



SHIRE OF CARNARVON

MINUTES

SPECIAL COUNCIL MEETING

MONDAY 17 JANUARY 2022

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....Chairman

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

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

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

2.0 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.)

3.0 DECLARATIONS OF INTEREST

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

4.0 ITEMS FOR DISCUSSION

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

6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON MONDAY 17 JANUARY 2022**

The meeting was declared open by the Presiding Member at 8.30am

The Shire of Carnarvon acknowledges the Yingarrda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....Presiding Member/Shire President
Cr B Maslen Councillor, Gascoyne/Minilya Ward
Cr L Skender Councillor, Town Ward
Cr T Langley..... Councillor, Town Ward
Cr A Fullarton Councillor, Town Ward

Mrs A Selvey..... Chief Executive Officer
Mr D Nielsen Executive Manager, Infrastructure Services
Mr D Perry.....Executive Manager, Development & Community Services
Ms S Mizen..... Manager, Finance
Ms C Claassens
Mrs D HillSenior Executive Officer

Apologies

Cr A Cottrell..... Councillor, Coral Bay Ward
Cr L Vandeleur..... Councillor, Town Ward
Cr M Ferreirinha.....Councillor, Plantation Ward

Leave of Absence Nil

Observers Nil

2.0 PUBLIC QUESTION TIME

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

There was no public question time.

3.0 DECLARATIONS OF INTEREST

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

Cr Skender (Impartiality) – 4.1 -RFT 09/2021 – Supply of Plant and Operators for Flood Damage Repair Works

Cr Skender (Impartiality) – 4.2 - RFQ 25/2021 – Water Bore Construction

Cr Skender (Impartiality) – 4.5 - RFT 12/2021 – Coral Bay Waste Facility Management Services

4.0 ITEMS FOR DISCUSSION

SCM 1/1/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That Meeting Procedures Local Law Pt 17.1 be suspended at 8.32am in order that Elected Members can seek further clarification in regard to the various matters being brought before the Special Meeting.

CARRIED
F5/AO

SCM 2/1/22

COUNCIL RESOLUTION

Cr Maslen/Cr Skender

That Meeting Procedures Local Law Pt 17.1 be resumed at 8.42am.

CARRIED
F5/AO

4.1 **RFT 09/2021 SUPPLY OF PLANT AND OPERATORS FOR ROAD FLOOD DAMAGE REPAIRS (2)**

File No.	ADM2141
Date of Meeting:	17 January 2022
Location/Address:	Northern, Southern & Town Flood Damaged Roads
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project Contracts Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	FC 6/2/21, SCM 2/4/21 and FC 12/9/21
Schedules:	Confidential Schedule 4.1 Recommendation report

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the

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

Summary of Item:

This report details the tender process undertaken for Request for Tender RFT 09/2021 – Supply of Plant & Operators for Flood Damage Repairs (2)

It is recommended to award Contract(s) to the following Tenderers:

- 'Package 1 – North' to THEM Earthmoving Pty Ltd
- 'Package 2 – South' to QEM Group Australia
- 'Package 3 – Central' to QEM Group Australia

Background:

The Shire suffered damage to various road assets from the TL12U weather event in February this year. Reinstatement cost for repair of these roads qualifies for Disaster Recovery Funding Arrangements – Western Australia (DRFA-WA) to repair damage to the pre-weather event condition.

In April 2021, Council resolved to appoint Greenfield Technical Services to assist the Shire with engineering services, Tender assistance, onsite supervision, and administrative support with DRF-WA funding.

In July/August 2021, tender RFT 04/2021 was conducted inviting suitably qualified contractors for completion of the flood damage reinstatement works. That Tender included two works packages. The first package included the northern damaged roads and the second package the southern damaged roads.

At its Ordinary Council meeting in September 2021, Council resolved as follows:

FC 12/9/21

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the tender submission and schedule of rates from Dean Contracting Pty Ltd for the performance of all works under Packages 1 and 2 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs.

**CARRIED
F6/A0**

FC 13/9/21

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments for works to commence prior to end of October 2021 and finalise execution of a contract between the Shire of Carnarvon and Dean Contracting Pty Ltd for performance of all works under Packages 1 and 2 of RFT 04/2021 – Supply of Plant and Operators for Road Flood Damage Repairs.

**CARRIED
F6/A0**

After tender RFT 04/2021 award to Dean Contracting Pty Ltd, the Shire was advised Dean Contracting were unable to commit to commence works prior to end of October 2022 due to being awarded another flood damage tender.

The flood repair works were retendered introducing a third “Central” roads package and removing specific repair and upgrade works on the Middalya concrete floodway crossing. That Central package focusses on Carnarvon township roads not requiring camping facilities with an intent to attract smaller and/or local contractors. A separate tender for the Middalya crossing works was also completed and will be the subject of future reports to Council.

