



SHIRE OF CARNARVON
MINUTES
ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

Council Chambers
Stuart Street, Carnarvon, West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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

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

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

Mrs Amanda Dexter Chief Executive Officer
 Mr David Nielsen Executive Manager, Infrastructure Services
 Mr Stefan Louw Manager, Regulatory Services
 Mrs Dannielle Hill Senior Executive Officer
 Mrs Amanda Leighton Manager, People Culture and Systems
 Mrs Renee Louw ICT Support Officer

Apologies Nil
Leave of Absence Nil
Press..... 1
Observers Nil

2 DECLARATIONS OF INTEREST

(Elected Members and Officers 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.)

President Smith – Impartiality Interest– Item 7.3.2 – Management of the Blowholes Reserve
 Cr Cottrell -Impartiality Interest – Item 7.4.1 – RFT 06/2024 Coral Bay Amenity Cleaning Services – Award of Tender
 Cr Skender - Impartiality Interest – Item 7.4.1 – RFT 06/2024 Coral Bay Amenity Cleaning Services – Award of Tender

3 PUBLIC QUESTION TIME

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

Public Question Time – there was no public in attendance.

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

Nil

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 24 September 2024

COUNCIL RESOLUTION OCM 01/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That the minutes of Ordinary Council Meeting held on 24 September 2024 be confirmed as a true record of proceedings.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

4.2 Minutes of the Special Council Meeting - 30 September 2024

COUNCIL RESOLUTION OCM 02/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That the minutes of Special Council Meeting held on 30 September 2024 be confirmed as a true record of proceedings.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

President Smith wished to acknowledge –

Award – The Future is Me Project

Congratulations to the Shire on winning the Minister for Local Government's Place Innovation Award for Regional WA for our 'The Future is Me' project. The project was designed using an evidence based co-design approach with the local community to address youth disengagement. By collaborating with local organizations and the community, the Shire aimed to create impactful outcomes. A very big thank you to the Shire Staff for all their efforts which have been deservedly rewarded.

Celebrating Sandry Lymbery – A Beacon of Community Spirit in Coral Bay

President Smith acknowledged Sandra Lymbery, who is retiring, for her dedication and involvement in many volunteering roles including DFES, Ambulance and numerous initiatives and fundraising activities in Coral Bay. Sandra's contributions to Coral Bay are nothing short of remarkable and her dedication to volunteerism serves as a reminder of the impact one individual can have on a community.

Kings Shoot – Carnarvon Rifle Club Takes Honours

Congratulations once again to the Carnarvon Rifle Club and its members for having yet another very successful competition in the Kings Shoot held recently in Pinjar. Carnarvon shooters had an excellent competition and came out tops again in their fields. The grant aggregate totals saw Carnarvon take out 1st, 2nd, 3rd and 8th place, an excellent outcome for not only the participants but for the Club overall. Council and the community wish them every success when Chappy Sweetman, Paul Kearney and Ben Dei Guidici head over to Canberra to compete in the Kings Shoot to represent WA.

6 PRESENTATIONS, PETITIONS AND MEMORIALS

The Blowholes Progress Association requested that the following letter be tabled -

Blowholes Protection Association Inc

C/- PO Box 891
Carnarvon

21/10/2024

Shire Councilors Shire of Carnarvon

Ref Shire Resolution : 7.3.2 of the 22/10/2024

The BPA, expresses its open and public support for the Shire of Carnarvon in relation to Resolution 7.3.2. The BPA suggests that it assume the management of at least the shack area or management of the entire reserve, For and on behalf of the people of Carnarvon as it is solely a local incorporated body, and will work in collaboration with the shire to achieve that outcome.

The BPA believes that this resolution will simplify compliance and administration of the reserve by removing a tier of government and reducing ongoing costs to the ratepayers of Carnarvon and tax payers generally. Whilst keeping the blowholes managed by locals for the use and enjoyment of all including, international and Australian tourists, holidayers and locals with and without shacks.

Using the 2008 Master plan as a guideline and the BPA's Blowholes Business Plan (approved by Minister Mc Tiernan) to address all of the perceived and real management issues for the Blowholes Reserve.

The BPA seeks the support of the councilors by adding the BPAs future management proposal to this agenda item, and it gives its undertaking to facilitate this transfer of management whilst working positively with the shire for a greater outcome for the people of Carnarvon - economically, socially and environmentally, while preserving the traditional use of the blows that locals and others have had and cherished for generations.

Kind Regards

Shane Aylmore
President

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2024

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

Authority/Discretion:

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

Summary of Item

To report on actions performed under delegated authority for the months of September and October 2024.

Background

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The following table detailing the actions performed within the organisation under delegated authority for the months of September and October 2024 are submitted to Council for information.

COMMON SEAL

DATE AFFIXED	DOCUMENT DETAILS
24 September 2024	Deed of Extension of Lease – Terminal Building and Car Park – Chalkwest Pty Ltd (Budget)

CEO DELEGATION

DATE	DELEGATION
26 September 2024	In kind donation for use of courts for Safe Space Program conducted by PCYC – Value \$375.00 (Delegation 1.2.21)

LAND USE AND DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A3148	P41/24	42 GLARIS STREET, KINGSFORD	RURAL HOME BUSINESS	JESSIE ANDREOLI & DAMIEN DICKS	25/09/2024
A1058	P43/24	239 WILLIAM STREET, EAST CARNARVON	SHED WITH LEAN TO	PETER & JAMIE WILLIAMS	11/10/2024
A1507	P36/24	546 ROBINSON ST, KINGSFORD	ADDITIONS TO EXISTING TOURIST DEVELOPMENT	BESTON PARKS LAND CO PTY LTD	14/10/2024

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B23/015	BARRY WILKERSON	LOT 796 (28) MCNISH STREET, SOUTH CARNARVON	POOL FENCING
B24/065	PATRICIA OUELLETTE	LOT 158 (1) PRATT COURT, MORGANTOWN	SOLAR PANELS
B24/072	WILLIAM BROGAN	LOT 1 (44) ROBINSON ST, CORAL BAY	TEMPORARY OCCUPANCY PERMIT. ORIGINAL BUILDING PERMIT B22/106
B24/074	HORIZON POWER	LOT 612 (8) YARDI QUAYS, BROCKMAN	GARDEN SHED

B24/071	DAMPIER SALT LIMITED	LOT 990 (35) DEMPSTER ROAD, BROCKMAN	RE-ROOF - ASBESTOS TO CUSTOM ORB ROOF SHEET
B23/065	ROBERT HUG	LOT 300 (65) WILLIAM STREET, EAST CARNARVON	2X SEA CONTAINERS WITH CONCRETE PAD FOOTINGS
B24/054	LUKE SKENDER & CAROLIEN CLAASSENS	LOT 73 (80) SHALLCROSS STREET, EAST CARNARVON	CARPORT
B24/073	MEANOM PTY LTD	LOT 350 (937) GNARALOO RD, MACLEOD	AMENDMENT TO EXISTING BUILDING PERMIT B22/025
B24/076	SHIRE OF CARNARVON	LOT 326 (11) PARNAA VIEW, BROCKMAN	RESIDENTIAL DWELLING
B24/075	DEPARTMENT OF TRANSPORT	LOT AJ HARBOUR RD, SOUTH CARNARVON WA 6701	OCCUPANCY PERMIT FOR STORAGE SHED B24/020.
B24/077	SHIRE OF CARNARVON	LOT 328 (7) PARNAA VIEW, BROCKMAN	RESIDENTIAL DWELLING

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for September and October 2024.

