



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
WEDNESDAY 26 APRIL 2023

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

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon
Ordinary Council Meeting
will be held
on Wednesday 26 April 2023
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 1.00pm.



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

2 DECLARATION OF INTEREST

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

3 PUBLIC QUESTION TIME

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

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME**4 CONFIRMATION AND RECEIVING OF MINUTES****CONFIRMATION OF MINUTES**

4.1 Minutes of the Ordinary Council Meeting - 28 March 2023

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION**6 PRESENTATIONS, PETITIONS AND MEMORIALS**

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF MARCH AND APRIL 2023

File No:	ADM0043
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Dannielle Hill, Senior Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <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

To report on actions performed under delegated authority for the months of March and April 2023

Background

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non compliance with statutory requirements would result in reputational damage to the Shire	Low	This agenda item aims to ensure that the Shire is compliant
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegation 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 community is engaged, inclusive and supportive

Comments

The following tables which detail the action performed within the organisation under delegated authority for the months of March and April 2023 are submitted to Council for information.

DELEGATIONS

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
3/4/2023	HFO23/003	New food business registration - Real Futures, Gwoonwardu Mia Cultural Centre, 146 Robinson St, Carnarvon	Real Futures Pty Ltd	State of WA
11-Apr-23	HFO23/004	New food business registration - Richi's Golden Café, Shop 2 427 Robinson St, East Carnarvon	Applicant: Ace888 Pty Ltd	

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
18/4/2023	HPB23/001	Health approval to construct public building/place for Jamba Nyinayi Eclipse Event, Cardabia Station	BangBangCo	Baiyungu Aboriginal Corporation

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
A3011	P45/22	59 Whitlock Street	10 x Grouped Dwellings	Northern Aspect	6/4/2023
A590	P49/22	113 Olivia Terrace, Carnarvon	Outbuilding	Complete Approvals	18/04/2023
A3577	P11/23	23 Robinson Street, Coral Bay	Storage container	Coral Bay Investments	29/03/2023
A3756	P09/23	89 Angelo Street, East Carnarvon	Oversized outbuilding	Ross Edward & Christina Godden	6/04/2023
A2869	P10/23	French Street, Coral Bay	Replacement of existing telecommunications infrastructure	BMM Group (for Amplitel Pty Ltd)	11/04/2023
A4005	P12/23	13 Trevally Court, Coral Bay	Ablution facility at holiday house	Stuart McNaughton	11/04/2023

MINING ACT 1978 - SECTION 41, 58, 70C, 74, 86,91, Reg 64					
Local Government Recommendation on Mining Tenements					
File Ref:	DMP Ref:	Subject Land	Purpose	Proponent	Advice Sent
A2377	09/180	Gascoyne River	Extraction of river sand	Onslow Resources	Objection

Application No.	Owners Name	Lot & Street	Type of Building Work
B22/055	CORAL BAY AMALGAMATED HOLDINGS PTY LTD	LOT 9500 (67) ROBINSON ST, CORAL BAY	TOILET BLOCK
B23/004	ROMAN CATHOLIC BISHOP OF GERALDTON	LOT 3 (37) JOHNSTON ST, CARNARVON	POST AND RAIL COLORBOND FENCE AND GATES
B23/006	RUSSELL SHAW	LOT 688 (311) ROBINSON STREET, EAST CARNARVON	ADDITION AND ALTERATION TO A DWELLING
B23/008	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DR, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX G
B23/011	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DR, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX J
B23/012	RAC TOURISM ASSETS PTY LTD	LOT 308 (19) BANKSIA DR, CORAL BAY	WORKFORCE ACCOMMODATION - COMPLEX H
B23/019	SHIRE OF CARNARVON	LOT 383 BEACH RD, MCLEOD (BLOWHOLES RESERVE)	FREE STANDING SHADE SHELTER REF: RFQ 34-2022 BLOWHOLES ABORIGINAL SHELTER (II)
B23/022	GAVIN GILMORE, CHAIRPERSON FOR THE OWNERS OF 120 ROBINSON STREET, CARNARVON	120 ROBINSON STREET, CARNARVON (ON STRATA PLAN 413390)	RE-ROOFING OF UNITS AT CARNARVON CENTRAL APARTMENTS
B23/023	TAMARA WHITBY	LOT 92 (42) CLEAVER STREET, SOUTH CARNARVON	PATIO EXTENSION

OFFICER'S RECOMMENDATION

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

7.1.2 CARNARVON RACE CLUB REQUEST TO WAIVE LANDING FEE

File No:	ADM0002
Location/Address:	N/A
Name of Applicant:	Carnarvon Race Club
Name of Owner:	N/A
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Letter Carnarvon Race Club

Authority/Discretion:

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

Summary of Item

This item presents a request from the Carnarvon Race Club (Race Club) for Council to waive any Carnarvon Airport Fees and Charges for flights chartered by the Race Club for the 2023 race season.

The officer’s recommendation is that the fees are waived given that the race season attracts significant visitor numbers and adds to the town’s economic and social sustainability.

Background

The Race Club wrote to the Shire on 12 April 2023 to advise that REX Airlines was no longer able to support flights to Carnarvon for the annual race events. Refer to **Schedule 1 Letter Carnarvon Race Club**.

In previous years REX Airlines would allocate additional flights in order to transport Jockeys and their equipment between Perth and Carnarvon. This arrangement ceased this year and the Race Club has had to organise charter flights for the 2023 Race events. Part of the charter arrangement requires that the Race Club is to be responsible for any airport fees and charges.

The Race Club has made a formal request for Council to consider all airport fees and charges to be waived for these charter flights. This will include all landing fees and potentially any overnight parking fees.

A total of 10 race events will be held in 2023, with two race events per month from May until September. The Race Club has indicated a Dash 8-100, 36 seater plane will be required to accommodate all passengers

and equipment. The Maximum Take of Weight (MTOW) of the recommended plane is 16,500 KG. On the basis of the MTOW the landing and parking fees are calculated.

Stakeholder and Public Consultation

Nil

Statutory Environment

s.6.12 of the *Local Government Act 1995*

Relevant Plans and Policy

Delegation 1.2.21 Defer, Grant Discounts, Waive or Write Off Debts does not apply as the amount proposed to be waived exceeds the CEO’s delegation.

Financial Implications

Landing Fees: In accordance with the current fees and charges a fee of \$35 ex GST p. 1000 KG is being charged for Landing at the Carnarvon airport with a MTOW > 10,000 KG.

The MTOW of the Dash 8-100 is 16,500 kg, resulting in a landing fee of \$577.50 p. landing. This includes a fee waiver request of \$5,775 for 10 landings.

Parking Fees: An overnight parking fee of \$25 ex GST is charged for a plane with a MTOW > 5,700 kg. The Race Club has indicated that each plane will be parked from around 11:00 AM until 5:30 PM. Short term parking would not incur any parking fees. However, in case a plane is parked overnight a parking fee will apply.

A fee waiver for the potential cost of parking has been proposed. In case parking fees are being incurred it is anticipated these fees would be minor.

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	Loss of revenue at the Carnarvon Airport.	A2: High	The only mitigation is to reject the request to waive the fee. However, this carries other risks as outlined in the agenda report in relation to the broader economic return to the community.
Health & Safety	N/A		

Reputation	The Race Club is a major sporting club in Carnarvon. Not supporting the Club will result in losing an opportunity to build a positive and supportive image of the Shire.	Moderate	Support the request to waive the landing fee and require the Race Club to acknowledge the shire as a sponsor.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

Being a small regional airport, the Carnarvon Airport has a limited income source to maintain and invest in necessary capital upgrade works. The Airport is able to meet its operational requirements but requires financial support from other parties (State and Federal Governments) to invest in capital works. Ongoing upgrade works are required to ensure the Airport meets all strict airport regulatory and compliance requirements.

It should be noted; part of the 2022/23 budget process included a review of the airport fees and charges to ensure the Shire is able to meet the operational cost of the airport. The airport fees and charges had not been changed since 2018/19 and did not reflect the true cost of running the airport. Until March 2023 the increase in fees and charges has resulted in a 23% increase of airport revenue in comparison with last year.

In recommending to Council to waive the airport fees and charges for the Race Club charter flights for the 2023 race season, the officer has considered the financial impact and loss of revenue for the airport and balanced this consideration against the economic return that this sporting season brings to Carnarvon. The President of the Race Club, Mr Tom Day, estimates that 180 horses are stabled in Carnarvon for the race season and for each horse associated personnel such as the trainers and owners spend considerable time and money in town.

The Race Club also adds much value to the social sustainability of the town, offering significant social events for residents and visitors, such as Ladies’ Day and Cup Day.

The officer has also considered that other major events are supported via the Community Growth Fund but acknowledges that this situation for the Race Club emerged after the 2022/23 Community Growth Fund allocations were considered. The officer has therefore recommended that this be a once-off waiver and that future requests for financial support be presented as Community Growth Fund applications.

The officer has included a recommendation that the Shire be acknowledged as a sponsor of the event as association with a successful sporting event (i.e., the Race Season) will benefit the Shire's brand. The Race Club has confirmed the acknowledgment will take place in the form off:

1. By mentioned by the Race Caller on the day.
2. The Shire's logo be printed in the Racebooks.
3. A sign with the Shire logo be installed at the Racecourse.

It should be noted that ground handling charges (luggage handling) cannot be waived by the Shire. Ground handling is externally managed by Aus Flight Handling. The Race Club will be advised to contact Aus Flight Handling for discuss this service and associated charges.

OFFICER'S RECOMMENDATION

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

- a. Waive Carnarvon Airport Fees and Charges, to a maximum of \$6,500, associated with the ten flights chartered by the Carnarvon Race Club for the 2023 race season; and***
- b. request that the Shire's sponsorship be acknowledged by the Carnarvon Race Club via:***
 - the Race Caller on the day; and***
 - the Shire logo to be printed in the Racebooks; and***
 - signage at the Racecourse.***
- c. advise the Carnarvon Race Club that future requests for financial support should be requested via the Community Growth Fund application process as future requests for fee waivers will not be considered outside the Community Growth Fund process.***

7.1.3 CORPORATE BUSINESS PLAN 2023

File No:	ADM0168
Location/Address:	N/A
Name of Applicant:	The 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:	Nil
Schedules:	1. Corporate Business Plan 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

The Corporate Business Plan 2023 – 2027 is presented for Council consideration. The officer’s recommendation to Council is that the Corporate Business Plan is adopted as presented and that it is reviewed annually to ensure it remains contemporary.