Tender RFT 09/2021 Supply of Plant and Operators for Road Flood Damage Repairs closed on 24 November 2021. Five submissions and one alternative submission were received. A panel evaluated all submissions. A detailed Evaluation and Recommendation report is provided in **Confidential Schedule 4.1**

Stakeholder and Public Consultation:

Greenfield Technical Services – Project Managers

Statutory Environment:

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

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

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

Financial Implications:

Reinstatement works are funded under the DRFA-WA program. In September DFES accepted a cost estimate and funding submission for an approximate value of \$11.8 Million, including the cost of external project management. Award of the three packages will result in an estimated expenditure of \$10,219,732.

The recommended contracts will be based upon the Contractor schedule of rates and not a lump sum. Actual cost of works may vary from the expenditure estimate. Final DRFA-WA funding will adjust depending on actual hourly rates of the awarded contracts.

A small portion of the works includes *improvement* works not funded under the DRFA-WA program. It is considered cost beneficial to combine some of those works with the flood damage repair works packages, being of a similar nature.

Improvement works are funded by other funding sources as follows:

IMPROVEMENT WORKS	FUNDING SOURCE	BUDGET
Minilya – Lyndon (package 1) including re-sheeting works focussing on areas adjacent to gravel pits and install of culverts	Regional Road Group (RRG) 2021/22	\$550,343 (One third Shire contribution. Existing 2021/22 budget allocation)
Minilya – Lyndon (package 1) - upstream rock protection across the length of the crossing to match the downstream side.	Local Roads & Community Infrastructure (LRCI) Phase 2	\$310,000
Wahroonga (package 2)– Pimbee Road install of culverts		

Middalya Crossing Tender (RFT 01/2022) - Upstream concrete edge wall to match the downstream side of the crossing.		
	TOTAL	\$860,343

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	<p>1. Claims submitted by the Shire are not compliant under the DRFA-WA program resulting in rejection of recoup claims.</p> <p>2. Temporary cashflow deficiencies receiving multiple invoices at the same time.</p>	<p>1. C4: Extreme</p> <p>2. C4: Extreme</p>	<p>1. An experienced project manager has been engaged to ensure funding claims and associated recovery work is controlled and compliant with the DRFA-WA program requirements.</p> <p>2. DFES offers an advance payment of 20% of the total project upon award of the contract. This will support the receipt of the first few invoices. Depending on the commencement of works and the invoice amounts the Shire most likely will require a short term loan (12 months).</p>
Health & Safety	N/A		
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will delay reinstatement works.	C3: High	Appoint contractor.
Service disruption	N/A		
Compliance	N/A		
Property	Further decline of the road assets, in particular the Minilya River crossing.	B3: High	Appoint contractor and ensure commencement of works asap.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

The Tender evaluation is detailed in the Recommendation Report in **Confidential Schedule 4.1**.

The Recommendation report includes the collective evaluation of the Tender submissions by the Panel. Also included is the independent evaluation and recommendation report from Greenfield. It should be noted, the overall recommendation from the panel is consistent with the recommendation from Greenfield.

The Tender made allowances for the appointment of one contractor for all packages or multiple contractors for one or more package(s).

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the tender submission and schedule of rates from THEM Earthmoving Pty Ltd for the performance of all works under Package 1 of RFT 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the tender submission and schedule of rates from QEM Group Australia for the performance of all works under Package 2 and Package 3 of RFT 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

OFFICER'S RECOMMENDATION PART THREE

That Council, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of contracts between the Shire of Carnarvon and THEM Earthmoving Pty Ltd and QEM Group Australia for Tender 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

SCM 3/1/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Skender

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the tender submission and schedule of rates from THEM Earthmoving Pty Ltd for the performance of all works under Package 1 of RFT 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the tender submission and schedule of rates from QEM Group Australia for the performance of all works under Package 2 and Package 3 of RFT 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

OFFICER'S RECOMMENDATION PART THREE

That Council, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of contracts between the Shire of Carnarvon and THEM Earthmoving Pty Ltd and QEM Group Australia for Tender 09/2021 – Supply of Plant and Operators for Road Flood Damage Repairs (II).

CARRIED
F5/A0

4.2 RFQ 25/2021 WATER BORE CONSTRUCTION

File No.	ADM2153
Date of Meeting:	17 January 2022
Location/Address:	Northern, Southern & Town Flood Damaged Roads
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project Contracts Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	FC 6/2/21, SCM 2/4/21
Schedules:	Confidential Schedule 4.2 Recommendation report

Authority / Discretion

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

Summary of Item:

This report details the process undertaken for Request for Quote (RFQ) 25/2021 – Water Bore Construction. It is recommended Council award the contract for the works to Onward Drilling.

Background:

The Shire suffered damage to various road assets from the TL12U flooding event in February this year. Reinstatement cost for repair of these roads qualifies for Disaster Recovery Funding Arrangements – Western

Australia (DRFA-WA) to repair damage to the pre-weather event condition. Establishment of twenty-six (26) water bores has been approved as part of the road damage repair works.

Works includes construction, drilling and establishment of twenty (20) wet bores adjacent to eleven north and south roads affected by flood damage.

An additional six (6) bores in deeper aquifers are included in the scope of works. These six bores are provisional items.

An additional provisional item has been included for replacement of three groundwater monitoring bores at the Carnarvon Browns Range Waste Facility. These works are not classified as flood repair works. Existing budgets will be utilised to pay for these works.

