



SHIRE OF CARNARVON

MINUTES

SPECIAL COUNCIL MEETING THURSDAY 30TH APRIL 2020

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

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 & APPLICATIONS FOR 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 AND ELECTED MEMBER 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.)

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

2.2 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.)

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6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON WEDNESDAY 30TH APRIL 2020**

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

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr J Nelson.....	Councillor, Town Ward (joined at 1.26pm)
Cr K Pinner.....	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr K Simpson.....	Councillor, Coral Bay Ward (instantaneous communication)
Cr L Skender.....	Councillor, Plantation Ward
Mr D Burton.....	Chief Executive Officer
Mrs D Hill.....	Senior Executive Officer
Observers.....	8
Leave of Absence.....	Nil
Apologies.....	Nil

2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

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

Public Question Time commenced at 1.01pm

Public Question Time was closed at 1.01pm

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.)

Nil

4.0 ITEMS FOR DISCUSSION

4.1 INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2020/2021 (LATE ITEM)

File No:	ADM0186
Date of Meeting:	30 April 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Maurice Werder – Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

As part of the 2020/2021 budget process, the Council is required to endorse the proposed differential rates on properties valued on an unimproved basis. Once endorsed by Council, the differential rates are then advertised as a local public notice seeking public comment for not less than 21 days. This provides the opportunity for public submissions to be considered by Council prior to the final adoption of rates. Due to the current COVID-19 pandemic situation the rates model is based on a nil increase. A notional increase in the required general rate revenue of 6% had been planned in accordance with the Corporate Business Plan. The Landgate revaluation as applied on 1st July 2019 (date of valuation 1st August 2018) had a significant impact on some Gross Rental Value (GRV) properties as the valuations were updated to the current Landgate criteria. For the 2020/2021 financial year the only expected rates changes from 2019/2020 would be if there was an updated revaluation on individual properties.

Description of Proposal:

The Shire of Carnarvon has historically applied differential rates only to land parcels valued on an Unimproved Value (UV) basis while properties on a Gross Rental Value (GRV) are all rated on the same rate in the dollar. It was proposed to continue the same approach for the 2020/2021 financial year. There have been requests from Council for a differential rate on the GRV Commercial/Industrial properties where there was a significant increase in average values from the Landgate GRV valuation process as applied on the 1st July 2019.

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 stimulate growth in a particular area of the Shire or offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations. With the objective of stimulating growth and to partially offset the dramatic changes in valuation as at 1st July 2019, this agenda item provides two options for Council consideration.

The first option is included in the Officer's Recommendation 5 where the rate in the \$ for GRV Commercial/Industrial properties is reduced to 90% of the current GRV rate of 10.4740 cents in the \$ to 9.4266 cents in the \$. This will result in an average reduction of \$592.50 per ratepayer for a reduction of \$165,328 in rate revenue.

The second option is included in the Officer's Recommendation 6 where the rate in the \$ for GRV Commercial/Industrial properties is reduced to 95% of the current GRV rate of 10.4740 cents in the \$ to 9.9503 cents in the \$. This will result in an average reduction of \$269.30 per ratepayer for a reduction of \$82,664 in rate revenue.

Table 1 presents the two additional alternatives in a table format for clarity:

GRV Commercial/Industrial

	Rate in \$	Change in Rate in \$	Revised Rate in \$	No of Properties	Rateable Value	Rate Revenue	Rate Revenue Difference	Average Rates	Average Rates Difference
	0.10474		0.10474						
	0	100%	0	279	15,784,623	1,653,281	-	5,926	-
R: 5	0.10474	90%	0.09426	279	15,784,623	1,487,953	165,328	5,333	593
	0		0.09950						
R: 6	0	95%	3	279	15,784,623	1,570,617	82,664	5,629	296

Table 1: Impact on various options on GRV Commercial/Industrial Differential Rates

The proposed differential rates contained in this report are set to maintain the relative contributions to general rate revenue for each differential category as applied in 2020/2021 except for the GRV Commercial/Industrial category subject to the Council decision on the Officer's Recommendations 5 or 6.

