

**SHIRE OF CARNARVON**

**MINUTES OF  
ORDINARY MEETING OF  
COUNCIL**

**TUESDAY 22<sup>ND</sup> JANUARY  
2019**

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CARNARVON, West Australia  
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**CONFIRMATION OF MINUTES**

These minutes were confirmed by the  
Council on

as a true and accurate record

.....  
Chairman

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## DISCLAIMER

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

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

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

## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

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### 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.)

## 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 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

## 5.0 CONFIRMATION OF MINUTES

- 5.1 Minutes of Ordinary Meeting of Council held on 18<sup>th</sup> December 2018
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**9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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**13.0 CLOSURE**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 22<sup>ND</sup> JANUARY 2019**

The meeting was declared open at 8.35am

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr K Brandenburg .....	Presiding Member/Shire President
Cr E Garrett .....	Councillor, Town Ward
Cr K Simpson .....	Councillor, Coral Bay Ward
Cr E Smith.....	Councillor, Town Ward
Cr K Pinner .....	Councillor, Town Ward
Cr P Youd.....	Councillor, Town Ward
Cr L Skender .....	Councillor, Plantation Ward
Cr B Maslen .....	Councillor, Gascoyne/Minilya Ward
Mr D Burton .....	Acting Chief Executive Officer
Mr D Nielsen .....	Executive Manager, Infrastructure Services
Dr G Ferguson .....	Acting Executive Manager, Corporate & Community Services
Mrs D Hill .....	Senior Executive Officer
Press .....	0
Observers .....	9
Leave of Absence .....	Nil
Apologies .....	Mr P Lees, Executive Manager Development Services

**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 & Elected Member Question Time commenced at 8.36am

The following questions were submitted by Lynne Barras of Carnarvon at the ***December 2018 Ordinary Meeting of Council*** and were taken on notice –

**Question 1 – Could I have information on the Shire’s position, actions taken, or train of thought in regard to the WA Government’s decision to allow fracking in the Midwest?**

**Answer - Council is against the practice of fracking in the Gascoyne area due to the concern of possible water contamination. The plantation area is reliant upon the local water source and any changes to this would be devastating for the local plantation industry.**

Question 2 – Has there been any correspondence between the Shire, bordering Shires, pastoralists and the WA Government, supporting or against the decision to fracking in the Midwest and if any, what are the contents of the correspondence?

Answer - Several years ago, a letter was sent to the State government advising that the Shire was aware of a proposal for resource companies to commence the practice of fracking in the Gascoyne area and raising concerns about the possible adverse impacts on the water supply for the area. The Shire is not aware of any other correspondence, however Council has previously (September 2014) objected to the practice of fracking as we want to ensure that the quality of the water in the Gascoyne aquifers.

Question 3 – Has there been any contact with the Shire from any lobbying groups against fracking, who they are and could I please have their contact details?

Answer - The Shire is not aware of any lobbying groups against fracking at the moment.

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The following questions have been submitted by Mr Shane Aylmore of Carnarvon –

As you are aware I attended the Shire of Carnarvon Council Meeting on the 27<sup>th</sup> of November when Item 8.1.2 saw the motion rescinded the motion to hand back the blowholes reserve. I also heard the motion (dot point 3) put forward, added and accepted by the Shire Council that prior to doing anything the Shire hold a full Council work shop. Given this could you please answer the following:

Question 1 -When was this workshop held?

Answer - A general workshop was held on the 11<sup>th</sup> December 2018 to discuss several matters before Council including the shacks to establish a direction forward. It was considered for a Workshop to be conducted in the new year to consider the matter of the shacks at the blowholes. This workshop has not yet been held, but should be held soon.

Question 2 -What was the outcome of this workshop?

Answer - The main Blowholes / Shacks Workshop is yet to be held.

Question 3 - Why weren't the stakeholders involved?

Answer - Workshop is yet to be held. It will be for Council action to resolve the issue of the shacks, which is why it will be Members and staff. The actions from the Workshop are likely to be to engage other stakeholders for the resolution of the issue.

Question 4 - When was the decision endorsed by council to remove the shacks by June this year? And for the matter of transparency can you please supply the minutes for this decision?

Answer - The removal of the Shacks was required to be completed by the end of December 2016 as per the Blowholes Reserve Management Plan. The Corporate Business Plan adopted by the Shire included a timeframe of June this year for the removal of the shacks.

Question 5 - Given the instrument of delegation by the Minister stating that shack owners would be included in any new development can you please explain who authorised the "establishment of alternative holiday house sites" ?

Answer - The development of new sites was included in the Blowholes Reserve Management Plan drafted in 2015, which has been fully executed by the Minister for Lands.

As a matter of transparency could these questions be added to the next Council Meeting minutes .

The following questions were raised by Mr David Sadecky representing the Blowholes Progress Association of Carnarvon as follows –

**Question 1 – Given that the majority of issues raised by your Engineer (and used in evidence in SAT) regarding the condition of the shacks, these now have been rectified by some shack-owners. Why are you now saying they will be demolished when the problem has been fixed?**

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The following questions were raised by Mr Vince Catania of Carnarvon, as follows –

**In regards to the Blow Holes Redevelopment, I would like to know what the Shire is proposing.**

**Question 1 – I would like to know –**

- (a) How much is it going to cost to demolish the shacks as per was stated in the Mid West Times last week?
- (b) What is the total cost of the Redevelopment of the Blow Holes area?
- (c) How much money has been allocated by the Shire and what is left through the allocation believed granted back in 2007?
- (d) What is the cost to date in regards to any legal fees that the Shire or Ratepayers has had through going through SAT and other means to this point?
- (e) Can you supply me with amounts of monies that has been spent to date on legal fees in regards to the Blow Holes?
- (f) Also, supply costs in your plans for the future plans for the Blow Holes.
- (g) What money do you have allocated for that project?

**Question 2 – Regards to the last item on the agenda today in regards to the BBQ's on the Fascine –**

- (a) Has there been any consultation with the community to remove the BBQ's area off the Fascine and if that has been endorsed by the Shire previously back in 2014?
  - (b) Why is the Shire considering removing that infrastructure off the Fascine which is obviously an asset to our community? If you could please let me know why.
- 

Public & Elected Member Question Time was closed at 8.43am

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### **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.)*

David Burton (Proximity Interest) – Item 9.1 - Notice of Motion – Relocation of Shade, Seat Structure and Barbecue

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### **4.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION**

Nil

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## 5.0 CONFIRMATION OF MINUTES

### 5.1 ORDINARY MEETING OF COUNCIL – 18 DECEMBER 2018

**FC 1/1/19**

#### COUNCIL RESOLUTION

*Cr Garrett/Cr Simpson*

*That the minutes of the Ordinary Meeting of Council held on 18<sup>th</sup> December 2018 be confirmed as a true record of proceedings.*

CARRIED  
F8/AO

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### 5.2 AWARDS COMMITTEE MEETING – 18 DECEMBER 2018

**FC 2/1/19**

#### COUNCIL RESOLUTION

*Cr Skender/Cr Youd*

*That the minutes of the Awards Committee Meeting held on 18<sup>th</sup> December 2018 be received.*

CARRIED  
F8/AO

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### 5.3 AUDIT COMMITTEE MEETING – 14 JANUARY 2019

**FC 3/1/19**

#### COUNCIL RESOLUTION

*Cr Smith/Cr Skender*

*That the Council adopts the minutes of the Audit Committee meeting of 14 January 2019, including the 2018/19 Compliance Audit Report.*

CARRIED  
F8/AO

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## 6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

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## 7.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

The Shire President welcomed the newly appointed Chief Executive Officer Mr David Burton.

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## 8.0 DEPARTMENTAL REPORTS

### 8.1 GOVERNANCE

#### **8.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF DECEMBER 2018/JANUARY 2019**

<b>Date of Meeting:</b>	22 <sup>ND</sup> January 2019
<b>Location/Address:</b>	3 Francis Street, Carnarvon
<b>Name of Applicant:</b>	Shire of Carnarvon
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Author/s:</b>	David Burton, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority

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#### **Summary of Item:**

To report back to Council actions performed under delegated authority for the months December 2018 and January 2019.

#### **Description of Proposal:**

Refer above.

#### **Background:**

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

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

#### **Consultation:**

Nil

#### **Statutory Environment:**

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

#### **Relevant Plans and Policy:**

Nil

#### **Financial Implications:**

There are no financial implications.

#### **Risk Assessment:**

Reporting requirement only.

**Community & Strategic Objectives:**

**Goal 5: Civic**

**Strong and listening Council.**

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

**Comment:**

The following tables outline the action performed within the organisation relative to delegated authority for the months December 2018 and January 2019 and are submitted to Council for information.

**DELEGATIONS**

**ENVIRONMENTAL HEALTH**

**On-site wastewater management**

*Health Act 1911, s.107*

*Health (Apparatus for treatment of sewage and disposal of effluent and liquid waste) Regulations 1974*

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
07/01/2019	ADM1354 - HOS19/001	Request for permission to interfere with apparatus. 1 Fenner St, SOUTH CARNARVON.	Christian Reid - Coral Coast Plumbing.	Owner: Stephen Nimmo

**BUILDING**

Application No.	Owners Name	Lot & Street	Type of Building Work
B18/087	MENAH PTY LTD	LOT 21 NORTH WEST COASTAL HWY BROWN RANGE	SHELTERS
B18/095	CORAL BAY PROGRESS ASSOCIATION (INC)	LOT 502 SITE C1 & C2 SANCTUARY DR LYNDON	STEEL PORTAL FRAME GABLE ROOF STRUCTURE & FOUNDATIONS
B18/097	MOREL NOMINEES PTY LTD	LOT 28 BOOR ST KINGSFORD	ANCILLARY DWELLING
B18/103	GREGORY THOMAS SMITH	LOT 764 MCLEOD ST SOUTH CARNARVON	SHED
B18/105	DEPARTMENT FOR HOUSING	LOT 13 RIDLEY PL MORGANTOWN	FENCE
B18/107	DAMPIER SALT LIMITED	LOT 17 CRAGGS CT BROWN RANGE	REMOVE EXISTING ASBESTOS ROOF AND REPLACE WITH CUSTOM ORB ROOF SHEETING
B18/108	DAMPIER SALT LIMITED	LOT 18 CRAGGS CT BROWN RANGE	REMOVE EXISTING ASBESTOS ROOF SHEETING AND REPLACE WITH CUSTOM ORB ROOF SHEETING

B18/109	MICHELLE KEARNEY	LOT 21 WILLIAM ST EAST CARNARVON	STEEL FRAMED CARPORT
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SHIRE OF CARNARVON STATUS REPORT CURRENT AS AT JANUARY 2019				
MINUTE REF	DETAIL	RESPONSIBLE OFFICER	STATUS	ANTICIPATED COMPLETION DATE
27/11/15	Proposed Engagement – Work for the Dole Program	Mark Dacombe	Officers are meeting with ABC Group on a regular basis to identify and progress specific projects. Draft MOU related to the Arboretum has been referred to ABC and the Carnarvon Tree Society for agreement prior to submitting to the Council.	Further discussions with the Tree Society indicate that they wish the original MOU for the Arboretum to remain unaltered. The relationship with the ABC Foundation in this regard is being discussed.
5/4/16	Regional Waste Infrastructure Project	David Nielsen	Drum storage area fencing installed. Finalising detailed arrangements continues.	Final completion January 2019
21/4/16	Partial Closure Bush Bay New Beach Roads	David Nielsen	No response from Dept of Lands to amend camping area licence conditions to remove fencing conditions. Reminder sent.	December 2018
SCM 1/8/16	Gascoyne Memorial Foundation – Access Arrangements for ILUs	Paul Lees	Relates to existing access arrangements over Shire land at the southern end of the site. The matter is on hold pending the progression of the Brockman Park development proposal.	Ongoing
16/8/16	Proposed Carnarvon District Water Management Strategy – Outcomes Report	Paul Lees	The draft District Water Management Strategy is now finalised and has been referred to the project reference group for final comments.	February 2019
20/8/16	Public Open Space Strategy	Paul Lees	The Public Open Space Strategy document has been completed. Some of the key findings of the document have been included in the face to face community consultation. A project plan for the completion of	March 2019

			the strategy is being developed.	
11/9/16	Carnarvon Community College – Carpark Deed of Agreement	Paul Lees	The draft Deed of Agreement has been finalised by the Department of Education, signed by the Shire’s CEO and referred to the Department for signing.	January 2019
16/9/16	The proposed draft Waste Local Law was presented to Council in September 2016 and requires a review and agency referral prior to resubmitting the final to Council.	Paul Lees Dane Wallace	Officers are currently developing a plan for the review of the Shire’s Local Laws. Consultation with relevant Government departments will be undertaken as part of the overall review process.	March 2019
14/10/16	Local Government Property & Public Places Local Law	Paul Lees	A workshop with key staff was undertaken. A project plan to complete the review will be prepared in early 2019.	March 2019
23/12/16	Notice of Removal of Houses – Lot 259, 1065 NRR	Dane Wallace	The owner has been convicted for failing to remove the houses, which remain on site. The Shire’s solicitor has provided some options to progress this matter, one being that the works will be done in default and the costs charged back to the land. A plan of action is being finalised.	February 2019
17/6/17	Removal of Houses Unfit for Occupation – Lot 39,47 Shallcross Street	Dane Wallace	The Shire has declared two (2) buildings unfit for habitation and under orders one building has been removed. The occupant has refused to cease habitation of the shed; the Shire will need to review further actions in this regard. Most of the accumulated rubbish in the rear of the property has been cleaned up. Shire officers will conduct a further inspection of the general condition of the property to determine if further clean-up is required.	February 2019

