
- 2. authorise the Shire President and CEO to formalise the agreement on behalf of Council.*

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.1.5 JAMBA NYINAYI FESTIVAL 2024 PARTNERSHIP OPPORTUNITY

At 1:22 pm, Cr Paul Kelly declared a Financial Interest in this matter as he sits on the Board of Carnarvon Trustee Aboriginal Corporation. Cr Kelly left the meeting and did not participate or vote on the matter.

File No:	ADM1795
Location/Address:	Cardabia Station, Coral Bay Road, Coral Bay 6701
Name of Applicant:	Baiyungu Aboriginal Corporation (BAC)
Name of Owner:	Baiyungu Aboriginal Corporation (BAC)
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	<ol style="list-style-type: none"> 1. Jamba Nyinayi Festival 2024 Program Overview 2. Festival Site Road Location

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 presents a request from the Baiyungu Aboriginal Corporation (BAC) for Council’s support for the Jamba Nyinayi Festival 2024 (JNF24) in Coral Bay. While some support can be provided via in-kind contributions and met within the current budget and resource allocations, a request for new road works valued at \$20,000 requires Council consideration and a budget allocation. Should Council support this request, which in addition to in-kind support, would result in recognition of the Shire as a JNF24 Presenting Partner.

It is recommended that Council support this event with the required budget allocation for road work.

Background

In April 2023, the inaugural Jamba Nyinayi Festival (come sit with us for while) was successfully delivered by the BAC. The festival aims to engage and build capacity for Indigenous people as the primary focus.

Jamba Nyinayi Festival (JNF) principal partners were Tourism WA, Lotterywest, and the Gascoyne Development Commission.

Based on the outcomes of the inaugural festival, key agencies such as Tourism WA are supporting JNF being positioned as a high-profile cultural tourism experience for the region, at the commencement of the tourism season each April to leverage the festival into the broader tourism marketplace.

The Shire of Carnarvon has been invited to become the Presenting Partner of the festival in 2024 and help to build upon the success of the inaugural festival with a focus on flowing the economic, social and cultural benefits through to the Shire of Carnarvon.

The 2023 festival outcomes, as provided to the Shire by the BAC, were as follows:

Economic impacts:

- *1500 festival attendees;*
- *direct attendee spend estimated at \$750,000 using the tools as part of the Tourism WA business case and pro-rata calculations linked to audience numbers;*
- *Coral Bay and Carnarvon businesses, services, trade and residents employed and contracted wherever possible during planning, event delivery and post-event stages (over 40 businesses, services and trades used or contracted);*
- *57 event staff and support roles employed; and*
- *60 plus artists contracted, many local artists.*

Social impacts:

- *community group engagement in Carnarvon and Coral Bay across youth, volunteer groups, social support groups, health and safety;*
- *media profile and impact of the event, Coral Bay, Ningaloo region;*
- *training and development through Real Futures, TAFE;*
- *creative industry engagement, development and performance;*
- *indigenous and non-indigenous people gathering to share and connect with unique cultural and arts performances and experiences;*
- *cultural understanding and awareness with people from the region and beyond to better understand First Nations people, especially the Baiyungu Traditional Owners; and*
- *fostering emerging leaders in the Baiyungu and broader Indigenous community to commence capacity building and seek ongoing opportunities.*

Cultural impacts:

- *sharing of Baiyungu language and stories through the arts and showcasing how this can be valued through cultural tourism potential into the future; and*
- *engaged and attracted the broader arts and cultural professionals and industry to work with and assist in the delivery of the festival.*

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995, s.3.18 Executive Functions

Relevant Plans and Policy

Nil

Financial Implications

Content and merchandise creation, marketing and promotion support, and other potential in-kind support possibilities can all be met as in-kind contributions within the Shire’s existing resourcing capacity.

Road works which are estimated to cost \$20,000, provided works can be carried out when the Shire’s contractors are in the area for grading work in early December, will require a cash commitment.

The Area Promotion budget has a current balance of \$124,000. It is recommended that the road works for the festival are costed to the Area Promotion budget and that Council reviews the Area Promotion budget during the Mid-Year Budget Review if required.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	The Area Promotion budget may require additional funds for other area promotion priorities works.	C2 - Moderate	Review the Area Promotion budget as part of the Mid-Year Budget Review if required.
Health & Safety	N/A		
Reputation	The Shire provides financial support to a number of Carnarvon based events. Risk of perception that Council does not support Coral Bay based events.	B2 - High	Should Council not support the road works, the in-kind support provided by the Shire will be promoted to mitigate this risk.
Service disruption	The festival is not successful in applications for funding from other external sources and the event is cancelled after the road works are completed.	B2 - High	\$270,000 of funding has been confirmed and the BAC has confirmed that the event would proceed in a format that matches the final funding outcomes.
Compliance	N/A		
Property	N/A		
Environment	N/A		

Fraud	N/A		
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Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

In considering options for the Shire to support JNF24, opportunities to leverage current budget allocations to assist with delivering important festival programs have been identified. Opportunities include festival content and merchandise production through programs such as the Art Hub and school holiday program. The Shire can also assist with marketing and promotion of the festival at no extra cost and within current staffing levels.

The BAC has identified the need for a road into the festival grounds on Cardabia Station to allow for equipment to be transported to the site and to provide vehicle access for festival goers. See attached for map of the preferred route. There is no current budget allocation for these works and therefore the request is being presented to Council for consideration.

It is recommended that Council approves funding the road works in recognition of the economic, social and cultural outcomes of the festival as outlined above. The following partner benefits would be provided, with details to be determined collaboratively with BAC, the JNF team and Shire staff.

Presenting Partner benefits to Shire of Carnarvon:

- Marketing and publicity benefits. The association of the Shire’s brand with a successful event.
- Reinforcing that Coral Bay is within the Shire of Carnarvon and correcting the misconception that Coral Bay is part of the Shire of Exmouth.
- Strengthening the relationship between the Shire and the BAC.
- Investing in supporting the community and businesses in Coral Bay.
- Assist the BAC in attracting significant external funding as outlined below, much of which will be spent with businesses in the Shire of Carnarvon.
 - State – Tourism WA, \$200,000 – Confirmed
 - State – Lotterywest, \$150,000 – Pending
 - State – DLGSC – Arts Projects for Orgs. \$78,000 – Pending
 - State – Regional Arts WA – RAF Project Grant, \$30,000 – Pending
 - State – Gascoyne Development Commission, \$20,000 – Pending
 - Federal – (OFTA) – Festivals Australia, \$123,000 – Pending
 - Federal – (OFTA) – Live Music Australia, \$99,000 – Pending
 - Federal – Creative Australia – Arts Projects for Orgs. \$78,000 – Pending

- Corporate – Rio Tinto, \$50,000 – Confirmed
- Corporate – Chevron, \$15,000 – Confirmed
- Corporate – Hastings, \$5,000 – Confirmed
- Philanthropy – Combined Total (Multiple), \$55,000 - Pending

OFFICER'S RECOMMENDATION

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

- 1. support the Baiyungu Aboriginal Corporation (BAC) in delivering the Jamba Nyinayi Festival 2024 by funding an access road from the Cardabia Homestead access road to the festival grounds at an estimated cost of \$20,000 with works funded from the Area Promotion budget; and***
- 2. authorise the CEO to negotiate the terms of a funding agreement between the Shire and the Baiyungu Aboriginal Corporation.***

COUNCIL RESOLUTION OCM 08/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

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

- 1. support the Baiyungu Aboriginal Corporation (BAC) in delivering the Jamba Nyinayi Festival 2024 by funding an access road from the Cardabia Homestead access road to the festival grounds at an estimated cost of \$20,000 with works funded from the Area Promotion budget; and***
- 2. authorise the CEO to negotiate the terms of a funding agreement between the Shire and the Baiyungu Aboriginal Corporation.***
- 3. request BAC to provide the CEO with an Event Management Plan and Waste Management Plan.***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Vandeleur

AGAINST: Nil

ABSENT: Crs L Skender, P Kelly and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/0

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 09/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

A motion was moved that Council suspend standing orders to seek information in relation to the event and proposed works on the access road.