Background:

The purpose of levying rates is to meet Council's budget requirements in each financial year to deliver facilities, services and community infrastructure. 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 where considered appropriate. The Shire applies a minimum rate to each rating category in accordance with the Local Government Act 1995 Section 6.35, to ensure that properties with a low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire 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.

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 on the following characteristics:

- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
- (b) *a purpose for which the land is held or used as determined by the local government; or*
- (c) *whether or not the land is vacant land; or*
- (d) *any other characteristic or combination of characteristics prescribed.*

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 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.

This report has been prepared to:

1. Note the 2020/2021 budget process and preparation to date,
2. Present the proposed 2020/2021 Differential Rates Model that will reflect the rate in the dollar and minimum rate for each unimproved rating category and GRV Commercial/Industrial rating category.
3. Present the Objectives and Reasons to support the imposition of the proposed 2020/2021 Differential Rates
4. Present the required public notice for approval

Consultation:

Nil

Statutory Environment:

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
 - (b) a purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
 - (a) to land rated on gross rental value; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed

[Section 6.35 amended: No. 49 of 2004 s. 61.]

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

The proposed UV differential rates and minimum payments for the 2020/2021 financial year will raise approximately \$779,829 being approximately the same as the 2019/2020 year.

The proposed GRV Commercial/Industrial differential rates for the 2020/2021 financial year will raise approximately \$1,653,281 or \$1,487,953 or \$1,570,617 depending of which Officer's Recommendations, 5 or 6 or neither, is adopted with the minimum rates revenue payments of \$47,000 for each option. Depending on which of the Officer's Recommendation is adopted there may be a minor change to the number of minimum rate payers.

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 can be sent to the Minister to seek approval for the differential rates as one of the differential rates is more than twice the lowest differential rate (Section 6.33 (3)). 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, (the interpretation of this latter part was missed in prior years).

This is to comply with the Local Government Act 1995 Section 6.33(3):

- (3) In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

Risk Assessment:

The author identifies 3 potential risks –

1. The risk of possible misinterpretation of the rate in the dollar applied to the individual UV rate categories for the Unimproved Valued properties and the GRV rate category Commercial/Industrial properties. The rate in the dollar proposed will raise revenue from each category based on the same rate as in 2019/2020 except for the GRV Commercial/Industrial properties which may have a lower rate than in 2019/2020.
2. The second risk identified is if Council do not adopt the propose differential and general minimum rates it could result in the Shire being in breach of the Act.
3. The objections to the unresolved valuations currently before Landgate could erode part of the rate revenue. At least one objection to the GRV valuation on a Commercial / Industrial property has had the objection rejected by a Landgate review.

The legislation states that Council must give sufficient notice to the public advising of the intention to impose differential rates and invite submissions from any ratepayers or electors in respect to the proposal.

As noted earlier in this report, the time allowed for the submissions to be made is 21 days and after this period expires, Council are then required to write to the Department requesting Ministerial approval to impose the proposed rates. This process needs to be carried out prior to the adoption of the 2020/2021 Annual Budget.

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

The difficulty with the legislative requirements surrounding the imposition of Differential Rates is the time factor involved to:

- Obtain the valuations for the forthcoming financial year from Landgate;
- Advertise the proposed differential rates based upon estimates; and
- Seek Ministerial approval.

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 previous year valuations (on properties where valuation rolls have not yet been received);
- estimated UV increase or not as the case may be, for the next year; and
- estimated rate revenue increases for the next year based on the adopted Corporate Business Plan or other Council approved factors.

An overall increase of 8 percent was applied to the 2018/19 rates yield and a further increase of 6 percent was applied in 2019/20. These rate increases were identified through Council's major strategic review undertaken in 2018 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).

Due to the impact of COVID-19 on the community, Council has made an 'in principle' resolution that there will be no increase in the rate in the dollar for 2020/2021. Any variances will result from individual changes in valuation of properties.

1. 2020/2021 Budget Process to date

The Executive team are currently undertaking the annual process for review of the next financial years annual budget. As noted above, the 2020/2021 budget will align with the delivery of key projects identified in the SCP and the CBP as well as influencing factors resulting from the COVID-19 situation. Depending on the impact from COVID-19 on the available budget there may be increased pressure on certain projects and service level delivery. Staff are working towards the 2020/2021 Annual Budget being adopted by the 30th June 2019.