In October 2021, Tender, RFT 08/2021 Water Bore Construction was conducted inviting suitably qualified contractors for completion of the flood damage bore establishment works. That Tender closed on 8 of November 2021 with nil submissions received.

In accordance with S. 11.2 (C) of the Local Government (Functions and General) Regulations, public Tenders are not required if the Local Government (within the last six months) has publicly invited Tenders, but no Tender was submitted. In this case, quotations may be sought from suitable qualified suppliers. It is worth noting that an RFQ process and an RFT process is very similar, with the only difference being that the request is not advertised publicly. In all other respects, an RFQ process is as rigorous as an RFT process.

As a result of receiving no submissions for RFT 08/2021, the following eight (8) suppliers were invited to submit quotations:

1. Longneck Creek
2. Yuinmob (Yion Station – Shire of Murchison)
3. Onward Drilling
4. Welldrill
5. Envirotech Drilling
6. J & S Drilling
7. Darling Downs Drilling
8. Hardley Davey Drilling

One submission was received from Onward Drilling.

A panel has evaluated and scored that submission. A detailed Evaluation and Recommendation Report is provided in ***Confidential Schedule 4.2***

Stakeholder and Public Consultation:

Greenfield Technical Services – Hayden Andrews Project Manager

Statutory Environment:

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

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

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

Financial Implications:

Reinstatement works are funded under the DRFA-WA program. In September DFES accepted a cost estimate and funding submission for an approximately value of \$11.8 Million, including the cost of external project management.

The recommended contract will be based upon the Contractor schedule of rates and not a lump sum. Actual cost of works may vary from the expenditure estimate. Final DRFA-WA funding will adjust depending on actual hourly rates of the awarded contracts.

Estimated cost of the Browns Range tipsite monitoring bores is \$6750. Sufficient budget to complete this work is available under the existing 21/22 adopted budget for waste facility operations.

Note that DRFWA funding will only meet the cost of wet bores – bores which find water. Dry bore costs are met by the Shire. An allocation of \$125,000 was made in the 21/22 to cover this contingency.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	3. Claims submitted by the Shire are not compliant under the DRFA-WA program resulting in rejection of recoup claims.	3. C4: Extreme	3. An experienced project manager has been engaged to ensure funding claims and associated recovery work is controlled and compliant with the DRFA-WA program requirements.
	4. Temporary cashflow deficiencies receiving multiple invoices at the same time.	4. C4: Extreme	4. DFES offers an advance payment of 20% of the total project upon award of the contract(s). This will support the receipt of the first few invoices. Depending on the commencement of works and the invoice amounts the Shire most likely will require a short term loan (12 months).
	5. Further delays in the flood repair project will jeopardize the funding when the project is not completed on time	5. C3: High	5. Award the contract

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Health & Safety	N/A		
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will further delay reinstatement works.	C3: High	Award the contract.
Service disruption	Delays in flood repair works when re-Tendering the Water bore construction works	C4: Extreme	Award the contract. Whilst the award of a large contract on the basis of one submission is not preferred the project has suffered several delays. The water bore construction works are to commence in conjunction with the flood repair works. Further delays in the Water Bore construction will directly impact on the flood repair works.
Compliance	N/A		
Property	Ongoing maintenance for the newly constructed water bores.	A1: High	Allocate appropriate budgets for bore maintenance. Reliable water sources along the Shire road network will assist ongoing road maintenance and is likely to deliver service level improvement over the longer term.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

N/A

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from Redford Family Trust t/a Onward Drilling for the performance of all works of RFQ 25/2021 – Water Bore Construction.

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Redford Family Trust t/a Onward Drilling for RFQ 25/2021 – Water Bore Construction.

SCM 4/1/22

COUNCIL RESOLUTION

Cr Maslen/Cr Skender

RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from Redford Family Trust t/a Onward Drilling for the performance of all works of RFQ 25/2021 – Water Bore Construction.

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Redford Family Trust t/a Onward Drilling for RFQ 25/2021 – Water Bore Construction.

CARRIED

F5/A0

4.3 PREPARING AUSTRALIAN COMMUNITIES PROGRAM 2021 – APPLICATION FOR THE IMPROVING FLOOD PREPAREDNESS PROJECT

File No: ADM0279
Date of Meeting: 17 January 2021
Location/Address: N/A
Name of Applicant: Shire of Carnarvon
Name of Owner: N/A
Author/s: Andrea Selvey, Chief Executive Officer
Declaration of Interest: Nil
Voting Requirements: 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.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning

		applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item presents information on an application the Shire has submitted for funding from the Preparing Australian Communities Program and seeks Council’s retrospective approval for the application.

Background:

The Australian Federal Government announced that \$600 million would be available over six years from 2021-22 to 2026-27 for the Preparing Australia Program to support projects that mitigate or reduce the disaster risk, impact and consequence associated with large-scale natural hazards.

The objectives of the Preparing Australia Program are to:

- improve the long-term resilience of Australian communities and households to natural hazards including bushfires, floods and tropical cyclones
- deliver disaster risk reduction projects that reduce hazard exposure or vulnerability and are aligned with the recommendations of the Royal Commission into National Natural Disaster Arrangements and the National Disaster Risk Reduction Framework.