Background

All local governments are currently required to produce a plan for the future and the minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan. The Strategic Community Plan outlines the community’s long-term (10+ years) vision, values, aspirations, and priorities; the Corporate Business Plan operationalises the community’s aspirations and priorities articulated in Strategic Community Plan.

Following a robust process in which the community took a lead in developing the Strategic Community Plan, Council adopted the Shire of Carnarvon Strategic Community Plan in September 2023.

Following the adoption of the Strategic Community Plan, the administration commenced preparing the draft Corporate Business Plan. In doing so, the Shire’s administration undertook a rigorous process traversing the team across all levels and expertise in multiple ways:

- An initial codesign session with all members of the Leadership Team to set the parameters for what the final Plan would like and to create a process by which the Plan would be generated.

- All Leadership Team members assessed the actions their Teams were taking to achieve the community's Objectives as well as any new actions that were proposed over the next four years to contribute to achieving those Objectives. These actions were added to, modified, and endorsed by their Teams, who also added information such as justification for the actions, timescale, financial impact, degree of control, and potential partners.
- The Team actions were collated into a single organisation-wide plan and shared in a workshop with Elected Members and staff from across the organisation. Potential improvements, collaboration, conflicts, and additional were gathered and refined into a final document as presented in the draft Corporate Business Plan Schedule .

The rigour of the process was to ensure that actions were being undertaken that would progress all Community Objectives, Focus Areas, and Big Ideas; and that all members of the Shire Team would be able to see their work reflected in the Plan and how they were contributing to the community's vision.

Stakeholder and Public Consultation

The Corporate Business Plan operationalises the community's objectives as outlined in the Strategic Community Plan; therefore, it was essential to ensure the community was involved in developing the Strategic Community Plan. Components that demonstrate community involvement in the process were:

1. Involving the Young People (High School students at the Carnarvon Community College)
10 young people were trained in facilitation and analysis. Every high school student submitted suggestions regarding what mattered to them, what they wanted to keep and to change. From this information, senior students created a short list of recommendations to present to Council.
2. Involving the Shire Council and Shire Leadership Team (Elected Members and Leadership Team workshop at the Woolshed)
This group was asked for the Big Ideas they thought could transform Carnarvon to enable it to reach its potential. They presented their ideas at a workshop, responded to questions, developed criteria to measure those ideas, weighted the criteria, and then rated each Big Idea against each criterion.
3. Involving all Residents (All residences within the Shire)
A hard copy survey was sent out to all Carnarvon residents, with the option of submitting responses online. The survey questioned what mattered most to residents, and how they rated the Shire's services. 356 residents filled out and submitted the survey. This represents around 10% of all residents.
4. Involving a Representative Group of Residents in a Community Jury
The 'charge' or purpose of the Jury was to determine:
"What is our 2040 Vision for 6701, and what Principles, Priority Plans, and Actions will help us to achieve it?"

There is no specific requirement to engage with the community on the Corporate Business Plan, however, in recognition that many members of the Community Jury and potentially other community members will have an interest in this document, a community information session on the Corporate Business Plan will be held should Council accept the officer's recommendation and endorse the Plan.

Statutory Environment

Section 19DA of the *Local Government (Administration) Regulations 1996*

Relevant Plans and Policy

Should Council resolve to adopt the Corporate Business Plan 2023 – 2027, this Plan will provide staff with operational guidance.

Financial Implications

Should Council resolve to adopt the Corporate Business Plan 2023 – 2027, this Plan will provide staff with guidance in developing the Long Term Financial Plan and annual budgets.

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	There is a risk that Corporate Business Plans set targets that are beyond the financial capacity of the Shire.	Moderate	The Executive, Finance Manager, and Managers examined each proposed activity to ensure it can be accommodated within the Shire’s financial capacity or that there was a likelihood that grant funding could be obtained.
Health & Safety	N/A		
Reputation	Actions in the CBP are not progressed.	Moderate	Ongoing monitoring of the CBP and regular reports to Council and the community on progress will assist to 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 is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

Comments

Given the robust engagement of all members of the Shire’s team in developing this Corporate Business Plan, the officer’s recommendation is for Council to adopt the Plan as presented. To ensure the Plan is progressed in a transparent and open manner, the officer also recommends that Council seeks six-monthly updates on the progress of actions, and an annual desktop review of the Plan.

OFFICER’S RECOMMENDATION

That Council, by Absolute Majority, pursuant to s.19D of the Local Government (Administration Regulations 1996, resolves to:

- a. Adopt the Shire of Carnarvon Corporate Business Plan 2023 – 2027 as presented in Schedule attached; and***
- b. Review the progress of the Corporate Business Plan at an Ordinary Meeting of Council at least twice each year; and***
- c. Conduct a formal desktop review of the Corporate Business Plan each year prior to the annual budget process.***

7.1.4 CORAL BAY WASTE FACILITY EXCISIION PORTION PASTORAL LEASE - BAC REQUEST

File No:	ADM0125
Location/Address:	Portion of Lot 304 Coral Bay
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Cardabia Pastoral Lease
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

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

Summary of Item

A request from the Baiyungu Aboriginal Corporation (BAC) for compensation from the Shire for the excision of a 28.6-hectare land parcel from Cardabia Pastoral Lease to allow the Shire to develop a new waste disposal facility for Coral Bay, is formally presented for Council consideration.

Background

The existing waste disposal facility at Coral Bay, at Lot 530, is close to capacity and in accordance with the Coral Bay Settlement Structure Plan 2014 (the CBSSP), the Shire has been seeking to construct a new waste disposal facility on a portion of Lot 304. Lot 304 is comprised within the Cardabia Pastoral Lease which is leased to the BAC.

The Shire has been in negotiations with the BAC to secure the excision of a 28.6-hectare land parcel from Cardabia Pastoral Lease, as depicted in the aerial map below, for the purpose of establishing a new waste disposal facility to service Coral Bay.

The Shire is seeking that the land be set aside as a reserve for the purpose of "Waste Disposal Facility" with care, control, and management of the new reserve placed in the Shire of Carnarvon.



The negotiations with the BAC are now well progressed and the BAC has formally advised the Shire that it supports the excision of an area of land from the Cardabia Pastoral Lease for the proposed new waste disposal facility for Coral Bay to be vested with the Shire of Carnarvon.

The BAC has also advised that it is looking for compensation that avoids confusion or complications with the NTGAC processes and recognises the values at stake relevant to the BAC and the Shire, mainly in the land and in the non-commercial aspect of the tip. The compensation requested by the BAC from the Shire is as follows:

- a) a one-off cash payment of \$20,000; and
- b) a weekly domestic waste pickup from the homestead and associated outbuildings, of up to six wheelie bins.

The estimated cost of the weekly domestic waste pickup from the Homestead of up to six wheelie bins is \$4,160 per annum, with anticipated CPI increases over the life of the facility.

Should Council resolve to accept this compensation proposal, the BAC will notify the DPLH that the surrender from the pastoral lease is agreed upon and can proceed.

Stakeholder and Public Consultation

There has been significant consultation with representatives of the Baiyungu Aboriginal Corporation (BAC).

Statutory Environment

Section 3.18 of the *Local Government Act 1995*

Relevant Plans and Policy

This proposal is consistent with the *Coral Bay Settlement Structure Plan 2014*.

Financial Implications

The financial impacts include:

1. Once-off expenditure of \$20,000 which can be accommodated with the 2022/2023 budget for the Coral Bay Waste Facility Project.

- The ongoing annual operational cost of \$4,160 (plus anticipated cost escalation of approx. CPI) will need to be included in the operational budget for the Coral Bay Waste Facility. Cost recovery for this operational cost from the Specified Area Rate could be considered by Council during the annual budget process.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	The waste facility is critical infrastructure for the health of the community. Without a new site, this Health service is impacted.	Extreme	This first step in securing land tenure is an important milestone and assists to reduce this risk.
Reputation	Waste management is a core function of local government. Not providing this service to an acceptable standard and at an acceptable cost would impact the Shire’s reputation.	High	This first step in securing land tenure is an important milestone and assists to reduce this risk.
Service disruption	The current waste site is reaching capacity and without a new site, this service is at risk.	High	This first step in securing land tenure is an important milestone and assists to reduce this risk.
Compliance	N/A		
Property	N/A		
Environment	Waste disposal facilities do pose an environmental risk.	Moderate	This risk is managed via strict monitoring by the Shire and by DWER.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

Comments

The officer's recommendation is that the compensation request from the BAC is accepted by Council. The recommendation is based on the criticality of securing land tenure for a new site and on the reasonable and affordable compensation request from the BAC.

OFFICER'S RECOMMENDATION

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

- 1. Thank the Baiyungu Aboriginal Corporation for their support and decision in regard to the excision of a 28.6-hectare land parcel from Cardabia Pastoral Lease N049635 (Lot 304 on Deposited Plan 53818); and***
- 2. Formally accept the compensation request being:***
 - (a) a once-off \$20,000 to be paid upon receipt of an invoice from the Baiyungu Aboriginal Corporation subject to:***
 - (i) the finalisation of the excision of the land parcel and creation of a reserve for the purpose of "Waste Disposal Facility" with care, control, and management of the new reserve placed in the Shire of Carnarvon; and***
 - (ii) the Shire being able to secure the necessary approvals from the Prescribed Body Corporate, Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC);***
 - (b) a weekly domestic waste pickup from the homestead and associated outbuildings, of up to six wheelie bins subject to the weekly collection not including fish or animal offal or carcasses.***

7.1.5 ELECTORAL BOUNDARY REVIEW

File No:	ADM1834
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:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Enrolment Statistics by District 2. Review Procedure 3. North West Central Seat Map 4. Variation from Average Table

Authority/Discretion:

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

Summary of Item

This item seeks to formalise Council’s position on the proposed Electoral Boundary Changes to enable the Shire to lodge a submission on behalf of Council.