2. 2020/2021 Differential Rates Model

Refer to the attached Schedule **8.2.8 (a)** for the proposed 2020/2021 Differential Rates Model

3. 2020/2021 Differential Rates Objectives and Reasons

Refer to the attached Schedule **8.2.8 (b)** for the 2020/2021 Differential Rates Objects and Reasons

4. 2020/2021 Differential Rates Public Notice

The Local Government Act 1995 Section 6.36 requires the Council to give public notice of its intention to impose differential general rates or a minimum payment applying to a differential rate category. This allows the ratepayers to see how properties are rated across the district.

LOCAL GOVERNMENT ACT 1995 - SECT 6.36

6.36 . Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and

- (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
 - (c) is to advise electors and ratepayers that the document referred to in subsection (3A) —
 - (i) may be inspected at a time and place specified in the notice; and
 - (ii) is published on the local government’s official website.
- (3A) The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government’s official website.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

[Section 6.36 amended: No. 16 of 2019 s. 62.]

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

OFFICER’S RECOMMENDATION

1. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have unimproved valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
UV Mining	14.1000	229.00
UV Pastoral	7.5966	461.00
UV Intensive Horticulture	1.3028	902.00

2. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and
3. That Council adopt the Objectives and Reasons of the Differential Rates relating to UV Mining, UV Pastoral and UV Intensive Horticulture and GRV Commercial /Industrial as outlined in the attached Schedule 8.2.8(b)
4. That Council consider any submissions in respect of imposition of differential rates as part of the 2020/2021 Budget deliberations.
5. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have gross rental valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate
GRV Commercial/Industrial	9.4266	1,093.00

OR

6. That Council seeks approval under section 6.33 of the Local Government Act to impose differential

rates for 2020/2021 land parcels that have gross rental valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate
GRV Commercial/Industrial	9.9503	1,093.00

SCM 1/4/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATIONS

Cr Maslen/Cr Pinner

1. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have unimproved valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate \$
UV Mining	14.1000	229.00
UV Pastoral	7.5966	461.00
UV Intensive Horticulture	1.3028	902.00

2. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and
3. That Council adopt the Objectives and Reasons of the Differential Rates relating to UV Mining, UV Pastoral and UV Intensive Horticulture and GRV Commercial /Industrial as outlined in the attached Schedule 8.2.8(b)
4. That Council consider any submissions in respect of imposition of differential rates as part of the 2020/2021 Budget deliberations.
5. That Council seeks approval under section 6.33 of the Local Government Act to impose differential rates for 2020/2021 land parcels that have gross rental valuations assigned to them as follows;

Category	Rate in the \$	Minimum Rate
GRV Commercial/Industrial	9.4266	1,093.00

SCM 2/4/20

COUNCIL RESOLUTION

Cr Fullarton/Cr Skender

That Standing Orders Section 13 be suspended at 1.03pm to enable Councillors to discuss the options available in more detail.

CARRIED
F7/0

That Standing Orders Section 13 be resumed at 1.25pm.

CARRIED

F7/A0

1.26pm – Cr Nelson joined the meeting.

Motion SCM 1/4/20 was put.

CARRIED

F8/A0

4.2

FASCINE OPENING OPTIONS

Date of Meeting:	28 th April 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	David Nielsen – Executive Manager Infrastructure Services David Burton – Chief Executive Officer
Declaration of Interest:	Author's Interest (in detail ie. Financial, proximity etc. and explanation of interest declared)
Voting Requirements:	Simple Majority

Summary of Item:

That Council considers a proposal from Gascoyne Development Commission (GDC) and the Department of Transport (DOT) to fund continuation of maintenance dredging work to establish a reasonable navigation channel into the Fascine waterway through the existing flow channel (Option 1a) to at least 1.5 metres below chart datum.

Description of Proposal:

The proposal is to look at options for opening the Fascine waterway based on the draft report from Seashore Engineering, taking into consideration the possibility of a short term option and a long term option and looking at the benefits to the community.

Background:

Shire of Carnarvon received funding under the Recreational Boating Facilities Scheme (RBFS) to complete a planning study to determine short, medium and long term recommendations for reopening the Fascine entrance.