The Preparing Australian Communities Program (PACP) Local stream will support disaster risk reduction and resilience initiatives that will reduce the impact of future natural hazards on Australian communities. A total of \$150 million is available from 2021-22 to 2024-25.

To be eligible, projects must fall into one of the following categories:

- *Planning - assessment of risk, vulnerability, resilience and disaster risk reduction activities, investment/business case, or technical feasibility*
- *Awareness and capacity - increasing disaster risk and resilience awareness and capacity building activities*
- *Infrastructure - delivery of built and/or natural infrastructure, including new or upgraded infrastructure.*

The grant amount will be up to:

- 50% of eligible project expenditure for infrastructure projects of \$100,000 and over
- 100% of eligible project expenditure for infrastructure projects under \$100,000
- 100% of eligible project expenditure for non-infrastructure projects.

A project plan is mandatory for applications seeking a grant amount over \$1,000,000.

The Shire of Carnarvon is listed as one of 14 priority LGAs in Western Australia in relation to addressing cyclone risks and one of four in WA to addressing flood risks. This means that the Shire will be awarded an additional 20 points during the assessment process.

Consultation:

DPIRD
DWER
DFES

Statutory Environment:

S3.18 of the Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

The projected cost of all elements of the project is \$2,200,428. The Shire of Carnarvon, together with the Department of Primary Industries and Regional Development, will be required to contribute \$809,656 in cash and kind to the project. DWER and DPIRD have confirmed the following financial commitments:

1. DPIRD: \$224,999
2. DWER: \$100,000

Should the application be accepted as presented, the Shire’s **cash** co-contribution will be \$401,030 with an in-kind contribution of \$83,627. The Shire will also **receive** \$127,823 in cash from the grant for project management.

No funds have been allocated for these works in the 2021/2022 budget. The Flood Mitigation Reserve contains \$11,886. To proceed as per the officer’s recommendation, Council will be required to consider this funding during the 2022/2023 Budget process.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
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 required co-contribution exceeds the Shire’s budget capacity	Moderate	The cash co-contribution required is within the financial capacity of the Shire. Staff will also seek other opportunities to secure the matching co-contribution from other funding programs opportunities.
Health & Safety	The town levees may not provide the level of protection to the community.	High	This application aims to secure funding to improve the town levees.
Reputation	Failure of the town levees could result in reputational damage to the Shire as these are Shire assets.	High	This funding would ensure the structural integrity of the town levees and gates.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		

Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.3	Flood control and stormwater management practices that are efficient and sustainable
2.3.1	Provide for effective management and maintenance of Council's flood control and stormwater infrastructure

Comment:

DPIRD (and DWER), under the auspices of the Flood Management Working Group, have partnered with the Shire in preparing an application for funding.

The PACP Local opened for applications on 10 December 2021 and closed at 5pm AEDT on 6 January 2022. Given the timing, it was not possible to seek Council endorsement of an application prior to the closing date; however, this funding opportunity was discussed informally at the Corporate Information Session on 10 December 2021.

The infrastructure elements of this project have emerged from a formal review of the levees by GHD. After the flood event in February 2021, some issues and concerns with the levees were identified. The Department of Primary Industries and Regional Development (DPIRD) engaged GHD to conduct a formal integrity inspection of the levee system and developed a report and recommendations for remedial works.

Based on that assessment, the following works have been identified as projects that would be eligible for funding under the Preparing Australia Program.

Elements

1. Shire of Carnarvon Town Levees.

Town Levees	Improvements Required
Carnarvon Airport Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
East Carnarvon Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
Morgan Town Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
Robinson Street Levee	Address erosion piping holes, erosion gullies and isolated sinkholes

This element is well detailed in the GHD report which demonstrates more than sufficient evidence and rigour to substantiate the need and price estimate.

2. Replace flood gates on Shire levees (five on airport levee) referenced in the GHD report.

The focus is on Airport levees “Northeast”, “West” and “Morgantown”. Morgantown gates can be retained with repairs; however, Airport culverts and gates require substantive work/replacement to be made sound.

3. Detailed survey to define hydraulic conditions and updated Hydraulic Modelling.

The Shire has consulted with DPIRD and DWER to determine the best approach to secure this funding and, in addition to the three projects identified by the Shire (listed above) a survey and modelling of flood flows and behaviour is recommended. An understanding of the full range of expected flood events is required to support land use planning, flood emergency response planning, infrastructure design, and community flood preparedness.

Floodplain mapping and the corresponding development strategy for the Gascoyne River was last updated in 2002 and does not include the last twenty years of flood data. The December 2010 flood event is the largest flood event recorded on the Gascoyne since records began in 1959. In addition, the current flood mapping does not reflect changes that have occurred within the catchment and floodplain (e.g., road bridge upgrades, etc.) and an assessment of the impact of climate change.

More detailed surveys and incorporations of the findings into updated modelling is expected to significantly improve the comparison to the 2021 observations and increase confidence in the expected flood behaviour for larger events. Updated modelling of flood behaviour increases the ability of the local emergency managers and community to appropriately plan and respond to future flood events. (Please note: As this is “Planning” work, it will be 100% grant funded, i.e., no co-contribution is required.)