4/3/17	Regional Growth Centre Development Planning – MOU	Mark Dacombe	MOU signed and submitted. A draft project plan has been submitted to DRD but the Growth Planning Project is on hold pending a decision by the Minister on how the Government wishes to move forward. The current major Strategic Review addresses issues of economic activity and growth.	On hold pending further advice from State Government. Realistically, the RGCD approach is unlikely to be resurrected and this matter should be closed out.
14/3/17	Signage – Heritage Walking Trail	David Nielsen	No Change. Signage installation commenced.	January 2019
9/9/17	Revocation of Motion – Carnarvon Heritage Old Tramway Lease	Carolien Claassens	The Heritage Group has provided a Project Brief of the Revitalisation of the One Mile Jetty to the Carnarvon Town Tramway. The brief provided requires more work to in order for it to support an application for a new lease.	Timing is in the hands of the Heritage Committee
16/9/17	Local Planning Scheme No.13	Paul Lees	Council has resolved to submit the draft scheme to the WAPC and the Environmental Protection Authority as required by the Regulations; this has occurred.	Timeframes are now subject to the EPA and the WAPC.
16/11/17	Carnarvon Revitalisation Project – Allocation of Earned Interest	Carolien Claassens	The matter is with the Department of Primary Industries and Regional Development for determination. Advice is that a decision on the use of the interest will await the completion of the engineering investigations into the wall.	Subject to the decision of DPIRD
24/11/17	Bayview Coral Bay – Local Development Plan	Paul Lees	The applicant has requested that the draft Local Development Plan that has been publicly advertised put on hold while other strategic matters relating to Coral Bay are finalised; in particular the advertising, public submissions, and completion of LPS No. 13.	On hold

10/1/18	Proposed Transfer of Management Order – CWA Lot 353	Paul Lees	The Department of Planning, Lands and Heritage have been advised of Council's decision and further discussions are proceeding.	Ongoing
8/2/18	Closure of PAW – Lot 302 Wheelock Way	Paul Lees	Council has resolved that the Shire proceed with the process for the closure of the pedestrian accessway as outlined in the WAPC's guideline, and the proposed infrastructure associated with the closure is included in the 2018/19 budget. The report has been finalised and sent to the WAPC for their consideration.	Timeframes are subject to the WAPC
16/2/18	Application for Exemption – Keeping of 6 Dogs at 95 Boor Street, Kingsford	Paul Lees	Council, at the ordinary meeting of 27 February 2018 resolved to refuse the DA for the keeping of six (6) dogs on the property. The applicant lodged a DA for a kennel establishment, however the land owner did not support the application; the application was withdrawn. The owner of 95 Boor St was advised that any additional dogs on the property after the 30th November 2018 (more than two) would be seized by the Shire due to non-compliance with the Dog Act 1976. Shire rangers seized eleven (11) dogs from the property on 3 December 2018. One (1) dog has been surrendered and was sent to S.A.F.E. to be rehomed and the other dogs have been returned as the owner has registered these dogs at a number of properties across town (two per property). The practice of non-compliance with the Dog Act has however re-	Ongoing

			recommenced and Shire officers will undertake a full inspection of all properties in early February 2019.	
SFC2/3/18	Proposed Carnarvon Residential Aged Care Facility	Mark Dacombe	Council resolved to support the WACHS proposal to develop the Residential High End Aged Care facility at the Carnarvon Hospital and seek the return of funding to enable a 38-bed facility to be completed. The Ministers for Health and Regional Development have been advised of the Council's position through their relevant officials. A letter has been sent to the Minister for Health asking for an update on progress with the project. There has been no response to date.	On going
4/4/18	Arboretum – MOU	Mark Dacombe	This matter has been referred back to the Tree Society and ABC Foundation to agree on the wording of the proposed MOU. The Tree Society has advised that it does not wish to proceed with an amendment to the MOU. ABC Foundation will discuss further with the CEO.	January 2019
11/5/18	Early Rates Payment Incentive Prize	Deb Wilkes	Draw will take place after closing date for early rates payment	Completed
14/5/18	Purchase of Buses with Lotterieswest Grant	Mark Dacombe	Buses have been delivered. A policy for use of the bus by community groups is required and that will go to Council as part of the policy review process.	December 2018
20/6/18	Lotteries House – Boundary Realignment	Paul Lees	Council on 26 June 2018 resolved to approve the Lotteries House boundary realignment, and to waive the fees relating to the related subdivision	February 2019



			application (re-alignment of the boundary to accommodate the extension to Lotteries House, and the amalgamation of Lots 111, 189 and 190). The subdivision application is currently being prepared and will be submitted to the WAPC.	
9/7/18	Local Planning Scheme no. 10 – Amendment no. 74	Paul Lees Sian Young	Council, at its meeting of 24 July 2018 resolved to support the proposed amendment, to publicly notify, and to seek the advice of the EPA and the DPLH. The Scheme amendment was again presented to Council at the September 2018 meeting, in which Council resolved to adopt the Scheme amendment.	The Scheme Amendment was referred to the WAPC on 20 November 2018 for consideration and referral to the Minister.
3/8/18	Attendance at Council Meetings by Instantaneous Communication – Cr Youd	Mark Dacombe	Council at meeting held on 28 August agreed to grant Cr Youd approval for 2 months pending policy review. Policy submitted for consideration December 2018	Completed
9/8/18	MOU Amendment – Men’s Shed	Miranda Koebrugge	Awaiting response from Men Shed for the approval amended MoU. This matter is in the hands of the Men’s Shed.	Ongoing
10/8/18	Request for Financial Support – Morris, PCYC & Gascoyne Early Years	Nadine Brown	Requests for invoices sent	Completed
11/8/18	Baxter Spray Park	Paul Lees	Council, at the meeting of 28 August 2018 resolved to authorize the decommissioning of the existing splash park, making safe and developing the site for a picnic area; and directed the CEO to report to Council the options and costs for (a) the construction of an interactive play facility associated with the toddler’s pool at the	March 2019

			Carnarvon Aquatic Centre, and (b) Construction of a stand-alone zero depth water park within the grounds of the Carnarvon Aquatic Centre.	
13-14/8/18	St John Ambulance – Land Exchange	Paul Lees	Council, at the meeting of 28 August 2018 resolved to rescind the previous motion of Council of 28 February 2012; and to (a) write to the Hon. Minister Rita Saffioti Minister for Transport; Planning; Lands on behalf of St. John Ambulance Ltd WA requesting the Minister’s intervention in the matter to allow a land transfer to occur between St John Ambulance WA Ltd and the Shire of Carnarvon, for Lot 924 Rushton Street to be transferred for a portion of Lot 928 Robinson Street (approximately 4724m <sup>2</sup> ) without the removal of the existing buildings on lot 924; (2) Instruct the Chief Executive Officer to arrange the survey of the above portion of Lot 928 Robinson Street and lodge an application with the WA Planning Commission for the subdivision and for the lodgement of the deposited plan with Landgate for the creation of a new Certificate of Title; and (3) Approves the funding of all costs relating to the actions outlined in the above item, being Item 2 of recommendation no. 3. A letter of support for the transfer of land has been sent to the Minister, however St John has now advised the CEO that they have written to the Minister asking the	Ongoing

			Minister is disregard the Shire's letter. Shire officers will prepare the subdivision application for the Robinson Street parcel as per Council's resolution and will lodge with the WAPC.	
15/8/18 15/11/18	24hr Unstaffed Fuel Bowser – Carnarvon Airport	Paul Lees	Council at its November 2018 meeting resolved to approve the application for a 24hr 'unmanned' fuel bowser for World Fuel Services at the Carnarvon Airport.	The Notice of Determination has been sent to the applicant.
10/9/18	Request for Financial Support – Lions Cancer	Nadine Brown	Request for invoice sent	Completed
13/9/18	LPS No. 10 – Amendment 75	Paul Lees	The draft Scheme Amendment was adopted by Council at its ordinary meeting of September 2018. The Scheme Amendment was referred to the WAPC; the amendment was supported and referred to the Minister, who has approved the amendment. Shire officers will arrange for gazettal of the amendment.	February 2019
14/9/18	Appointment Authorised Persons Bush Fires Act	Paul Lees Matthew Holland	Council at its September 2018 meeting was asked to consider a revocation of all existing Fire Control Officers (FCOs) under the <i>Bush Fires Act 1954</i> as a number of persons were no longer active in the Brigade; Council was also asked to appoint a number of new FCOs. Council resolved to appoint officers as recommended. The FCO appointments have been published in the local newspaper and DFES (Geraldton) has been advised of the appointments.	December 2018

7/10/18	Request for New Lease – BP – Lot 547 Carnarvon Airport	Miranda Koebrugge	A draft of lease was sent to BP late December for approval. BP has occupied the building since 26 Nov 2018. The commencement date of the lease will reflect this date. The ARO requested urgently if BP could use the lease area asap. The Lease will require registration with Landgate.	February 2019
SCM 1/11/18	Path of Pain Lock Hospital Memorial Project	Gael Ferguson	Successful Commemoration Ceremony Events held  Sculpture fabrication underway and due for completion by end of February 2019 with installation to follow.  LotteryWest funding (90k) awarded for commemoration ceremony (\$9250) and next stages.  Work underway on preparing a further funding application for next stages.	Completed  March 2019  February 2019
3/12/18	Annual Review – Delegation Register	Mark Dacombe	Register adopted by Council with amendments. Amended Register finalised.	Completed
4/12/18	2019 Ordinary Council Meeting Dates	Dannielle Hill	Meeting dates to be advertised in local newspaper on 9/1/19 – uploaded onto website.	Completed
5/12/19	2019 Local Government Election – WAEC	Mark Dacombe	WAEC advised of Council's decision to conduct 2019 elections by postal vote.	Completed
6/12/18	Code of Conduct Review	Mark Dacombe	Code amended to be in line with WALGA template and circulated.	Completed
7/12/18	Freedom of Information Statement	Dannielle Hill	Updated and available on website.	Completed

8/12/18	Attendance at Council Meetings by Instantaneous Communication – New Policy	Mark Dacombe	Policy adopted by Council and included as part of the Shire's Policy Manual.	Completed
	Review of Corporate & Executive Policies	Mark Dacombe	Item withdrawn due to some policies requiring further attention. To be submitted to January 2019 Council Meeting.	January 2019
9/12/18	Yingarrda Council Aboriginal Corporation – MOP	Mark Dacombe	Adopted by Council with CEO delegated to make minor amendments in consultation with Yingarrda. Has been referred to the Corporation for their final approval.	February 2019
10/12/18	Ningaloo Coast World Heritage Advisory Committee Membership	Mark Dacombe	Paul Lees endorsed as Council's representative.	Completed
14/12/18	Request for Rates Exemption – Carnarvon Space and Technology Museum	Sa Toomalatai		Completed
15/12/18	Lock Hospital Working Group Trust Account	Corey Walsh Gael Ferguson		
17/12/18	Browns Range Waste Facility – Fees and Charges Amendments	Dave Nielsen	Amendments adopted – to be advertised on 9 <sup>th</sup> January 2019 with fees effective as of 14.1.19.	January 2019
	Coral Bay Cleaning Services – RFT 08/2018	David Nielsen Miranda Koebrugge	Draft contract approved by contractor 3 Jan 2019. Contracts sent for signing 3 Jan 2019	February 2019

**OFFICER'S RECOMMENDATION**

*That Council accept the Status Meeting Report and reports outlining the actions performed under delegated authority for the months December 2018 and January 2019.*

**FC 4/1/19**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Garrett/Cr Simpson*

*That Council accept the Status Meeting Report and reports outlining the actions performed under delegated authority for the months December 2018 and January 2019.*

**CARRIED**  
**F8/AO**

Date of Meeting:	18 December 2018
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	David Burton, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

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**Summary:**

In accordance with the *Local Government Act, 1995* the Council is required to present to the electors' the following:

- The Report of the Shire President for the year ended 30 June 2018;
- The Report of the CEO for the year ended 30 June 2018;
- The Annual Report and Financial Statements for the year ended 30 June 2018; and
- The Auditors Report for the Financial Statements for the year ended 30 June 2018.