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

AGAINST: Nil

ABSENT: Crs L Skender, PK Kelly and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 10/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender, PK Kelly and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/0

Motion OCM 10/11/23 was put and carried.

At 1:25 pm, Cr Paul Kelly returned to the meeting.

7.1.6 QUARTERLY POLICY REVIEW

File No:	ADM0124
Location/Address:	Nil
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	7.1.1 Quarterly Policy Review
Schedules:	<ol style="list-style-type: none"> 1. CF001 TO CF019 2. EME001 Code of Conduct for Council Members, Committee Members and Candidates for Election 3. EME003 Elected Members Induction, Professional Development, and Conference Attendance 4. EME005 CEO Leave, Appointment of Acting or Temporary CEO

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. Table 2 in the comments section details the recommended changes to the policies.

Background

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

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

The schedule for review is as follows:

Table 1

Month	Policy Numbers
March	EME001 to EME017
June	EME018 to EME034
September	CF001 to CF019 (Subject of this report)
December	ID001 to ID005 and CD001 to CD013

Stakeholder and Public Consultation

Nil.

Statutory Environment

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

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

Relevant Plans and Policy

Shire of Carnarvon Policy Manual.

Financial Implications

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

Risk Assessment

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

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officer’s recommendation is that Council adopts policy numbers CF001 to CF018 were due to be presented to Council at the September meeting, however, as Council entered the caretaker period, these policies are being presented to Council in November. Policy numbers EME001, EME003 are being presented as it is a requirement that they be reviewed following a local government election, and policy number EME005 is being presented for review as the CEO has submitted leave over the December 2023/January 2024 period.

Table 2

Policy Title	Proposed Change
CF001	<p>Purchasing and Procurement</p> <p>Minor change: More clearly defines sustainable purchasing. More clearly defines anti-avoidance</p> <p>Significant change: Includes a statement about Aboriginal Economic and Business Development to satisfy an action in the Council endorsed Reconciliation Action Plan. Removed the phrase “seek to obtain” and replaced with “obtain” in the purchasing thresholds table. Significant reduction in purchasing threshold exemptions – see table under point 10 for tracked changes.</p>
CF002	<p>Regional Preference</p> <p>Minor change: Clearly defines criteria for regional supplier.</p>
CF003	<p>Tender Selection Criteria</p> <p>Minor changes: Title Change to <i>Tender Management Policy</i>;</p>

	<p>Policy now stipulates:</p> <ul style="list-style-type: none"> • The need for an assessment panel, including the requirement for a minimum of three members on the panel. • That the Panel is to include the relevant Manager. <p>Addition of compulsory criteria requirement in policy. More detail on the notification process.</p> <p>Significant changes: Assessment via a two-stage process – stage one for administrative compliance; and stage two for qualitative assessment against criteria and process for recommendation.</p> <p>Minor variations defined.</p>
CF004	<p>Rate Payment Prizes and Eligibility No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF005	<p>Disposal or Surplus IT and Minor Assets No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF006	<p>Financial Hardship No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF007	<p>Debt Collection No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF008	<p>Risk Management No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF009	<p>Loans and Borrowing No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF010	<p>Corporate Credit Cards No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF011	<p>Recovery of Rates No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF012	<p>Rates Charges No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF013	<p>Significant Accounting Policies No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF014	<p>Investments No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF015	<p>Private Works No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>
CF016	<p>Asset Management No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.</p>

CF017	Related Parties Disclosures No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.
CF018	Lease and Licensing Classifications No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.
CF019	Rates Exemptions for Charitable Purposes No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.
EME001	Code of Conduct for Council Members, Committee Members and Candidates for Election No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.
EME003	Elected Members Induction, Professional Development, and Conference Attendance Policy No changes. Reviewed by Shire Officers. Policy put forward for final review and recommendations by Councillors.
EME005	Council Leave, Appointment of Acting or Temporary CEO Minor changes: <ul style="list-style-type: none"> • Inserted definition of Acting CEO and Temporary CEO. • Updated position titles from Executive Managers to Deputy Chief Executive Officer (DCEO) and Executive Manager Infrastructure Services (EMIS). • Included clause should the CEO be incapacitated automatic appointment of DCEO or EMIS in that order subject to availability.

OFFICER’S RECOMMENDATION

That Council, by Absolute Majority, in accordance with Section 2.7 of the Local Government Act 1995, resolves to adopt Policies CF001 – CF019, EME001, EME003 AND EME005, as presented in Schedule 1 and include them in the Shire of Carnarvon Policy Manual.

COUNCIL RESOLUTION OCM 11/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreirinha

That Council, by Absolute Majority, in accordance with Section 2.7 of the Local Government Act 1995, resolves to adopt Policies CF001 – CF019, EME001, EME003 AND EME005, as presented in Schedule 1 and include them in the Shire of Carnarvon Policy Manual.

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

AGAINST: Cr Paul Kelly

ABSENT: Crs L Skender and DM Maslen

CARRIED BY ABSOLUTE MAJORITY 5/1

Cr Kelly asked the mover and seconder of OCM 11/11/23 if they would consider amending wording in Policy “CF001 – Purchasing and Procurement”, before adopting the policy as follows :

“The Shire is committed to creating a supportive and inclusive environment for Aboriginal businesses to thrive and contribute to the local economy. This not only benefits Aboriginal communities but can also lead to a more diverse and robust business landscape. Steps that the Shire will take include:

- *Clear Communication: Language used in seeking quotes or tenders will be inclusive and inviting to ~~Aboriginal-owned~~ all businesses.*
 - *Accessible Information: Information about tendering or quoting processes, requirements, and deadlines will be easily accessible to all interested parties, including Aboriginal businesses*
- request to amend the motion – Mover and Seconder were not agreeable.
Economic and Business Development for Aboriginal Businesses”*

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 12/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

A motion was moved that Council suspend standing orders for Cr Kelly to explain his proposed amendment to the motion.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 13/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 14/11/23****Moved: Cr Luke Vandeleur****Seconded: Cr Burke Maslen**

A motion was moved that Council suspend standing orders to answer further questions on Cr Kelly's proposed changes to Policy CF001.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 15/11/23****Moved: Cr Luke Vandeleur****Seconded: Cr Burke Maslen**

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

Cr Vandeleur and Cr Ferreirinha were not agreeable to the proposed amendment to Policy CF001 and the motion therefore stands.

Motion OCM 11/11/23 was put and carried.

7.1.7 REQUEST FOR RENEWAL OF LEASE - FUEL DEPOT, PORTION OF LOT 547, CARNARVON AIRPORT

File No:	ADM0221
Location/Address:	Portion of Lot 547, Carnarvon Airport
Name of Applicant:	World Fuel Services (Australia) Pty Ltd
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Senior Records Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. Market Valuation Report - Portion of Lot 547, Carnarvon Airport

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 from World Fuel Services Pty Ltd (Lessee) seeking to renew a lease over a portion of land, Lot 547, Carnarvon Airport. It is recommended that Council approve the renewal of the lease.

Background

The Shire has received a request from the Lessee to renew the lease for a portion of Lot 547, Carnarvon Airport for a third five year term. The Lessee has held a lease over the land at Carnarvon Airport since 1 March 2017 and the current Deed of Extension of lease is due to expire on 31 January 2024.

The expired lease tenure was for five (5) years with the option of two further terms of five (5) years. The lease rental is currently \$11,172.07 (ex. GST) p.a., with the Lessee being responsible for all outgoings, utilities, building maintenance and rates.

A market valuation report was prepared in November 2023 by Opteon Solutions (**schedule 1**) which provides an in-depth market rental analysis and comparison with other similar properties at airports. The report summarises a market rental value of \$12,940 (ex. GST) p.a., which is calculated on \$10 per square metre.

Aerial view of leased area – land & buildings

**Stakeholder and Public Consultation**

N/A

Statutory Environment

Local Government Act 1995 section 3.58 Disposal of Property

Relevant Plans and Policy

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

Financial Implications

The cost of preparation of a renewal lease, market valuations, utilities and all maintenance will be paid by the Lessee in accordance with Policy CF018.