4. Geotechnical Investigation.

A geotechnical investigation will be conducted to identify the properties of the material in all levees. Observation of the embankment faces treated with geo-web showed that they performed reasonably well in reducing erosion due to rainfall runoff. However, the areas where this treatment has been applied have not been subjected to a river flow and the performance under those conditions is uncertain. Rockfill protection may be required on active water faces to reduce erosion and soil loss from flood events. (Please note: As this is “Planning” work, it will be 100% grant funded, i.e., no co-contribution is required.)

5. Embankment Stabilisation Review

Embankment stabilisation will be assessed to further understand contributing factors that can assist in retaining the material of the levees. This will involve investigations to confirm whether the density of small root system plants on the embankment face are providing optimal retention of soil, and whether the geo-web supporting structure and rock pitching can provide additional support in mitigating soil erosion. (Please note: As this is “Planning” work, it will be 100% grant funded, i.e., no co-contribution is required.)

6. River care and floodways’ management plan.

During flooding in Carnarvon horticultural area in 2021, the riverbanks, floodways and properties were significantly impacted by floodwaters. Whilst the riverbanks are in public management, the floodways are under public and private ownership. Growers located adjacent to floodway observed many of the main floodways failed to flow as intended which resulted in floodwater being diverted onto growers’ properties creating damage to infrastructure and soil loss. Privately owned floodways are managed differently by each owner creating up and down stream issues for neighbours. A standard approach to management of the floodway would reduce the obstructions and impacts. (Please note: As this is “Planning” work, it will be 100% grant funded, i.e., no co-contribution is required.)

7. River care and floodway's natural infrastructure upgrades.

A natural infrastructure upgrade of riverbanks and floodways in priority areas on crown land will contribute to the resilience of the community. The expected benefits include:

- a. Floodways operating as flow lines
- b. Riverbanks stabilised reducing the impact of flooding on adjoining properties
- c. Improve business resilience through the reduction in soil loss and damage to horticultural properties from flood events

As an infrastructure element, a 50 co-contribution is required. The co-contribution amount has been funded by DPRID.

Budget:

The projected cost of all elements of Stage 1 is \$2,200,428.

The Shire of Carnarvon, together with the Department of Primary Industries and Regional Development, has committed \$809,656 in cash and kind to the project.

Program Item	Cost	Grant Request	Co-Contribution	Co-Contributor
Town Levees	715,392	357,696	357,696	
Materials	465,000	232,500	232,500	SOC
Contractor on costs	105,000	52,500	52,500	SOC
Project Management SOC	88,392	44,196	44,196	SOC
Contingency 10%	57,000	28,500	28,500	SOC
Carnarvon Airport Levee Flood Gates	199,524	99,762	99,762	
Earthworks Headwalls	15,000	7,500	7,500	SOC
Supply and construct new headwalls	40,000	20,000	20,000	SOC
Penstock	64,000	32,000	32,000	SOC
Rock Armoring	30,000	15,000	15,000	SOC
Handrails	5,600	2,800	2,800	SOC
Project Management SOC	29,464	14,732	14,732	SOC
Contingency 10%	15,460	7,730	7,730	SOC
Geotechnical Investigation	100,752	100,752		
Sampling at a rate of 2 sites/km	48,000	48,000		
Consulting advice and overheads	30,200	30,200		
Project Management SOC	14,732	14,732		
Contingency 10%	7,820	7,820		
Embankment Stabilization Investigation	90,632	90,632		
Field work and reporting 25 sites	40,000	40,000		
Consulting advice and overheads	29,000	29,000		
Project Management SOC	14,732	14,732		
Contingency 10%	6,900	6,900		
Hydraulic Survey and Modelling	425,000	325,000	100,000	
Flood data collection, review and collation	40,000		40,000	DWER
Lidar survey	80,000	80,000		
Land survey and bathymetry	20,000	20,000		
DEM preparation	20,000	20,000		
Prepare and calibrate hydraulic model	120,000	120,000		
Additional design scenarios	30,000	30,000		

Floodplain mapping	10,000	10,000		
Reporting and communication	50,000	20,000	30,000	DWER
Project Management	30,000		30,000	DWER
Contingency 10%	25,000	25,000		
River care and floodways' Management Plan	164,732	164,732		
Consulting advice and overheads	150,000	150,000		
Project Management SOC	14,732	14,732		
River care and floodways' natural infrastructure upgrade.	472,096	236,048	236,048	
Natural Infrastructure upgrades on crown land	274,999	224,999	50,000	DPIRD
Dedicated officer to growers to develop and implement flood preparation and mitigation on private land. 14 months	156,187		156,187	DPIRD
Workshops and communication costs	18,812		18,812	DPIRD
Project Management SOC	22,098	11,049	11,049	SOC
Project Audit and acquittal costs	32,300	16,150	16,150	
Financial management and acquittals SOC	27,300	13,650	13,650	SOC
2022/23 Audit fee	2,500	1,250	1,250	SOC
2023/24 Audit fee	2,500	1,250	1,250	SOC
Total	2,200,428	1,390,772	809,656	

Once the project is complete, the ongoing maintenance and management of the infrastructure elements will continue to be the responsibility of the Shire of Carnarvon as the asset manager.