Background

According to the Electoral Act 1907, the State is divided into 59 electoral districts and one whole of State electorate for the Legislative Council. Each district returns one member to the Legislative Assembly while the whole of State electorate returns 37 members to the Legislative Council.

The Electoral Act 1907 was amended in 2005 to include the requirement that a review of the electoral boundaries be commenced as soon as practicable two years after the previous State general election. The 2023 review has now commenced by three Commissioners. Suggestions from stakeholders on the review were invited and must be lodged by 01 May 2023. Following the closing date for suggestions, comments on suggestions will be invited for a period of 14 days. The Commissioners will consider suggestions and comments and publish the proposed boundaries between 10 July and 28 July. The proposed boundaries will

be accompanied by a statement of reasons, and at that point objections to the proposed boundaries will be invited.

The number of electors in an electorate is the most important consideration for the Commissioners to consider when reviewing electoral boundaries, noting that a tolerance in the number of electors for each district allows for the consideration of other factors affecting electorates, particularly those in regional and remote areas.

The North West Central seat includes 23,296 electors, inclusive of the Large District Allowance (LDA). See attached map and table of enrolment levels. Under the legislation, the total number of electors in Legislative Assembly Districts must be set so that the total of the number of actual electors (11,021 for North West Central) when added to the Large District Allowance, must not vary more than 20% below or 10% above the Average District Enrolment of 30,432. Based on this methodology, the North West Central District sits at - 23.45% variation to the Average District Enrolment.

The following schedules are provided for background information:

1. Enrolment Statistics by District
2. Review Procedure
3. North West Central Seat Map
4. Variation from Average Table

The review process takes up to eight months to complete with the final boundaries coming into effect at the next State general election in early 2025.

Stakeholder and Public Consultation

The Shire CEO has emailed CEOs in the other local governments within the North West Centre seat to enquire about their Council's position on this matter.

- The Shire of Ashburton has received permission to put forward a late submission (aiming for May 2023).
- The Shire of Upper Gascoyne has stated that *"The SoUG are happy to be a signatory to a joint submission as we see the abolishment of the NW Central as being detrimental for the entire region."*
- The Shire of Shark Bay is presenting a report to their Council at their April Council meeting and their report and recommendation to their Council is very closely aligned with the position presented to Council in this agenda report.

Statutory Environment

S3.18 *Local Government Act 1995*

Relevant Plans and Policy

Nil

Financial Implications

Nil from lodging a submission. The financial, social, and economic impacts that could arise from the loss of the North West Central seat are beyond the scope of this report.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Not lodging a sound submission on this important matter may damage the Shire’s reputation.	Moderate	Ensure a submission is lodged.
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*

Comments

In response to the invitation to ‘make a suggestion’ on the review of electoral boundaries, the following points are offered:

While current numbers in this seat are lower than the State (-23.45% variation from the average district enrolment, inclusive of the Large District Allowance) the current enrolment figures do not consider the future growth expected in the region from a significant number of new ventures, including green Hydrogen projects, Rare Earth and other mining projects and significant tourism developments across the region. The Shire of Carnarvon commissioned Acil Allen to conduct an economic analysis of a small number of projects that are at a high degree of confidence. The modelling demonstrates that, even taking a very conservative approach,

population growth of approx. 2% per annum is anticipated for the Shire of Carnarvon with similar growth for the Region.

The total number of Electors for the North West Central of 23,296 (inclusive of the Large District Allowance) would be better measured against the minimum number of enrolled electors required for a Legislative Assembly District of 27,389. This would then represent a variance of 15%, well under the 20% variance threshold.

The current tolerance level of -20% in relation to deviation from the state average be reviewed in recognition of the vast distances in the North West Central seat, and indeed throughout the North West of Australia, which cannot be overstated. It is essential to note that the area within the current North West Central seat boundary presents challenges for the local Member in being able to visit each community on a regular basis. If the area within a seat was to increase as a result of a review of the boundary, the impact would be felt at a community level and make it even more difficult for constituents to meet with their elected representative, and for their representative to travel to meet with them.

Travel in the North West involves long-distance driving as there is little option for other transport options such as bus or air travel between communities. Given the distances, travel is not always possible within a day or two, road travel between communities in the North West can take several days. Examples of travel/drive time and distance between communities within the North West Central seat are shown below:

- Denham to Tom Price: 980kms / 10 hours
- Wiluna to Exmouth: 1500kms / 15 hours
- Sandstone to Tom Price: 1045kms / 10.5hours
- Carnarvon to Mt Magnet: 779kms / 8hours

Increasing the size of a seat in the North West of Australia will only increase the impracticality for the local member and for constituents to travel to meet in person. This would also present significant challenges for the local member to travel to communities within the seat to experience and get a sound understanding of the unique issues, opportunities, and challenges facing each community.

It should be noted that communication in the remote North West is also problematic, therefore it is not a simple matter to rely on alternative means of communication between constituents and their local member.

Increasing the size of any seat in the North West will further disempower residents in those seats. Local representation for rural, regional, and remote residents is critical to ensure that their unique circumstances are adequately understood and represented in decision-making. The officer's recommendation is that Council advocates for the retention of the North West Central seat.

OFFICER'S RECOMMENDATION

That Council, *by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995*, resolves to lodge a suggestion to the Electoral Distribution Commissioners considering the 2023 WA Electoral Boundaries that:

1. The total number of Electors for the North West Central of 23,296 (inclusive of the Large District Allowance) be measured against the minimum number of enrolled electors for a Legislative Assembly District of 27,389, representing a variance of 15%, under the 20% variance threshold; and
2. The Large District Allowance (LDA) be reviewed to increase the tolerance levels in recognition of the geographical size, remoteness, and large distances in the north of Western Australia; and
3. The North West Central seat is retained as is.

7.1.6 PELICAN POINT COMMUNITY ENGAGEMENT PLAN

File No:	ADM1707
Location/Address:	Pelican Point, Babbage Island
Name of Applicant:	Nil
Name of Owner:	Shire of Carnarvon
Author(s):	Renee Williamson, Executive Assistant
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	1. Department of Transport Consultation on Spit Access

Authority/Discretion:

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

Summary of Item

Council endorsement is sought for Shire officers to proceed with a Community Engagement process, to provide quality input that will inform and assist Council to determine the future use and protection of the Pelican Point beach area. This is being proposed in response to the requirement to protect turtle nesting sites and in support of the work to open the Fascine.

Background

Pelican Point Beach covers an area of coastline, spanning south from the site of the historic One Mile Jetty to the ‘spit’ at the tip of Pelican Point on the western edge of Carnarvon’s Babbage Island. The beach is a favourite location for fishing, swimming, dog walking, horse riding, exercise, beachcombing and an array of wind-powered surfing sports such as kite surfing, wind surfing and more. Since 2020 it has been the setting for the annual Windfest event.

The Shire of Carnarvon is faced with the conflicting priorities of wanting to promote this prime location, with the need to protect turtle nesting sites from November to April. The Shire has also received advice that protection of the spit will improve the longevity of dredging efforts in the Fascine and assist to keep our waterways open.

To assist in making this potentially controversial decision, officers are proposing that the Shire conducts a robust and comprehensive community engagement process that is informed, considers all points of view and aims to provide Council with a consensus position for Council to consider.

Stakeholder and Public Consultation

Potential stakeholders include community members who have an interest in using the beach, using the Fascine and protecting Pelican Point for the future. It is proposed to run an open Expressions of Interest process to invite stakeholder and community members to nominate to participate in this process.

Representatives from Department of Transport have provided advice to the Shire regarding vehicular use of the spit and confirmed that they would participate and present to a community engagement group.

Statutory Environment

S3.18 of the *Local Government Act 1995*
Planning and Development Act 2005

Relevant Plans and Policy

CD009 Community Engagement Policy

Financial Implications

There are likely to be administrative costs associated with running a robust community engagement process. These can be met within current human and financial resource allocations.

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	Working group suggests actions that have a significant cost impost on the Shire.	A x 2 High	Parameters set in place prior for working group sessions and ensure costs of actions are well understood.
Health & Safety			
Reputation	Shire reputation could be impacted if decisions are made without input from community and stakeholders.	B x 3 High	Proceed with Pelican Point Community Engagement Plan
Service disruption	Nil		
Property	Nil		
Environment	Failure to engage with key stakeholders will make enforcing protection measures	B x 3 High	Proceed with Pelican Point Community Engagement Plan

	more difficult which may result in environment impacts.		
Fraud	Nil		

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:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Fascine Waterway Improvement*

Comments

A collaborative approach with the representatives of the affected groups, as well as those of the wider community, has the potential to produce solutions that balance the competing values at play and create win-win outcomes.

The Community Engagement Plan would entail:

- A survey for public comment.
- The recruitment of a working group consisting of a balanced group of stakeholders and neutral parties.
- Presentations to the selected working group by Shire officers, results from the community survey, representatives from Department of Transport, and Department of Biodiversity, Conservation & Attractions.
- Opportunities for the working group to present, debate and request possible solutions for usage and access to the Pelican Point Beach area.
- An investigation period for State and Local Government officers to collate quotes/information as required, whilst working group members consult with community peers and their respective stakeholder groups.
- A reconvening of the working group to produce a report on actionable steps that will protect Pelican Point Beach and still meet the access needs for members of the public agreed upon by the group.
- Presentation of the report to Council for consideration.

Should the Community Engagement Plan be endorsed by Council, a proposed timeframe would be:

- Community Survey: released late April to end of May 2023
- Seek expressions of interest for Working Group members: May 2023
- First meeting of Working Group: Late June 2023
- Second and final meeting of working group: Mid July 2023
- Report to Council: Council Meeting 25 July 2023

It is noted that the Department of Transport is expected to commence Fascine dredging in June 2023 which will require a closure of the Pelican Point Spit for approximately 4 months whilst construction works take place, through to October/November 2023.

It is aimed to present the recommendations of the Community Engagement process to Council in July 2023 to enable any decision of Council and associated actions to be implemented after the completion of dredging works.