This lease proposal will guarantee a set income of \$12,940 per annum (ex. GST) through an annual lease rental charge to be paid by the Lessee, based on the valuation report. Lease rental reviewed annually (at the anniversary of Commencement) based on CPI for the preceding quarter.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	The revenues earned from commercial leases at Carnarvon Airport are an important income for the Shire.	C2 - Moderate	Renewing the lease mitigates the risk of loss of income to the Shire of Carnarvon
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	There are environmental risks from fuel – e.g., land contamination?	D3 - Moderate	The land would require mediation if the lease is not renewed. (Part of the lease would require the lessee to clear and remediate the land).
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Consistent with other commercial leases at Carnarvon Airport it is recommended that Council should grant a five (5) year lease for the second further term in accordance with property disposal provisions under the *Local Government Act, 1995*. This will secure a continuing revenue stream for the Shire whilst supporting a local business to continue operating from the Carnarvon Airport.

OFFICER'S RECOMMENDATION

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

- 1. exercise the option and renew the lease portion of Lot 547, Carnarvon Airport, for a third five term expiring on 31 January 2029, in accordance with Item 3 of the current lease subject to:***
 - a) an annual lease fee of \$12,940 (ex GST) per annum;***
 - b) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act 1995; and***
 - c) lease documentation being prepared at the Lessee's cost to be invoiced to the Lessee upon the lease being executed.***
- 2. advertise by local public notice its intention to renew the lease for the land being a Portion of Lot 547, Carnarvon Airport, for a period of not less than two (2) weeks; and***
- 3. authorises the CEO to negotiate the details of the lease with the Lessee as outlined above, subject to no objections being received to the Public Notice for the proposed Disposal of Property.***

COUNCIL RESOLUTION OCM 16/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

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

- 1. exercise the option and renew the lease portion of Lot 547, Carnarvon Airport, for a third five term expiring on 31 January 2029, in accordance with Item 3 of the current lease subject to:***
 - a) an annual lease fee of \$12,940 (ex GST) per annum plus CPI applied annually.***
 - b) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act 1995; and***
 - c) lease documentation being prepared at the Lessee's cost to be invoiced to the Lessee upon the lease being executed.***
- 2. advertise by local public notice its intention to renew the lease for the land being a Portion of Lot 547, Carnarvon Airport, for a period of not less than two (2) weeks; and***
- 3. authorises the CEO to negotiate the details of the lease with the Lessee as outlined above, subject to no objections being received to the Public Notice for the proposed Disposal of Property.***

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION OCTOBER 2023

File No:	ADM0186
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Jacque Birch, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	<ol style="list-style-type: none"> 1. Accounts for Payment in October 2023 2. Credit Card Statements and Reconciliation

Authority/Discretion:

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

Summary of Item

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

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,992,512.30.***

a) as presented for the month of November 2023, incorporating the following; and

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT39544</i>	<i>EFT39793</i>	<i>Muni EFT</i>	<i>\$3,255,682.53</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD40394.4 DD40432.5, DD40468.1, DD40470.1-DD40470.2 DD40473.1-DD40473.4 DD40475.1, DD40477.1, DD40484.1-DD40484.5 DD40486.1 DD40488.1-DD40488.3 DD40506.1 DD40508.1 DD40510.1 DD40512.1-DD40512.6 DD40515.1 DD40519.1-DD40519.2 DD40521.1 DD40525.1</i>	<i>DD40525.2</i>	<i>Bank Directs</i>	<i>\$ 736,829.77</i>
		<i>TOTAL</i>	<i>\$3,992,512.30</i>

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23 September to 22 October 2023.***

COUNCIL RESOLUTION OCM 17/11/23

Moved: Cr Burke Maslen
 Seconded: Cr Luke Vandeleur

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

1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,992,512.30.

a) as presented for the month of November 2023, incorporating the following; and

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
EFT39544	EFT39793	Muni EFT	\$3,255,682.50
-	-	Trust EFT	\$0.00
-	-	Cheque	\$0.00
DD40394.4 DD40432.5, DD40468.1, DD40470.1-DD40470.2 DD40473.1-DD40473.4 DD40475.1, DD40477.1, DD40484.1-DD40484.5 DD40486.1 DD40488.1-DD40488.3 DD40506.1 DD40508.1 DD40510.1 DD40512.1-DD40512.6 DD40515.1 DD40519.1-DD40519.2 DD40521.1 DD40525.1	DD40525.2	Bank Directs	\$ 736,829.77
		TOTAL	\$3,992,512.30

2. receive the copies of credit card statements for all such Shire Facilities for the period 23 September to 22 October 2023.

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

CARRIED BY SIMPLE MAJORITY 6/0

7.2.2 BUDGET ADJUSTMENTS - OCTOBER 2023

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

Authority/Discretion:

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

Summary of Item

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

Background

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

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

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

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

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

The adjustments presented for consideration to Council have an impact of \$14,400 on the projected budget closing position.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*
- *N/A*

Comments

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

Adjustments Impacting Budgeted Closing Position

Adjustment number 07/24 impacts the budgeted closing position by \$14,400. External painting and new internal floor coverings are required at the old Terminal Building at the Airport. A new lease agreement with the current tenant of the Old Terminal Building is being negotiated. Under that new lease, annual rental will increase by approximately \$11,300 per annum (Ex GST). An increased lease will become applicable when these works are completed. Costs to upgrade to building will be recouped via the increased lease fee within two years and three months. The Mid-Year Budget Review will be utilised to either identify savings from other areas, allocate reserve funds, or reduce the final surplus position.

Adjustments with no impact on budget closing position

There are three items in the attachment with the net effect on the budget position as nil.

Net budget closing position

After making the above adjustments, the budget closing position is in deficit by \$14,400.

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION OCM 18/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

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

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY ABSOLUTE MAJORITY 6/0

7.2.3 APPOINTMENT OF AUTHORISED PERSONS UNDER THE BUSH FIRES ACT 1954

File No:	ADM0106
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Rebekah Skender, Finance Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	27 September 2022
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 recommends Council endorses the appointment of the recommended Chief Bushfire Control Officer, Deputy Chief Bush Fire Control Officers, and Bush Fire Control Officers, noting that delegations have been changed due to resignations of previous delegated officers. It is recommended that the register is also updated register to reflect current Shire employee appointments.

Background

It is a statutory requirement under the *Bush Fires Act 1954* for Local Governments maintain a current register of persons appointed to fulfill the role of Fire Control Officer. The Shire’s register requires updating.

Several new appointments are recommended to provide sufficient local support to the brigade during the 2023/2024 fire season. Training support is available to appointees through the Department of Fire and Emergency Service.

Employee movements in and out of the Shire have necessitated the appointment of several Fire Control Officers (FCO) and a review of the FCO register.

Stakeholder and Public Consultation

Should Council endorse the officer’s recommendation, a notice of appointment must be published in a newspaper circulating within the district as required by the legislation.

Statutory Environment

Section 38 of the Bush Fires Act 1954 gives local governments the powers to appoint Bush Fire Control Officers and the Act provides such persons with the necessary authority to perform their duties under the Act.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	Failure to appoint FCOs could place Shire staff and volunteers involved in bushfire prevention and response in a position where they are not formally protected under the provisions of the <i>Bush Fires Act 1954</i> .	B3 - High	Formal appointment of FCOs and an up-to-date register mitigates this risk.
Reputation	Approved persons who are no longer employed by the Shire, may not act in accordance with the Shire’s emergency response plan	C3 - High	Revoking previous appointments eliminates this risk.
Service disruption			

Compliance	The ability to maintain compliance with Section 33. Notices under the <i>Bush Fire Act 1954</i> .	C3 - High	Correct appointment of authorised persons to maintain compliance of Section 33. Notices under the <i>Bush Fire Act 1954</i> .
Property	There is a risk of insufficient regional resources to control fire as per the <i>Bush Fire Act 1954</i> .	C3 - High	Appointment of authorised persons with ability to manage fire incidents under the <i>Bush Fire Act 1954</i> .
Environment	There is a risk of insufficient regional resources to control fire as per the <i>Bush Fire Act 1954</i> .	C3 - High	Appointment of authorised persons with ability to manage fire incidents under the <i>Bush Fire Act 1954</i> .
Fraud			

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The persons recommended below are considered suitable appointments as Fire Control Officers and have confirmed that they are willing to accept the responsibilities that come with the role of Bush Fire Control Officer for the Shire of Carnarvon.