These reports are contained within one document titled the 2017/18 Annual Report which will be made available on the Shire's website, and at the Administration Office and Carnarvon Regional Library.

**Background:**

As required by legislation, the Annual Financial Report for the year ending 30 June 2018 was submitted in draft to the Shire Auditor, reviewed and subsequently considered by the Shire Audit Committee on the 14<sup>th</sup> January 2019 accordance with *Section 6.4 (3) of the Local Government Act, 1995*.

A final draft of the Annual Report for 2017/18, incorporating the Annual Financial Report, is now presented for Council consideration and acceptance. A copy of this report is presented as **Schedule 8.1.2**

**Consultation:**

Nil.

**Statutory Environment:**

Section 5.53 of the *Local Government Act, 1995* requires the Local Government to prepare an Annual Report for an Annual Electors Meeting, inclusive of the Shire President Report, CEO Report, Annual Financial Statements and Auditors Report for each financial year.

Section 5.54 of the *Local Government Act, 1995* also prescribes:

**5.54. Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*  
\* Absolute majority required.
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

The Auditor's Report was received on the 21<sup>st</sup> December 2018.

Section 5.27 of the *Local Government Act, 1995* requires the Local Government to convene an Annual Electors meeting once every financial year, as outlined below:

**5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Further, Regulation 17 of the Local Government (Administration) Regulations 1996, states voting on matters at the Annual General Meeting of Electors is to be conducted as follows:

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting, but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

**Relevant Plans and Policy:**

Nil.

**Financial Implications:**

Nil.

**Risk Assessment:**

As prescribe by Section 5.54 of the *Local Government Act, 1995* the Council needs to accept by resolution the Annual Report before 21<sup>st</sup> February 2019 and then proceed to convene an Annual Electors Meeting within 56 days from acceptance. Failure to adhere to this requirement will result in a breach of the legislation.

**Strategic Implications:**

**Goal 5: Civic**

**Strong and listening Council.**

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

**Voting Requirements**

Simple majority.

**Comment**

Following acceptance of the 2017/18 Annual Report it is suggested that Council convene an Annual Electors Meeting on Tuesday 26<sup>th</sup> February 2019. It is viewed this date will afford sufficient notice for the Electors Meeting, and allow for any matters arising to be presented to Council at the March 2019 Ordinary Meeting for consideration.

**OFFICER'S RECOMMENDATION**

*That Council:*

1. Pursuant to Section 5.54 of the *Local Government Act, 1995* receive and accept the Annual Report for the year ended 30 June 2018, incorporating the Shire President Report, CEO Report, Financial Statements and Auditors Report, presented Schedule 8.1.2 of this report, with copies of the Annual

Report 2017/18 to be made available on the Shire website electronically, and at the Shire Administration Centre and Carnarvon Regional Library in hard copy.

2. In accordance with Section 5.27 of the Local Government Act, 1995 set the date for the 2017/18 Annual Electors Meeting to be held on Tuesday 26<sup>th</sup> February 2019 commencing at 5.30pm in the Council Chambers Stuart Street Carnarvon, with notice of the meeting to be:
  - published in two editions of the Midwest Times Newspaper,
  - publicised on the Shire Website, Facebook page, and Carnarvon radio;
  - presented on the Shire Administration Centre reception, Carnarvon Regional Library and Coral Bay Supermarket (subject to the owner's consent).

**FC 5/1/19**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Garrett/Cr Skender**

**That Council:**

1. Pursuant to Section 5.54 of the Local Government Act, 1995 receive and accept the Annual Report for the year ended 30 June 2018, incorporating the Shire President Report, CEO Report, Financial Statements and Auditors Report, presented Schedule 8.1.2 of this report, with copies of the Annual Report 2017/18 to be made available on the Shire website electronically, and at the Shire Administration Centre and Carnarvon Regional Library in hard copy.
2. In accordance with Section 5.27 of the Local Government Act, 1995 set the date for the 2017/18 Annual Electors Meeting to be held on Tuesday 26<sup>th</sup> February 2019 commencing at 5.30pm in the Council Chambers Stuart Street Carnarvon, with notice of the meeting to be:
  - published in two editions of the Midwest Times Newspaper,
  - publicised on the Shire Website, Facebook page, and Carnarvon radio;
  - presented on the Shire Administration Centre reception, Carnarvon Regional Library and Coral Bay Supermarket (subject to the owner's consent).

**CARRIED**  
**F8/AO**

**8.2 CORPORATE & COMMUNITY SERVICES**

**8.2.1 ACCOUNTS FOR PAYMENT 31 DECEMBER 2018**

File No:	ADM0186
Date of Meeting:	22 January 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Genevieve Burnett – Creditors Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

**Summary of Item:**

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

**Description of Proposal:**

N/A



**Background:**

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 – Section 5.42

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

**Relevant Plans and Policy:**

All accounts are paid as per the Shire of Carnarvon's 2018/19 Budget.

**Financial Implications:**

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

**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:**

Accounts paid to 31 December 2018 are listed in *Schedules 8.2.1.(a) and 8.2.1.(b)*.

**OFFICER'S RECOMMENDATION**

*That Council*

- a) *Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$3,300,447.23 as presented for the month of December 2018 incorporating;*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>DD35725</i>	<i>DD35788</i>	<i>Bank Direct</i>	<i>\$76,202.45</i>
<i>46876</i>	<i>46888</i>	<i>Muni Cheques</i>	<i>\$76,006.09</i>
<i>7394</i>	<i>7395</i>	<i>Trust Cheques</i>	<i>\$1,134.60</i>
<i>EFT26654</i>	<i>EFT26886</i>	<i>Muni EFT</i>	<i>\$1,064,497.27</i>
<i>EFT26712</i>	<i>EFT26791</i>	<i>Trust EFT</i>	<i>\$11,300.30</i>

- b) *Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,735.34 as presented.*  
 c) *Note Sundry Creditors as at 31 December 2018 \$352,465.73.*

**FC 6/1/19**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

That Council

- a) Receive the list of payments, as per Schedule 8.2.1 (a) totalling \$3,300,447.23 as presented for the month of December 2018 incorporating;

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
DD35725	DD35788	Bank Direct	\$76,202.45
46876	46888	Muni Cheques	\$76,006.09
7394	7395	Trust Cheques	\$1,134.60
EFT26654	EFT26886	Muni EFT	\$1,064,497.27
EFT26712	EFT26791	Trust EFT	\$11,300.30

- b) Receive the list of credit card payments, as per Schedule 8.2.1 (b), totalling \$2,735.34 as presented.  
c) Note Sundry Creditors as at 31 December 2018 \$352,465.73.

CARRIED  
F8/AO

**8.2.2 FINANCIAL ACTIVITY STATEMENT 31 DECEMBER 2018**

File No: ADM0186  
Date of Meeting: 22 January 2019  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Sa Toomalatai, Manager Finance  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority

**Summary of Item:**

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire Administration is required to prepare a monthly Statement of Financial Activity for approval by Council.

**Description of Proposal:**

N/A

**Background:**

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances.

**Consultation:**

Nil

**Statutory Environment:**

Local Government (Financial Management) Regulation 34.

**34. Financial activity statement required each month (Act s. 6.4)**

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**Relevant Plans and Policy:**

Corporate Business Plan 2018 - 2022

**Financial Implications:**

Nil.

**Risk Assessment:**

Council would be contravening the Local Government Act should these statements not be received.

**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:**

Attached as **Schedule 8.2.2** for consideration is the completed Statement of Financial Activity for the period ended 31 December 2018.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of 10%, or \$10,000, whichever is the higher.

OFFICER'S RECOMMENDATION

*That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 31 December 2018 as per Schedule 8.2.2.*

**FC 7/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Youd/Cr Pinner*

*That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ended 31 December 2018 as per Schedule 8.2.2.*

CARRIED

F8/AO

**8.2.3 INVESTMENTS AS AT 31 DECEMBER 2018**

File No:	ADM0186
Date of Meeting:	22 January 2019
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Jodie Anderson, Senior Finance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

**Summary of Item:**

To report the Council details of surplus funds invested to 31 December 2018.

**Description of Proposal:**

N/A

**Background:**

Nil.

**Consultation:**

Takes place with Financial institutions prior to renewal of investments.

**Statutory Environment:**

Section 6.14 of the *Local Government Act 1995* grants Council the power to invest surplus funds.

**Relevant Plans and Policy:**

The investment report is produced in accordance with Council's investment policy.

**Financial Implications:**

Nil.

**Risk Assessment:**

No risk identified.

**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 attached monthly report on investments (*Schedule 8.2.3*) has been compiled in accordance with the reporting framework included as part of Council's investment policy.

OFFICER'S RECOMMENDATION

*That Council receive the investments report, as at 31 December as per Schedule 8.2.3*

**FC 8/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Skender/Cr Garrett*

*That Council receive the investments report, as at 31 December as per Schedule 8.2.3*

CARRIED

F8/AO

## 8.2.4 REQUEST FOR WAIVER OF HIRE FEES – REMOTE SCHOOL ATTENDANCE STRATEGY

**File No:****Date of Meeting:**

29<sup>th</sup> January 2019

**Location/Address:**

N/A

**Name of Applicant:**

Kay Mongoo

**Name of Owner:**

N/A

**Author/s:**

Nadine Brown, Community & Club Development Officer

**Declaration of Interest:**

Nil

**Voting Requirements:**

Simple Majority

**Summary of Item:**

This report relates to an event application received on 14<sup>th</sup> December 2018 from Kay Mongoo, Team Leader for Remote School Attendance Strategy regarding hosting a Family Fun Day (*Schedule 8.2.8*).

This report seeks Council's approval to waive the fees for a return to school event at the Carnarvon Aquatic Centre on Friday 1<sup>st</sup> February 2019.

### **Description of Proposal:**

The Remote School Attendance Strategy works under the 'Family Support Model' which aims to ensure a shared responsibility for getting children to school, with the parents taking ownership and committing to implementing solutions.

Following on from a successful event in January 2017 and 2018 with 30 parents and 150 children in attendance, the Remote School Attendance Strategy hopes to increase the participation of parents attending.

The return to school function is scheduled for the 1<sup>st</sup> February 2019, between 11.00am and 3.00pm.

There will be several agencies present on the day to assist in the running of the Family Fun Day.

### **Background:**

The Remote School Attendance Strategy works collaboratively with local agencies and community members sharing a common vision to have a Carnarvon community that is empowered through the increase school attendance rates, open conversation and informed awareness through being socially connected.

Remote School Attendance Strategy delivers the 'Family Support Model' program to schools, community groups and organisations across Australia.

A copy of this letter is attached as **Schedule 8.2.6**.

### **Consultation:**

Remote School Attendance Strategy

### **Statutory Environment:**

The payment of fees is required pursuant to provisions of the Local Government Act, 1995. Specifically, Section 6.12 (1) (b) of the Act affords Council the ability to waive payments as outlined below:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

### **Relevant Plans and Policy:**

Waiver of fees and charges Policy (CO18).

1. This Policy has been prepared in consideration of, and adopted pursuant to, Section 6.12(1)(b) of the *Local Government Act, 2005* by an absolute majority vote of Council.
2. For a fee or charge to be waived under the Shire's Annual Fees and Charges Schedule:
  - a) The applicant must:
    - be a community group or organisation that operates within the Shire of Carnarvon district;
    - is an incorporated body; and
    - have a 'Not-for-profit' status.