COUNCIL RESOLUTION OCM 03/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Marco Ferreirinha

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for September and October 2024.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.1.2 WALGA ADVOCACY POSITION - LOCAL GOVERNMENT ELECTIONS

File No:	ADM1834
Location/Address:	Shire of Carnarvon
Name of Applicant:	WA Local Government Association
Name of Owner:	WA Electoral Commission
Author(s):	John Attwood, Acting Chief Executive Officer
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

All Local Governments are being asked to provide a Council decision on WALGA’s advocacy positions as they relate to Local Government Elections, to see if the positions are still current.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone’s, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Stakeholder and Public Consultation

WA Local Government Association

Statutory Environment

Local Government Amendment Act 2023

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications at this point in time as this item is calling for Council’s position on the WA Local Government Associations advocacy position relating to Local Government Elections.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Nonparticipation in survey could portray a perceived lack of interest in local government elections	D2 – Low	By participating in survey council is able to provide its position and assist WALGA state council present a unified approach to State Government
Service disruption			
Compliance			
Property	N/A		
Environment	N/A		
Fraud			

There are no significant risks in this item.

Councils reputation as a leading local Government may be questioned if they did not participate in this survey.

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

2.5.15 - ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four-year terms with a two-year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p>

2.5.16 - METHOD OF ELECTION OF MAYOR

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
State Council Resolution	February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017

2.5.17 - CONDUCT OF POSTAL ELECTIONS

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:**1. PARTICIPATION**

- (a) The sector continues to support voluntary voting at Local Government elections.
- OR
- (b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two-year spill;
- OR
- (b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
- OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
- OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

OFFICER’S RECOMMENDATION

That Council, by simple majority under s318 of the Local Government Act, recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. **PARTICIPATION – Council support advocacy position (a)**
- 2. **TERMS OF OFFICE - Council support advocacy position (a)**
- 3. **VOTING METHODS - Council support advocacy position (a)**
- 4. **INTERNAL ELECTIONS - Council support advocacy position (a)**
- 5. **VOTING ACCESSIBILITY - Council support advocacy position (a)(b)(c)**
- 6. **METHOD OF ELECTION OF MAYOR - Council support advocacy position (a)**

COUNCIL RESOLUTION OCM 04/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That Council, by simple majority under s318 of the Local Government Act, recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. **PARTICIPATION – Council support advocacy position (a)**
- 2. **TERMS OF OFFICE - Council support advocacy position (a)**
- 3. **VOTING METHODS - Council support advocacy position (a)**
- 4. **INTERNAL ELECTIONS - Council support advocacy position (a)**
- 5. **VOTING ACCESSIBILITY - Council support advocacy position (a)(b)(c)**
- 6. **METHOD OF ELECTION OF MAYOR - Council support advocacy position (a)**

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION SEPTEMBER 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer Sarah Driscoll, Senior Finance - Operations
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	1. Accounts for Payment September 2024 2. Credit Card Reconciliations 23.08.24 to 22.09.24

Authority/Discretion:

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

Summary of Report

To present the listing of accounts paid under delegation from the Municipal Fund and Trust Fund, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*, for the month of September 2024.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

That Council, by simple majority in accordance with s.5.42 of the Local Government Act -

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,227,155.40 as presented for the month of September 2024, incorporating the following; and*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT42237</i>	<i>EFT42499</i>	<i>Muni EFT</i>	<i>\$1,517,187.45</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD41093.1-DD41093.4, DD41095.1, DD41098.1, DD41100.1, DD41102.1, DD41104.1-DD41104.3, DD41106.1-DD41106.6, DD41108.1, DD41110.1, DD41114.1, DD41123.1-DD41123.5, DD41136.1-DD41136.3</i>	<i>DD41136.3</i>	<i>Bank Directs</i>	<i>\$709,967.95</i>
		TOTAL	\$2,227,155.40

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23.08.2024 – 22.09.2024*

COUNCIL RESOLUTION OCM 05/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Luke Skender

That Council, by simple majority in accordance with s.5.42 of the Local Government Act -

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,227,155.40 as presented for the month of September 2024, incorporating the following; and*

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT42237</i>	<i>EFT42499</i>	<i>Muni EFT</i>	<i>\$1,517,187.45</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD41093.1-DD41093.4, DD41095.1, DD41098.1, DD41100.1, DD41102.1, DD41104.1-DD41104.3, DD41106.1-DD41106.6, DD41108.1, DD41110.1, DD41114.1,</i>	<i>DD41136.3</i>	<i>Bank Directs</i>	<i>\$709,967.95</i>

DD41123.1-DD41123.5, DD41136.1-DD41136.3			
		<i>TOTAL</i>	\$2,227,155.40

2. receive the copies of credit card statements for all such Shire Facilities for the period 23.08.2024 – 22.09.2024

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.2.2 BUDGET ADJUSTMENTS - OCTOBER 2024

File No: ADM0027
 Location/Address: N/A
 Name of Applicant: Shire of Carnarvon
 Name of Owner: N/A
 Author(s): Sarah Beresford, Finance Officer - Procurement
 Sarah Driscoll, Senior Finance - Operations
 Authoriser: John Attwood, Acting Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Absolute Majority
 Previous Report: Monthly report
 Schedules: 1. Budget Adjustments - October 2024

Authority/Discretion:

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

Summary of Item

This item presents officers’ requested budget adjustments arising after the adoption of the 2024/2025 Budget for Council to consider. The officer recommends that Council approve the budget adjustments since the adjustments have no impact on the closing budget surplus.

Background

The Council adopted the Annual Budget for the Shire on 27 August 2024.

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

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

It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed by Officers regularly. Officers have three recommendations for the month of October.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

The proposed adjustments for Council to consider will result in no change to the projected budget closing position.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON

- N/A

Comments

The proposed adjustments are included for Council to consider for the month of October 2024.

Adjustments Impacting Budgeted Closing Position

The adjustments presented in this report have no net impact on the closing position.