The persons recommended as Fire Control Officers and their relationship with the Shire of Carnarvon/Volunteer Bush Fire Brigade are listed below:

- Alan Thornton - Shire of Carnarvon, Deputy Chief Executive Officer
- Michael Antony - Shire of Carnarvon, Shire Community Emergency Services Officer
- Tahlia Cotton - Shire of Carnarvon, Shire Ranger
- Anthony Willis - Shire of Carnarvon, Shire Ranger
- Jack Lewis - Shire of Carnarvon, Shire Ranger (Coral Bay)
- Peter Allen Cullen - Shire of Carnarvon, Shire Ranger
- Blair McMurrich - Shire of Carnarvon, Shire Ranger
- Neil George Hatt - Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Warren Hatt - Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Scott Medhurst - Volunteer Firefighter, Gascoyne River Bush Fire Brigade

- Brett Renton – Volunteer Firefighter, Gascoyne River Bush Fire Brigade

Proposed appointees will be provided with training through the Department of Fire and Emergency Services to complete the required Fire Control Officer course and to consolidate their knowledge of the *Bush Fires Act 1954*.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 and Pursuant to Section 38 of the Bush Fires Act, 1954 resolves:

- 1. to appoint Alan Thornton Shire of Carnarvon - Deputy Chief Executive Officer to the position of Chief Bush Fire Control Officer;***
- 2. to appoint Michael Antony, Shire Community Emergency Services Manager and Tahlia Cotton, Shire Ranger, to the positions of Deputy Chief Bush Fire Control Officer;***
- 3. to appoint the following persons to the position of Bush Fire Control Officer:***
 - ***Anthony Willis - Shire of Carnarvon, Shire Ranger***
 - ***Jack Lewis - Shire of Carnarvon, Shire Ranger (Coral Bay)***
 - ***Peter Allen Cullen - Shire of Carnarvon, Shire Ranger***
 - ***Blair McMurrich - Shire of Carnarvon, Shire Ranger***
 - ***Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***
 - ***Warren Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***
 - ***Scott Medhurst – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***
 - ***Brett Renton – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***
- 4. that all previous appointments to positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control are hereby revoked.***
- 5. to authorise the Chief Executive Officer to publish these appointments in the local newspaper and formally advise the Department of Fire and Emergency Services of the appointments.***

COUNCIL RESOLUTION OCM 19/11/23

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 and Pursuant to Section 38 of the Bush Fires Act, 1954 resolves:

- 1. to appoint Alan Thornton Shire of Carnarvon - Deputy Chief Executive Officer to the position of Chief Bush Fire Control Officer;***
- 2. to appoint Michael Antony, Shire Community Emergency Services Manager and Tahlia Cotton, Shire Ranger, to the positions of Deputy Chief Bush Fire Control Officer;***
- 3. to appoint the following persons to the position of Bush Fire Control Officer:***
 - ***Anthony Willis - Shire of Carnarvon, Shire Ranger***
 - ***Jack Lewis - Shire of Carnarvon, Shire Ranger (Coral Bay)***
 - ***Peter Allen Cullen - Shire of Carnarvon, Shire Ranger***
 - ***Blair McMurrich - Shire of Carnarvon, Shire Ranger***
 - ***Neil George Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***

- **Warren Hatt – Volunteer Firefighter, Gascoyne River Bush Fire Brigade**
- **Scott Medhurst – Volunteer Firefighter, Gascoyne River Bush Fire Brigade**
- **Brett Renton – Volunteer Firefighter, Gascoyne River Bush Fire Brigade**

4. that all previous appointments to positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control are hereby revoked.

5. to authorise the Chief Executive Officer to publish these appointments in the local newspaper and formally advise the Department of Fire and Emergency Services of the appointments.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.2.4 MONTHLY FINANCIAL REPORT OCTOBER 2023

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	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 presents the Statement of Financial Activity for the period ending 31st October 2023 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

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

Monthly Financial Report – contains:

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

Notes for other supporting Information include:

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

Operating Grants Subsidies and Contributions are \$2.2 million lower than year to date budget, this is due to a delay in the receipt of AGRN flood damage funds. Funds are received from DRFAWA based on milestone progress claims. A claim has been made for just over \$1 million in November.

The road capital works program is well underway with 50% of the budgeted road works complete. The Youth Precinct Development Pump Track is nearing completion.

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION OCM 20/11/23

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

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

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 PELICAN POINT BEACH CLOSURE

File No:	ADM0141
Location/Address:	Pelican Point Beach, Pelican Point Road, Babbage Island
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of Western Australia; Management Order vested to the Shire of Carnarvon
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	1. Beach closure plan

Authority/Discretion:

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

Summary of Item

This report seeks a Council resolution to support the temporary closure of Pelican Point Beach to vehicle access to protect the spit stabilisation works and subsequent revegetation that is currently undertaken by the Department of Transport (DOT), as well as the seasonal closure of the entire beach from Pelican Point to the Gascoyne River mouth or sections thereof, subject to turtle nesting sightings.

This report aims to outline the reasons for beach closures, the work being conducted and the expected duration of beach closures.

Background

Pelican Point Beach is a popular and scenic location known for its natural beauty and recreational opportunities. The Department of Transport has initiated a sand spit restoration project in response to ongoing erosion issues. The sand spit is an integral part of the local ecosystem and coastal protection, and its deterioration required immediate attention.

Breaching of Pelican Point spit

Pelican Point Beach has always been open to vehicle access and Carnarvon locals and visitors alike have been using the beach for various recreation activities ranging from dog walking, horse riding, fishing, kite surfing and other recreational activities.

Evidence would suggest that the continuous driving on the beach could have led to the breaching of the spit area and the subsequent silting up of the Fascine waterway. The following photos, provided by the Department of Transport (DOT), show vehicle tracks over the dune system which are evidence to suggest that vehicle access could have played a role in the eroding and ultimate breaching of the spit in 2017.



Aerial image taken in September 2009.



Aerial image taken in August 2012.



Aerial image taken in October 2014.



Aerial image taken in November 2015.

According to experts from DOT, there are two main mechanisms by which vehicles contribute to the degradation of a dune system:

1. *Vegetation damage.*

- *Vegetation cannot establish in sections of dunes that are subject to continued vehicle traffic. Newly established/planted vegetation is especially vulnerable to damage from vehicle traffic.*
- *Vehicle traffic over established vegetation will kill/damage that vegetation.*

The above is particularly a problem for the spit stabilisation project, as the narrowest point of the spit is optimal for vehicle navigation, and this is also the most vulnerable section of the spit to breaching.

If vehicles are allowed to access the spit post stabilisation works and drive over the revegetation areas, the likelihood of success is dramatically reduced to the point that revegetation would not be recommended.

2. *Direct displacement of sand (erosion).*

- *Over time, vehicle access over the same section of beach/dune will result in a lowering of that section of dune. This is particularly detrimental to dune stabilisation efforts if a certain area (as shown above) is repeatedly used to traverse over the dune.*

The aerial images below show the spit breached in 2017 and then completely broken up in 2018 with fascine waterway blocked off by the sand.



Aerial image taken in May 2017.

Pelican Point Spit Stabilisation Works

Dredging works commenced mid-July 2023. The spit stabilisation works commenced in August 2023 and is expected to be completed in late February 2024.

DOT has advised that during dredging and spit stabilisation works, the spit will be closed to public access as it is a construction site.

Spit stabilisation works are progressing well with the following images showing the extent of works currently undertaken.



Spit stabilisation works.



Newly constructed dune taking form.

DOT has provided the following advice on vehicle access following completion of the spit stabilisation works.