Applications from groups that do not accord with the above criteria will be referred to Council for consideration.

- b) The activity, event, competition, project or celebration is to be conducted within the Shire of Carnarvon boundaries.
  - c) The applicant must not have already received previous funding from the Shire by way of a sponsorship, donation, community development grant or council contribution or received financial assistance from the Shire under any existing written agreement during the current financial year. (Excluding assistance by way of rates rebate or tier 1 lease fees).
  - d) The application must be submitted on the 'Request for Waiver of Fees and Charges' form attached to this policy.
3. Where an activity, event, competition, project or celebration occurs on a regular basis within a financial year (July to June), the application for financial assistance shall be based on support for the full financial year.
  4. Recurrent annual or seasonal fees for sporting groups such as the sporting club levy, ground or court hire will not be considered under this policy.
  5. Only one application for a fee waiver will be supported in any one financial year (July to June).
  6. Reimbursement for utility charges, such as water and electricity, will not be considered under this policy.
  7. Applications are to be lodged on the Shire's official application form at any time during the year. However, retrospective applications will not be considered under this policy if submitted after the activity, event, competition, project or celebration.

**Financial Implications:**

Should Council support this request, it is worth noting that all costs associated are absorbed through Council's operational expenses.

Child Entry Fee – \$3.00

Adult Entry Fee - \$4.50

Spectators Entry Fee - Free

Children Under 4 Years - Free.

**Risk Assessment**

Whenever Council considers waiving fees there is a risk that a precedent will be set. Therefore, each request must be considered on its individual merits to ensure the policy is not compromised.

**Community & Strategic Objectives:**

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

ITEM	OUTCOMES AND STRATEGIES
3.5	Engaged young people

ITEM	OUTCOMES AND STRATEGIES
3.5.1	Provide a youth centre and activities to engage young people, particularly at risk young people
3.5.3	Advocate for young people and collaborate with other agencies to engage young people

**Comment:**

The correspondence received and attached to this item suggests that this event is a family day for Aboriginal parents and children to promote the return to school for 2019, and to connect with families so that they understand the importance of getting their children school ready. There will also be promotion of the support that Remote School Attendance Strategy and other agencies can provide to families.

There is always a concern when Council considers waiving fees that a precedent will be set. Council will also recall that it has previously refused a similar application recently on the grounds that the applicant was a government agency.

The Community Day is also going to include several other agencies, including the Shire Youth Outreach, and provide all the agencies the opportunity to engage with children just prior to the start of the new school year.

The recommendation within this report is for Council to grant the waiver requested.

OFFICER'S RECOMMENDATION

*Pursuant to Local Government Act 1995, Section 6.12 (1) (b) Grant the request made by the Remote School Attendance Strategy Team for the waiver of the Aquatic Centre entrance fees for participants in the return to school event to be held at Carnarvon Aquatic Centre on 1<sup>st</sup> February 2019.*

**FC 9/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Pinner*

*Pursuant to Local Government Act 1995, Section 6.12 (1) (b) grant the request made by the Remote School Attendance Strategy Team for the waiver of the Aquatic Centre entrance fees for participants in the return to school event to be held at Carnarvon Aquatic Centre on 1<sup>st</sup> February 2019.*

CARRIED  
F8/AO

**8.2.5 REQUEST FOR WAIVER OF HIRE FEES – CARNARVON AMATEUR SWIMMING CLUB**

File No:  
Date of Meeting: 29<sup>th</sup> January 2019  
Location/Address: N/A  
Name of Applicant: Candice Hatch  
Name of Owner: N/A  
Author/s: Nadine Brown, Community & Club Development Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority

**Summary of Item:**

This report relates to an event application received on 02<sup>nd</sup> January 2019 from Candice Hatch, President Carnarvon Amateur Swimming Club Inc regarding hosting the 2019 Gascoyne Open. (**Schedule 8.2.8**).



This report seeks Council's approval to waive the entry fees for the 2019 Gascoyne Open on the 02<sup>nd</sup> – 03<sup>rd</sup> November 2019.

### **Description of Proposal:**

The Carnarvon Amateur Swimming Club INC will be hosting the Gascoyne Open on Saturday 02<sup>nd</sup> November and Sunday 03<sup>rd</sup> November 2019. The Club has extended an invitation to two Perth Clubs to participate in the Gascoyne Open and can expect at least an extra 25 swimmers from Perth.

### **Background:**

The Gascoyne Open is an event open to all swimmers' nine years and above registered with Swimming WA.

This event is created / hosted by Gascoyne Region – Carnarvon and Exmouth Clubs sharing alternate years. The event was first held in Carnarvon in 2014 sharing a common vision to have an annual Gascoyne Open Event that has empowered through the increase in swimmers, open conversation and informed awareness through being socially connected.

This event follows on from the successful events in 2014, 2015, 2016, 2017 and 2018 with over 145 swimmers plus parents and officials attending and supporting the individual towns at the last meet. It also includes several business and organisation offering discounted accommodation for competitors and free accommodation / meals for officials assisting in the successful events.

This year, Carnarvon Amateur Swimming Club Inc and along with Exmouth Amateur Swimming Club will be presenting a "Todd Hutton Memorial Trophy" to be awarded to a swimmer who has achieved the most personal best times during the event. Todd Hutton and his family were long-time residents of Carnarvon and now Exmouth.

A copy of this letter is attached as **Schedule 8.2.6**.

### **Consultation:**

Carnarvon Amateur Swimming Club INC

### **Statutory Environment:**

The payment of fees is required pursuant to provisions of the Local Government Act, 1995. Specifically, Section 6.12 (1) (b) of the Act affords Council the ability to waive payments as outlined below:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other

or written law, a local government may —

(a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

### **Relevant Plans and Policy:**

Waiver of fees and charges Policy (CO18).

1. This Policy has been prepared in consideration of, and adopted pursuant to, Section 6.12(1)(b) of the *Local Government Act, 2005* by an absolute majority vote of Council.

2. For a fee or charge to be waived under the Shire's Annual Fees and Charges Schedule:

- a) The applicant must:
- be a community group or organisation that operates within the Shire of Carnarvon district;
  - is an incorporated body; and
  - have a 'Not-for-profit' status.

Applications from groups that do not accord with the above criteria will be referred to Council for consideration.

- b) The activity, event, competition, project or celebration is to be conducted within the Shire of Carnarvon boundaries.
- c) The applicant must not have already received previous funding from the Shire by way of a sponsorship, donation, community development grant or council contribution or received financial assistance from the Shire under any existing written agreement during the current financial year. (Excluding assistance by way of rates rebate or tier 1 lease fees).
- d) The application must be submitted on the 'Request for Waiver of Fees and Charges' form attached to this policy.
3. Where an activity, event, competition, project or celebration occurs on a regular basis within a financial year (July to June), the application for financial assistance shall be based on support for the full financial year.
4. Recurrent annual or seasonal fees for sporting groups such as the sporting club levy, ground or court hire will not be considered under this policy.
5. Only one application for a fee waiver will be supported in any one financial year (July to June).
6. Reimbursement for utility charges, such as water and electricity, will not be considered under this policy.
7. Applications are to be lodged on the Shire's official application form at any time during the year. However, retrospective applications will not be considered under this policy if submitted after the activity, event, competition, project or celebration.

#### Financial Implications:

Should Council support this request, it is worth noting that all costs associated are absorbed through Council's operational expenses.

Child Entry Fee – \$3.00

Adult Entry Fee - \$4.50

Spectators Entry Fee - Free

Children Under 4 Years - Free.

#### Risk Assessment

Whenever Council considers waiving fees there is a risk that a precedent will be set. Therefore, each request must be considered on its individual merits to ensure the policy is not compromised.

#### Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities

ITEM	OUTCOMES AND STRATEGIES
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

ITEM	OUTCOMES AND STRATEGIES
3.5	Engaged young people
3.5.3	Advocate for young people and collaborate with other agencies to engage young people

**Comment:**

The Carnarvon Amateur Swimming Club is a 'Community Group or Organisation' under the policy and fits other criteria and are therefore eligible for waiving of fees. They have held successful events in the past.

The recommendation is for Council to grant the waiver requested.

OFFICER'S RECOMMENDATION

*That Council, pursuant to Local Government Act 1995, Section 6.12 (1) (b) grant the request made by the Carnarvon Amateur Swimming Club for the waiver of the Aquatic Centre entrance fees for participants in the Gascoyne Open event to be held at Carnarvon Aquatic Centre on Saturday 2<sup>nd</sup> and 3<sup>rd</sup> November 2019.*

**FC 10/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Maslen/Cr Garrett*

*That Council, pursuant to Local Government Act 1995, Section 6.12 (1) (b) grant the request made by the Carnarvon Amateur Swimming Club for the waiver of the Aquatic Centre entrance fees for participants in the Gascoyne Open event to be held at Carnarvon Aquatic Centre on Saturday 2<sup>nd</sup> and 3<sup>rd</sup> November 2019.*

CARRIED  
F8/AO

**8.2.6 REQUEST FOR WAIVER OF HIRE FEES – REMOTE SCHOOL ATTENDANCE STRATEGY**

File No:  
Date of Meeting: 29<sup>th</sup> January 2019  
Location/Address: N/A  
Name of Applicant: Sharna Oakley  
Name of Owner: N/A  
Author/s: Nadine Brown, Community & Club Development Officer  
Declaration of Interest: Nil  
Voting Requirements: Simple Majority

**Summary of Item:**

This report relates to an event application received on 30<sup>th</sup> October 2018 from Sharna Oakley, Secretary Carnarvon Community Sporting Group regarding hosting the James Kelly Basketball Memorial Carnival on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> March 2019 at the Festival Grounds Basketball Courts. (**Schedule 8.2.6**).

This report seeks Council's approval to waive the fees for James Kelly Basketball Memorial Carnival on 02<sup>nd</sup>, 03<sup>rd</sup> and 4<sup>th</sup> March 2019.

**Description of Proposal:**

The Carnarvon Community Sporting Group will be hosting the James Kelly Basketball Memorial Carnival over the long weekend in March to assist long term event coordinator from out of town with the day to day operations.

Carnarvon has hosted the Basketball Carnival for the past 6 years and have attracted over 250 – 350 people to the carnival either as playing members, spectators or officials for the event.

Following on from the successful events in 2014, 2015, 2016, 2017 and 2018 with over 20 – 30 men and women's team participating from around Western Australia. The Carnarvon Community Sporting Group will be hosting the James Kelly Basketball Carnival over the March long weekend, which will allow those travelling from out of town to be able to participate in the Carnival.

The James Kelly Basketball Memorial Carnival is scheduled for Saturday 02<sup>nd</sup> March 2019 and Sunday 03<sup>rd</sup> March 2019 and Monday 04<sup>th</sup> March 2019, culminating in the Grand Finale.

**Background:**

The Carnarvon Community Sporting Group was formed in late 2018 with local representatives forming a committee. The Group meet on a regular basis, in line with accredited sporting league, affiliation, insurance and constitutional requirements.

This event was created in honour of late James Kelly, a local man who loved the game of basketball. The event has grown over the years with many members of the community participating in the sport who share a common interest.

A copy of this letter is attached as ***Schedule 8.2.6***.

**Consultation:**

Carnarvon Community Sporting Club

**Statutory Environment:**

The payment of fees is required pursuant to provisions of the Local Government Act, 1995. Specifically, Section 6.12 (1) (b) of the Act affords Council the ability to waive payments as outlined below:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

**Relevant Plans and Policy:**

Waiver of fees and charges Policy (CO18).

1. This Policy has been prepared in consideration of, and adopted pursuant to, Section 6.12(1)(b) of the *Local Government Act, 2005* by an absolute majority vote of Council.

2. For a fee or charge to be waived under the Shire's Annual Fees and Charges Schedule:

a) The applicant must:

- be a community group or organisation that operates within the Shire of Carnarvon district;
- is an incorporated body; and
- have a 'Not-for-profit' status.