Another potential funding source to meet the co-contribution requirement is the recently announced Federal Government grant funding program for the National Flood Mitigation Infrastructure Program. The program is managed out of the State Emergency Management Committee (at DFES). Applications for the next round 2021/22 have been sought from local (and State) government. This application is the subject of another report in the Agenda for this Special Meeting of Council – see Item 4.4.

The officer's recommendation to support this funding application is based on an taking advantage of an opportunity to secure a significant amount of funding for works, particularly in relation to the upgrades to the town levees and flood gates which otherwise would need to be fully funded by the Shire, an expense that would place consideration financial burden on the Shire. The officer also supports those elements of planning that will assist the Shire, DPIRD and DWER in better planning for flood management as these planning elements would be fully funded by the grant.

OFFICER'S RECOMMENDATION PART ONE

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

- Endorse the CEO's actions in lodging an application for funding from the Preparing Australian Communities Program for the Improving Flood Preparedness Project consisting of the following elements and budget:*

<i>Program Item</i>	<i>Cost</i>	<i>Grant Request</i>	<i>Co-Contribution</i>	<i>Co-Contributor</i>
<i>Town Levees</i>	<i>713,392</i>	<i>357,696</i>	<i>357,696</i>	<i>Shire of Carnarvon</i>

<i>Carnarvon Airport Levee Flood Gates</i>	<i>199,524</i>	<i>99,762</i>	<i>99,762</i>	<i>Shire of Carnarvon</i>
<i>Geotechnical Investigation</i>	<i>100,752</i>	<i>100,752</i>		<i>Not required</i>
<i>Hydraulic Survey and Modelling</i>	<i>375,000</i>	<i>275,000</i>	<i>100,000</i>	<i>DWER</i>
<i>River care and floodways' Management Plan</i>	<i>164,732</i>	<i>164,732</i>		<i>Not required</i>
<i>River care and floodways' natural infrastructure upgrade.</i>	<i>472,096</i>	<i>236,048</i>	<i>236,048</i>	<i>DPIRD plus SoC for Project Management</i>
<i>Project Audit and acquittal costs</i>	<i>32,300</i>	<i>16,150</i>	<i>16,150</i>	<i>SoC</i>
<i>Total</i>	<i>2,150,428</i>	<i>1,340,772</i>	<i>809,656</i>	

- Investigate options to attract other grants to assist with the co-contributions required.*
- Consider budget implications once the outcome of the grant, including which elements have been successful, is confirmed.*

SCM 5/1/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Skender/Cr Maslen

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

- Endorse the CEO's actions in lodging an application for funding from the Preparing Australian Communities Program for the Improving Flood Preparedness Project consisting of the following elements and budget:*

<i>Program Item</i>	<i>Cost</i>	<i>Grant Request</i>	<i>Co-Contribution</i>	<i>Co-Contributor</i>
<i>Town Levees</i>	<i>713,392</i>	<i>357,696</i>	<i>357,696</i>	<i>Shire of Carnarvon</i>
<i>Carnarvon Airport Levee Flood Gates</i>	<i>199,524</i>	<i>99,762</i>	<i>99,762</i>	<i>Shire of Carnarvon</i>
<i>Geotechnical Investigation</i>	<i>100,752</i>	<i>100,752</i>		<i>Not required</i>
<i>Hydraulic Survey and Modelling</i>	<i>375,000</i>	<i>275,000</i>	<i>100,000</i>	<i>DWER</i>
<i>River care and floodways' Management Plan</i>	<i>164,732</i>	<i>164,732</i>		<i>Not required</i>
<i>River care and floodways' natural infrastructure upgrade.</i>	<i>472,096</i>	<i>236,048</i>	<i>236,048</i>	<i>DPIRD plus SoC for Project Management</i>
<i>Project Audit and acquittal costs</i>	<i>32,300</i>	<i>16,150</i>	<i>16,150</i>	<i>SoC</i>
<i>Total</i>	<i>2,150,428</i>	<i>1,340,772</i>	<i>809,656</i>	

- Investigate options to attract other grants to assist with the co-contributions required.*
- Consider budget implications once the outcome of the grant, including which elements have been successful, is confirmed.*

CARRIED
F5/A0

File No:	ADM0279
Date of Meeting:	17 January 2021
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	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.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item presents the details and budget implications of an application for funding under the National Flood Mitigation Infrastructure Program for Council consideration and seeks a Council's retrospective approval for the application.

Background:

The \$50 million National Flood Mitigation Infrastructure Program in the 2021-22 financial year aims to assist communities to prepare for future flood events. This Program was established under the Australian Government's Emergency Response Fund. It targets high priority locally and nationally significant flood mitigation infrastructure projects.

Australian State or territory governments are eligible to apply. In Western Australia the program is being managed by the Department of Fire and Emergency Services (DFES) and, on 23 December 2021, the Acting District Emergency Management Advisor, Midwest Gascoyne Operations of DFES advised that DFES was seeking expressions of interest from local governments in Western Australia. Expressions of interest are to be submitted to DFES by 14 January 2022.