OFFICER'S RECOMMENDATION

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

- a. endorse the commencement of a community engagement process in relation to the future access, use, and protection of Pelican Point Beach; and***
- b. consider the recommendations from the community engagement when making a determination on matters relating to the management of Pelican Point Beach and provide feedback to the working group should any of their recommendations not be supported.***

7.1.7 CEO ANNUAL PERFORMANCE APPRAISAL

File No:	N/A
Location/Address:	Nil
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	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

It is a requirement of the Local Government Act 1995 that Council must review the performance of the CEO on an annual basis. In order for the performance review to be effective, there must be clear and mutually agreed upon key performance indicators (KPIs) upon which the performance of the CEO can be measured and evaluated.

Background

A performance review of the CEO is required to be conducted annually by the Council in order for the Council to meet their obligations under the Act. For the process to be effective the Council need to establish KPIs upon which the CEO’s performance can be measured and evaluated. These KPIs need to be created in consultation between the Council and the CEO; and mutually agreed upon to ensure that both parties have a clear understanding of the expectations.

The annual performance appraisal and creation of KPIs for 2021/2022 was conducted by external consultant Hammond Woodhouse Advisory at a cost of \$9,519.47.

The Shire President has indicated that Council would like to perform the 2022/2023 performance appraisal and review of the CEO’s KPI internally, using the assistance of the People and Cultures Service Team and established framework of the Shire of Carnarvon along to perform the review.

Stakeholder and Public Consultation

Nil

Statutory Environment

Section 5.38(1) of the *Local Government Act 1995* articulates Council’s responsibility to undertake an annual review of the CEO’s performance.

Relevant Plans and Policy

EME004 CEO Standards, Performance, Management Review Committee

Financial Implications

Conducting the CEO’s performance review in-house will result in some cost savings.

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	If clear guidelines and expectations are not set, both the Council and the CEO may be exposed to financial risk.	High	A mutually agreed upon approach to completing the CEO performance Review and setting of key performance indicators will mitigate the potential risk of financial functions.
Health & Safety	N/A		
Reputation	If clear guidelines and expectations are not set, both the Council and the CEO may be at risk of reputational damage both professionally and personally.	High	A mutually agreed upon set of key performance indicators will mitigate the potential risk to reputation for both the Council and the CEO. Ensuring that clear guidelines and expectations are communicated to both parties will reduce the risk of a breakdown in communication.
Service disruption	N/A		
Compliance	If clear guidelines and expectations are not set, both the	High	A mutually agreed upon approach to completing the CEO performance Review and setting of key performance

	Council and the CEO risk that non-compliance.		indicators will mitigate the potential risk of non-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*

Comments

The proposed timeline to complete the CEO Annual Performance Appraisal is as follows:

April 2023

- Council considers the proposal to complete the CEO Annual Performance Appraisal internally.

May 2023

- Formal communication from Council to the CEO advising of the proposed internal performance appraisal, seeking mutual agreement.

June 2023

- Communications sent to CEO and Councillors outlining the process.
- CEO Review – KPIs and contractual performance criteria are reviewed and measured by the CEO.
- Councillor Review - CEO KPIs and contractual performance criteria are reviewed and measured by each member of Council.

July 2023

- CEO and Councillor reviews are due for completion 17 July.
- Analysis of reviews and evidence, preparation of new KPIs collated for presentation to the Management Review Committee for their review and recommendation, prior to being presented at the Ordinary Council Meeting in August for endorsement.

August 2023

- Endorsement of CEO Performance Appraisal and new KPIs.
- CEO to be notified in writing of the outcome and advised of new KPIs.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to section 5.38(1) of the Local Government Act 1995, resolves to perform the CEO Performance Appraisal internally as per the process and timeframes outlined in this report.

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION MARCH 2023

File No:	ADM0186
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Presented each month
Schedules:	<ol style="list-style-type: none"> 1. Accounts Paid Under Delegation 2. Credit Card Statements - 22.03.23

Authority/Discretion:

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

Summary of Item

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

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

N/A

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

Comments

Nil

OFFICER'S RECOMMENDATION

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

1. *Receive the list of payments made under delegation, as per Schedule 1 totalling \$4,079,215.37 as presented for the month of March 2023, incorporating:*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT37687</i>	<i>EFT38018</i>	<i>Muni EFT</i>	<i>\$3,170,767.47</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>47248</i>	<i>47250</i>	<i>Cheque</i>	<i>\$3,218.15</i>
<i>DD39908.4</i> <i>DD39980.1, DD39982.1</i> <i>DD39985.1, DD39987.1</i> <i>DD39989.1, DD39991.1</i> <i>DD40009.1-DD40009.3</i> <i>DD40010.1-DD40010.6</i> <i>DD40011.1, DD40012.1</i> <i>DD40019.1</i> <i>DD40022.1-DD40022.6</i> <i>DD40023.1-DD40023.3</i> <i>DD40027.1, DD40041.1</i> <i>DD40043.1, DD40046.1</i> <i>DD40048.1-</i>	<i>DD40048.6</i>	<i>Bank Directs</i>	<i>\$905,229.75</i>
		<i>TOTAL</i>	<i>\$4,079,215.37</i>

2. *Receive the copies of credit card statements for all such Shire facilities for the period: 23.02.2023 – 22.03.2023*

7.2.2 BUDGET ADJUSTMENTS APRIL 2023

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Viv Matangi, Finance Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. Budget Adjustments April 2023

Authority/Discretion:

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

Summary of Item

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

Background

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

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

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

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

Community 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*

Comments

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

Adjustments Impacting Budgeted Closing Position

NIL.

Adjustments with no impact on budget closing position

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

Net budget closing position

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

Budget adjustments in this report were identified after the as at 31 March 2023 Mid-Year Budget Review was finalised and are April budget adjustments.

OFFICER'S RECOMMENDATION

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

7.2.3 MONTHLY FINANCIAL REPORT MARCH 2023

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

Authority/Discretion:

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

Summary of Item

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

Background

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

The *Local Government (Financial Management) Regulations* provide that the statements be presented at an ordinary meeting of the council within two months after the end of the month to which the statement relates.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

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

- *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*

Comments

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

Schedule Monthly Financial Report - March contains legislative Notes:

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

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

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

7.2.4 2022-2023 MID YEAR BUDGET REVIEW

File No:	ADM0027
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. 2022-2023 Mid-Year Budget Review

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

For Council to consider the 2022-23 Mid-Year Budget Review. The officer recommendation is that Council adopts the review as presented.

Background

Local governments are required by regulation 33A of the Local Government (Financial Management) Regulations 1996 to conduct a budget review between 1 January and 31 March each financial year.

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

s.6.8 Local Government Act 1995

33A Local Government (Financial Management) Regulations 1996

Relevant Plans and Policy

There are no policy implications related to this report.

Financial Implications

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

Further and ongoing analysis of the budget will be undertaken over the next few months during the formulation of the 2023/24 Annual Budget and any areas requiring Council’s attention will be identified in the standard monthly budget adjustment report.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Risk of over expenditure occurring on some line items in the budget and/or a deficiency in funds to complete specific projects or tasks.	High	Endorse the budget review with any amendments (as specified by Council).
Health & Safety	N/A	N/A	N/A
Reputation			
Service disruption	Insufficient budget could result in potential delays and service disruptions.	Medium	The Review has attempted to accurately predict budget requirements to maintain service continuity for the remainder of the financial year.

Compliance	That the review is completed within statutory timeframes.	Medium	Compliance will be achieved if adopted prior to end of April.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

Comments

The focus of the 2022-23 mid-year Budget Review has been to consider any changes in Council's operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the financial year and make a determination in relation to prevailing economic conditions and the most likely impact on the Council's financial position.

Future monitoring is required and further budget adjustments may be required later in the financial year to ensure Council is prepared for the 2023/24 budget process and at 30 June 2023. These will be presented as part of the monthly budget adjustment process and report that is presented to Council.

Note 2 of the Statutory Reports provides a detailed list of approved budget amendments.

OFFICER'S RECOMMENDATION

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

1. Adopt the 2022-23 Mid-Year Budget Review, forming attachments 1 in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996; and

2. Forward a copy of the Council resolution and the statutory budget review to the Department of Local Government, Sport and Cultural Industries prior within 30 days after adoption.

7.2.5 HORTICULTURAL DISTRICT - AMNESTY ON LANDFILL TIP FEES

File No:	ADM002
Location/Address:	Shire of Carnarvon
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:	<ol style="list-style-type: none"> 1. WLMS - History 2. Waste and Land Management Subcommittee - Initiatives 3. Floodplain Management - Summary of report 4. Compliance Policy 5. Behaviour Change Methodology

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 Waste and Land Management Subcommittee (WLMS) of the Carnarvon Floodplain Management Working group requests a once off, two-month landfill waste disposal fees exemption. This proposal is to support the work undertaken through the development of waste and land management initiatives by WLMS, and to comply with the requirements of the Ministers' recommendations, as developed through the Carnarvon Floodplain Management Working group (see Schedule 7.2.6a WLMS - History).

Background

The flood event in early February 2021 that impacted Carnarvon, brought the management of waste materials from some areas in the Horticultural district to the attention of DWER, the Shire and other government agencies.

A report on this issue states:

"The use of plastic in agriculture is extensive and the recovery pathways for the material is largely lacking. The variety of plastics is significant and the state of the plastic after use can compromise its capacity for being recycled. It is a complicated process to remove the plastics from use (i.e., fields, glasshouses, silage), to collect it and then seek a collection and processing option. The distance from recycling markets further adds to the lack of options for responsible collection."

In summary, the cost of labour and transport and lack of services to recycle agricultural plastics is grossly limiting and results in most material ending up in landfill at best. Other harmful and largely undocumented practices include burning, on-farm burying and dumping which in-turn can have detrimental environmental impacts and implications for the quality of agricultural produce sent to market. Non-packaging agricultural plastics are defined as those plastics that are used in the production of farm, forestry and fishery outputs by producers.” (Department of Agriculture, Water and Environment, National Non-Packaging Agricultural Plastics Stewardship Scheme, 2021)

The Shire has participated in a local working group led by DWER, with representation from DPIRD, Keep Australia Beautiful Council WA and the Carnarvon Growers Association to consider this issue and to find options to improve waste management practices in this local industry. This issue has also been raised as one of the priority issues to be considered by the Floodplain Management Working Group led by DPIRD.