This study has been completed (in draft format) by Seashore Engineering. A full copy of the draft report has been provided previously to Council. It is unlikely that the final report recommendations will have any changes from the draft report. Once the final report has been received, it can be made public.

The Seashore Engineering report recommends the following:

Table 8.1 Recommendations for Fascine Waterway Entrance Channel

No	Recommendations
1.	Short Term Access: Continue with existing maintenance dredging work to establish a reasonable navigation channel in the Fascine Waterway through the existing flow channel (Option 1a) in 2020 to at least -1.5mCD. The Carnarvon Yacht Club should continue to be supported in this endeavour, with assistance from the Department of Transport commercial dredging contractors in dredging through the ebb shoal. Whilst higher rates of siltation can be expected, this remains the most feasible means of re-establishing access in the short term.
2.	Consultation: Consultation should be undertaken with the boating community, local residents, indigenous community and relevant stakeholders on this planning study.
3.	Longer Term Entrance Channel: The preferred longer term entrance channel is the establishment of a new "East Channel" near Pickles Point.
4.	Channel Design Site Investigations: There are a number of investigations required design a new entrance channel including, but not necessarily limited to: <ol style="list-style-type: none"> 1. Geotechnical investigations of ground conditions, particularly the presence of soft and stiff muds. 2. Field assessment of local wave conditions and tidal currents (local wave and tide monitoring). 3. Hydrosurvey to fill in a small number of survey gaps that have required interpolation.
5.	Environmental Studies: Environmental studies of benthic and terrestrial habitats are required to assess environmental impacts and provide background documents for project approvals.
6.	Channel Design: Develop preliminary and detailed designs for the new channel based on the site investigations. This scope should also include further consideration of coastal structure design to limit future maintenance dredging requirements.
7.	Funding Model: Establish a sustainable funding model for capital and maintenance works.
8.	Navigation safety: Regular hydrographic survey, maintenance of channel markers and updated Notices to Mariners continue to be required.

The Shire President and CEO have been in discussion with the GDC and DOT to progress the Fascine entrance opening. Discussions indicated a willingness for financial commitment by DOT and GDC to take advantage of a planned visit to Carnarvon by a DOT commercial dredging contractor. This visit is planned for May/June 2020.

The GDC/DOT proposal is for these contractors to deliver dredging services to build upon dredging trial works completed by Carnarvon Yacht Club on behalf of the Shire of Carnarvon. The proposal by GDC and DOT is in accordance with recommendation 1 of the Seashore Engineering report noted above.

Costing for the proposal are based on the information provided in the Seashore Report. As DOT will have the dredge in the area, the need for mobilization costs will be eliminated reducing the costs. GDC/DOT will be providing the full funding of approximately \$300,000 for the opening of the Fascine as per option 1A

Description: Option One (A) - Existing CYC Dredge Plan, From CyC Dredge Location as of 30/10/2019