Applications from groups that do not accord with the above criteria will be referred to Council for consideration.

b) The activity, event, competition, project or celebration is to be conducted within the Shire of Carnarvon boundaries.

c) The applicant must not have already received previous funding from the Shire by way of a sponsorship, donation, community development grant or council contribution or received financial assistance from the Shire under any existing written agreement during the current financial year. (Excluding assistance by way of rates rebate or tier 1 lease fees).

d) The application must be submitted on the 'Request for Waiver of Fees and Charges' form attached to this policy.

3. Where an activity, event, competition, project or celebration occurs on a regular basis within a financial year (July to June), the application for financial assistance shall be based on support for the full financial year.

4. Recurrent annual or seasonal fees for sporting groups such as the sporting club levy, ground or court hire will not be considered under this policy.

5. Only one application for a fee waiver will be supported in any one financial year (July to June).

6. Reimbursement for utility charges, such as water and electricity, will not be considered under this policy.

7. Applications are to be lodged on the Shire's official application form at any time during the year. However, retrospective applications will not be considered under this policy if submitted after the activity, event, competition, project or celebration.

#### **Financial Implications:**

Should Council support this request, it is worth noting that all costs associated are absorbed through Council's operational expenses.

Court Hire - \$83.00 Daily Rate

Lights - \$10.70 Per Hour

Bins - \$10.00 Per Day (1<sup>st</sup> Day) \$5.00 per day after (Total of 10 Bins)

The group has requested waiving of the bond which cannot be included under the policy and therefore is not considered in this report.

#### **Risk Assessment**

Whenever Council considers waiving fees there is a risk that a precedent will be set. Therefore, each request must be considered on its individual merits to ensure the policy is not compromised.

#### **Community & Strategic Objectives:**

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.1	Provision of sport and recreation facilities
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

ITEM	OUTCOMES AND STRATEGIES
3.5	Engaged young people
3.5.3	Advocate for young people and collaborate with other agencies to engage young people

**Comment:**

The correspondence received and attached to this item outlines the Carnarvon Community Sporting Group Competition hosting the James Kelly Basketball Memorial Carnival in Carnarvon over the March long weekend.

The Carnarvon Community Sporting Group event also includes several business and organisation offering sponsorship / donations towards basketballs, whistles, first aid kits and water for officials assisting during the event.

The recommendation within this report is for Council to grant the waiver requested.

OFFICER'S RECOMMENDATION

*Pursuant to Local Government Act 1995, Section 6.12 (1) (b) Grant the request made by the Carnarvon Community Sporting Group for the waiver of the Basketball / Netball Courts, Court Lights and Bins fees for the James Kelly Basketball Memorial Carnival to be held at Basketball / Netball Courts on Saturday 02<sup>nd</sup>, 03<sup>rd</sup> and 04<sup>th</sup> March 2019.*

**FC 11/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Garrett/Cr Pinner*

*Pursuant to Local Government Act 1995, Section 6.12 (1) (b) Grant the request made by the Carnarvon Community Sporting Group for the waiver of the Basketball / Netball Courts, Court Lights and Bins fees for the James Kelly Basketball Memorial Carnival to be held at Basketball / Netball Courts on Saturday 02<sup>nd</sup>, 03<sup>rd</sup> and 04<sup>th</sup> March 2019.*

CARRIED  
F8/AO

**8.2.7 REQUEST FOR FINANCIAL SUPPORT – CARNARVON LADIES DARTS ASSOCIATION INC**

File No:

Date of Meeting: 26 June 2018

Location/Address: N/A

Name of Applicant: Tracey Tonga

Name of Owner: N/A

Author/s: Nadine Brown, Community Services

Declaration of Interest: Nil

Voting Requirements: Simple Majority

**Summary of Item:**

This report seeks Council approval for financial support for the Carnarvon Ladies Darts Association INC to participate in the Pilbara Darts Championship.

**Description of Proposal:**

A request has been received from Carnarvon Ladies Darts Association Inc President Tracey Tonga, regarding financial assistance of \$3,693.00 towards accommodation at the Pilbara Darts Championship in Exmouth 30<sup>th</sup> May – 03<sup>rd</sup> June 2019.

**Background:**

The Carnarvon Ladies Darts Association INC aim to represent the Gascoyne Region with 12 women participating in the Pilbara Championship. The Association has seven local playing teams that operate out of the Dalmacija Club and Carnarvon Bowling Club on a fortnightly basis. The Club currently have 30 women participating in the sport from of all nationalities and ages ranging from 18 – 72 years old.

The Association members in the 2018 Pilbara Darts Championship last year, and the 'A' grade came runner-up with four players subsequently chosen to participate in the All Stars in Perth. The 'B' and 'C' grades won their respective grand-finals.

The Carnarvon Ladies Darts Association INC relies on support from local businesses, competitors and spectators to the local events and competitions each year to assist with fundraising towards the Darts Championships in Carnarvon, and surrounding locations within Western Australia.

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Relevant Plans and Policies:**

The Shire of Carnarvon Community Growth Fund (CS006) provides funds to not-for-profit community-based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational, art and cultural projects for the benefit of residents of the Shire of Carnarvon.

**OBJECTIVES**

The Objectives of the Carnarvon Community Growth Funds are to:

- Assist the efficiency of operations of community groups by improving organisational development, asset purchases, marketing and management.
- Encourage partnerships fostering cooperative planning between groups to maximise effective use of resources
- Increase the range of and access to quality events, activities, services and groups within the Shire of Carnarvon.
- Support community development initiatives and socially responsible community approaches.
- Encourage the community to actively promote Carnarvon's positive attributes.
- Encourage the development of excellence and leadership in recreational, sporting, economic, tourist and cultural pursuits.

**CRITERIA**

Criteria for the assessment of applications to the Fund includes the promotion and development of activities, events, infrastructure and services in the Shire of Carnarvon such as:

- Arts, culture & entertainment
- Disability services
- Youth & family services
- Multicultural & Indigenous projects

- Seniors
- Event management & sponsorship
- Natural environment & cultural heritage
- Tourism & promotion
- Sport and recreation
- Crime prevention & community safety
- Monuments & projects to commemorate
- Events or people
- Upgrading community facilities

#### ESSENTIAL ELIGIBILITY CRITERIA

##### In order to be eligible for funding an organisation must:

- Be a non-profit organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports
- Demonstrate a substantial degree of community support and representation
- Undertake to give due recognition to the Shire of Carnarvon for its contribution to their activities
- Agree to complete a specified evaluation report. *Failure to do so may render the applicant ineligible for future funding.*

Historically, applications for the CGF have been invited through an advertising process and been requested on a prescribed form. However, this did not occur in 2017 and requests have been assessed as they have been received. The application form and guidelines are currently being reviewed with the expectation that a new process will be ready for Council approval by March 2019.

If this request is successful, the Committee will be required to acknowledge the Shire as a sponsor of or partner to the event and will be asked to acquit the funds using the Community Growth Fund Grant Evaluation Form.

##### Financial Implications:

Should Council support this request, it will come from the Community Growth Fund budget. The 2018/19 budget \$75,000 and as at 31 December, \$3744 had been expended with an expectation that applications for significant events will occur during the first six months of the calendar year. There is sufficient funding available for this application should the Council choose to approve it.

##### Risk Assessment

Whenever Council considers financial donation there is a risk that a precedent will be set. Therefore, each request must be considered on its individual merits to ensure the policy is not compromised.

##### Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
3.1	Active community
3.1.2	Support and promote opportunities for sport and recreation clubs to increase meaningful participation
3.2.3	Provide and promote other opportunities for participation in social and cultural events and activities

ITEM	OUTCOMES AND STRATEGIES
3.5	Engaged young people
3.5.3	Advocate for young people and collaborate with other agencies to engage young people



**Comment:**

The Carnarvon Ladies Darts Association Inc is a well-established Club, with over seven teams and 30 members participating in the sport.

OFFICER'S RECOMMENDATION

*That Council grant the request made by the Carnarvon Ladies Darts Association INC for financial support of \$3693.00 towards the costs of accommodation in Exmouth for the 2019 Pilbara Darts Championship.*

**FC12/1/19**

COUNCIL RESOLUTION

*Cr Skender/Cr Garrett*

*That Council grant the request made by the Carnarvon Ladies Darts Association INC for financial support of \$1000.00 towards the costs of accommodation in Exmouth for the 2019 Pilbara Darts Championship.*

CARRIED  
F8/AO

(Note to Minute – Council felt that \$1000 was a fair contribution towards accommodation costs.)

**8.3 DEVELOPMENT SERVICES**

No Report

**8.4 INFRASTRUCTURE SERVICES**

**8.4.1 INFRASTRUCTURE MONTHLY REPORT – JANUARY 2019**

File No:	ADM1667
Date of Meeting:	22 January 2019
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Wayne Sanderson – Infrastructure Operations Manager Gloria Quinn – Assets Co-ordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple majority
Previous Report:	–

**Summary of Item:**

For Council to receive information on projects and activities undertaken by the Infrastructure section via the 'Infrastructure Monthly Report' attached at **Schedule 8.4.1**.

**Description of Proposal:**

The Infrastructure Monthly Report provides information on the major activities of the Infrastructure section for the previous month.

This report covers the period over the Christmas/New Year break where only a minimum number of Depot staff were rostered to work and the Shire Administration Office was closed from 24 December 2018 to 1 January 2019 inclusive.

**Background:**

Recurrent report.

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Relevant Plans and Policy:**

Nil

**Financial Implications:**

Nil

**Risk Assessment:**

N/A

**Community & Strategic Objectives:**

*Goal 5: Civic*

**Strong and listening Council.**

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

**Comment:**

N/A

OFFICER'S RECOMMENDATION

*That Council receive the Infrastructure Monthly Report for January 2019.*

**FC 13/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

*Cr Smith/Cr Simpson*

*That Council receive the Infrastructure Monthly Report for January 2019.*

CARRIED  
F8/AO

<b>File No:</b>	
<b>Date of Meeting:</b>	22 January 2019
<b>Location/Address:</b>	Part Gnaraloo Road from Gnaraloo Bay to Southern Boundary of Warroora
<b>Name of Applicant:</b>	Parks and Wildlife Service - Department of Biodiversity, Conservation and Attractions
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Author/s:</b>	David Nielsen – Executive Manager Infrastructure Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Recommendation 1 - Simple Majority Recommendation 2 - Absolute Majority
<b>Previous Report:</b>	Council Report 8.3.5 – August 2016

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**Summary of Item:**

Council approval to extend a temporary closure of Gnaraloo Road from Gnaraloo Bay to the Southern Boundary of Warroora is sought. Delegated authority to the CEO is also sought in the instance where nil submissions are received or no submissions objecting to the proposal are received.

**Description of Proposal:**

The Parks and Wildlife Service (Department of Biodiversity, Conservation and Attractions) has requested extension of the existing temporary closure of Gnaraloo Road from Gnaraloo Bay to the Southern Boundary of Warroora.

The closure was granted in 2016. A process of notification and submission invitation is required for continuance of that closure. To facilitate the process, a delegation to the CEO is proposed if nil submissions or no objections are received.

**Background:**

Council closed the section of road in August 2016 for a period of two years to assist Parks and Wildlife in the establishment of a Coastal Reserve. The report detailing this closure is provided in **Schedule 8.4.2**.

Work completed by the Parks and Wildlife Service since that time includes:

- Construction and maintenance of secure, robust fencing;
- Feral animal control programs within the closed area;
- Continuing development of a Coastal Reserve Management Plan; and
- Continuing negotiation of an Indigenous Land Use Agreement (ILUA) with the Gnulli native title party to enable the creation of the reserves.

**Consultation:**

Consultation with the Parks and Wildlife Service has been undertaken. Advertising the closure by public notice is required under the provisions of the Local Government Act 1995. Submissions will also be invited from the owners of Quobba and Warroora Stations. Any submissions received are required to be considered prior to determining whether to proceed with the closure..

**Statutory Environment:**

Section 3.50 of the Local Government Act 1995 applies as follows:

*3.50. Closing certain thoroughfares to vehicles*

*(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*

*(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*

*[(3) deleted]*

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

Section 1.7 of the Local Government Act 1995 also applies.

#### 1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

(a) published in a newspaper circulating generally throughout the district; and

(b) exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

Section 5.42 of the Local Government Act 1995 also applies.

#### 5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

#### Relevant Plans and Policy:

Not applicable.

#### Financial Implications:

There are no financial implications associated with the recommendation.