Adjustments with no impact on budget closing position

Proposed budget adjustments have no impact on closing budget.

Net budget closing position

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

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with section 6.8(1) of the Local Government Act, resolves to approve the adjustments to the 2024/2025 adopted Shire budget as detailed in this report and attached as per Schedule 1.

COUNCIL RESOLUTION OCM 06/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

That Council, by Absolute Majority, in accordance with section 6.8(1) of the Local Government Act, resolves to approve the adjustments to the 2024/2025 adopted Shire budget as detailed in this report and attached as per Schedule 1.

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

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

7.2.3 MONTHLY FINANCIAL REPORT SEPTEMBER 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sarah Driscoll, Senior Finance - Operations
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report September 2024

Authority/Discretion:

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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 30 September 2024 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 - Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The officer advises that the September 2024 Statement of Financial Activity being presented at the October 2024 Ordinary Meeting of Council complies with the Local Government Act 1995. Schedule 1 attached for consideration is the Statement of Financial Activity, legislative notes, and supporting notes for the period ended 30 September 2024.

Monthly Financial Report – contains:

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

Notes for other supporting Information include:

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

OFFICER'S RECOMMENDATION

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations, resolves to receive the Draft Statement of Financial Activity for September 2024 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 07/10/24

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreirinha

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations, resolves to receive the Draft Statement of Financial Activity for September 2024 as per attached Schedule 1.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 APPOINTMENT OF AUTHORISED PERSONS UNDER THE BUSH FIRES ACT 1954

File No:	ADM0106
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	27 September 2022
Schedules:	Nil

Authority/Discretion:

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

Summary of Item

This report recommends Council endorses the appointment of the recommended Chief Bushfire Control Officer, Deputy Chief Bush Fire Control Officer, and Bush Fire Control Officers, noting that delegations have been changed due to resignations of previous delegated officers. It is recommended that the register is also updated to reflect current Shire employee appointments.

Background

It is a statutory requirement under the Bush Fires Act 1954 for Local Governments maintain a current register of persons appointed to fulfill the role of Fire Control Officer. The Shire’s register requires updating. Several new appointments are recommended to provide sufficient local support to the brigade during the 2024/2025 fire season. Training support is available to appointees through the Department of Fire and Emergency Service.

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

Stakeholder and Public Consultation

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

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Service disruption			
Compliance	The ability to maintain compliance with Section 33. Notices under the <i>Bush Fire Act 1954</i> .	C2- Moderate	Correct appointment of authorised persons to maintain compliance of Section 33. Notices under the <i>Bush Fire Act 1954</i> .
Property	There is a risk of insufficient regional resources to control fire as per the <i>Bush Fire Act 1954</i> .	C2 - Moderate	Appointment of authorised persons with ability to manage fire incidents under the <i>Bush Fire Act 1954</i> .
Environment	There is a risk of insufficient regional resources to control fire as per the <i>Bush Fire Act 1954</i> .	C2 - Moderate	Appointment of authorised persons with ability to manage fire incidents under the <i>Bush Fire Act 1954</i> .
Fraud			

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

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

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

- Michael Antony - Shire of Carnarvon, Shire Community Emergency Services Officer
- Tahlia Cotton - Shire of Carnarvon, Shire Ranger
- Anthony Willis - Shire of Carnarvon, Shire Ranger
- Alex Hothouse - Shire of Carnarvon, Shire Ranger
- Blair McMurrich - Shire of Carnarvon, Shire Ranger
- Andrew Ellis - Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Neil George Hatt - Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Scott Medhurst - Volunteer Firefighter, Gascoyne River Bush Fire Brigade
- Brett Renton – Volunteer Firefighter, Gascoyne River Bush Fire Brigade

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

OFFICER'S RECOMMENDATION

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

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

COUNCIL RESOLUTION OCM 08/10/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

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

- 1. to appoint Michael Antony Shire of Carnarvon – Community Emergency Services Manager to the position of Chief Bush Fire Control Officer;***
- 2. to appoint, Tahlia Cotton, Shire Ranger, to the positions of Deputy Chief Bush Fire Control Officer; Andrew Ellis – Volunteer Firefighter, Gascoyne River Bush Fire Brigade to the positions of Deputy Chief Bush Fire Control Officer***
- 3. to appoint the following persons to the position of Bush Fire Control Officer:***
 - Anthony Willis - Shire of Carnarvon, Shire Ranger***
 - Alex Holthouse - Shire of Carnarvon, Shire Ranger***
 - Blair McMurrich - Shire of Carnarvon, Shire Ranger***
 - Andrew Ellis – Volunteer Firefighter, Gascoyne River Bush Fire Brigade***

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

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

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

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.3.2 MANAGEMENT OF THE BLOWHOLES RESERVE

Mr E Smith (Impartiality) – 7.3.2 Management Of The Blowholes Reserve

File No:	ADM1999
Location/Address:	Reserve 37457 MacLeod (Blowholes Reserve)
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of Western Australia vested to Shire of Carnarvon
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	14 December 2021; 25 June 2024
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

The Shire has been dealing with issues relating to management of the Blowholes Reserve for many years. The recent State Administrative Tribunal (SAT) decision has made management of the reserve increasingly difficult.

This report seeks a Council resolution to revoke the Shire’s management order over the Reserve 37457, known as the Blowholes Reserve.

Background

The Shire of Carnarvon manages the Blowholes Reserves. This consists of a Crown Reserve (previously four reserves) which are under a Management Order to the Shire. Under the Management Order, the Shire is responsible for day-to-day management of the Reserves.

Records show that from as early as 1985, the Shire has been concerned with the Shacks on the Reserves. A Standing Committee Inquiry into shack sites in Western Australia (2011) reported that, in 1985, the Shire moved to remove the Shacks on or before 30 June 1988. The Shacks were not removed.

In 1992, the Council again resolved that all shacks be removed to create a designated passive recreation, overnight camping and foreshore protection reserve. Since that time, other Council resolutions have alternatively sought the removal of the shacks and had such decisions revoked. This pattern has continued until the present day, including in September 2019 when Council resolved to direct the CEO to carry out the

demolition of 14 dangerous shacks in default of building orders issued by the Shire, with the remaining shacks to be removed by June 2020. Council revoked that resolution in November 2019.

More recently, following an appeal lodged with SAT by the Blowholes Protection Association after building orders were served on the shack occupiers in May 2022, SAT determined to permit several shacks to remain on the reserve and allowing others to be made not dangerous. This decision is contrary to the Blowholes Reserve Management Plan and further complicates management of the reserve.