Item No.	Description	Cost Estimate (P50)				Cost Estimate (P90)			
		Unit	Rate (\$ Ex GST)	Quantity	Amount (\$ Ex GST)	Unit	Rate (\$ Ex GST)	Quantity	Amount (\$ Ex GST)
1 Preliminaries - Dredging									
1.1	Mobilise	item	\$ 95,000	1	\$ 95,000	item	\$ 118,750	1.25	\$ 148,438
1.2	Demobilise	item	\$ 90,000	1	\$ 90,000	item	\$ 112,500	1.25	\$ 140,625
1.3	Provide Insurances	item	\$ 4,000	1	\$ 4,000	item	\$ 5,000	1.25	\$ 6,250
1.4	Provide project execution plan	item	\$ 2,000	1	\$ 2,000	item	\$ 2,500	1.25	\$ 3,125
1.5	Provide daily logs and execution plans	Item	\$ 10,000	1	\$ 10,000	Item	\$ 12,500	1.25	\$ 15,625
					SUBTOTAL (ITEM 1)				\$ 314,063
2 Dredging - Hourly Rates									
2.1	Carnarvon Fascine Channel Capital Dredging	hrs	\$ 900.00	275	\$ 247,650	hrs	\$ 1,125.00	344	\$ 386,953
					SUBTOTAL (ITEM 2)				\$ 386,953
3 Dredging Standby and Variations									
3.1	Standby: Vessel Movements, Obstructions, Weather,	%		15%	\$ 37,148	%		15%	\$ 58,044
3.2	Variations and Other Costs	%		5%	\$ 12,383	%		5%	\$ 19,348
					SUBTOTAL (ITEM 3)				\$ 77,392
4 Channel Stabilisation Works									
4.1	Revetment	m	\$ 5,000.00	0	\$ -	m	\$ 6,250.00	0	\$ -
4.2	Groyne	m	\$ 5,000.00	0	\$ -	m	\$ 6,250.00	0	\$ -
					SUBTOTAL (ITEM 4)				\$ -
5 Detailed Design and Project Management									
5.1	Project Management	%	-	1.5%	\$ 7,472.71	%	-	1.5%	\$ 11,676.11
5.2	Detailed Design	%	-	1.5%	\$ 7,472.71	%	-	1.5%	\$ 11,676.11
5.3	Approvals	%	-	0.0%	\$ -	%	-	1.5%	\$ 11,676.11
5.4	Construction Supervision	%	-	3.0%	\$ 14,945	%	-	3.0%	\$ 23,352
					SUBTOTAL (ITEM 5)				\$ 58,381
					TOTAL Item 1 to 5 (EXCL. GST)				\$ 836,788

The President and CEO (after discussions with members of the Yacht Club and public) have indicated to GDC and DOT that the preferred position for the Shire of Carnarvon is direction of available funds toward establishment of a long term solution to the Fascine entrance. This is the eastern Pickles Point channel described in the Seashore Engineering report as Option 3.

Progression of Option 3 will however require additional investigations and studies in accordance with recommendations 4, 5 and 6 of the Seashore Engineering Report. Completion of these investigation works will result in earliest availability to commence Option 3 works in 2022, clearly well beyond the imminent availability of the DOT commercial dredgers. The cost of option 3 is also a consideration based in the Seashore Report, the costs are as follows:

Description: Option Three - New "East Channel" channel.

Item No.	Description	Cost Estimate (P50)				Cost Estimate (P90)			
		Unit	Rate (\$ Ex GST)	Quantity	Amount (\$ Ex GST)	Unit	Rate (\$ Ex GST)	Quantity	Amount (\$ Ex GST)
1 Preliminaries - Dredging									
1.1	Mobilise	item	\$ 95,000	1	\$ 95,000	item	\$ 118,750	1.25	\$ 148,438
1.2	Demobilise	item	\$ 90,000	1	\$ 90,000	item	\$ 112,500	1.25	\$ 140,625
1.3	Provide Insurances	item	\$ 4,000	1	\$ 4,000	item	\$ 5,000	1.25	\$ 6,250
1.4	Provide project execution plan	item	\$ 2,000	1	\$ 2,000	item	\$ 2,500	1.25	\$ 3,125
1.5	Provide daily logs and execution plans	Item	\$ 10,000	1	\$ 10,000	Item	\$ 12,500	1.25	\$ 15,625
					SUBTOTAL (ITEM 1)				\$ 314,063
2 Dredging - Hourly Rates									
2.1	Carnarvon Fascine Channel Capital Dredging	hrs	\$ 900.00	2184	\$ 1,965,249	hrs	\$ 1,125	2730	\$ 3,070,702
					SUBTOTAL (ITEM 2)				\$ 3,070,702
3 Dredging Standby and Variations									
3.1	Standby: Vessel Movements, Obstructions, Weather,	%		15%	\$ 294,792	%		15%	\$ 460,613
3.2	Variations and Other Costs	%		5%	\$ 98,262	%		5%	\$ 153,535
					SUBTOTAL (ITEM 3)				\$ 614,148
4 Channel Stabilisation Works									
4.1	Revetment	m	\$ 5,000.00	0	\$ -	m	\$ 6,250	0	\$ -
4.2	Training Wall	m	\$ 5,000.00	200	\$ 1,000,000	m	\$ 6,250	250	\$ 1,562,500
					SUBTOTAL (ITEM 4)				\$ 1,562,500
5 Detailed Design and Project Management									
5.1	Project Management	%	-	1.5%	\$ 53,389.56	%	-	1.5%	\$ 83,421.19
5.2	Detailed Design	%	-	1.5%	\$ 53,389.56	%	-	1.5%	\$ 83,421.19
5.3	Approvals	%	-	1.5%	\$ 53,389.56	%	-	1.5%	\$ 83,421.19
5.4	Construction Supervision	%	-	3.0%	\$ 106,779	%	-	3.0%	\$ 166,842
					SUBTOTAL (ITEM 5)				\$ 417,106
					TOTAL Item 1 to 5 (EXCL. GST)				\$ 5,978,518