#### Risk Assessment:

Environmental Degradation Risk – It is considered uncontrolled vehicular access to this section of road may increase risk of some or all of the following:

- Erosion, in particular, coastal dune erosion;
- Disturbance of cultural heritage sites;
- Feral animal and plant incursion; and
- Rubbish and litter.

## 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
2.1	Valued natural environment, for use and enjoyment by current and future generations
2.1.1	Work with other government and non-government organisations to control weeds and pests, and undertake other conservation measures

#### Comment:

Five Councillors and senior staff accompanied a Parks and Wildlife Service representative and a traditional owner on a drive of the full length of the road in October 2018 after the Coral Bay Council meeting.

This journey provided firsthand experience and commentary regarding the sensitive environmental nature of the site and evidence of the fencing works undertaken by the Service.

The Parks and Wildlife Service are continuing development of their coastal reserve management plan. It is anticipated that plan will permit low impact access to this area via the road and will also detail mechanisms and infrastructure required to maintain the natural values of the coastal strip. Assisting the Service through this temporary closure is considered prudent and reasonable.

#### OFFICER'S RECOMMENDATION 1

*That Council, pursuant to Section 3.50 of the Local Government Act (1995):*

1. *Advertises its intent to continue the temporary closure of a portion of Gnaraloo Road between Gnaraloo Bay and the Warroora Station southern boundary for a period of two (2) years by:*
  - a) *Providing local public notice in accordance with Section 1.7 of the Local Government Act (1995);*
  - b) *Display of a notice on the Shire of Carnarvon Website;*
  - c) *Written notice sent to the affected pastoral lessees; and*
  - d) *Includes in that notice advice that submissions regarding the proposed closure are to be received within a period of 21 days from the date of publication.*
2. *Directs the CEO to prepare a report for Councils consideration if objections to the proposed closure are received.*

#### OFFICER'S RECOMMENDATION 2

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure subject to there being either nil submissions received or nil submissions received objecting to the proposal.*

*(Absolute Majority Required)*

**FC 14/1/19**

#### COUNCIL RESOLUTION

*Cr Garrett/Cr Skender*

*That Council, pursuant to Section 3.50 of the Local Government Act (1995):*

1. *Advertises its intent to continue the temporary closure of a portion of Gnaraloo Road between Gnaraloo Bay and the Warroora Station southern boundary for a period of 1 year by:*
  - a) *Providing local public notice in accordance with Section 1.7 of the Local Government Act (1995);*
  - b) *Display of a notice on the Shire of Carnarvon Website;*
  - c) *Written notice sent to the affected pastoral lessees; and*

- d) *Includes in that notice advice that submissions regarding the proposed closure are to be received within a period of 21 days from the date of publication.*
2. *Directs the CEO to prepare a report for Councils consideration if objections to the proposed closure are received.*
  3. *The CEO to approach DPAW of their intentions regarding the area including the proposed Management Plan. Further that DPAW be invited to brief Council on their proposed intentions at their earliest.*

(Note to Minute – Council were of the opinion that as this closure has been ongoing for a number of years that a one-year extension only be given until such time as discussions have been held with DPAW in regard to their intentions of the area in question.)

**FC 15/1/19**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2**

*Cr Garrett/Cr Skender*

*That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to execute the temporary road closure subject to there being either nil submissions received or nil submissions received objecting to the proposal.*

**CARRIED BY ABSOLUTE MAJORITY**

**F8/AO**

**8.4.3 BROWNS RANGE TIPSITE EXPANSION**

<b>File No:</b>	ADM0122
<b>Date of Meeting:</b>	Tuesday 22 <sup>nd</sup> January 2019
<b>Location/Address:</b>	Speedway Road, Browns Range, Reserve R36467 and UCL Lot 531 on Deposited Plan 69587
<b>Name of Applicant:</b>	Shire of Carnarvon
<b>Name of Owner:</b>	State of WA
<b>Author/s:</b>	David Nielsen
<b>Declaration of Interest:</b>	N/A
<b>Voting Requirements:</b>	Recommendation 1 - Simple Majority Recommendation 2 - Simple Majority Recommendation 3 - Absolute Majority

**Summary of Item:**

This report requests Council to:

- a) Provide written confirmation to the Department of Planning Lands and Heritage that it wishes to proceed with the expansion of the Browns Range landfill site and establishment of a claypit reserve to service that expanded site; and
- b) Provide indemnification of the State of Western Australia against any claims arising under the Commonwealth Native Title Act (1993) for these proposals; and
- c) Delegate authority to the CEO to negotiate and finalise all matters associated with the expansion of the Browns Range tipsite and establishment of the associated claypit reserve.

**Description of Proposal:**

There are two associated proposals.

Proposal 1 – Increase the Reserve area for Rubbish Disposal Site from (approximately) 25Ha to 66Ha. Refer to **Schedule 8.4.3(a)**.

Proposal 2 – Creation of an adjacent reserve area of approximately 13Ha for the purposes of Clay Pit. Refer to **Schedule 8.4.3(b)**.

The current waste facility, though not estimated to reach capacity for at least another 20 years, will require expansion and remediation at some point in the future. Both proposals ensure long term future community needs for waste management are met.

**Background:**

Negotiations to expand the Carnarvon tipsite area commenced prior to the authors employment. The matter has been overlooked by the author however it has now been brought to attention. Correspondence from the Department regarding the matter is provided in **Schedule 8.4.3(c)**.

Reserve 36467 is the current formal area defined for waste disposal. It is understood that the process to amend and expand the site was initiated when discrepancies between the actual tipsite extents and the reserve extents were noted.

The proposals will correct that discrepancy and provide land to meet long term community waste disposal needs.

**Consultation:**

Prior consultation has occurred with the Department of Lands.

**Statutory Environment:**

Sections 41 and 46 of the Land Administration Act 1997 applies.

**41. Reserving Crown land, Minister's powers as to**

*Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.*

**46. Care, control and management of reserves**

*(1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*

The Commonwealth Native Title Act 1993, Section 24KA Facilities for services to the public applies as follows:

*Coverage of Subdivision*

*(1) This Subdivision applies to a future act if:*

*(a) it relates, to any extent, to an onshore place; and*

*(b) it either:*

*(i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; or*

*(ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; and*

*(c) it does not prevent native title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except:*

*(i) while the thing is being constructed; or*

*(ii) for reasons of health and safety; and*

(d) a law of the Commonwealth, a State or a Territory makes provision in relation to the preservation or protection of areas, or sites, that may be:

(i) in the area in which the act is done; and

(ii) of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions.

Section 5.42 of the Local Government Act 1995 also applies.

#### 5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

#### Relevant Plans and Policy:

N/A

#### Financial Implications:

There are no immediate financial implications regarding the proposal. Works to expand the Carnarvon tipsite is beyond the current budget horizon.

#### Risk Assessment:

The State Government requires an indemnity from the Shire against any claims arising under the Native Title Act 1993.

This presents Council with risk of a future claim for compensation. It is considered that the risk of a claim is low. Site works is unlikely to be required for some time and in the event of a claim being made, compensation payable is likely to be equivalent to the unimproved value of the affected land. Given the adjacency of the tipsite and the flood prone nature of the claypit area, that value is reasonably considered to likely be low.

Negotiations with the State have been ongoing to limit on the level of indemnity and Council will be kept advised of developments.

Should the Shire proceed toward entering into an Indigenous Land Use Agreement (ILUA), it would be prudent for the Shire to include this area (and similar) in that agreement negotiation process.

#### 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
2.4	Waste management practices that are efficient and sustainable
2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay

#### Comment:

Nil.

#### OFFICER'S RECOMMENDATION 1

*That Council confirms to the Department of Planning, Lands and Heritage of its intention to proceed with Proposals 1 and 2 as identified in Schedule 8.4.3(c).*

#### OFFICER'S RECOMMENDATION 2

*Pursuant to Section 24KA of the Native Title Act 1993, the Shire of Carnarvon agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Lands and the Minister for Lands (Indemnified Parties) and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party as a result of the compulsory acquisition of any interests (whether native title or non-native title) in the:*



- i. increase of the area of Reserve 36467 to 65.6985 Ha by adding portions of adjoining UCL Lot 531 on Deposited Plan 69587 into it being redescribed as Lot 541 on Deposited Plan 406922 and amendment of its purpose to "Rubbish Disposal Site;" and
- ii. creation of a new reserve over a portion of UCL Lot 406922 shown as Lot 542 on Deposited Plan 406922 for the purpose of "Clay Pit for Use and Requirements of the Shire of Carnarvon."

(Land) under the Land Administration Act 1997 or the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the acquisition of the Land.

OFFICER'S RECOMMENDATION 3

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to make any necessary non-material amendments and finalise execution of all matters associated with the Department of Planning, Lands and Heritage proposals as follows:

- a) Proposal 1 - to increase the area of Reserve 36467 to 65.6985 Ha, redescribe it as Lot 541 on Deposited Plan 406922 and amend its purpose to "Rubbish Disposal Site;" and
- b) Proposal 2 - to create a new reserve known as Lot 542 on Deposited Plan 406922 for the purpose of "Clay Pit for Use and Requirements of the Shire of Carnarvon" and for a Management order to be issued to the Shire of Carnarvon over the new reserve.

**FC 16/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 1

Cr Garrett/Cr Skender

That Council confirms to the Department of Planning, Lands and Heritage of its intention to proceed with Proposals 1 and 2 as identified in Schedule 8.4.3(c).

CARRIED  
F8/AO

**FC 17/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 2

Cr Skender/Cr Pinner

Pursuant to Section 24KA of the Native Title Act 1993, the Shire of Carnarvon agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Lands and the Minister for Lands (Indemnified Parties) and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party as a result of the compulsory acquisition of any interests (whether native title or non-native title) in the:

- i. increase of the area of Reserve 36467 to 65.6985 Ha by adding portions of adjoining UCL Lot 531 on Deposited Plan 69587 into it being redescribed as Lot 541 on Deposited Plan 406922 and amendment of its purpose to "Rubbish Disposal Site;" and
- ii. creation of a new reserve over a portion of UCL Lot 406922 shown as Lot 542 on Deposited Plan 406922 for the purpose of "Clay Pit for Use and Requirements of the Shire of Carnarvon."

(Land) under the Land Administration Act 1997 or the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the acquisition of the Land.

CARRIED  
F8/AO

**FC 18/1/19**

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION 3

Cr Youd/Cr Skender

That Council, pursuant to Section 5.42 of the Local Government Act (1995) delegates authority to the CEO to make any necessary non-material amendments and finalise execution of all matters associated with the Department of Planning, Lands and Heritage proposals as follows:

- a) *Proposal 1 - to increase the area of Reserve 36467 to 65.6985 Ha, redescribe it as Lot 541 on Deposited Plan 406922 and amend its purpose to "Rubbish Disposal Site;" and*
- b) *Proposal 2 - to create a new reserve known as Lot 542 on Deposited Plan 406922 for the purpose of "Clay Pit for Use and Requirements of the Shire of Carnarvon" and for a Management order to be issued to the Shire of Carnarvon over the new reserve.*

CARRIED BY ABSOLUTE MAJORITY

F8/A0

#### 8.4.4 ROADS TO RECOVERY FUNDING

File No:	ADM0048
Date of Meeting:	22 January 2019
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil

#### Summary of Item:

It is recommended the Shire President on behalf of Council write to the Hon Melissa Price MP requesting review of the funding allocation to the Shire of Carnarvon under the Roads to Recovery Program from 1 July 2019 to 30 June 2024.

#### Description of Proposal:

Notification of the funding allocation to the Shire of Carnarvon under the Roads to Recovery Program from 1 July 2019 to 30 June 2024 has been received and is provided in **Schedule 8.4.4 (a)**.

The advised allocation is a reduction in funding from the 2014 to 2019 program from \$4,909,796 to \$3,228,899. This is a total five-year funding reduction of \$1,680,897 equal to a reduction of \$336,179p.a. This reduction will impact road projects identified in the Shire Strategic Community Plan. The proposal is to seek review of that allocation via the Federal member for Durack the Hon Melissa Price MP.

#### Background:

Roads to Recovery is a Federal road funding program in operation since 2001. The program does not require Shire co-contribution and latitude in project selection exists provided projects meet broad program objectives. The intent of the program is to provide local government with additional funds for new road assets and asset renewal projects such as reseals and re-sheeting whilst maintaining existing levels of its own road expenditure funding. Funding cannot be used for general operational maintenance type activities such as pothole patching, maintenance grading etc.