To provide a more rigorous and quantified assessment of the scale and nature of the problem, DWER funded a Waste Audit in late August 2021. A summary of the findings of the Audit are as follows:

- 78 individual sites were logged
- 48 sites showed evidence of obvious intentional dumping
- 24 sites contain high risk materials
- 22 sites were located within 50m of a watercourse
- 9 sites within 50m of watercourses contain high risk materials

Types of high-risk waste materials found included hydrocarbons (e.g. oil, diesel, petrol), plastic pile / poly pipe; car/truck/caravan bodies and parts; corrugated iron; chemical drums; tyres and asbestos material.

The Audit notes that while an estimated 1,474 cubic metres of waste material was lodged, the real figure is likely to be much higher given the significant amount of plant growth/ cover that prevented visual determination or physical access to stockpiles.

The Audit report also notes that the Carnarvon Horticultural District is subject to significant environmental impact from the inappropriate storage and dumping of waste and that the issue needs to be addressed as some the waste material, including hazardous waste, becomes mobile during flood events.

The Audit recommends that consideration be given to offering an amnesty on tip fees to encourage growers to clean-up waste from their properties. The report provides suggestions on how that amnesty could be managed.

In 2022, the Carnarvon Floodplain Management Working Group report (Report) was endorsed by the Minister for Agriculture and Minister for Water. The report had 5 key focus areas of which waste management was identified as a key risk associated to land management practices, as a result of flood activity.

Subsequently, a Waste and Land Management subcommittee was initiated by DPIRD to address the focus area of 'Waste Management' within the Report. The same founding members (Shire of Carnarvon is a member) of the WLMC are now actively working to implement the recommendations by finding innovative ways to address the waste and land management issues impacting the Carnarvon area.

This matter has been considered by Council on two previous occasions:

1. Date of meeting: 27 July 2021

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

That the matter be deferred until such time as an audit on the scale and nature of the problem has been completed.

CARRIED

F6/A0

(Note to Minute – Council agreed that in order for Council to get a better understanding of the level of resourcing required to ensure compliance, that the matter be deferred.)

Actions taken after the July Council meeting:

The Department of Water and Environmental Regulation funded a Waste Audit in late August 2021. Audit report presented to Council at 26 October 2021 Ordinary Council Meeting.

2. Date of meeting: 26 October 2021

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the matter be deferred pending clarity on ongoing management of compliance in respect of illegally dumped horticultural waste.

CARRIED

F8/A0

(Note to Minute – Council requested further information in regard to follow up compliance in regard to illegal dumping of horticultural waste and therefore deferred a decision pending this information being received.)

Actions taken after the October Council Meeting:

The Waste and Land Management Subcommittee (WLMS) of the Carnarvon Floodplain Management Working group was formed. The WLSM has developed initiatives concerning the education, engagement, compliance, enforcement and audit relating to floodplain management – see attached documents.

Stakeholder and Public Consultation

Department of Water and Environmental Regulation (DWER)

Statutory Environment

S6.12 of the Local Government Act 1995, provides Council with the legislative power to grant discounts, waive or write off debts. This power has been delegated to the CEO with an upper limit of \$100. As the fee will exceed this amount the matter is referred to Council for a decision.

Relevant Plans and Policy

Flood Plain Management Working Group Report

Financial Implications

There are no direct implications from a budget perspective as the fees from this waste stream have not been included as revenue.

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	A potential loss of revenue from the waste fees that are waived. Risk that the budget projection for revenue from waste fees for that month may be less than anticipated.	Low	Not support the waiver – however this mitigating action poses other risks as outlined below.
Health & Safety	Shire staff will not be required to collect items however some items that may be brought in for disposal are high risk (Asbestos, chemicals, hydrocarbons)	Moderate	Shire has appropriate OSH management, mitigation and training measures available to landfill staff to undertake disposal requirements.
Reputation			
Service disruption	Standard operation for the landfill	Low	Anticipate that if any waste is recovered and brought in this will be over a 30-day period (May 2023) ensuring that there is not high workload pressure generated for staff to manage.

Compliance	N/A		
Property	N/A	Moderate	
Environment	Poor management of waste on the river carries risk of environmental harm and pollution to the horticultural district and the ocean.	Low	Support campaign to clean up the river with ongoing compliance monitoring.
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

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:

Comments

The Waste and Land Management Subcommittee (WLMS) requests a once off, two-month landfill tip fee exemption.

This proposal is to support the work:

- undertaken through the development of waste and land management initiatives by WLMS, and
- to comply with the requirements of the Minister’s recommendations, as developed through the Carnarvon Floodplain Management Working Group.
- The exemption is to support a ‘once-off’ campaign drive to promote the removal of significant volumes of waste dumped on freehold/ private land within the horticultural district, as part of a larger initiative to address Waste and Land Management practices that are impacting the community, soil quality and potentially the water resource.

In 2021 DWER undertook a waste audit within the Carnarvon Horticultural District due to ongoing reports of waste and land management issues being raised by the community and DWER staff.

The audit reviewed significant waste issues across an extensive area with a wide variety of potential contamination risks to both land, water and the community. An education and compliance letter was sent to all land owners within the horticultural district advising them of these concerns and the need for improved management of waste streams.

A recent review of drumMUSTER data for the Carnarvon Horticultural district using the drumMUSTER program identified that, of the estimated 200 farms:

- 32% of farmers have never delivered drums to drumMUSTER
- 3% of farmers deliver drums every year
- 97% of farmers don’t deliver drums every year

The WLMS methodology for implementation of the education, engagement, compliance and enforcement and audit initiatives is based on a behavioural change model represented in the attached Behaviour Change Methodology.

The timeframes proposed for implementation of the overarching approach includes:

1. EDUCATION/ ENGAGEMENT:
 - Develop flyers/ educational material – Feb/ Mar: CGA, Veggies WA, drumMUSTER, Shire
 - Send out Flyers – April: via Mail, FaceBook, Shire website and handouts/
 - Confirm Shire Council landfill tip proposed moratorium: 1 month – May 2023
2. COMPLIANCE/ ENFORCEMENT: Initiate Compliance action under LAA (Shire): June to August 2023 – focused, consistent and strong approach.
3. AUDIT: Waste Audit re-run – KABC/ DWER: September 2023

Schedules attached to this report include:

WLMS – History
Waste and Land Management Subcommittee – Initiatives
Floodplain Management – Summary of Report
Proposed Compliance Policy
Behaviour Change Methodology

OFFICER'S RECOMMENDATION

1. ***That Council, by Simple Majority, pursuant to S6.12 of the Local Government Act 1995, resolves to support the Horticultural District Clean-up Campaign by waiving waste disposal fees for waste collected under the umbrella of this campaign for a period of no more than two months from the start date.***
2. ***That Council, by Simple Majority, pursuant to section 2.7 (2)(b) of the Local Government Act 1995, resolves to adopt the Compliance Policy as presented and include it in the Shire of Carnarvon Policy Manual.***

7.2.6 INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2023/2024

File No:	ADM0071
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Advertisement Differential Rates 2. Objects & Reasons for Differential Rates 23/24 3. Differential Rates Model 2023/2024

Authority/Discretion:

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

Summary of Item

As part of the 2023/2024 budget process, Council is required to endorse proposed differential rates for properties valued on an UV and GRV basis. The proposed differential rates presented here represent an approach to setting rates where rates are levied that reflect associated costs of providing infrastructure and services to the various ratepayers.

The differential rating model represents a six percent (6%) increase to rate in the dollar and minimum payment for differential rating categories Gross Rental Values (GRV) and Unimproved Values (UV) for the 2023/2024 financial year.

Background

The purpose of levying rates is to meet Council’s budget requirements in each financial year and enables Council to raise the revenue necessary to provide facilities, infrastructure and services to the entire community and visitors of the Shire of Carnarvon.

The rates levied on properties are determined by applying the rate in the dollar to the applicable valuation amount of the properties within the district, and if applicable, applying a minimum rate. The Shire applies a minimum rate to each rating category in accordance with S6.35 of the Act, to ensure that properties with a

low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire infrastructure and services.

The method of land valuation (GRV or UV) is determined by the Minister for Local Government, Sports and Cultural Industries (the Minister) with individual valuations being provided to the Shire by the Valuer General's Office (VGO) as part of Landgate. Valuations were revised both upwards and downwards on properties in the past weeks for Intensive Horticulture and upwards on some Mining properties.

The power to set differential rates is contained in the Local Government Act 1995 section 6.33 (1) which provides the ability to differentially rate properties, based land characteristics.

The Department of Local Government, Sports and Cultural Industries (the Department) requires that Council endorse not only the imposition of differential rates, but also the objects and reasons for the imposition of differential rating. The application of differential rates and minimum payments to properties within the Shire maintains equity in the rating of properties.

For the 2023/2024 financial year a 6% increase in rates in the dollar and minimum rates for each differential rating category has been proposed. The 6% rate increases are aligned to Council's major strategic Revenue Strategy review undertaken in 2022 and was driven by Council's commitment to deliver on services and projects that have been recognised as key community priorities in both the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

The proposed differential rates based on a 6% increase are detailed in Table 1 below:

Table 1

Rate Type	Rate Category	Cents in \$	Minimum Payment
GRV	Residential	12.4944	1300
GRV	Commercial/Industrial	11.5731	1300
GRV	Special Use/Rural	12.4944	1300
UV	Mining	27.5416	477
UV	Pastoral	12.5410	1300
UV	Intensive Horticulture	2.8753	1300

Based on current rating information, the proposed differential rates model would raise \$6.73 million in rates in the 2023/24 financial year, comparative to \$6.31 million of rates levied in 2022/2023.

This report has been prepared to present:

1. The proposed 2022/2023 Differential Rates Model that will reflect the rate in the dollar and minimum rate for each unimproved rating category provided in **Schedule (a)**.
2. The required public notice for approval which may be advertised for at least 21 days from 3 May 2023 provided in **Schedule (b)**.
3. The Objects and Reasons to support the imposition of the proposed 2023/2024 Differential Rates provided in **Schedule (c)**.

Stakeholder and Public Consultation

The advertising process allows for stakeholder and public input into this matter.