It should be also noted that the quantity of material required to be dredged under Option 3 is estimated at 200,000 cubic metres. This must be compared with the estimated 25,000 cubic metres required under Option 1a as proposed by GDC and DOT. The dredging material is also likely to differ between the two options which will have an impact on the dredging requirements. This will be difficult to determine without further information. Dredging volumes are the key metric for comparison of dredging effort and subsequently, cost.

Consultation:

Gascoyne Development Commission
Department of Transport
Carnarvon Yacht Club

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

There are no immediate financial implications associated with the recommendation. All financial implications for the proposal are being borne by the GDC/DOT.

For Option 3, it is likely that due to the extent of the cost, the Shire of Carnarvon will be requested to contribute. This may be either a financial contribution or an in-kind contribution. Both will have an impact on future budgets.

Risk Assessment:

Reputational Risk

Failing to accept and support the GDC/DOT proposal may result in diminishment of Shire of Carnarvon reputation. Reputation diminishment would be due to:

1. there being no direct financial impact upon Shire of Carnarvon ratepayers associated with the proposal - all funding for the proposal is from DOT and GDC; and
2. a likely community perception that the Shire has failed to take advantage of an opportunity for dredging works to open the Fascine entrance, regardless of the consideration of longer term benefit. Community perception will typically be focused toward the immediate solutions rather than the strategic.

There is also a reputational risk of the Shire does support the proposal as it is not known how long the solutions will last. While the Yacht Club dredge may be able to extend the life of the channel, it is also possible that it could be closed over by a single event as seen in the past.

If the Shire supports the temporary opening and it is closed again within a short timeframe, the Shire may be held to account for allowing the funds of \$300,000 to be spent on an option that did not last.

This risk may be mitigated by supporting the proposal whilst making it clear to the community that Council's preference is direct action and funding toward a long term navigable entrance and ensure the community understand that the risk if failure in this instance is being carried by the DOT/GDC.

Operational Risk

There is no guarantee and no suggestion that the GDC/DOT proposal to improve upon the dredging trial works undertaken by the Carnarvon Yacht Club but it will at least complete the final opening which is out of the ability of the Yacht Club dredge. It will result in at best, a short to medium term solution to the issue of navigability into the Fascine. To mitigate this risk, public information regarding the proposal must be honest and forthright by acknowledging the risks and likely outcomes.

Financial Risk

If the proposed works result in short term navigable access only, there is the very real consideration that the GDC/DOT investment may be considered as wasted. It should be noted that this immediate financial risk is being carried by the GDC and DOT and not the Shire of Carnarvon nor directly, its ratepayers.

Community & Strategic Objectives:

Shire of Carnarvon Strategic Community Plan 2018-2028

1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
1.2	Thriving tourism industry within the district/region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon

2.2	Open, accessible, healthy foreshore and waterways
2.2.1	Maintaining an open fascine entrance and internal channels

Comment:

It is acknowledged that Council is faced with a difficult decision regarding this matter. On balance however, it is considered to be in the best interest of the Carnarvon community that the action proposed by GDC/DOT to open the Fascine along the Option 1a alignment is the most viable option available to Council at the present time. A decision endorsing this pathway forward aligns with the recommendations of the Seashore Engineering report and this is the most up to date professionally prepared advice available to Council at the present time. Following those recommendations (until there is evidence to the contrary) is recommended to be the best way forward at the present time, noting that community information is critical to ensuring the right message is received by the Community.