**Schedule 8.4.4 (b)** provides the notification of the 2014 to 2018 program. Essential differences between the two five-year programs are as follows:

1. The sunset clause for the Roads to Recovery program in the *National Land Transport Act 2014*; has been removed meaning no new legislation will be required for the continuation of the program. This is a positive outcome deserving recognition.
2. Total baseline program allocation remains fixed at \$350M p.a. – there is no allowance for inflation/CPI in the baseline allocation.
3. The total additional program commitment has reduced from \$350M to \$250M over the program life. Note that in the 2014-19 program, an additional equivalent full year allocation was provided to all

local governments in the 15/16 year whereas in the 18-24 program the additional commitment of \$50M p.a. will be spread across the program life.

4. A further additional allocation to Carnarvon of \$1,693,490 was also provided in the 14-18 program.
5. The total program allocation for Western Australia has reduced from \$307.2M to \$292.44M, a reduction of \$14.76M.
6. Nett result for the Shire of Carnarvon is a decrease of \$336,179p.a. for the new program.

**Consultation:**

Councillors attending the 15 January 2019 CIS briefing were consulted.

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

Not applicable.

**Financial Implications:**

There are no direct financial implications associated with the recommendation. There are indirect financial implications associated with the funding reduction. Failing review and increase in the allocation, the current four-year Corporate Business Plan budget will require review and amendment unless alternative funding can be sourced to complete nominated projects.

**Risk Assessment:**

Reputational Risk – Council represents the Carnarvon community and have an advocacy role to make every effort to maintain existing levels of State and Federal funding. Failing to question and request review of the Roads to Recovery funding allocation is a risk to reputation.

**Community & Strategic Objectives:**

*Goal 5: Civic*

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

**Comment:**

Although not finalised, the content of the letter to the Federal member for Durack will include reference to the Strategic Community Plan and outline impacts associated with the reduction in funding.

Projects have been identified as potential 2019-2014 Roads to Recovery projects and the reduction in funding will limit ability to deliver these projects:

- Harbour Road upgrade to Rav 10 status – affects freight efficiency and road safety at the intersection of Cornish Street and Robinson Road;
- Realignment of Speedway Road – affects road safety if the dangerous corner is not eliminated; corner;
- Resealing program continuation – affects ability to renew sealed road assets of some town roads and Carnarvon Mullewa Road;
- Upgrade of Gladstone Road – affects tourism location enhancement as identified in the strategic plan and safety of caravan and RVs operating on this road in wet conditions;
- Commencement of sealing of Quobba Gnaraloo Road – affects tourism location enhancement, safety of caravan and RVs operating on this road in wet conditions and high ongoing maintenance costs associated with maintaining this gravel road to a sufficiently high level of service;
- Construction of the extension to Banksia Drive, Coral Bay – affects tourism location enhancement and pedestrian safety on the congested and poor traffic flow dead ended Robinson Street.

OFFICER’S RECOMMENDATION

*That the Shire President writes to the Federal member for Durack the Hon Melissa Price MP on behalf of Council requesting review of the 2019-2024 Roads to Recovery allocation to the Shire of Carnarvon detailing the strategic impacts to the Carnarvon community associated with reductions in road construction and maintenance funding.*

**FC 19/1/19**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Garrett/Cr Maslen**

*That the Shire President writes to the Federal Member for Durack the Hon Melissa Price MP on behalf of Council requesting review of the 2019-2024 Roads to Recovery allocation to the Shire of Carnarvon detailing the strategic impacts to the Carnarvon community associated with reductions in road construction and maintenance funding.*

**CARRIED**

**F8/AO**

**8.4.5 SOLAR INSTALLATION PROJECT**

**File No:** ADM0048  
**Date of Meeting:** 22 January 2019  
**Location/Address:** Carnarvon Library, Egan Street  
**Name of Applicant:** Shire of Carnarvon  
**Name of Owner:** Shire of Carnarvon  
**Author/s:** David Nielsen – Executive Manager Infrastructure Services  
**Declaration of Interest:** Nil  
**Voting Requirements:** Simple Majority  
**Previous Report:** Nil

**Summary of Item:**

It is recommended that Council receive and note the proposal to engage Council's contracted electrician to carry out the supply and installation of a solar power system on the Shire of Carnarvon Library at a cost of \$170,027.

**Description of Proposal:**

A solar system is proposed for installation on the Shire of Carnarvon Library. The detail of the approved system design is provided in **Schedule 8.4.5(a)**. The system is significant. It should meet all daily electrical requirements for the facility. The Shires electrical contractor has provided a quotation for the supply and installation of the system. Council are being made aware of the proposal to accept that quotation without the need to conduct a tender process.

**Background:**

Funding of \$200,000 has been provided by the State for the installation of solar generation systems on Shire facilities. It was initially proposed to install up to three solar systems on the Civic Centre, Library and Aquatic Centre.

Design and installation of a solar system in Carnarvon is problematic as is the Horizon Power approval process for the necessary electrical systems. Total penetration of solar generation within the Carnarvon community is at maximum. Additional solar systems require sophisticated Horizon Power approved smoothing systems which address the issue of a sudden drop in solar generation due to events such as a passing cloud.

Simply lodging an application for an approved system incurs significant cost to the applicant (\$7,000) and they are required on a specific case by case basis. It would be unreasonable therefore to expect multiple tenderers to obtain approved designs for a tender process. Using tender process without an approved design introduces risk regarding variations in tendered pricing if approval requirements alter tendered systems.

It was considered appropriate therefore to obtain Horizon Power approved systems in the first instance as a separate activity. It was determined it was likely that only one facility and possibly two could be serviced with

a solar system with the available funding. It was decided to proceed with design and approval for two facility systems, the Library and Aquatic Centre.

Load testing was carried out on the Library and Aquatic Centre and designs were completed, submitted and approved by Horizon Power for both facilities. There is only sufficient budget availability for install of one system. Analysis determined that the greatest electrical savings would be achieved by installation of a solar system on the Library.

Since completion of that system design and analysis, the Library has been nominated as a regional centre for the display of State Art Gallery works. This is a significant achievement for our Library facility and cultural benefit to the Carnarvon community. A condition associated with the display of State Gallery works is 24-hour temperature/humidity control of the facility i.e. air conditioning. As a result, electrical consumption at the library is likely to increase significantly during the State Gallery installation period so the timing of the solar installation is

Council entered into contract 05/2016 with Carnarvon Electrics on 23 January 2017 for the supply of electrical services. The scope of that contract does not specifically include the supply and installation of this solar system. The scope of that contract is however broad and states “Where directed by the Shire of Carnarvon, the Contractor shall carry out:

1. all work necessary to maintain electrical systems and services; and
2. ***all electrical systems and services installation work;***  
*at the facilities and equipment of the Shire of Carnarvon excluding the Carnarvon Airport.” (Emphasis added)*

It is considered that this scope of works sufficiently covers the procurement of the Shires contracted service provider for the supply and installation of the system. Department of Local Government advice supports that consideration.

Under the funding conditions, the project is required to be completed and acquitted no later than 30 June 2019.

#### **Consultation:**

The Department of Local Government was consulted regarding the compliance of the proposal with statutory requirements regarding supply of goods or service more than \$150,000 in value. This correspondence is provided in **Schedule 8.4.5(b)**.

Additional advice from WALGA has been sought and is pending and will be tabled at the meeting.

#### **Statutory Environment:**

Section 3.57 of the Local Government Act 1995 applies as follows:

##### ***3.57. Tenders for providing goods or services***

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

Division 2 of the Local Government (Functions and General) Regulations 1996 regarding requirements for tendering applies.

#### **Relevant Plans and Policy:**

The Shire of Carnarvon Purchasing Policy applies.

#### **Financial Implications:**

The Total 18/19 available budget for this project is \$178,309 (Job No 0059).

The quote for the supply and installation of the system as proposed totals \$172,027. This is within the available budget with a small allowance for contingency.

Council should note that this quoted pricing includes a credit to the total value of \$18,512 for 712 Small-scale Generation Certificates (STCs). The following is a summary describing STCs.

### Small Scale Technology Certificates (STCs)

The Small-scale Renewable Energy Scheme creates a financial incentive for individuals and businesses to install eligible small-scale renewable energy systems such as solar panel systems, small-scale wind systems, small-scale hydro systems, solar water heaters and air source heat pumps. It does this through the creation of small-scale technology certificates. Renewable Energy Target liable entities (eg Energy Retailers) have a legal obligation to buy and surrender to the Clean Energy Regulator on a quarterly basis.

Small-scale technology certificates can be created following the installation of an eligible system and are calculated by the amount of electricity a system produces or displaces. Under the Small-scale Renewable Energy Scheme, eligible small-scale renewable energy systems may be entitled to small-scale technology certificates, which can be sold to recoup a portion of the cost of purchasing and installing the system.

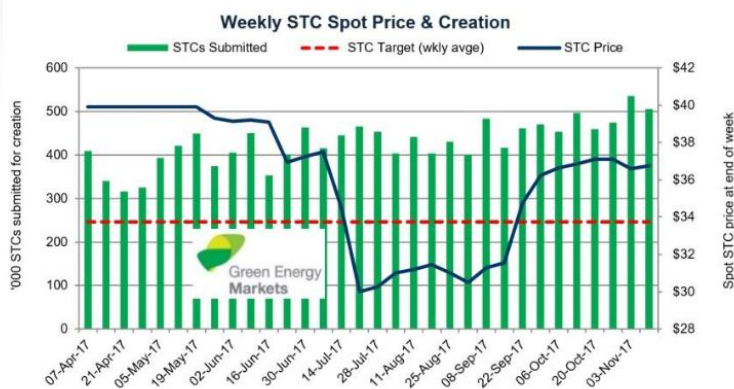
For PV, Hydro and Wind Systems to be eligible for STCs systems must:

- be installed no more than 12 months prior to the creation of certificates, and have its panels and inverters, listed on the Clean Energy Council list of approved components
- meet Australian and New Zealand standards
- use a Clean Energy Council accredited designer and installer and meet the Clean Energy Council design and install guidelines
- comply with all local, state, territory and federal requirements, including electrical safety

(Source: <https://www.tradeingreen.com.au/recs-stcs1.html>)

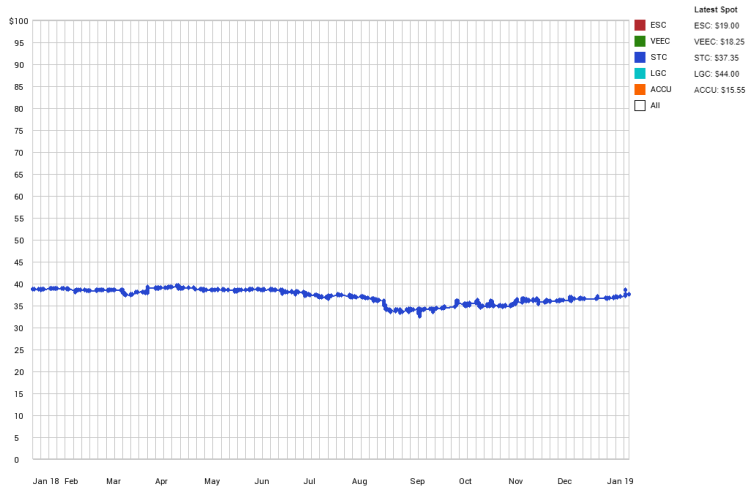
The contractor has stated the STC's associated with this project can either be offered as a credit off the cost of the system @ \$26/STC or alternatively the credits could be created in the name of the Shire of Carnarvon and be sold at the available market price when they are created or when the Shire chooses to sell them.

The graphs below shows historical trends for STC spot prices for the period April to November 2017 and January 2018 to January 2019.



(Source: <http://greenmarkets.com.au/resources/stc-market-prices>)

Spot Prices



(Source <http://www.demandmanager.com.au/certificate-prices/>)

If Council were to retain the STC’s, a budget variation of at least \$18,512 would be required for the initial purchase of the system plus an allowance for contingency. If Council were to sell the STC’s later for \$35/STC, a total saving on the project of approximately \$6,400 could be achievable.

Given the complexity that retention of the STCs create regarding the funding conditions, funding acquittals, audits etc it is considered appropriate that Council accept the offer of the \$26/STC reduction in the supply and installation cost.