Statutory Environment

Local Government Act 1995 Section 6.33 Differential general rates and 6.35 Minimum payment

Relevant Plans and Policy

Stabilising Our Financial Position – Shire of Carnarvon Revenue Strategy 2022
Strategic Community Plan for 2022-2032

Financial Implications

Rate In Dollar % Increase	2022/2023 Budget	No Increase	5%	6%	7%
Rate Yield	\$6,312,079	\$6,354,312	\$6,672,237	\$6,734,887	\$6,799,328
Difference (% and property growth)		\$42,433	\$300,158	\$422,808	\$487,249

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	The Minister may not approve the proposed differential rates	Low	All compliance requirements have been met to date and advertising the differential rates and reviewing any objections will take place at the end of the advertising period of 21 days and before submission to the Minister for approval.
Health & Safety	N/A	N/A	N/A
Reputation	Community sensitivity to Council rate. Rates that are perceived as high have the potential to result in reputational damage.	High	This risk has to be balanced against raising revenue to support Shire operations and service delivery.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

Comments

The objective of imposing differential rates is to ensure equity across different land uses, especially where values can vary greatly from properties close to townsites and those in more remote areas of the Shire. The ability of Council to apply a different rate in the dollar ensures that all properties make a fair contribution to the required revenue of the Shire.

Applying differential rates can also be used, should Council wish to offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations.

The legislative requirements surrounding the imposition of Differential Rates impose a considerable time factor as the steps following the endorsement of the differential rate are as follows:

- Advertise the proposed differential rates which is 21 days
- Consideration of any submissions received and determine the final differential rates
- Seek Ministerial approval which is generally up to 21 days, however approvals and the time frame may be longer.

As noted above, all this needs to be completed at a time before the adoption of Council's budget for the next financial year; hence the reason the differential rates are based upon estimations using:

- the latest valuations from Landgate
- estimated UV increase or not as the case may be, for any valuation objections; and
- estimated rate revenue increases for the next year based on the adopted Corporate Business Plan, budget deliberations to date or other Council approved factors.

Adoption of the proposal will see a differential rate, which may alter after advertising and seeking submissions from the electorate. Following consideration of the submissions from the electorate, a request will be sent to the Minister seeking approval of the differential rate.

The actual rate applied will be the differential rates applied for and approved by the Ministerial delegation, unless a variation is approved by the Minister. This is to comply with the Local Government Act 1995 Section 6.33(3).

If any submissions are received, Council must consider the submissions prior to seeking Ministerial approval and prior to formally adopting the differential rates and minimum payments as part of the annual budget process.

OFFICER'S RECOMMENDATION PART 1

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

- 1. Publicly advertise its intention to impose differential rates and invites public submissions for a period of twenty-one days commencing on; and***

2. *Consider any submissions in respect of imposition of differential rates as part of the 2023/2024 Budget deliberations.*
3. *Adopt the objects and reasons of the differential rates as provided in Schedule (c) and publish the document on the Shire of Carnarvon official website.*

OFFICER'S RECOMMENDATION PART 2

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves that should no submissions be received during the public submission period, to progress to seeking approval from the Minister for Local Government to impose differential rates for 2023/2024 and for the objects and reasons as provided in Schedule (c) and to be adopted as part of the 2023/2024 budget.

7.2.7 WRITE OFF SUNDRY DEBTORS

File No:	ADM
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Vika Nafetalai, Finance 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 report places before Council several Sundry Debtor debts considered unrecoverable, and seeks a Council resolution to write-off these debts.

Background

A review of the Sundry Debtors ledger has found that the Shire is carrying debts over 12 months old and in a few cases extending over 8 years. Officers have reviewed the aged debts as outlined Council Policy DF007 Debt Collection to ensure as many as possible of these debts are recovered. However, several are deemed unrecoverable, and these are now presented to Council to consider, as carrying these debts as collectables gives a false indication of the current financial status of the Shire.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.12 (1) (b)

Relevant Plans and Policy

CF007& Debt Collection; and Delegation 1.2.21 Defer, Grant Discounts, Waive or Write-Off Debts is delegated to the CEO where a debt may only be written off where all necessary measures have been taken to locate /

contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Carnarvon. Delegation is also limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.

Financial Implications

The total recommended for write-off is \$200.00. This amount is not considered to be a material amount in the overall context of the Shire’s financial position.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Reduction in Current Assets	Low	Debts regarded as uneconomical to recover as cost of recovering debt exceeds return. The impact is not material
Health & Safety	N/A		
Reputation	Writing off debts could damage the Shire’s reputation and encourage other non-payment by other debtors.	Moderate	Debt Recovery process is now more timely and efficient to minimise these issues.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

Comments

All reasonable recovery actions have been undertaken to secure payment of the listed debt. The Debtor listed below is recommended to be written off as the debtor has either declared bankruptcy, closed their business and/ or left town and not left a forwarding address. It would be uneconomical and inefficient use of Council resources to continue to pursue this debt given the return on that investment in time.

Debtor Code	Amount Outstanding	Date	Details of Debt	Reasons for Write Off	Preventative Actions
GASHOT	\$200.00	28/04/2017	Food Business Inspections	The owner has provided evidence to support his original claim that this invoice belongs to the previous owner of the hotel who's left town with no forwarding address or contact details.	As part of the reviewing process into debt recovery within Sundry Debtors, Shire has streamlined the process and shortened the time frames that trigger actions in accordance with the debt recovery. These changes will ultimately lead to improved recovery debts and allow for a more efficient process of commencing litigation claims and write off of bad debts.

OFFICER'S RECOMMENDATION

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

	<i>Debtor Code</i>	<i>Amount</i>
<i>1.</i>	<i>GASHOT</i>	<i>\$200.00</i>
<i>Grand Total</i>		<i>\$200.00</i>

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 RECONCILIATION ACTION PLAN (RAP) REFERENCE GROUP

File No:	ADM0281
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. RAP Reference Group Expression of Interest Form 2. RAP 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

This report seeks Council approval for the Reconciliation Action Plan (RAP) Reference Group Terms of Reference and to appoint an Elected Member of Council and a proxy member to be part of the Reference Group.

Background

In July 2022, the Council endorsed the Reconciliation Action Plan (RAP) for the Shire of Carnarvon. A key action of the RAP is to establish and maintain an effective reference group to drive the governance of the RAP.

The RAP Reference Group aims to provide the Shire of Carnarvon with strategic advice on Aboriginal people's views, needs and interests in the Carnarvon region.

The RAP Reference Group will inform and monitor the Shire of Carnarvon’s Reconciliation Action Plan implementation through collaboration, communication, and positive relationships.

The objectives of the RAP Reference Group are to:

- Develop and maintain strong relationships between Council and the local Aboriginal community of Carnarvon.
- Provide feedback and comment in relation to Shire of Carnarvon’s Reconciliation Action Plan.
- Assist with and monitor the progress of Shire of Carnarvon’s Reconciliation Action Plan deliverables.
- Provide input into reviewing, evaluating, and developing future Reconciliation Action Plans developed by the Shire of Carnarvon.
- Inform and advise the community of actions that have occurred as a direct result of the Reconciliation Action Plan.
- Raise awareness and advocate for improved access to Council services by Aboriginal and Torres Strait Islander people, cultural relevance and appropriateness of all Council services, policies, and programs.
- Facilitate Council’s access to Aboriginal and Torres Strait Islander residents, businesses, stakeholders, and community leaders.
- Assist the Council in identifying and removing barriers to equal participation for Aboriginal and Torres Strait Islander people and community.
- Advocate for the Aboriginal and Torres Strait Islander community, promoting recognition of contribution to the community.

Stakeholder and Public Consultation

The Reference Group will assist the Shire in appropriate and high quality stakeholder and community consultation.

Statutory Environment

S5.8 Local Government Act 1995.

Relevant Plans and Policy

Community Strategic Plan 2022-2032

Reconciliation Action Plan 2022-2023

Financial Implications

The implementation of the Reconciliation Action Plan Reference Group will require some administration resources. Funding will be sourced to carry out initiatives and activities as identified by the Reference Group and outlined in the action plan. Council has budgeted \$2,000 towards implementation for 2022/23 financial year.

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	The Reference Group outcomes may expect initiatives and activities outside of budget.	Moderate	Managing expectations of the Reference Group. Also actively involve the Reference Group in seeking external grant funding and partnerships as a primary source for resourcing..
Health & Safety	N/A		
Reputation	Not involving the Aboriginal community in activities relating to reconciliation could present a risk to the Shire’s reputation	Moderate	Active input and involvement from Aboriginal people will demonstrate the Shire's commitment to reconciliation.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*
- *Our community acknowledges our history and celebrates our diverse cultures*

ADDITIONAL FOCUS AREAS:

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

Comments

The endorsement of the RAP Reference Group by the Council will demonstrate the Shire's commitment to reconciliation by focusing on learning, promoting, and celebrating the world’s oldest continuing cultures and building our cultural competency. The Reference Group will support the Shire to continue to develop the understanding, connections and significance of the region’s Aboriginal people and their connection with the Council and the greater community.

OFFICER’S RECOMMENDATION

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

- a. Endorse the Reconciliation Action Plan Reference Group Terms of Reference: and***
- b. Appoint Cr_____ and Cr_____ (as Proxy) to the Reference Group, and***
- c. Advertise for Expressions of Interest and present Expressions of Interest to Council for consideration***

7.3.2 REQUEST FOR COUNCIL'S AFFIRMATION OF THE SHIRE'S OBJECTION TO MINING LEASE 09/180

File No:	111
Location/Address:	Carnarvon Townsite
Name of Applicant:	Onslow Resources
Name of Owner:	Application is for Mining Lease
Author(s):	Riley Brown, Planner
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Objection and Explanatory Letter

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 notification under the Mining Act 1978 for a mining lease application within the mouth of the Gascoyne River (E09/180). Specifically, this was for a sand extraction operation with a tenement area of 562ha. This included a stock piling site and incidental infrastructure (such as offices and caretaker’s units).

In accordance with previous Council resolutions, the Shire lodged an objection to this application on the basis that the activity may have detrimental impacts on the river and the growers who operate upstream. Council is requested to affirm the objection as lodged.