Following the outcome of the SAT hearing, Council resolved to write to the Minister for Lands requesting financial, technical and practical assistance in this matter. Correspondence noted should the Minister not provide that support, the Shire will divest itself of the Blowholes Reserve, as it is unable to fulfill the obligations under the Blowholes Reserve Management Plan (BRMP).

No support was offered after the request and subsequently, the Shire advised the Minister for Lands in writing that it will divest itself of the Blowholes Reserve.

As a result of advising the Minister of the Shire’s intention, Councillors met via a Teams meeting with Senior Officers from the Department of Planning, Lands and Heritage (DPLH) and outlined concerns about adherence and/or capacity of the Shire to comply with the BRMP.

Stakeholder and Public Consultation

Nil

Statutory Environment

- Building Act 2011 (WA)
- Building Regulations 2012 (WA)
- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Land administration Act 1997

Relevant Plans and Policy

Blowholes Reserves Management Plan 2014 – 2036

Financial Implications

Blowholes campground area generates a net income of approximately \$90,000 per year.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Ongoing management and legal costs trying to	B3 – Extreme	Seek to cancel the Shire’s management order over the land.

	achieve compliance with the Blowholes Reserves Management Plan (BRMP) exceed Shire capacity. Public liability risk associated with known unsafe structures.	C4 - Extreme	
Health & Safety	Physical harm from unsafe structures.	C4 -Extreme	Compliance with the SAT determination.
Reputation	Trying to achieve safety and compliance at the Blowholes in relation to shack structures and the BRMP is causing conflict in the community and reputational damage to the Shire.	A3 - Extreme	Seek to cancel the Shire’s management order over the land.
Service disruption	Removal of basic services at the Blowholes is likely to result in increased litter, illegal camping, potential health impact due to no toilet facilities.	B3 - High	
Compliance	The Shire is non-compliant with the BRMP. Achieving compliance unlikely.	A3 - Extreme	Seek to cancel the Shire’s management order over the land.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The following issues have proven to make management of the reserve near impossible and inhibit the Shire from fully implementing and complying with the BRMP.

- Existence of the shacks in the current location;
- SAT's determination allowing shacks to remain on the land and be repaired;
- Lack in the Shire financial capacity to prepare environmental studies and cultural heritage assessments to implement the BRMP;
- Lack of staff resources to implement the BRMP; and
- Continued demand for infrastructure improvements and maintenance services with limited available budget.

Noting the above and the time, effort and money spent trying to implement the BRMP, limited community benefit has been able to be delivered.

Further to Council's informal direction to officers at the meeting held with DPLH on Thursday, 3 October 2024, officers now present formal motions for Council:

- a) to divest itself of the Blowholes Reserve management order; and
- b) to direct the CEO to terminate Shire services at the Blowholes reserve including camping management, provision of toilet facilities, dump points and rubbish services effective 30 November 2024; and
- c) to direct the CEO to install signage and provide formal public notice of its decision.

Officers understand Councils frustration with seemingly being unable to resolve apparently intractable issues associated with the Blowholes shacks. Council do need to be aware of the potential impacts of this decision on the Reserve, on the surrounding environment and the Shire's Regulatory Services staff.

Under various Acts and Regulations, Regulatory Services staff have certain obligations to manage illegal camping, littering and other unauthorised activities. There is a high risk that these activities could proliferate if the reserve is left unmanaged.

The site is difficult to fully secure from unauthorised entry. Signage and public notification may assist in the deterrence of some persons. The following motions are however offered for Council consideration.

MOTION ONE

That Council, by Simple Majority pursuant to Section 50 of the Land Administration Act 1997, resolves to—

- a) agree that its management order over Blowholes Reserve 37457 should be revoked; and***
- b) confirms that the Shire of Carnarvon is unable, despite its best efforts, to achieve compliance with the Blowholes Reserve Management Plan (BRMP) due to intractability of issues ; and***
- c) requests that the Minister by formal order revokes the Shire management order over Blowholes Reserve 37457.***

MOTION TWO

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, directs the Chief Executive Officer to:

- a. close the Blowholes Reserve as a serviced recreational and camping area effective from 30 November 2024; and***

- b. cease provision of camping/caravan area management services, all toilet facilities and services, all caravan dump point facilities and services and all rubbish facilities and services at the Blowholes Reserve effective from 30 November 2024; and**
- c. issue formal Public Notice of the closure of the Blowholes Reserve effective from 30 November 2024 as a serviced recreational and camping area; and**
- d. install appropriate signage at the Blowholes Reserve advising of the closure of the reserve as a serviced recreational and camping area.**

To be noted that the following Councillor recommendation was submitted by the Chief Executive Officer prior to the commencement of the meeting and read –

COUNCILLOR RECOMMENDATION

That Council, by Absolute Majority –

1. Pursuant to Section 50 of the Land Administration Act 1997, resolves to–
 - a. confirms that the Shire of Carnarvon is unable, despite its best efforts, to achieve compliance with the Blowholes Reserve Management Plan (BRMP) due to intractability of issues;
 - b. requests that the Minister by formal order revokes the Shire management order over Blowholes Reserve 37457.
2. supports the President and Chief Executive Officer in ongoing efforts to lobby the State Government to negotiate a viable path forward for the management of the Blowholes Reserve with a commitment to fulfilling the original intent of the Blowholes Reserve Management Plan 2014-2036, which sought to ‘manage the reserve in a more strategic, coordinated, equitable and sustainable matter,’ while acknowledging that government recreational reserves are established for the benefit of the public and community purposes.
3. pursuant to Section 3.18 of the Local Government Act 1995 instructs the Chief Executive Officer to -
 - a. cease provision of all camping/caravan area management services, all toilet facilities and services, all caravan dump point facilities and services and all rubbish facilities and services at the Blowholes Reserve effective from 30 November 2024;
 - b. suspend the collection of Blowholes campground fees effective from 30 November 2024;
 - c. issue formal Public Notice of the changes in management and the cessation of all municipal services at the Blowholes Reserve effective from 30 November 2024; and
 - d. install appropriate signage at the Blowholes Reserve advising that the area is no longer a serviced recreational camping area.

COUNCIL RESOLUTION OCM 09/10/24

Moved: Cr Dudley Maslen

Seconded: Cr Paul Kelly

That Council, by Absolute Majority –

1. pursuant to Section 50 of the Land Administration Act 1997, resolves to–
 - a. confirms that the Shire of Carnarvon is unable, despite its best efforts, to achieve compliance with the Blowholes Reserve Management Plan (BRMP) due to intractability of issues;
 - b. requests that the Minister by formal order revokes the Shire management order over Blowholes Reserve 37457.
2. supports the President and Chief Executive Officer in ongoing efforts to lobby the State Government to negotiate a viable path forward for the management of the Blowholes Reserve with a

commitment to fulfilling the original intent of the Blowholes Reserve Management Plan 2014-2036, which sought to ‘manage the reserve in a more strategic, coordinated, equitable and sustainable matter,’ while acknowledging that government recreational reserves are established for the benefit of the public and community purposes.