**Risk Assessment:**

Statutory Compliance Risk – Officers sought confirmation from the Department of Local Government regarding compliance of the proposal with tendering regulations set out under Division 2 of the Local Government (Functions and General) Regulations 1996. It is considered that the statutory risk has been mitigated through that approach due to the following:

1. The Shire of Carnarvon has a valid contract with Carnarvon Electrics established under a public tender process that includes in its scope of works the following:  
*Where directed by the Shire of Carnarvon, the Contractor shall carry out:*
  1. all work necessary to maintain electrical systems and services; and
  2. all electrical systems and services installation work;  
*at the facilities and equipment of the Shire of Carnarvon excluding the Carnarvon Airport.*
2. Advice from the Department states, “Regardless of whether the contractor has been engaged as a result of their listing on the Pre-Qualified List of Suppliers, if the contract for the supply of the Shire’s overall electrical services is still current with this contractor, then this would also appear to cover the situation. However, given the circumstances, it is suggested that the Shire satisfies itself that it is obtaining value for money and the quote is competitive in regard to the expenditure for the supply of these services and equipment, especially as the quoted cost is \$172,027.”

Value for Money Risk – The Department of Local Government advice in **Schedule 8.4.5(b)** indicates that Council should satisfy itself that it is receiving value for money. It should be noted that approximately 93% of the project cost is materials cost associated with the supply of the Horizon Power approved system. The only savings achievable therefore in seeking alternative pricing will be in the labour cost. Tender 05/2016 received a total of three submissions from local electrical service providers. The hourly trade rates for the electrical work was identical. Officers are therefore satisfied that value for money will be achieved through appointment of the contracted electrical service provider.

**Community & Strategic Objectives:**

*Goal 5: Civic*

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.4	The Shire will apply sustainability principles in its own operations

### Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

ITEM	OUTCOMES AND STRATEGIES
3.2	Strong community identity and spirit through arts, culture and events
3.2.1	Provide and promote visual arts facilities and exhibitions/activities
3.2.4	Support the delivery of public art initiatives

#### Comment:

It is proposed to negotiate additional contractual terms for this particular project including but not limited to:

- A minimum 12-month defects liability period
- Retention monies
- Practical completion date.

#### OFFICER'S RECOMMENDATION

That Council receive and note the proposal to engage Council's electrician contracted under Contract 05/2016 to carry out the supply and installation of a solar power system on the Shire of Carnarvon Library at a cost of \$170,027.

#### Addendum to Item 8.4.5 – Solar Installation Project

Discussions and advice from WALGA recommend additional information being sought regarding this matter. The nature of this additional information is generally as follows:

- Seeking additional advice that the proposal can reasonably be included in the scope of works for existing contract 05/2016 – Provision of Electrical Services, specifically that the solar installation proposal can be reasonably considered to be included under the scope as “electrical systems and services installation work.”
- Consideration of the proposal value with respect to contract 05/2016 expenditure to date.
- Revised quotation information from the contractor confirming conformance with the agreed schedule of rates for contract 05/2016.
- Alternative quotations for the supply of the panels and equipment only.

A revised Officer Recommendation is therefore proposed for Council's consideration as follows:

**FC 20/1/19**

#### COUNCIL RESOLUTION & REVISED OFFICER'S RECOMMENDATION

*Cr Smith/Cr Youd*

***That Council receive and note information regarding the installation of a solar power system at the Shire of Carnarvon Library also noting that additional clarifying information is being sought by officers and will be provided to Council upon receipt.***

CARRIED  
F8/AO



## 9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 9.1 NOTICE OF MOTION – RELOCATION OF SHADE, SEAT STRUCTURE AND BARBECUE

9.20am – Mr David Burton (CEO) declared a Proximity Interest in this matter as his residence is within a short distance to the area in question. He therefore left the meeting and did not participate in discussion.

<b>Date of Meeting:</b>	22 January 2019
<b>Location/Address:</b>	Fascine Foreshore adjacent to the corner of Brown Street and Olivia Terrace.
<b>Name of Applicant:</b>	Councillors' E Smith, B Maslen and K Pinner
<b>Name of Owner:</b>	Shire of Carnarvon
<b>Author/s:</b>	David Nielsen – Executive Manager Infrastructure Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	Nil

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#### Summary of Item:

A notice of motion has been received and provided in **Schedule 9.1(a)**. This report provides information to Councillors regarding issues associated with the motion.

#### Description of Proposal:

A notice of motion received and put to Council for consideration is to cease work on the relocation of a barbecue and associated shelter and seating.

The as stated reason for the motion is follows:

*"The proposed relocation of this important community asset is not consistent with the desired outcomes of the Community and Council endorsed Fascine Wall and Olivia Terrace Plans July 2014.*

*Does not align nor conform to any Council Policy*

*There has been no community nor Councillor (sic) consultation on this item.*

*It will possibly set a precedent that the community cannot continually support."*

#### Background:

A resident adjacent to the site, brought the matter to the author's attention informally in late 2016. The letter provided in **Schedule 9.1(b)** from the resident was received in February 2017.

Subsequent discussions with the resident indicated that:

- Council undertook a community consultation process regarding the Fascine revitalisation project which was completed in several separate stages.
- He had input into that consultation process as a resident adjacent to the development.
- He was advised through that consultation process and was subsequently shown plans that no structures were to be placed directly in front of their residence.
- He advised that when construction of the shelter commenced in front of their residence, he raised the matter with Shire officers immediately but was told nothing could be done to stop the construction.
- A submission to Council in April 2016 was made (See email provided in **Schedule 9.1(c)**) outlining issues affecting quiet enjoyment at their residence associated with the shelter and barbecue. A May 2016 response from the then CEO is provided in **Schedule 9.1(d)**.
- A shelter had previously been relocated from the site for similar reasons in approximately 2000 (See email provided in **Schedule 9.1(c)**).
- A new residence planned for the site has not proceeded due to the behaviour issues and its impact on site access.

It was clear to the author from discussions that the resident was disappointed, angry, believes Council had not fulfilled its consultation commitments and that behavioural issues associated with the shelter site remained unchanged and as a result, also create access issues to the residence.

The author raised this matter with the A/CEO who sought input from the Shire President regarding the resident's claims.

The Shire President advised that throughout the Fascine consultation process, it was determined and agreed by the Working Group not to place shelters in front of residences. Initial plans were revised accordingly to place shelters opposite Olivia Terrace intersections to minimise visual impact to residences opposite the Fascine.

**Schedule 9.1(e)** is an extract of drawings of the area from the Fascine Redevelopment Landscaping Masterplan dated May 2012. It indicates no structures placed at the location adjacent to the site in question, only a landscaped area. A shelter is located on those plans essentially opposite Brown Street.

The Shire President also advised that at the time this shelter was constructed, both he and the former CEO were on leave and the A/CEO at the time under a delegated authority approved the revised location at the request of the contractor. Construction was not halted despite the resident's objection.

An estimate of \$15,000 was included in the 18/19 budget to relocate the structure and barbecue to remedy an apparent failure in communication and process resulting in an unexpected adverse outcome for a resident. This allocation was an inclusion in the latter stages of the 18/19 budget process.

During consultation with former A/CEO and the Executive Manager Development Services and Operational staff, it was considered the most appropriate location for a relocated structure and barbecue was the Town Beach area. That site experiences the greatest demand for barbecue/picnic services.

Quotations were sought from three local suppliers for relocation of the structure and barbecue. Quotes were received as follows:

- Contractor 1 - \$19,180.
- Contractor 2 - \$23,600
- Contractor 3 - \$26,130.

An order was placed with Contractor 1 under the authors delegated authorisation and a budget variation was arranged from within the Parks and Gardens maintenance budget.

During installation of a pole for CCTV cameras, a subcontractor backed into the barbecue damaging the top. The barbecue has subsequently been repaired at no cost to Council and is in storage awaiting resolution of its final location.

The slab for the relocated shelter was prepared and completed by Contractor 1 in accordance with the specified drawings. Conduits for the electrical connection of the barbecue were installed. At that point in time, Councillors raised initial concern regarding the relocation works. All work by the contractor was halted until further notice on 26 November 2018. The contractor has subsequently lodged a claim for payment for works completed to date to the value of \$11,400 (excl GST).

At the December Council meeting Cr Smith tabled a drawing from a Council meeting on 29 July 2014. The full report and drawing from that meeting is provided in **Schedule 9.1(f)**. The concept drawing indicates a shelter approximately in the as constructed location.

It is not self-evident from the full report that the plans adopted by Council at that time are definitive "final" drawings. The text of the report also indicates that public consultation regarding the project was not completed at that point in time.

Council's attention is drawn to the Consultation portion of that report and Council's resolution. (Emphasis added)

**Consultation:**

An initial public consultation process was conducted in February/March 2014 with the information collected being used in preparing the respective concept plans. A public information session and publication on the Shire Website will be conducted upon endorsement of the concept plans to ensure the community continues to be informed.

**COUNCIL RESOLUTION FC 10/7/14**

*Cr March/Cr Ganzer*

*That Council:*

1. Endorse the draft Concept Plans for enhancement works to the Main (Robinson) Street and completion of the Fascine Foreshore, as presented in Schedule 8.1.6 to this report, to be used to guide preparation of detailed engineering design and implementation of works generally.
2. Conduct a community information session to provide an update on the concept designs and outline the next steps in delivering the project.

Council's attention is also drawn to the July 2014 plans which propose a total of five shade/seat structures along the Fascine from Baxter Park to Johnston Street. Two only were constructed. This appears to support comments received that after the project design and construct tender was awarded, it was necessary to reduce the scope of landscape features to meet budget constraints.

**Consultation:**

Consultation with Councillors, the adjacent resident, the former A/CEO, the current CEO and Shire President has been undertaken.

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

Not applicable.

**Financial Implications:**

Expenditure to date on the relocation works is \$11,400 for set out and installation of a new concrete slab and installation of electrical conduits.

Total budget for the project is \$15,000. Total quoted price for the work is \$19,180.

**Risk Assessment:**

Reputational Risk – Failing to relocate the shelter risks loss of trust of Council as it may be perceived that an agreed consultation outcome (agreement not to place the shelter opposite residences) may not be followed through to delivery or remedied in the event of error.

There is a complementary risk regarding the proposed the relocation site at town beach. A concern has been raised by a resident opposite the Fascine in Northwater regarding interference with sightlines toward the Fascine however the addition of a shelter to Town Beach site is complementary to existing features and sightline interference is minimal at best.

**Community & Strategic Objectives:**

*Goal 5: Civic*

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.1	A well engaged and informed community and a high standard of customer service

ITEM	OUTCOMES AND STRATEGIES
5.1.2	The community is engaged in planning for the future and other matters that affect them

**Comment:**

If the motion is supported in the affirmative, behavioural issues associated with the barbecue and shelter facility and the associated issue of access to and from the adjacent property will remain unresolved. An enforcement approach is unlikely to remedy behavioural issues over the long term without dedicated, consistent patrol resourcing. Concept plans for a cul de sac at the head of the road access have been drafted. That upgrade work is unfunded at present and success of that design relies upon correct parking behaviour from users of the shelter facility that does not restrict access to the adjacent property.

ELECTED MEMBER MOTION

Cr Smith

*The planned works to relocate the shade, seat structure and and barbeque from the Brown St/Olivia Tce carpark area to the town beach as per Budget item Job 3619 ceases and the removed barbecueis reinstated.*

**FC 21/1/19**

COUNCIL RESOLUTION & ELECTED MEMBERS MOTION

Cr Smith/Cr Pinner

*The planned works to relocate the shade, seat structure and barbeque from the Brown St/Olivia Tce carpark area to the town beach as per Budget item Job 3619 ceases and the removed barbecue is reinstated.*

**DRAWN**  
**F4/A4**

In accordance with Section 5.23(c) of the Local Government Act 1995 the Shire President exercised his right to cast a second vote. The Shire President voted against the motion and the motion was lost.

**LOST**  
**F4/A5**

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

Nil

**11.0 DATE OF NEXT MEETING**

11.1 The next meeting will be held on Tuesday 26<sup>th</sup> February 2019 commencing at 8.30am

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

Nil

9.42am – CEO David Burton returned to the meeting.

**13.0 CLOSURE:**

The Presiding Member declared the meeting closed at 9.42am.