“The best-case scenario would be to restrict all vehicle access from the spit and only allow pedestrian access.

If possible, vehicle access would be acceptable if it was below the high tide mark and they did not enter the dune system inclusive of the foredune. However, during high tide events vehicles who still wish to access the spit could only do so by entering the foredune which would be detrimental to the spit stabilisation works.”

Pelican Point spit access options

Pelican Point is under management and control of the Shire of Carnarvon and, therefore, decision making authority in relation to management rests with the Shire. DOT’s current design for the spit stabilisation has not considered the inclusion of vehicle access at all. DOT has advised that their initial design did consider vehicle access through the centre of the spit but the risk of erosion was too great and could jeopardise the project.

It is acknowledged that there are pros and cons for any option chosen; however, to give the stabilisation project the best chance of success, vehicle access to Pelican Point spit area would have to be banned or strictly limited, noting that the latter could be difficult to manage.

The following options to consider are:

1. Permanent ban on vehicle access to Pelican Point spit.
2. Temporary ban on vehicle access to Pelican Point spit.
3. Restricted vehicle access to Pelican Point spit.

Options 1 and 2 can be achieved through blocking access points as shown on the attached beach closure plan. The continuation of the white bollard posts (shown below) already present along Pelican Point Road appear to be sufficient and can be continued as per the plan, which is likely to be suitable for the beach/intertidal area as well. These works would have to be funded, installed and maintained by the Shire.

Options 1 and 2, require a gate or controlled access point be installed as there will be an ongoing maintenance component to the spit where dune blow outs are experienced and if further brushing/seeding is required.

Option 3 could provide beach access to vehicles below the high tide mark and prohibiting access into the dune system inclusive of the foredune. However, during high tide events vehicles who still wish to access the spit would only be able to do so by entering the foredune, which would be detrimental to the spit stabilisation

works. Managing vehicle activity would be difficult and would possibly give the stabilisation works a very poor chance of success and causing additional maintenance work for DOT.

Temporary beach closure due to turtle nesting

The second part of this report provides an overview of the proposed seasonal beach closures to protect nesting turtles on Pelican Point beach, which occurs between the months of November and April the following year. It highlights the importance of these closures in preserving the delicate balance of marine ecosystems and discusses the benefits they bring to both wildlife and local communities. The report also highlights the challenges associated with beach closures and provide recommendations for their effective implementation.

Coastal regions around the world serve as critical nesting habitats for various sea turtle species. These nesting sites are vital for the survival of these marine reptiles and protecting them is essential for preserving biodiversity and maintaining the health of marine ecosystems. Seasonal beach closures are one of the primary strategies employed to safeguard sea turtle nests and promote conservation efforts.

Human use of nesting beaches can result in negative impacts to nesting turtles, incubating egg clutches and hatchlings. The most serious threat caused by increased human presence on the beach is the disturbance to nesting females. Night-time human activity can prevent sea turtles from emerging on the beach or even cause females to stop nesting and return to the ocean. Beach driving, either at night or during the daytime, can negatively impact sea turtles. Nighttime driving can disturb nesting females, disorient emerging hatchlings, and crush hatchlings attempting to reach the ocean.

Tyre ruts left by vehicles can extend the time it takes a hatchling to reach the ocean and increase their chance of being caught by a predator. Driving during the day can cause sand compaction above nests resulting in lower nest success. Additionally, as explained earlier in the report beach driving contributes to erosion, especially during high tides or on narrow beaches.

The following highlights the importance and benefits from seasonal beach closures.

1. **Preservation of Nesting Sites:** Seasonal beach closures are crucial in protecting sea turtle nests. Female turtles return to the same beaches where they were born to lay their eggs. Disturbances from human activities, such as recreational beachgoers, vehicles, and artificial lighting, can disrupt nesting behaviours and lead to nest abandonment.
2. **Conservation of Endangered Species:** Sea turtles are often endangered or threatened species, and their survival depends on successful nesting. Seasonal beach closures help increase the chances of successful hatching and the survival of hatchlings, contributing to the recovery of these species.
3. **Economic and Ecological Benefits:** Healthy sea turtle populations have broader ecological implications, as they help control jellyfish populations, maintain the health of seagrass beds, and support the overall balance of marine ecosystems. Furthermore, turtle tourism can generate revenue for local communities.
4. **Educational Opportunities:** Seasonal beach closures provide opportunities for educational programs and outreach. Local schools and organizations can teach residents and visitors about the importance of sea turtle conservation. This can raise awareness and understanding of local environmental issues and the need for conservation.

5. **Community Engagement:** The process of monitoring and protecting nesting turtles can engage the local community in conservation efforts. Volunteers often play a critical role in patrolling the closed areas, monitoring nests, and educating the public. This can foster a sense of community pride and stewardship.
 6. **Ecosystem Health:** Sea turtles are a keystone species in marine ecosystems. By protecting their nesting sites, we indirectly help maintain the health of these ecosystems, which can have a positive impact on fisheries, water quality, and overall biodiversity. This can benefit the community by supporting a healthy environment.
 7. **Reputation and Image:** Being associated with sea turtle conservation can enhance the image and reputation of the Shire and local community. It can draw positive attention from media and ecotourists, potentially leading to partnerships and grants for further community development.
- It's important to note that the success of beach closures for nesting turtles depends on proper planning, enforcement, and community involvement.

Some of the main challenges associated with beach closures are:

- **Enforcement:** Ensuring compliance with beach closure regulations can be difficult. Public education, signage and law enforcement efforts are essential for it to be successful.
- **Community Engagement:** Involving local communities in conservation efforts and highlighting the benefits of beach closures can foster support and understanding.
- **Educational Programs:** Public awareness and education initiatives can inform beachgoers about the importance of beach closures and their role in sea turtle conservation.

Considering the above it is the officer's recommendation to close the beach to vehicles, only when turtles or turtle tracks have been spotted and then to keep the beach closed to vehicles for the entire turtle nesting season. As part of this recommendation and to minimise community backlash it is recommended that appropriate signage be installed in strategic locations advising and educating the community and visitors of beach closures. Increased Ranger patrols during beach closure times will also be implemented.

Stakeholder and Public Consultation

A report was put to Council on 26 April 2023 recommending that Council endorse the commencement of a community engagement process in relation to the future access, use, and protection of Pelican Point Beach, and to consider the recommendations from the community engagement when deciding on matters relating to the management of Pelican Point Beach. The recommendation was not carried with the following note added:

"Councillors regularly engage with community members and have a sound understanding of community priorities in relation to this topic. Therefore, Council considered that the proposed community engagement process is not warranted and not a reasonable use of limited Shire resources at this time." Statutory Environment

- Section 3.18 of the *Local Government Act 1995*
- Shire of Carnarvon Local Laws

Relevant Plans and Policy

Nil

Financial Implications

Option 1 and 2 will require the purchase of additional posts and signage and the installation thereof that is currently not budgeted for. Indicative costs for these options would be \$25,000.00 - \$30,000.00 installed including signage (Once off capital cost plus ongoing maintenance of approximately \$2,000.00/year). Option 3 would require additional resources from the Rangers team to manage compliance. The estimated cost including weekend work is \$48,000.00 (0.5FTE) in the operating budget.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Community and stakeholder sentiment on this matter is divided and Council’s decision will be scrutinised whatever that decision may be.	B2 - High	Clear information that shows thoughtful decision making.
Service disruption	N/A		
Compliance	People could still drive on the beach despite rules and regulations.	C4 - Extreme	Installing appropriate barriers to prevent access to the beach when necessary.
Property	N/A		
Environment	Destruction of dune systems and revegetation efforts and harming or disturbing sea turtles.	B4 - Extreme	Banning vehicle activity on the spit and the rest of the beach when turtles are spotted or to close the beach to vehicles during turtle nesting season.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The closure of Pelican Point Beach is the recommended measure to ensure the success of the sand spit restoration works conducted by the Department of Transport.