The program guidelines states that "Only projects that target the construction or improvement of levee, levee systems and floodplain restoration including green infrastructure are eligible for funding."

Eligible infrastructure under the program includes:

- Levee and levee systems projects;
- Infrastructure to promote floodplain restoration; and
- Specific green infrastructure projects that mitigate flood risk.

The program will contribute to a more disaster resilient and prepared Australia by providing funding for high priority flood mitigation infrastructure to create the following outcomes:

- reducing the expected future eligible expenditure under the Disaster Recovery Funding Arrangements 2018.
- reducing the exposure to flood hazards that influence insurance affordability for relevant households or local governments, through the improvement or construction of flood mitigation infrastructure.
- mitigating against risk that influences insurance affordability for relevant household or local government by the improvement or construction of flood mitigation infrastructure.
- Reinforcement of town levees that protect homes and vital community infrastructure such as hospital, schools, airport, urban roads, retail, and government offices.
- ancillary to the above, local job creation.

The program will fund up to 75% of project costs and the remaining 25% can be met via cash and in-kind contributions from the applicant.

Consultation:

DPIRD
DWER
DFES

Statutory Environment:

S3.18 of the Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

The projected cost of all elements of the project is \$947,216.

Should the application be accepted as presented, the Shire’s cash co-contribution will be \$250,156. The project budget proposes \$100,000 in a cash co-contribution and \$150,156 in-kind via project management and financial management of the project.

Program Item	Cost	Grant Request	Co-Contribution
Town Levees	627,000	552,000	75,000 (Cash)
Carnarvon Airport Levee Flood Gates	170,060	145,060	25,000 (Cash)
Project Management, Financial Management, Audit and acquittal costs	150,156	\$0	150,156
Total	947,216	697,060	250,156

No funds have been allocated for these works in the 2021/2022 budget. The Flood Mitigation Reserve contains \$11,886. To proceed as per the officer's recommendation, Council will be required to consider a budget variation should the Shire's application be successful or during the Mid-Year Budget Review in February.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	The required co-contribution exceeds the Shire's budget capacity	Moderate	The cash co-contribution required is within the financial capacity of the Shire. Staff will also seek other opportunities to secure the matching co-contribution from other funding programs opportunities.
Health & Safety	The town levees may not provide the level of protection to the community.	High	This application aims to secure funding to improve the town levees.
Reputation	Failure of the town levees could result in reputational damage to the Shire as these are Shire assets.	High	This funding would ensure the structural integrity of the town levees and gates.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.3	Flood control and stormwater management practices that are efficient and sustainable
2.3.1	Provide for effective management and maintenance of Council's flood control and stormwater infrastructure

Comment:

The requirement for this work emerged from a formal review of the levees by GHD. After the flood event in February 2021, it was identified there were some issues and concerns with the levees. The Department of Primary Industries and Regional Development (DPIRD) engaged GHD to conduct a formal integrity inspection of the levee system and developed a report and recommendations for remedial works.

Based on that assessment, the following works have been identified as projects that would be eligible for funding under the National Flood Mitigation Infrastructure Program.

Elements

8. Shire of Carnarvon Town Levees

Town Levees	Improvements Required
Carnarvon Airport Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
East Carnarvon Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
Morgan Town Levee	Address erosion piping holes, erosion gullies and isolated sinkholes
Robinson Street Levee	Address erosion piping holes, erosion gullies and isolated sinkholes

This element is well detailed in the GHD report which demonstrates more than sufficient evidence and rigour to substantiate the need and price estimate.

9. Replace flood gates on Shire levees (five on airport levee) referenced in the GHD report.

The focus is on Airport levees “Northeast”, “West” and “Morgantown”. Morgantown gates can be retained with repairs; however, Airport culverts and gates require substantive work/replacement to be made sound.

The officer’s recommendation to support this funding application is based on an taking advantage of an opportunity to secure a significant amount of funding for works for the upgrades to the town levees and flood gates which otherwise would need to be fully funded by the Shire, an expense that would place consideration financial burden on the Shire.

OFFICER’S RECOMMENDATION PART ONE

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

- Retrospectively approve the Shire of Carnarvon’s application for funding from the National Flood Mitigation Infrastructure Program for the Improving Flood Preparedness Project consisting of the following elements and budget:*

Program Item	Cost	Grant Request	Co-Contribution
Town Levees	627,000	552,000	75,000 (Cash)
Carnarvon Airport Levee Flood Gates	170,060	145,060	25,000 (Cash)
Project Management, Financial Management, Audit and acquittal costs	150,156	0	150,156 (in-kind)

Total	947,216	697,060	250,156
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- Investigate options to attract other grants to assist with the co-contributions required.
- Consider budget implications and variations during the Mid-Year Budget Review.