3. *pursuant to Section 3.18 of the Local Government Act 1995 instructs the Chief Executive Officer to -*
- a. cease provision of all camping/caravan area management services, all toilet facilities and services, all caravan dump point facilities and services and all rubbish facilities and services at the Blowholes Reserve effective from 30 November 2024;*
 - b. suspend the collection of Blowholes campground fees effective from 30 November 2024;*
 - c. issue formal Public Notice of the changes in management and the cessation of all municipal services at the Blowholes Reserve effective from 30 November 2024; and*
 - d. install appropriate signage at the Blowholes Reserve advising that the area is no longer a serviced recreational camping area.*

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

AGAINST: Crs Luke Skender and Paul Kelly

CARRIED BY ABSOLUTE MAJORITY 6/2

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 10/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

A motion was moved that Council suspend standing orders at 1.23pm.

CARRIED BY SIMPLE MAJORITY 8/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 11/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

ALTERNATIVE/FORESHADOWED MOTION**COUNCIL RESOLUTION OCM 12/10/24**

Moved: Cr Luke Skender

That Council, by Absolute Majority –

1. *Pursuant to Section 50 of the Land Administration Act 1997, resolves to–*
 - a. *confirms that the Shire of Carnarvon is unable, despite its best efforts, to achieve compliance with the Blowholes Reserve Management Plan (BRMP) due to intractability of issues;*
 - b. *requests that the Minister by formal order revokes the Shire management order over Blowholes Reserve 37457.*
2. *Supports the President and Chief Executive Officer in ongoing efforts to lobby the State Government to negotiate a viable path forward for the management of the Blowholes Reserve with a commitment to fulfilling the original intent of the Blowholes Reserve Management Plan 2014-2036, which sought to ‘manage the reserve in a more strategic, coordinated, equitable and sustainable matter,’ while acknowledging that government recreational reserves are established for the benefit of the public and community purposes.*

The Alternative/Foreshadowed Motion (OCM 12/10/24) did not proceed as Motion OCM 09/10/24 was put and carried.

7.4 INFRASTRUCTURE SERVICES

7.4.1 RFT 06/2024 CORAL BAY PUBLIC AMENITY CLEANING SERVICES - AWARD OF TENDER

Cr A Cottrell (Impartiality) – 7.4.1 RFT 06/2024 Coral Bay Public Amenity Cleaning Services - Award Of Tender

Cr L Skender (Impartiality) – 7.4.1 RFT 06/2024 Coral Bay Public Amenity Cleaning Services - Award Of Tender

File No:	ADM2323
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	N/A
Schedules:	1. RFT 06/2024 - Evaluation and Recommendation Report - Confidential

Authority/Discretion:

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

Summary of Report

This report details the process undertaken for Request for Tender (RFT) 06/2024 Coral Bay Public Amenity Cleaning Services. It is recommended to award the contract to Coral Bay Contracting.

Background

Existing contract RFT 08/2018 for these Coral Bay Cleaning Services will expire on 31 December 2024. No further contract extension periods remain available. This has prompted the need to re-tender the cleaning services contract.

Coral Bay Contracting has been responsible for cleaning of the Coral Bay ablution facility since 1999.

The following facilities are included as part of the Tender:

- Public ablution facilities located on Robinson Street Coral Bay;
- Public fish cleaning station located adjacent to ablution facilities noted above;
- Coral Bay Airstrip toilet Facility; and
- Any other (ad-hoc) cleaning of Shire facilities in Coral Bay as required.

Cleaning requirements are divided into detailed daily, monthly and annual tasks. Tasks include internal and external cleaning. Regular inspections and maintenance/repairs are also required.

Daily cleaning and inspection requirements increase to twice daily during school holiday periods, being 96 days per annum.

Due to the nature of the service, the relevant Contractor staff are required to reside in Coral Bay. Suitable long-term accommodation in Coral Bay is limited. The Tender submission required evidence that accommodation for contractor cleaning staff has been secured.

The contract has been offered for an initial period of three (3) years with an option to extend for a further three (3) years.

Tender RFT 06/2024 Coral Bay Public Amenity Cleaning Services was advertised publicly in accordance with the statutory requirements and closed on Wednesday 2 October 2024.

One submission was received from Coral Bay Contracting. The Panel evaluated and scored the Tender submission. A detailed Evaluation and Recommendation report is provided in ***Schedule 1 (Confidential)***

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act, 1995 – Section 3.57 Tender for providing goods and services.

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

Local Government (Functions and General) Regulations, 1996 – Part 4 Tenders for providing goods or services

Relevant Plans and Policy

Policy CF001 – Purchasing and Procurement

Financial Implications

There is a financial implication associated with adoption of the recommendation.

The 2024/2025 budget includes an allocation of \$67,112 (ex GST) for provision of these cleaning services.

Submitted pricing by the sole tenderer for delivery of the services exceeds the available budget by approximately \$19,500.

A budget variation will be required. This variation will need to form part of the standard November budget variations report. The additional budget will need to be sourced from within the operational budget and whilst this may require a series of small amendments from several areas, it is not considered unachievable.

It is not considered possible to reduce the scope of the cleaning services provided given the high usage of these facilities in Coral Bay.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	The tendered price for public amenity cleaning in Coral Bay is above the current budget allocation.	C2 –Moderate	A review of the operating budget will be required to allocate additional funds to the cleaning of the amenities in Coral Bay.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	Not awarding the Tender will result a service disruption for the Coral Bay public facilities if an alternate provider cannot be sourced before the end of December 2024.		Awarding Tender RFT 06/2024 to Coral Bay Contractor
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

It is disappointing to have only received one tender for the provision of the facility cleaning services. The small resident population, remoteness of Coral Bay and lack of worker accommodation act to constrain the ability of the Shire to source a range of contractors for any services delivered in Coral Bay.

A recommendation to accept a tender for any service provision based on a single tender received is never ideal however in this instance, there are no clear alternative options for the Shire to maintain this essential service to the Coral Bay community.