There is no question Carnarvon Yacht Club have delivered an extraordinary community contribution by providing dredging works delivering at least some accessibility into the Fascine. Those efforts from the Club cannot however be sustained indefinitely with nil recovery of their unprecedented investment in purchasing and refurbishing the Community Spirit dredge. Works completed to date by Carnarvon Yacht Club are not able to be sustained by Shire funding alone to the level offered under the GDC/DOT proposal to improve entrance navigability.

OFFICER'S RECOMMENDATION

That Council:

1. *Accepts the offer from the GDC and DOT to fund establishment of a reasonable navigation channel into the Fascine waterway through the existing flow channel (Option 1a) to at least 1.5 metres below chart datum as recommended by the Seashore Engineering Fascine Entrance Channel Planning Study; and*
2. *Directs the CEO to investigate and determine options and likely costs associated with studies and works required to progress the recommended long-term Fascine entrance channel alignment (Option 3).*

SCM 4/4/20

COUNCIL RESOLUTION

Cr Nelson/Cr Vandeleur

That Council:

1. *Accepts the offer from the GDC and DOT to fund establishment of a reasonable navigation channel into the Fascine waterway through the existing flow channel (Option 1a) to at least 1.5 metres below chart datum as recommended by the Seashore Engineering Fascine Entrance Channel Planning Study; and*

2. *Directs the CEO to investigate further the Council's preferred option of a longer-term sustainable solution, ie Seashore Report Option 3, and determine options and likely costs associated with studies and works required to progress the recommended long-term Fascine entrance channel alignment (Option 3).*

Note – The CEO to advise the Department of Transport that Council wants to be engaged in the process of planning of the location of spoil dumping

SCM 5/4/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That Standing Orders Section 13 be suspended at 1.32pm to enable Councillors to discuss the options presented in further detail.

CARRIED
F8/A0

SCM 6/4/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Standing Orders Section 13 be resumed at 1.39pm.

CARRIED
F8/A0

Motion SCM 4/4/20 was put.

CARRIED
F7/A1

Cr Fullarton voted against the motion

4.3

WAIVER OF TIP FEES

Date of Meeting:	28 th April 2020
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority

Summary of Item:

Consideration of a Fee Reductions for waste disposal to assist local business as a result of COVID 19.

Description of Proposal:

Reducing the rubbish tip fees will have a positive impact on local business which is being impacted by the current situation with restricted travel, resulting in reduced trading, as a result of COVID19. Any assistance in reducing costs for local business would be of assistance at this time.

Background:

As a response to COVIDa9, consideration was given for a dropping of the rubbish tip fees. This only had a ‘soft launch’ and before it could be fully implemented, there were signs of the system being abused. As a result, the project was dropped and not implemented fully.

Unfortunately during this time, there were mixed messages about the fee reduction starting and stopping which has resulted in people being confused and disappointed.

Consultation:

Carnarvon Chamber of Commerce

Statutory Environment:

Local Government Act 1995

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required*

Relevant Plans and Policy:

Nil

Financial Implications:

The reduction of fees for the waste receival area will have a negative impact on finances for the Shire, but will have a positive impact for local business. It is difficult to estimate the financial impact without knowing volumes or the number of businesses that will use the service during the time of reduced fees and each option provides different concerns for financial implications.

Risk Assessment:

Financial Risk

There is a financial risk as any reduction in fees will reduce the Shires income. In this case, the risk of loss of income is negated by the positive results of attempting to assist local business at a time of downturn.

Reputational Risk

Once the option of the reduced fees is established, it is critical that the correct message get out to local business to ensure that the structure is know to reduce the possible reputational risk to the Shire if the message is confusing and incorrect.

Community & Strategic Objectives:

Shire of Carnarvon Strategic Community Plan 2018-2028

1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth
2.4	Waste management practices that are efficient and sustainable
2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay

Comment:

The initial consideration of a rubbish fee reduction was seen as a simplistic way to assist businesses with a fee reduction at a time of need and also to give people the ability to 'clean up' areas should they have to go into isolation.

The message that did go out did specify for the reduction not to be abused, however there were clear indications that this was seen as an opportunity by some to dump years of rubbish free of charge despite the caution about abusing the system.