Background

Under section 23 to 26 of the Mining Act 1978, mining maybe carried out on certain classes of land with written consent of the relevant minister. With respect to town sites, the Minister must consult and obtain recommendation from the local authority.

A similar application for an exploration license (sand extraction) at the river mouth was proposed in 2011 by Onslow Resources (E09/1816). At its July 2015 Ordinary Council meeting, Council resolved to object to the proposal. In August of the same year, the applicant wrote to the Shire seeking a reconsideration of its objection. At its subsequent August 2016 meeting, Council resolved to uphold its objection and committed

to objecting to any future mining proposals located within the Gascoyne River from the river mouth upstream though to the western extend of the Carnarvon Water Reserve and Gascoyne Food Bowl Water Reserve.

In accordance with this standing resolution, the Shire lodged an objection to E09/180.

Stakeholder and Public Consultation

The Shire is a referral authority for applications for mining tenements and is responsible for providing timely responses and/or lodging objection to the Department of Mines, Industry Regulation and Safety (DMIRS). It is the responsibility of the proponent and DMIRS to consult with other stakeholders and the community.

Description of Proposal

E09/180 proposes the extract of river sand from an area of 562ha at the mouth of the Gascoyne River. The area features a stockpiling area and associated infrastructure. The target material is sand and shingle. The northern bank and land north of the river are not target areas and will not be mined. This also applies to land on Babbage Island. It is not clear how deep the sand extraction will go or whether the underlying clay layer may be disturbed.

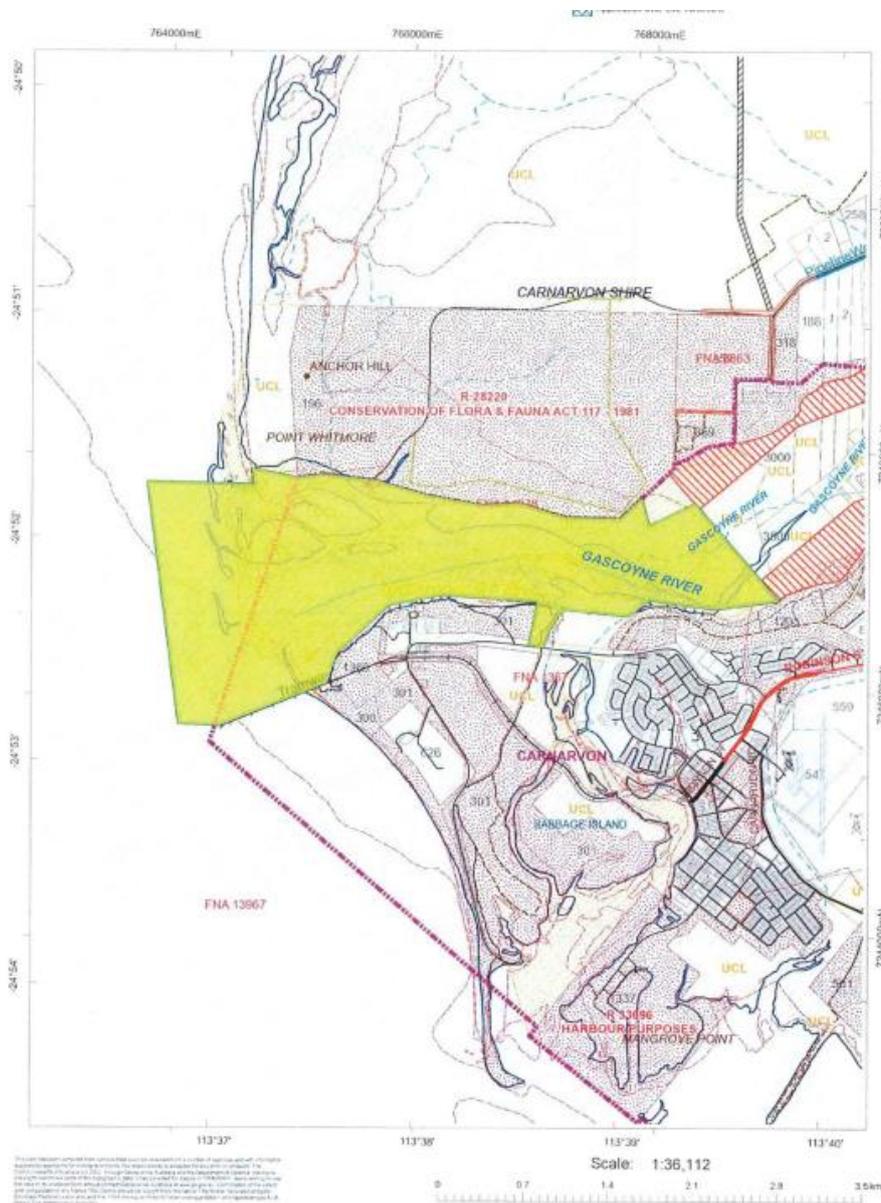


Figure 1 – Proposed Mining Tenement Area

Statutory Environment

Mining Act 1978

The Mining Act 1978 establishes the process for relevant stakeholders to lodge objections.

Local Planning Scheme 13

The site directly to the south of the proposed lease area is identified under the Shire's planning scheme as a foreshore reserve. Within the townsite itself, the majority of land is zoned either residential or commercial.

The riverbed itself is zoned drainage/waterway. A mining operation would not be consistent with the objectives of these zones.

Shire of Carnarvon Standing Orders

19.1 Revoking Decisions—When this Can Occur

A decision may be revoked or changed at the same meeting at which it was made if—

- (1)
 - (a) at least one third of the number of offices (whether vacant or not) of members of the Council or Committee support the motion to revoke or change the decision;
 - (b) the member who proposes the revocation or change of the decision—
 - (i) clearly identifies the decision to be revoked or changed and;
 - (ii) clearly states the reason for seeking the revocation or change;
 - (c) the motion to revoke or change the decision is carried—
 - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
 - (ii) in any other case by an absolute majority;
- (2) A decision may be revoked or changed at a meeting other than the one at which it was originally made if—
 - (a) The motion to revoke or change the decision is supported—
 - (i) in the case where an attempt to revoke or change the decision has been made within the previous 3 months but had failed, by an absolute majority; or
 - (ii) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or Committee;
 - (b) the member who proposes the revocation or change of the decision—
 - (i) clearly identifies the decision to be revoked or changed; and
 - (ii) clearly states the reason for seeking the revocation or change;
 - (c) the motion to revoke or change the decision is carried—
 - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
 - (ii) in any other case, by an absolute majority;

19.2 Implementation of a Decision

- (1) If a notice of motion to revoke or change a decision of the Council or a Committee is received by the CEO before any action has been taken to implement that decision, then no steps are to be taken

to implement or give effect to that decision until such time as the motion of revocation has been dealt with.

(2) The Council or a Committee shall not entertain a motion for revocation or change of a decision of the Council or the Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

(a) action has been taken to implement the decision; or

(b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the Council authorised to do so;

unless there is a statement of impact of the legal and financial consequences of accepting and carrying a motion of revocation or change

Relevant Plans and Policy

Gascoyne Regional Planning and Infrastructure Framework

Within the planning framework, the expansion of the horticultural district is seen as a priority for continued development within the Gascoyne region.

Financial Implications

There is a risk that the proponent may seek to take the matter to the Warden’s Court. The Shire is likely to utilize budgeted funds from the Development Service Legal Expenses account should that be required.

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	The proponent may seek to progress this via a legal challenge that would have a financial impact should the Council wish to defend its decision.	Moderate	Funds have been allocated in the budget for legal representation in matters relating to planning should they be required.
Health & Safety	N/A		
Reputation	Lots of potential reputational risks		Affirm the objection

	from not objecting - including damage to our relationships with Yinggarda and Plantation owners.		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Impact on water quality upstream from the mouth are unknown and present an intolerable risk.	Extreme	Affirm the objection
Fraud	N/A		

The Shire considers that the commercial viability of growers, community infrastructure and the health and wellbeing of the residents of Carnarvon could potentially be impacted by the operation.

There is a risk of the amenity of the locality being irreversibly impacted.

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our sustainable livelihoods create a community that can flourish into the future*
- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*

Comments

Based on the limited information provided by the applicant as it pertains to environmental consequences, the Shire cannot confidently support the operation without further investigation. For this reason, the Chief Executive officer lodged an objection on 13 April 2023. This item is presented to Council seeking affirmation of this action.

The proposed area is located within the suburbs of the Carnarvon Townsite including Brockman, Morgantown, and South Carnarvon. The shire would be concerns with any mining operation of land within the river or the townsite. The existing and future land uses of the Carnarvon locality have the potential to be significantly compromised.

The Gascoyne River is very important to the social and economic development of Carnarvon and in particular, the horticultural district. The proposal to extract sand from the river mouth is therefore of major concern to the Shire. The river acts as a water storage system and the water table (aquifers) lie below the river sands. Both irrigation and drinking water are drawn from aquifers in the river which are replenished during the wet season when the river floods.

The release of sediment into the water could also cloud the surface water (turbidity) having a negative effect on photosynthesis and sunlight in turn killing microbial life or event impacting the feeding ability of complex life forms within the marine environment. The proposed mining lease is not recommended to be supported by Council. However, should the Council resolve to support such an operating, the Mining Act 1978 allows for the objection to be withdrawn.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to the Shire of Carnarvon Standing Order 19.2

- 1. Affirms the actions of the Chief Executive Officer (CEO) in the lodging of an Objection to the Application for a Mining Lease 09/180 by Onslow Resources.***
- 2. Authorises the CEO to obtain legal advice and services as deemed necessary to defend the Council's objection to the application for a Mining Lease 09/180 in the Warden's Court.***
- 3. Requests the CEO to write to Government Agencies including the Department of Mines, Industry Regulation and Safety requesting that they undertake appropriate action to halt Exploration Licence 09/180 and advise that any future applications from the River Mouth upstream through the western extent of the Carnarvon Water Reserve and Gascoyne Food Bowl Water Reserve will not be supported by the Shire of Carnarvon until such time as the Department can satisfy the Shire that the grant of any such tenement would not have a detrimental impact on the Horticultural Precinct and its water sources.***

7.3.3 CARNARVON NATIONAL VOLUNTEER WEEK AWARDS

File No:	ADM0080
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stephanie Leca, Community and Cultural Development Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. National Volunteer Awards Recommendation Report (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

The item presents the scoring of the Carnarvon National Volunteer Week Awards 2023 by the Awards Committee Members and the Committee recommendation for formal consideration by the Council.