The recommended contractor has however provided an effective service for many years with minimal complaints or contract variations.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority

- 1. Pursuant to Section 3.57 of the Local Government Act, 1995, resolves to accept the submission from Coral Bay Contracting for Tender RFT 06/2024 Coral Bay Public Amenity Cleaning Services for the estimated annual value provided in Schedule 1 (confidential) of \$XXXXXX (excl. GST). <PRICE TO BE INCLUDED IN MINUTES OF COUNCIL MEETING>; and***
- 2. Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Coral Bay Contracting for Tender RFT 06/2024 Coral Bay Public Amenity Cleaning Services.***

COUNCIL RESOLUTION OCM 13/10/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority

- 1. Pursuant to Section 3.57 of the Local Government Act, 1995, resolves to accept the submission from Coral Bay Contracting for Tender RFT 06/2024 Coral Bay Public Amenity Cleaning Services for the estimated annual value provided in Schedule 1 (confidential) of \$93,272.23 (excl. GST); and***
- 2. Pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Coral Bay Contracting for Tender RFT 06/2024 Coral Bay Public Amenity Cleaning Services.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

7.4.2 APPLICATION FOR MEMORIAL PLAQUE - ALAN JOHN CARROLL

File No:	ADM0270
Location/Address:	Fascine Foreshore
Name of Applicant:	Alannah Carroll
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Simple majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Application for Memorial Plaque - Alan John Carroll 2. Plaque Wording - Alan John Carroll

Authority/Discretion:

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

Summary of Report

This report presents an application to install a memorial plaque at the base of a palm tree across from the old Courthouse site on Olivia Terrace, commemorating Alan John Carroll, Clerk of Courts.

Background

Alannah Carroll has lodged an application for a plaque acknowledging her grandfather’s contribution as a barrister at the Carnarvon Courthouse. In a subsequent email Alannah has amended her grandfather's role to Clerk of Courts from 1970 – 1977 (see email application attached at **Schedule 1** and proposed plaque at **Schedule 2**).

It is recommended that Council support Ms Carroll’s application.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 3.18. Performing executive functions

Relevant Plans and Policy

Policy ID005 – Memorials in road reserves, parks, foreshores etc

Financial Implications

There is no financial impact on the Shire for the provision and installation of the plaque.

If Council approves the application, a total of \$552.50 is payable by the applicant to the Shire prior to the ordering of the plaque.

The quote forwarded to the applicant included an amount for construction of the plinth and installation cost amounting to \$250. This amount is in addition to the \$302.50 quote from Wilson Signs to provide the plaque.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	There is a risk of creating a precedent for applications for memorial plaques.	C2 - Moderate	The plaque proposed by the applicant constitutes a replacement plaque. Any future applications will be considered on their own merit.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The applicant requirements under the Shire’s Memorial Policy are as follows –

“Applicant Requirements

All applications must meet the following requirements:

- Commitment to fund the requested memorial item (plaque, memorial, monument, or tree),
- Must bear a relationship with the open space setting proposed and be consistent with any approved masterplans for the site,
- Must not detract from the aesthetic value of the identified location.

Plaque

The Shire will specify the size and design of the plaque.

This will be determined in accordance with the type of furniture or structure (such as raised plinth or stone) on which it will be placed.

Further to the above Memorials Criteria, monuments must also meet the following criteria:

- An individual Nominee should have made a highly significant contribution to the shared community history in the Shire of Carnarvon that is also significant at a State, National or International level.
- An individual Nominee must have achieved at a high level and contributed over and above what might be reasonably expected through paid employment, or their voluntary contribution to the community and should stand out from others who may have also made a valuable contribution.

The Shire will commission any approved monument request.”

Ms Carroll’s application broadly meets the first three “Applicant Requirements” listed above. However, it was difficult to determine from the information provided whether the additional two requirements were met given that Mr Carroll’s duration of employment as Clerk of Courts was less than 10 years and whether his contribution was “over and above what might be reasonably expected through paid employment”.

Ms Carroll advised that Mr Carroll was buried in the Memorial Garden at the old Courthouse. His remains were later interred at Cuballing Cemetery to be closer to his wife who had relocated to Cuballing. Information received from the community indicates that a memorial plaque was installed at the Courthouse site after the relocation of Mr Carroll’s remains. It is not known what happened to this original plaque during the demolition of the old Courthouse site.

Recent discussion with community members who knew Alan has revealed that support was given for Mr Carroll’s interment at the old Courthouse. This action indicates he was held in high regard by the community and his colleagues through his work as Clerk of Courts.

Given that support was previously provided for a memorial plaque honouring Mr Carroll, it is recommended that Council approve Ms Carroll’s request to install a plaque at the base of a palm tree across from the old Courthouse site.

OFFICER'S RECOMMENDATION

That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1995 approve the application from Alannah Carroll to have a memorial plaque dedicated to Alan John Carroll installed at the Fascine Park area across from the old Courthouse site on Olivia Terrace.

COUNCIL RESOLUTION OCM 14/10/24**Moved:** Cr Paul Kelly**Seconded:** Cr Marco Ferreira**That Council –**

- 1. *by simple majority pursuant to Section 3.18 of the Local Government Act 1995 approve the application from Alannah Carroll to have the memorial plaque reinstated in dedication of Alan John Carroll installed at the Fascine Park area across from the old Courthouse site on Olivia Terrace; and***
- 2. *Policy ID005 be reviewed to ensure a robust and fair system is adopted.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

(Note to Minute: It is to be noted that there was originally a memorial plaque erected at the now demolished old justice precinct opposite the Fascine. It is the intention of this agenda item to seek approval for the memorial plaque to be reinstated at the Fascine Park area and is not an application for a new plaque. The motion was reflected to note the reinstatement. Council also felt that the Policy should be reviewed to make it more robust when considering any future applications for memorial plaques.)

7.4.3 ENDORSEMENT DETAILED DESIGN - CARNARVON ACTIVATION PROJECT - PHASE 1 (WITHDRAWN)

File No:	ADM2278
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 09/03/24
Schedules:	1. Designs Carnarvon Activation Plan - Phase 1

Note: This item has been withdrawn. Reason for withdrawal is that Officers have received the detailed designs along with estimates prepared by the Quantity Surveyor. The estimates for the design are substantially above the available project budget. It could not be recommended that Council endorse those designs as we cannot deliver them with the available budget.

Our consultants H and H Architects and project staff will need to review the designs to see where savings can be made through reductions in the project scale and/or scope.

The intent at that stage will be to provide additional information to Council at the November CIS regarding scope changes and then if possible, present designs to the November meeting of Council for endorsement.

7.4.4 ADDITIONAL RRG FUNDING

File No:	ADM0046
Location/Address:	Quobba Gnoraloo Road
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Schedule 1 - Additional Road Project Grant Correspondence 2. Schedule 2 - RRG Road Project Grant Budget Variation Detail

Authority/Discretion:

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

Summary of Report

The Shire has been made aware of possible additional Regional Road Group Funding. This report seeks Council approval to commit an additional co-contribution to be able to access this funding. The additional co-contribution can be funded via unallocated Roads to Recovery funds within the existing budget with no impact upon the budget bottom line.

Background

Schedule 1 provides correspondence from the Gascoyne Regional Road Group Chair to the State Road Funds to Local Government Advisory Committee and email correspondence between Shire officers and Main Roads WA regarding this matter.