In addition to the above, seasonal or periodic beach closures are essential for protecting sea turtle nesting sites and promoting conservation. While challenges exist, best practices and successful case studies demonstrate that it is possible to strike a balance between conservation and economic interests. Implementing and maintaining beach closures is a vital step in preserving the remarkable biodiversity of coastal ecosystems and securing a future for these incredible marine reptiles.

In closing, there are two parts to this report and as such there will be two parts in the officer's recommendation for Council to consider.

Options available for Council to consider as part of part one (1) of the recommendation are:

1. Permanently ban vehicle access to Pelican Point spit.
2. Temporarily ban vehicle access to Pelican Point spit until further notice.
3. Restricted vehicle access to Pelican Point spit.

Option Two is recommended to give the dune and vegetation time to establish with a review in 12 months.

Options available for Council to consider as part of part two (2) of the recommendation are:

1. Closing the entire beach to vehicles from Pelican Point to the Gascoyne River mouth during turtle nesting season every year, which is from November to April the following year.
2. Closing the entire beach to vehicles from Pelican Point to the Gascoyne River mouth during turtle nesting season, only when nesting turtles and/or turtle tracks have been spotted on the beach.
3. Not to close the beach during turtle nesting season.

Option One is recommended to balance environmental protection with recreational use of the beach.

OFFICER'S RECOMMENDATION

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

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

COUNCIL RESOLUTION OCM 21/11/23**Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

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

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

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

AGAINST: Cr Paul Kelly

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/1**SUSPENSION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 22/11/23****Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

A motion was moved that Council suspend standing orders to ask questions in relation to the proposed areas of closure and the impact on the community.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 23/11/23****Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

Motion OCM 21/11/23 was put and carried.

Note to Minute:

For clarification, the “Beach Closure Plan” was amended to read the “Beach Vehicle Access Closure Plan” to denote that the beach will be closed to vehicles only and not the public. Part 4 was added as considered the area in question has traditionally been used for horse training and is a known turtle nesting area. The closure will protect the turtle hatchlings from vehicles and will also limit beach erosion in that area.

7.3.2 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 13 - SCHEME AMENDMENT NO. 7

File No: A4046
 Location/Address: 13000 North West Coastal Highway, Minilya; Lot 1 North West Coastal Highway, Wooramel
 Name of Applicant: Shire of Carnarvon
 Name of Owner: Colchester Pty Ltd
 Author(s): Stefan Louw, Planning And Building Manager
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: 25 July 2023
 Schedules: 1. Amendment Documentation

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 has received a request from Canford Hospitality Consultants Pty Ltd on behalf of the owners of the Minilya Bridge Roadhouse to amend the Local Planning Scheme No. 13 to create a new special use zone, which adds the ‘Hotel’ land use.

The intention of the amendment is to allow to operators of the roadhouse to serve packaged liquor to the lodgers and travellers. As the Shire is preparing the scheme amendment in response to this application officers saw this as an opportunity to extend the scheme amendment to capture all roadhouses outside the town of Carnarvon and to correct a mapping anomaly related to the location of the Wooramel roadhouse.

This report recommends that Council initiate the amendment and determine that the amendment is a standard amendment, noting that should Council initiate the amendment, it will need to be advertised for public comment.

Background

This scheme amendment was considered at the Ordinary Council Meeting in July 2023 and was subsequently submitted to the Environment Protection Authority (EPA) for assessment. EPA has advised that they could not assess the amendment due to mapping and lot reference errors, which is now proposed to be rectified as part of the revised scheme amendment as explained in this report and in the attached amendment documentation.

As it stands, the both roadhouses (Minilya Bridge and Wooramel) are currently permitted to allow for lodgers or provide short term accommodation to guests - this is a listed use under the roadhouse definition. As such, the additional 'Hotel' land use will not result in these sites being able to accommodate travellers where they could not previously.

The 'Hotel' land use is categorised as an 'A' use in all zones where it is listed, meaning that the use is not permitted unless the Shire has used its discretion to grant development approval and the application was advertised in accordance with clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015. In order to maintain consistency within the Scheme, it is proposed that the 'Hotel' land use remain as an 'A' use in Special Use Zone, hence the insertion of a new condition 7 for the Special Use Zone 1 in Schedule 4 to the Scheme.

The intent of the amendment is to allow for the roadhouses along North West Coastal Highway (namely Wooramel and Minilya Bridge) to serve liquor to lodgers and take away packaged liquor. The intent is not to have this service at roadhouses within the townsite given that roadhouses in the townsite are all within proximity to existing liquor stores.

The ability to provide liquor will enable Wooramel and Minilya Bridge roadhouses to further diversify their businesses and provide additional convenience to travellers.

The existing Special Use Zone 1 has been modified to allow the permissibility of the 'Hotel' land use for roadhouses outside of the Carnarvon Townsite only, as well as correcting the land description detail of the Wooramel roadhouse as it refers to a different parcel of land. Scheme Map No. 5 is also being amended to rectify the mapping error relating to the incorrect land description of the Wooramel roadhouse.

This proposal to allow for liquor service at roadhouses is not unlike other local governments in the region.

Stakeholder and Public Consultation

The scheme amendment proposal, once initiated, will be forwarded to the Environmental Protection Authority (EPA) in accordance with s. 81 of the Planning and Development Act 2005. The application is then required to be advertised for a period of 42 days. Following completion of the advertising period, the amendment will be brought back to Council for a decision to either:

- support the amendment without modification;
- support the amendment with proposed modifications; or
- to not support the proposed amendment.

Within 21 days of resolution the amendment must be submitted to the Western Australian Planning Commission (WAPC).

Statutory Environment

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*.

Section 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* defines scheme amendments in the three (3) following ways: basic, standard or complex amendment. It is considered that the amendment falls within the 'Standard amendment' category.

Regarding an assessment of the amendment “definition” as outlined in the Section 34 of the Regulations, it is considered that the amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The amendment will have minimal impact on land within the scheme area, being confined to only 2 sites within the scheme area.
2. The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. The amendment is consistent with the Shire’s Local Planning Strategy in that:
 - a. The Strategy identifies a lack of hotel land uses, with less than 30% of accommodation options being hotels; and
 - b. The Strategy identifies the need to support the development and growth of local businesses and brands through appropriately zoned land.

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 recognises that the performance of the local economy directly affects several key areas relating to the growth and prosperity of a community including:

- *Attracting new investment and sustaining existing businesses;*

Financial Implications

N/A

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Supporting this amendment could be seen as favouritism.	Low	Consistent decisions informed by legislation and planning process.
Service disruption	N/A		
Compliance	N/A		
Property	The landowner’s ability to utilise the	Low	The scheme amendment will address the zoning constraint to facilitate

	site for diverse business potentials.		future development of the site, which is limited to what is being applied for.
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

In allowing the roadhouses to obtain approval as a ‘Hotel’, the Scheme will support further economic potential for the operators and allow them to diversify their business models. However, it is important to note that the proposed amendment does not automatically allow for the roadhouses to serve liquor; rather, it provides them the opportunity to seek development approval and subsequently liquor license approval. This is currently not a possibility under the current scheme.

Currently, the definition of ‘Roadhouse’ permits operators to offer short term accommodation on-site. Adding ‘Hotel’ to the list of permitted uses will not modify current lodging arrangements. Modification to the Scheme Map No. 5 is being proposed through this amendment, as well as correcting land description detail and administrative renumbering.

In addition to the above, this report seeks Council’s resolution to initiate and advertise the scheme amendment only. No approvals are being granted as part of this step in the process, and there are also no requirements in the *Planning and Development (Local Planning Schemes) Regulations, 2015* that compel Council to initiate this amendment and, as such, the following option are available for Council to consider:

Option 1: Abandon the amendment.

Option 2: Initiate the amendment to gather community feedback as further information for the final decision. Noting that the item will be brought back to Council for adoption following the advertising period.