While the idea was sound, there was just some issues with the methodology which made it difficult to ensure that all could get a benefit, but it would not be misused.

In discussions with Members and the Chamber of Commerce some possible options were listed for Council to consider that can allow some assistance to business.

Option 1

To ensure that only small loads are brought in, it can be an option that the exemption would only be for small loads which would normally be under \$100 in fees.

Pros

Allows availability to all
Would ensure small loads only

Cons

Does not allow for large loads for struggling business
Can be done by smaller loads but more of
People would not know if cost would be waived until after load dropped off
Can also be used by businesses not impacted.

Option 2

When visiting the waste facility, the person is required to show that they are receiving the "Job Keeper Allowance" to claim free dumping as this would show that the business has had a significant (30%) drop in business. Loads can be restricted if needed but can be open as well.

Pros

Restricts benefit to impacted business only
Can allow impacted business larger loads if required

Cons

Does not allow for large loads for struggling business
Requires staff to check information, may be seen as invading privacy
By only allowing some businesses to receive the benefit, it may be seen as segregating the community

Option 3

Waive the service fee of \$35 for all loads and charge for waste.

Pros

Easy to administer
Load size does not matter as waste is charged

Cons

Can be used by businesses not impacted

Of all the Options, Option 3 is most likely the preferable option as it is easy to administer, harder for the system to be abused and less likely to have a significant impact for the Shires financial situation. In discussions with members from the CCCI, this was also seen as a good option.

It was also noted that this should only be for a restricted time frame and then reviewed. It is suggested that this reduction be put in place until 30th June and then reviewed at this time.

OFFICER'S RECOMMENDATION

That the Chief Executive Officer advertise and waive the Tip Fee Service Charge of \$35.00 as listed in the 2019/2020 Budget commencing from 1st May 2020 to 30th June 2020 when it will be reviewed for further consideration.

SCM 7/4/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Pinner

That the Chief Executive Officer advertise and waive the Tip Fee Service Charge of \$35.00 as listed in the 2019/2020 Budget commencing from 1st May 2020 to 30th June 2020 when it will be reviewed for further consideration.

SCM 8/4/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That Standing Orders Section 13 be suspended at 1.44pm to enable Councillors to discuss the 3 options as presented.

CARRIED
F8/AO

SCM 9/4/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That Standing Orders Section 13 be resumed at 1.51pm

CARRIED
F8/AO

Motion SCM 7/4/20 was put

CARRIED
F8/AO

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

SCM 10/4/20

COUNCIL RESOLUTION

Cr Maslen/Cr Vandeleur

That the meeting be closed to the public in accordance with Section 5.23(2)(c) as this item relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED
F8/AO

1.52pm – The public gallery left the meeting.

5.1 CONFIDENTIAL – REGIONAL EXPRESS

Date of Meeting: 28 April 2020
Location/Address: N/A
Name of Applicant: N/A
Name of Owner: N/A
Author/s: Jennifer MacKellin – Executive Manager Community Services
Declaration of Interest: Nil
Voting Requirements: Absolute Majority

OFFICER'S RECOMMENDATION

1. Council requests the CEO to write to REX seeking clarification on their position as to payment of landing fees.
2. Council requests the CEO to contact the Department of Transport to advise them of the request made by REX, and the impact of this request on Carnarvon Airport.
3. Council to hold a Special Meeting within 7 days following a response from REX to make a determination as to the request made.

SCM 11/4/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Vandeleur/Cr Pinner

1. Council requests the CEO to write to REX seeking clarification on their position as to payment of landing fees.
2. Council requests the CEO to contact the Department of Transport to advise them of the request made by REX, and the impact of this request on Carnarvon Airport.
3. Council to hold a Special Meeting within 7 days following a response from REX to make a determination as to the request made.

(Note – CEO to relay to the Department that the Shire Airport in Carnarvon has been operating under a financial duress for a period of time prior to COVID-19 and a reduction in fees will exacerbate the problem)

CARRIED BY ABSOLUTE MAJORITY
F8/A0

SCM 12/4/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be reopened to the public at 1.57pm.

CARRIED
F8/A0

6.0 CLOSURE:

The Presiding Member declared the meeting closed at 1.57pm.