SCM 6/1/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Skender/Cr Fullarton

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

- Retrospectively approve the Shire of Carnarvon's application for funding from the National Flood Mitigation Infrastructure Program for the Improving Flood Preparedness Project consisting of the following elements and budget:

Program Item	Cost	Grant Request	Co-Contribution
Town Levees	627,000	552,000	75,000 (Cash)
Carnarvon Airport Levee Flood Gates	170,060	145,060	25,000 (Cash)
Project Management, Financial Management, Audit and acquittal costs	150,156	0	150,156 (in-kind)
Total	947,216	697,060	250,156

- Investigate options to attract other grants to assist with the co-contributions required.
- Consider budget implications and variations during the Mid-Year Budget Review.

CARRIED
F5/A0

4.5 RFT 12/2021 CORAL BAY WASTE FACILITY MANAGEMENT SERVICES

File No. ADM2149
Date of Meeting: 17 January 2022
Location/Address: Coral Bay Waste Facility
Name of Applicant: Shire of Carnarvon
Name of Owner: Shire of Carnarvon
Author/s: Carolien Claassens – Project Contracts Manager
David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: Nil
Schedules: Confidential Schedule 4.5 Recommendation report

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.

	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report details the process undertaken for Request for Tender (RFT) 12/2021 – Coral Bay Waste Facility Management Services. It is recommended Council award the contract to Coral Bay Contracting.

Background:

In 2011 Council awarded a contract to Coral Bay Contracting for daily management of the Coral Bay Waste Facility. This contract included collection of town litter bins including collection and disposal of fish offal bins.

That contract expired in June 2021 and has subsequently been extended until 31 January 2022. It was hoped to have a new contract finalised prior to establishment of the new Coral Bay waste facility however that has taken longer than anticipated. A Tender process has therefore been undertaken seeking a suitable contractor to continue provision of these essential waste services.

The Waste Facility caters for waste disposal of the Coral Bay community and limited surrounding areas. The Shire does not provide a kerbside bin collection service in Coral Bay. The Facility is therefore a primary drop off point for community generated waste.

The Contract includes transitioning of the waste facility to a new site. The existing waste facility is nearing capacity within the next three years. A new waste facility site located approx. 3.5 km from the town site is planned for development.

The contractor is responsible for the day-to-day operation and maintenance of the Facility. The works required include (but are not limited to) excavation of disposal pits and cells, waste placement, compacting and covering putrescible waste (incl. fish offal), control of a waste oil disposal and metal separation and recovery. The contractor is also responsible for daily pickup and cleaning of town litter bins and fish offal bins.

RFT 12/2021 – Coral Bay Waste Facility Management Services closed on 9 of December 2021. One submission, from Coral Bay Contracting, was received.

A panel has evaluated and scored the submission. A detailed Evaluation and Recommendation Report is provided in ***Confidential Schedule 4.5***

Stakeholder and Public Consultation:

N/A

Statutory Environment:

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

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

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

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

Financial Implications:

Refer to **Confidential Schedule 4.5 Recommendation report** for the details of the tendered prices. The current 2021/22 budget includes a total allocation of \$206,000 for the provision of these waste services.

Contractor payment is based upon actual hours and actual bins collected/ cleaned. The existing budget allocation for the services is considered sufficient to meet the cost of service under the recommended contract arrangement.

Risk Assessment:

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Insufficient budget	C2: Moderate	Tracking actual expenditure to ensure sufficient budget is available to pay for the provision of the service.
Health & Safety	N/A		
Reputation	Coral Bay is a high visitor number tourist node. Daily waste facility management and bin pick up is a primary Shire function. To not provide the service is likely to impact Shire reputation.	A3: Extreme	Awarding the contract
Service disruption	Waste facility management and bin collection is required daily. Not continuing the service will result in disruption to this service with potential community environmental health issues resulting.	A4: Extreme	Awarding the contract
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.4	Waste management practices that are efficient and sustainable
2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay

Comment:

Receiving one submission doesn't allow comparative pricing to be assessed. Attracting contractors for work in Coral Bay is also complex due to remoteness and worker accommodation limitations.

Management of the Coral Bay Waste Facility requires a daily on-site presence for at least two to three persons. Accommodation for these workers will therefore be required. The Tender therefore required the need to provide evidence of legal workers accommodation for all personnel engaged in the conduct of the works. Coral Bay Contracting can demonstrate this evidence. It is possible the need for this evidence limited potential submissions.

The recommended contractor has provided the tendered service since 2011. Coral Bay Contracting has managed the facility and provided the bin collection service to an appropriate standard during that time. They have demonstrated clear familiarity with the site, the community, and the seasonal nature of the work. They also have established a solid working relationship with the Coral Bay Business community and to date have demonstrated a professional and effective working relationship with the Shire in the delivery of the service.

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, accepts the submission and schedule of rates from J.M. Farne & V.L. Farne t/a Coral Bay Contracting for RFT 12/2021 - Coral Bay Waste Facility Management Services.

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and J.M. Farne & V.L. Farne t/a Coral Bay Contracting for RFT 12/2021 - Coral Bay Waste Facility Management Services.

SCM 7/1/22

COUNCIL RESOLUTION

Cr Skender/Cr Maslen

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OFFICER'S RECOMMENDATION PART TWO

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CARRIED
F5/AO

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

Nil

6.0 CLOSURE:

The Presiding Member declared the meeting closed at 8.49am.