OFFICER’S RECOMMENDATION

That Council by Simple Majority:

1. ***pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 7 of Shire of Carnarvon Local Planning Scheme No. 13 by modifying Special Use Zone (SU1) which includes both the Wooramel and Minilya Bridge Roadhouses, adding ‘Hotel’ to the permitted uses, correcting the land description reference of the Wooramel roadhouse, inserting new conditions specific to the two roadhouses outside of the Carnarvon***

townsite, renumbering the conditions and changing the scheme map accordingly as per the Amendment Documentation;

2. *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. 7 is a standard scheme amendment on the basis that it is:*
 - a. *an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*
 - b. *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
 - c. *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
 - d. *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
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. *resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation; and*
5. *pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 7 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
 - a. *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 local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties.*

COUNCIL RESOLUTION OCM 24/11/23

Moved: Cr Burke Maslen

Seconded: Cr Paul Kelly

That Council by Simple Majority:

1. *pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 7 of Shire of Carnarvon Local Planning Scheme No. 13 by modifying Special Use Zone (SU1) which includes both the Wooramel and Minilya Bridge Roadhouses, adding 'Hotel' to the permitted uses, correcting the land description reference of the Wooramel roadhouse, inserting new conditions specific to the two roadhouses outside of the Carnarvon townsite, renumbering the conditions and changing the scheme map accordingly as per the Amendment Documentation;*
2. *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. 7 is a standard scheme amendment on the basis that it is:*
 - a. *an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;*

- b. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
 - c. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
 - d. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
- 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. resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation; and*
- 5. pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 7 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
 - a. 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 local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties.*

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

CARRIED BY SIMPLE MAJORITY 5/1

7.4 INFRASTRUCTURE SERVICES

7.4.1 REDUCTION IN BIN CHARGES - FOCUS COMMUNITY ORGANISATION

File No:	ADM0002
Location/Address:	2 Robinson Street, Carnarvon
Name of Applicant:	FOCUS Community Organisation
Name of Owner:	N/A
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Request from FOCUS Bin Fee Reduction

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

A request from the Friends of Citizens Under Stress (FOCUS), a Carnarvon community organisation, seeks a reduction in their bin charges from three bins to one bin.

To maintain a consistent, transparent approach to funding of community organisations, refusal of the request is recommended and FOCUS is invited to apply to the Community Growth Fund.

Background

Correspondence from the FOCUS Secretary is provided in **Schedule 1** requesting Council consider a reduction in waste service fees for their store located on Robinson Street. FOCUS is currently charged for three bin services at this site for a total annual charge of \$1,512.

The FOCUS correspondence outlines issues they experience dealing with donated items that are unsuitable for recycling or reuse through the store. FOCUS considers approximately half of these donations cannot be recycled through the store and are therefore binned. It is understood that many items donated are simply left at the front of the shop and FOCUS has no ability to control the placement or quality of that material. That material according to FOCUS, is often rubbish.

The correspondence also suggests this matter had been considered previously by Council. A search of previous minutes was therefore undertaken. The matter was dealt with previously at the December 2015 Ordinary Council Meeting. Council in that instance resolved (FC 17/12/15) to refuse the request however it also allocated a cash donation of \$500 to FOCUS from its 2015/2016 Community Growth Fund.

The 2015 correspondence and report also referenced that FOCUS had made a similar request for a reduction in bin service charges in 2014 which received no response.

Council has an adopted Community Growth Fund Policy with the stated objective to, “... to establish an application process and criteria for the allocation of grants to ensure a fair, equitable and transparent process and framework for the distribution of funds allocated through the budget process. This policy outlines the eligibility requirements for those organisations seeking financial assistance through the Shire.”

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995, Section 6.12 Power to defer, grant discounts, waive or write off debts.

Relevant Plans and Policy

CD004 – Community Growth Fund Policy

Financial Implications

There is a no direct financial implication associated with the recommendation. A direct financial implication of \$1,008 would apply if the requested reduction in annual bin service charges was approved.

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	Granting a fee reduction will result in a reduction in bin service revenue.	A1 - High	If the reduction is granted, there is no immediate mitigating action.
Health & Safety	N/A		
Reputation	Refusal of fee reduction may result in reputational damage to the Shire. Supporting the recommendation may be perceived as a lack of consistency.	C2 - Moderate	The Shire has an established process under the Community Growth Fund Policy for the allocation of funding to community organisations. Following that process maintains a consistent approach to these matters.
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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The situation faced by FOCUS is not uncommon with similar charitable organisations. Donation points are unfortunately the target of unthinking individuals offloading waste at a location convenient to them and the charitable organisation is faced with the cost and inconvenience of additional waste disposal.

Council's Community Growth Fund process is however considered the appropriate mechanism to deal with requests of this nature as this is effectively a donation. The adopted Community Growth Fund policy states:

"Council will provide grants only when it is satisfied that the:

- *The grant is appropriate, being aware of other Council priorities and available resources.*
- *The applicant meets the eligibility criteria set out in this policy and the supporting guidelines for the specific funding program.*
- *The grant will be used for a purpose that provides community benefit.*
- *The grant will meet a community and/or social need in the community."*

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 6.12 of the Local Government Act, 1995 resolves to:

1. ***refuse the request from the Friends of Citizens Under Stress (FOCUS) for a reduction in bin service charges from three bins to one; and***
2. ***invite FOCUS to make an application under the next Community Growth Fund round which opens on 1 January 2024 to assist with bin servicing charges.***

COUNCIL RESOLUTION OCM 25/11/23**Moved: Cr Burke Maslen****Seconded: Cr Luke Vandeleur**

That Council, by Simple Majority, pursuant to Section 6.12 of the Local Government Act, 1995 resolves to waive the service charge fees for 2 x 240 litre bins for the Friends of Citizens Under Stress (FOCUS).

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY ABSOLUTE MAJORITY 6/0

Note to Minute: Council were complimentary in regard to the work that FOCUS volunteers do in the community and considered their request was fair due to the inconvenience of them having to, on many occasions, dispose of the community's unwanted clothing at cost to FOCUS.

7.4.2 RECYCLED WATER SUPPLY AGREEMENT - SHIRE OF CARNARVON AND CARNARVON CHRISTIAN SCHOOL

Cr Kelly declared an Impartiality Interest in this matter as he was previously financial advisor for the school for 15 years. Cr Kelly was not required to leave the meeting and could participate and vote on the matter.

File No: ADM1844
 Location/Address: 30 Babbage Island Road, Morgantown
 Name of Applicant: N/A
 Name of Owner: Carnarvon Christian Parent Controlled School Association (Inc.)
 Author(s): Dane Wallace, Environmental Health Officer
 Authoriser: Andrea Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple majority
 Previous Report: Nil
 Schedules: 1. Recycled Water Supply Agreement 2024-2034 - Confidential
 2. Supplementary Information - Confidential (under separate cover)

Authority/Discretion:

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

Summary of Item

This report provides details on the supply of recycled water to the Carnarvon Christian School. It is a condition of the Shire’s Recycled Water Scheme approval that supply to a third party requires a formal supply agreement. It recommends execution of a Recycled Water Supply Agreement to manage the supply of recycled water to Carnarvon Christian School by the Shire.

Background

The Carnarvon Recycled Water Scheme utilises effluent from the Water Corporation’s Carnarvon Wastewater Treatment Plant being stored in the Shire effluent holding ponds off Babbage Island Road. That water is then filtered and chlorinated by the Water Corporation and then pumped via a Shire pump station to irrigate various public open space areas and the oval and gardens of the Carnarvon Christian School.

Given limited storage capacity in the ponds, effluent water needs to be disposed of throughout the year via the irrigation system. The volume to be disposed fluctuates seasonally in an inverse way to the irrigation

demand of Carnarvon's climate. This results in a short supply of water during summer months and an oversupply during winter months. Careful balancing is required to keep grass green in summer and avoid waterlogging during the winter.

Using recycled water for irrigation allows nutrients deriving from human waste to be taken up by plant life, which is part of the cycle of life and preferable to having the wastewater simply leach into groundwater or enter waterways.

The Shire has permitted Carnarvon Christian School to use recycled water from the Scheme to irrigate lawns and gardens since at least 2016. The school installed a new grassed oval approximately four years ago. Mutual benefit is received under this arrangement in that it helps the Shire to dispose of the water during the winter and it helps the School irrigate their lawns all year, especially in summer when most needed.