Background

Each year, Volunteering WA hosts National Volunteer Week with it being held from 15 to 21 May in 2023. Volunteering WA hosts an annual state volunteering awards program and provides resources to Local Governments to host their own events. The awards program is a positive way for the Shire to recognise the individuals and organisations who have made notable contributions to the community while volunteering.

The community was invited to lodge award nominations to the Shire of Carnarvon, nominations were then presented to the Awards Committee for review.

The Awards Committee is the official committee of the Council that considers nominations for local and state awards. The categories for the Carnarvon National Volunteer Week Awards were:

- Young 'Change Maker' Volunteer of the Year
- 'Change Maker' Volunteer of the Year
- Lifetime Contribution to Volunteering
- Volunteer Group of the Year - Event and Community Organisation

Due to the availability of Award Committee members to meet and assess applications, the Committee received submissions and scoring sheets via email to complete their scoring independently. The Awards Committee will be meeting later for retrospective approval of the recommendation. The minutes will be presented to Council for formal endorsement.

Stakeholder and Public Consultation

The nomination process allowed any public member to submit a nomination.

Statutory Environment

Section 3.18 of the *Local Government Act 1995*

Relevant Plans and Policy

N/A

Financial Implications

There are no financial implications related to this time.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Not recognising volunteers could impact the Shire’s reputation as an organisation that values the contribution made by volunteers.		The Shire hosts awards programs annually and encourages the community to nominate recipients that are considered every year by the Awards Committee and Council.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

Comments

This is the first year the Shire of Carnarvon has run a National Volunteer Week Awards program. The feedback was overwhelming from the community, and there were nineteen (19) nominations in four (4) categories. The Shire promoted the awards program with a tight turnaround time of one (1) week through Facebook, Website, emailing stakeholders, and various posters around Carnarvon.

The criteria for the Carnarvon National Volunteer Week awards were:

- The nominee must have demonstrated exceptional commitment to volunteering in the Carnarvon community.
- The nominee's volunteering activities should have made a significant positive impact on the community.
- The nominee's volunteering should have been undertaken on a voluntary basis and not for financial gain.
- The nominee's volunteering should have been ongoing, not just for a one-off event.
- The nominee should have demonstrated a positive attitude towards volunteering and be a role model for community members.

The Committee considered nominations in the categories for which they have been nominated.

Please see attached confidential schedule for the selection and judging criteria, including the completed scoring sheet by members.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to accept the recommendation report from the scoring sheets completed by the Awards Committee and present the awards to the recipients at the Carnarvon National Volunteer Week evening on Wednesday, 17 May 2023.

7.4 INFRASTRUCTURE SERVICES

7.4.1 REQUEST FOR QUOTATION RFQ 06/2023 SUPPLY AND DELIVERY OF LANDFILL COMPACTOR

File No:	ADM2231
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. RFQ 06/2023 Evaluation and Recommendation Report - Confidential (under separate cover)

Authority/Discretion:

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

Summary of Item

This report details the Request for Quotation process for RFQ 06/2023 – Supply and Delivery of Landfill Compactor. It is recommended Council accept the submission from WesTrac Pty Ltd.

Background

Specification for the procurement of the plant equipment was prepared through WALGA eQuotes. The Request for Quotation (RFQ) process undertaken is detailed in the Evaluation and Recommendation Report provided in Schedule 1 (Confidential).

Stakeholder and Public Consultation

Not applicable.

Statutory Environment

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

Local Government Act, 1995 – Section 6.20 Power to borrow.

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

Relevant Plans and Policy

Policy C002 – Purchasing Policy

Financial Implications

Council previously authorised a seven year loan totalling \$1,821,053 for the purchase of a landfill compactor among other plant and equipment vehicles. While the initial outlay of costs is high, savings through maintenance requirements and improved efficiency of service compared to the existing soil compactor will help offset those costs over its lifecycle.

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	Cost to meet credit repayment requirements.	Moderate	Savings in compactor maintenance and higher service delivery to offset repayment requirements.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	The existing soil compactor cannot maintain rubbish compaction to a high level.	Moderate	A new compactor will allow a faster and more efficient service to be delivered.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

Comments

Two submissions were received through WALGA eQuotes. As detailed in the evaluation and recommendation report both submissions met all specified requirements.

Selection of the recommended supplier is based upon value for money considerations, including:

- Extended warranty.
- Servicing similarities to existing compactor.
- Ability for servicing staff to interchange and use similar equipment among other fleet vehicles.

Officers utilised the WALGA eQuotes system for conducting the request for quotation. The eQuotes system allows a hands-off, transparent competitive quotation process to be undertaken functioning with a similar degree of rigour as a tender process to ensure value for money procurement.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority:

- a. pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, resolves to accept the submission from WesTrac Pty Ltd in response to RFQ 06/2023 for the purchase of a Landfill Compactor for the tendered price provided in Confidential Schedule XXX of \$XXXXXX (ex GST) <PRICE TO BE INCLUDED IN COUNCIL MINUTES>; and***
- b. pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and WesTrac Pty Ltd for Tender RFQ 06/2023 – Purchase of Landfill Compactor.***

7.4.2 WA BICYCLE NETWORK - CORAL BAY

File No:	ADM1710
Location/Address:	Coral Bay
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	January 2021 FC 12/1/21
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 information to Council to support the officer’s recommendation that Council formally renegotiates the previously accepted WA Bicycle Network funding program design and construction project grant in Coral Bay. The officer recommends that the project is acquitted on its current status of the completed design portion and that the construction component is withdrawn due to the high cost implications for construction. .

Background

In January 2021, Council resolved as follows in relation to applications for funding under the WA Bike Network (WABN) funding program:

FC 12/1/21

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION

Cr Fullarton/Cr Pinner

That Council:

- 1. Accept the grant for the Carnarvon CBD Shared Space Study from Department of Transport of \$25,000 for the 2021-22 financial year.*
- 2. Accept the grant for the Coral Bay Shared Path to Boat Ramp from Department of Transport of \$15,000 in 2021-2022 financial year and \$105,000 in the 2022-23 financial year.*
- 3. Acknowledge that grants for Carnarvon Community College Shared Path (\$53,750 in 2021-22) and*

Babbage Island Loop (\$25,000 2021-22 and \$150,000 2022-23) are on a reserve list for funding and may be bought online if additional funding becomes available through Department of Transport.

CARRIED BY ABSOLUTE MAJORITY

F7/A0

In relation to item 2 of that resolution, a combined offer of funding of \$120,000 was received from Department of Transport for design and construction of a shared path on Monck Head Dr/Banksia Dr to provide safer accessibility from town to the boat ramp. The design portion of this project was completed in October 2022 with the construction portion to commence in 2023.

The design component has cost \$26,960 ex GST, leaving a balance of \$213,040 ex GST, being \$106,520 ex GST grant funding and \$106,520 ex GST matching co-contribution from the Shire, for the construction. However, QS cost estimates and quotes in excess of \$900,000 ex GST have been received leaving this construction phase of this project approximately \$700,000 ex GST over budget.

Stakeholder and Public Consultation

Department of Transport (DoT) have been consulted throughout the entire process of the design and construction project. Most recently (3 April, 2023) a meeting was conducted with 2 DoT representatives and 1 Shire of Carnarvon (SoC) representative to discuss the cost increases and project difficulties.

In previous discussions with DoT, project alternatives were raised regarding change in type of material, shortening of length and/or width, all of which were not an option for DoT.

DoT representative quoted, *"The main point is that the Department of Transport is not supportive of partial completion of the path as this will not improve connections. Therefore, we see limited options to proceed without significant input of funds and an extension of time. As we are nearing the end of the financial year this is unlikely to be supported."*

Statutory Environment

N/A

Relevant Plans and Policy

Gascoyne Cycling Strategy.

Financial Implications

The Shire budgetary requirements for this funding program were 50% of the total project cost spread over 21/22 and 22/23 financial years. To date, \$26,960 ex gst (\$13,480 contribution by each party) has been expended on this project for the design of the shared path. DoT advised that the project would be acquitted based on current expenditure at the program requirements of 50% contribution with any surplus funds requiring to be repaid.

To date, DoT has paid out \$40,000 ex gst for this project. A surplus fund amounting to \$26,520 ex gst will be required to be repaid to DoT upon acquittal of the project.

Risk Assessment

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	Current path requires crossing of 2 roads.	Moderate	Both roads at crossings are minor roads with minimal traffic. Sight lines provide ample visibility for safe crossing.
Reputation	Inability to deliver construction portion of project.	High	Existing gravel path already serves the route required. Capital upgrade was to improve access and safety.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

Comments

The shared path is recognised in the Gascoyne Cycling Strategy and is a supported project for the WA Bicycle Network.

As the design portion of this project has been completed, the Shire now has a shovel-ready project that can be used to apply for funding to complete the construction portion of works in the future.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to formally amend the Department of Transport WA Bicycle Network grant-funded project as follows:

- (a) Acquit the project based on its current status of the design portion being completed.***
- (b) Advise the Department of Transport that the Shire will not progress the construction component of this project at this time and repay surplus funds amounting to \$26,520 ex GST to the Department of Transport under the WA Bicycle Network funding program.***
- (c) Defer consideration of the construction portion of the Coral Bay Shared Path project until such time that additional grant or other funding is able to be sourced for the project.***
- (d) Consider the allocation of the Shire's unspent portion of funds to the Strategic Projects Reserve in the Monthly Budget Adjustments Report in May 2023.***

8 APPLICATIONS FOR LEAVE OF ABSENCE

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

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

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

12.1 IT FRAMEWORK

This matter is considered to be confidential under Section 5.23(2) - (f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, could be reasonably expected to –

- (i) impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
- (ii) endanger the security of the local government's property; or
- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.

12.2 REVIEW OF FINANCE DEPARTMENT

This matter is considered to be confidential under Section 5.23(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

13 DATE OF NEXT MEETING

14 CLOSURE