This correspondence is in relation to an initiative undertaken by the Gascoyne Regional Road Group to seek access to underspends in the Road Project Grant program in the South West Region.

The Gascoyne Regional Road Group has consistently delivered high levels of project completion and full funding expenditure in its Road Project Grant program delivery. The group has previously expressed concern that there is little likelihood of the State providing additional road funding to local government if all existing funding under the program statewide is underspent. The South West Region has a history of consistent underspends in its annual Road Project Grant program.

Shire officers nominated that additional works could be completed on Quobba Gnaraloo Road if additional funding became available. Advice noted that the Shire may be able to provide a co- contribution of up to \$150,000. Such a contribution would then leverage an additional \$300,000 of Road Project funding. That would bring the total project value of works proposed on Quobba Gnaraloo Road for 2024/2025 to \$1,256,508 and would complete an estimated additional 5-6 kilometres of reconstruction/resheeting works on Quobba Gnaraloo Road.

MRWA has subsequently sought formal confirmation from each member of the Gascoyne Regional Road group to confirm:

- a) that those works can be completed this financial year; and
- b) each LGA is able to commit to the one third share.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 – Section 6.8 Expenditure from municipal fund not included in annual budget.

Relevant Plans and Policy

Nil

Financial Implications

Under the Road Project Grant program, a one third contribution from the local government is required.

The following is the Council adopted program for expenditure of its Road Project grant in 2024/2025:

Road	Description	Total State Contribution	Total LGA Contribution	Total Project Cost
Quobba-Gnaraloo Road	Reshape formation and drainage to achieve consistent Type 3 standard and re-sheet to achieve 7m pavement SLK 62 -71	\$ 537,672	\$ 268,836	\$ 806,508
Minilya Lyndon Road	Reshape formation and drainage to achieve consistent Type 3 standard and re-sheet to achieve 7m pavement SLK 107-116	\$ 537,672	\$ 268,836	\$ 806,508

In its 2024/2025 adopted budget, the Shire currently has an unallocated portion of its Roads to Recovery funding totalling \$611,686. Budget papers noted the following regarding expenditure of this funding:

Total allocation for 24/25. Specific program to be developed. Prioritise asphalt resealing to be completed with airport overlay.

It is unlikely airport asphalt overlay works will be completed in the 2024/2025 financial year. Asphalt still has significant cost even if an asphalt plant was available locally. Budget pricing received indicates a spray seal cost of \$6.20/SQM compared to \$50/SQM for asphalt with a plant available in town.

It is going to be necessary for some roads currently sealed with asphalt to revert to spray sealed roads with asphalt seals limited to high visibility areas such as the main street. A completed resealing plan utilising R2R funds is scheduled for submission at the November ordinary meeting.

Further, tenders recently received for the Speedway Road Intersection upgrade (funded jointly by Blackspot and R2R) indicate that additional funds may be necessary to allow that project to be completed. Evaluation of that tender is not yet complete and the result of the evaluation will be presented to the November meeting of Council.

Officers are working to secure additional Blackspot funding for that project but it is likely that additional R2R funds will be necessary to increase the existing Shire co-contribution.

Accessing \$150,000 of the unallocated Roads to Recovery funding is however considered the only readily available source to fund these additional works without impacting reserves, existing projects and the budget bottom line.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Proceeding places additional pressure on a very tight 2024/2025 budget.	A2 – High	Access unallocated R2R funding to leverage the additional \$300,000 of Road Project Grant funding.
	Not proceeding risks loss of ability to leverage additional grant funds	A2 – High	
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The contract for the existing RRG Quobba Gnaraloo works has previously been awarded by Council. That is a schedule of rates contract, and no additional procurement is necessary to add additional scale to the existing Quobba Gnaraloo RRG project.

It should be noted that the 2024/2025 RRG current works program sequence has been set up to:

- Mobilise to Mililya Lyndon in mid-January 2025 and complete that road project within 12 weeks;
- Relocate to Quobba Gnaraloo in mid April to complete that road project within 12 weeks;
- Remain at Quobba Gnaraloo Road to complete the 2025/2026 RRG project works on that road; then
- Relocate to Wahroonga Pimbee Road to complete the 2025/2026 RRG project works on that road.

Timing of this RRG project works plan includes contingency. Additional work on Quobba Gnaraloo Road will consume that contingency and full completion by 30 June 2025 may not be achievable.

However, the work should be able to have been substantially progressed and if the project delivery is delayed by unavoidable contingency matters (such as weather), the Shire should be able to reasonably argue that it has done its best to deliver the projects within the time allocated.

On balance, given the opportunity of the additional funding, it is recommended that Council allocates a \$150,000 co-contribution toward the project and advises MRWA accordingly.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, in accordance with Section 6.8(1) of the Local Government Act and subject to formal confirmation from MRWA of their allocation to the Shire of Carnarvon of an additional \$300,000 of Road Project Grant funding, resolves to:

- approve allocation of \$150,000 of unallocated Roads to Recovery funding as its Road Project Grant funding co-contribution;***
- approves allocation of the additional funding to increase the scope of work to be completed under its existing 2024/2025 Quobba Gnaraloo RRG project (Job RRG121); and***
- authorises the CEO to formalise the budget variation when it becomes necessary through the normal monthly budget adjustments process as provided in Schedule 2; and***
- authorises the CEO to advise MRWA that it can confirm allocation of the Shire co-contribution and can complete the additional work by 30 June 2025 however that timing will not allow any contingency time within its current RRG Project delivery plan.***

COUNCIL RESOLUTION OCM 15/10/24

Moved: Cr Burke Maslen

Seconded: Cr Marco Ferreirinha

That Council, by Absolute Majority, in accordance with Section 6.8(1) of the Local Government Act and subject to formal confirmation from MRWA of their allocation to the Shire of Carnarvon of an additional \$300,000 of Road Project Grant funding, resolves to:

- approve allocation of \$150,000 of unallocated Roads to Recovery funding as its Road Project Grant funding co-contribution;***

- b) approves allocation of the additional funding to increase the scope of work to be completed under its existing 2024/2025 Quobba Gnoraloo RRG project (Job RRG121);***
- c) authorises the CEO to formalise the budget variation when it becomes necessary through the normal monthly budget adjustments process as provided in Schedule 2; and***
- d) authorises the CEO to advise MRWA that it can confirm allocation of the Shire co-contribution and can complete the additional work by 30 June 2025 however that timing will not allow any contingency time within its current RRG Project delivery plan.***

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

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION OCM 16/10/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Cr Vandeleur be granted leave of absence for the November 2024 Ordinary Council Meeting.