The addition of Brockman Park to the areas irrigated by the Shire now means that recycled water demand has increased and additional management needs to be implemented in order to ensure sufficient water supply is available to maintain public green spaces irrigated by the Shire.

The Recycled Water Scheme is approved by the Department of Health subject to various conditions, one being that the supply to any third-party recipient should be documented by a supply agreement. Condition 4 of the Scheme approval relates to the requirements for third-party supply agreements. It requires that:

"A recycled water supply agreement between the Shire of Carnarvon as the wastewater provider and the third party recipients as the end users of the recycled water shall be available to the Department of Health (DOH). The agreements shall include the agreed water quality and quantities, the point of supply and the roles and responsibilities of each party."

A recent audit of the Recycled Water Scheme by Water Corporation identified that a supply agreement needs to be in place with School to ensure compliance with the Scheme approval. A Recycled Water Supply Agreement as been prepared and is provided in Confidential Schedule 1.

Supplementary information is provided in Confidential Schedule 2 providing more background information on the specifics of the agreement.

Stakeholder and Public Consultation

Carnarvon Christian School Principal

Statutory Environment

The *Health (Miscellaneous Provisions) Act 1911* provides the broad statutory basis for the recycled water scheme requiring Department of Health approval.

Relevant Plans and Policy

Nil

Financial Implications

Additional revenue of up to \$10,500 p.a. ex GST is possible under the proposed agreement for the supply of water to the school. This revenue will offset expenditure currently incurred by the Shire in providing that water supply by pumping and effluent pond operation. Previously, water has been supplied at no charge.

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	Water is currently supplied to the school at no cost.	A2 - High	The proposal enables appropriate cost recovery of supplying the water
Health & Safety	N/A		
Reputation	Proposal represents a change from past practice of free unlimited, recycled water supply. May result in unfavourable community commentary.	C2 - Moderate	Proposal retains free, unlimited supply for half the year. Reflects a mutual benefit arrangement.
Service disruption	School may seek to discontinue supply of recycled water.	D1 - Low	May result in oversupply of water during winter months but would make more water available during summer months.
Compliance	Noncompliance with the Shire Scheme Approval has been identified. Failure to comply may result in Scheme approval being withdrawn.	C2 - Moderate	The proposal will satisfy the Scheme approval condition
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The following are the key elements incorporated into the recommended agreement:

- a monthly allocation limit applies from October – March, the nominal “summer” months;

- operational cost recovery of \$0.5/kL is chargeable to the school and applied during these restricted months; and
- unlimited supply can be utilised by the school during the nominal “winter” months at no charge.

The Shire no longer has sufficient recycled water to provide an unrestricted all year-round supply. The summer allocation limit is likely to induce some stress in lawns. A charge for the use of the water during summer will also encourage better water demand management such as turning off irrigation in the event of good rainfall.

A 10 year agreement is proposed. CPI increases to the supply charge are included and apply annually. The supply charge will be reviewed every 3 years based on the actual operational expenditure per kL for the operation of the effluent ponds and irrigation pump station averaged over the previous 3 years.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, authorises the Chief Executive Officer to negotiate, make any non-material amendments, finalise and execute the Recycled Water Supply Agreement contained in Schedule 1 relating to the supply of recycled water to the Carnarvon Christian School.

COUNCIL RESOLUTION OCM 26/11/23

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreira

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, authorises the Chief Executive Officer to negotiate, make any non-material amendments, finalise and execute the Recycled Water Supply Agreement contained in Schedule 1 relating to the supply of recycled water to the Carnarvon Christian School.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

Note to Minute: At the request of Council further background information was provided at the meeting and is recorded for public information.

The Shire used to supply water to the Carnarvon Senior High School (old high school). That arrangement ceased when the school moved into new premises at the Carnarvon Community College.

The has had a long-standing agreement with the Christian School for the supply of recycled water. This agreement formalises an informal arrangement.

The Shire does not supply recycled water to any other organisation.

7.4.3 COUNTRY WOMEN'S ASSOCIATION TIP FEE WAIVER REQUEST

File No:	ADM0002
Location/Address:	14 Stuart Street, Carnarvon
Name of Applicant:	Country Women’s Association of WA Inc.
Name of Owner:	Country Women’s Association of WA Inc.
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Country Women's Association Letter - Request for Tip Fee Waiver

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 presents a request from the Country Women’s Association of WA Incorporated (CWA) for Council to consider waiving the waste disposal fees applicable to removal of demolition waste from their property at 14 Stuart Street Carnarvon.

The Officer’s recommendation is that Council does not approve the fee waiver request.

Background

On 28 June this year, the Shire issued the CWA with a “Building Order to Demolish” notice for 14 Stuart Street. This property has been in a state of disrepair and has become a safety hazard due to its poor condition. WA Police has also raised its concerns to the Shire regarding this property. The property has been unoccupied for multiple years. It is a target for vandalism and has been a site of anti-social behaviour.

In October, the Shire received the CWA correspondence provided in **Schedule 1**. The CWA advise they have appointed a local contractor to demolish all site structures and remove all demolition waste. Included in that correspondence is a request to waive waste disposal fees associated with the demolition.

Stakeholder and Public Consultation

Country Women’s Association of WA Inc.
 WA Police

Statutory Environment

Local Government Act 1995, Section 6.12 Power to defer, grant discounts, waive or write off debts.

Relevant Plans and Policy

Nil.

Financial Implications

It is not possible to provide Council with a definitive cost for the disposal of the demolition waste as the exact quantities and types of waste are unknown until the demolition process is carried out.

An estimate of \$7,000 - \$10,000 from the builder completing the work has been received.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	A loss of revenue if tip fees are waived.	A2 - High	Council to refuse the request and not waive the tip fees.
Health & Safety	N/A		
Reputation	Perception of not being supportive of a community group.	C2 - Moderate	Council’s fees and charges specifically note that waste disposal fees apply to organisations, clubs and not for profit groups.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Waste management and disposal is a part of community life and is a responsibility shared by all. Part of this responsibility is the fair and equitable distribution of costs to maintain this essential service. Revenue derived from waste disposal fees is an integral part of this service provision by the Shire.

Council's adopted fees and charges state, "*Unless a specific formal fee exemption or waiver has been issued, commercial waste disposal fees are applicable to all waste disposal other than domestic generated waste disposal by a domestic householder resident of the Shire of Carnarvon. This includes waste disposal fees being applicable to clubs, groups and organisations including not for profit organisations.*" This clarification was introduced to the fees and charges schedule several years ago to remove doubt and eliminate multiple inconsistencies regarding application of waste fees to those type of groups.

Whilst it is recognised CWA is a community organisation, maintenance of this property is their responsibility. Its current state of disrepair, leading to it requiring demolition is an unfortunate outcome for the CWA however the consequence of failing to maintain the property has resulted in other unfavourable outcomes such as the site being used for antisocial behaviours.

Refusal of the request is recommended to maintain consistency with the adopted fees and charges and previous Council decisions of a similar nature.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 6.12 of the Local Government Act 1995, resolves to refuse the request from the Country Women's Association of Western Australia Inc to waive the waste disposal fees for demolition waste from 14 Stuart Street, Carnarvon.

COUNCIL RESOLUTION OCM 27/11/23

Moved: Cr Paul Kelly

Seconded: Cr Adam Cottrell

That Council, by Simple Majority, pursuant to Section 6.12 of the Local Government Act 1995, resolves to refuse the request from the Country Women's Association of Western Australia Inc to waive the waste disposal fees for demolition waste from 14 Stuart Street, Carnarvon.

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

AGAINST: Cr Paul Kelly

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/1

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 28/11/23****Moved: Cr Paul Kelly****Seconded: Cr Burke Maslen**

A motion was moved that Council suspend standing orders to seek further clarification in regard to possible tenure of the building by interested parties.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 29/11/23****Moved: Cr Paul Kelly****Seconded: Cr Burke Maslen**

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 6/0

Motion OCM 27/11/23 was put and carried.

8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

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

Nil

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 12 December 2023 at Shire Council Chambers, Stuart Street Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 2.26pm