CARRIED BY SIMPLE MAJORITY 8/0

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

President Smith advised that a late item had been presented to Council and sought Council’s agreeance to consider the item. Council agreed to consider the item.

7.4.5 PURCHASE OF WORKSHOP VEHICLE (LATE ITEM)

FILE NO:	ADM
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
NAME OF OWNER:	SHIRE OF CARNARVON
AUTHOR(S):	DAVID NIELSEN, EXECUTIVE MANAGER INFRASTRUCTURE SERVICES
AUTHORISER:	JOHN ATTWOOD, ACTING CHIEF EXECUTIVE OFFICER
DECLARATION OF INTEREST:	NIL
VOTING REQUIREMENT:	ABSOLUTE MAJORITY
PREVIOUS REPORT:	NIL
SCHEDULES:	1. CONFIDENTIAL SCHEDULE 1 - BUDGET VARIATION (UNDER SEPARATE COVER) 2. CONFIDENTIAL SCHEDULE 2 - QUOTATION FOR PURCHASE OF P330 (UNDER SEPARATE COVER)

AUTHORITY/DISCRETION:

- ADVOCACY** WHEN COUNCIL ADVOCATES ON ITS OWN BEHALF OR ON BEHALF OF ITS COMMUNITY TO ANOTHER LEVEL OF GOVERNMENT/BODY/AGENCY.
- EXECUTIVE** THE SUBSTANTIAL DIRECTION SETTING AND OVERSIGHT ROLE OF THE COUNCIL. E.G., ADOPTING PLANS AND REPORTS, ACCEPTING TENDERS, DIRECTING OPERATIONS, SETTING AND AMENDING BUDGETS

- | | | |
|--------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | LEGISLATIVE | INCLUDES ADOPTING LOCAL LAWS, TOWN PLANNING SCHEMES AND POLICIES. |
| <input type="checkbox"/> | INFORMATION | INCLUDES ITEMS PROVIDED TO COUNCIL FOR INFORMATION PURPOSES ONLY THAT DO NOT REQUIRE A DECISION OF COUNCIL (I.E. – FOR NOTING). |
| <input type="checkbox"/> | QUASI-JUDICIAL | WHEN COUNCIL DETERMINES AN APPLICATION / MATTER THAT DIRECTLY AFFECTS A PERSON’S RIGHT AND INTEREST. THE JUDICIAL CHARACTER ARISES FROM THE OBLIGATIONS TO ABIDE BY THE PRINCIPLES OF NATURAL JUSTICE. EXAMPLES OF QUASI-JUDICIAL AUTHORITY INCLUDE TOWN PLANNING APPLICATIONS, BUILDING LICENSES, APPLICATIONS FOR OTHER PERMITS / LICENSES |

SUMMARY OF REPORT

VEHICLE P330 IS A LEASED 2017 HILUX UTILITY USED BY THE SHIRE MECHANICAL WORKSHOP FOR REMOTE SERVICING OF VEHICLES AND PLANT. NO FURTHER EXTENSIONS OF THIS LEASE ARE POSSIBLE. THIS REPORT RECOMMENDS PURCHASE OF THE VEHICLE UPON LEASE EXPIRATION AND IDENTIFIES FUNDING SOURCES TO COVER THE COST OF THIS UNBUDGETED PURCHASE.

BACKGROUND

P330 IS FITTED OUT WITH A SMALL LIFTING CRANE AND A FULLY EQUIPPED TOOL BOX. THE CRANE AND TOOLBOX ARE PART OF THE LEASE. P330 WAS ON THE LIST OF VEHICLES TO BE REPLACED IN 2024/2025. ITS PURCHASE NEEDED TO BE DEFERRED DUE TO BUDGET CONSTRAINTS. THE INTENT WAS TO EXTEND THE EXISTING LEASE FOR ANOTHER 12 MONTHS AND MAKE THE REPLACEMENT IN 2025/2026.

THE LEASE COMPANY HAS NOW ADVISED THAT THE LEASE IS NOT ABLE TO BE EXTENDED ANY FURTHER. LEASE WILL EXPIRE 11 NOVEMBER 2024. VEHICLE NEEDS TO BE EITHER RETURNED TO THE LEASE COMPANY OR PURCHASED OUTRIGHT AND UPON EXPIRY IT IS REQUIRED FOR USE OF THE VEHICLE TO CEASE AND AWAIT ITS COLLECTION BY THE LEASE COMPANY. TYPICALLY, RETURN VEHICLES ARE GIVEN A DETAILED CLEAN AND THOROUGH CHECK OVER PRIOR TO RETURN.

P330 IS IN EXCELLENT CONDITION WITH A CURRENT ODOMETER OF APPROXIMATELY 60,000KM. DESPITE THE LOW USE, IT IS CONSIDERED ESSENTIAL TO HAVE A SERVICE VEHICLE IN THE FLEET FOR THE WORKSHOP. IT WILL NOT BE POSSIBLE TO UTILISE AN EXISTING FLEET VEHICLE FOR THIS PURPOSE AND TO FIT OUT SUCH A VEHICLE WITH A SIMILAR CRANE AND TOOL BOX WOULD COST APPROXIMATELY \$24,000 (EX GST).

STAKEHOLDER AND PUBLIC CONSULTATION

N/A

STATUTORY ENVIRONMENT

LOCAL GOVERNMENT ACT 1995 – SECTION 6.8 EXPENDITURE FROM MUNICIPAL FUND NOT INCLUDED IN ANNUAL BUDGET.

RELEVANT PLANS AND POLICY

PLANT REPLACEMENT PROGRAM

FINANCIAL IMPLICATIONS

THERE IS NO 2024/2025 BUDGET ALLOCATION FOR THE PURCHASE OF P330. THE ADOPTED BUDGET INCLUDED PROVISION FOR THE PURCHASE OF TWO VEHICLES TO REPLACE EXISTING LEASED VEHICLES. THOSE VEHICLES HAVE BEEN ORDERED AND THEIR BUDGET CANNOT BE REALLOCATED.

A FORMAL QUOTATION HAS BEEN PROVIDED FROM THE LEASE COMPANY FOR THE PURCHASE OF P330 AT THE COMPLETION OF THE LEASE. THIS PURCHASE PRICE IS PROVIDED IN CONFIDENTIAL SCHEDULE 1.

A FORMAL QUOTATION OF \$87,609.37 (EX GST) HAS BEEN PROVIDED FROM TOYOTA FOR THE PURCHASE OF A NEW HILUX FITTED OUT TO THE EQUIVALENT STANDARD OF P330. DELIVERY PERIOD WAS NOT STATED HOWEVER RECENT VEHICLE ORDERS INDICATE A DELIVERY PERIOD OF A MINIMUM OF 4 MONTHS.

LEASING OF A NEW WORKSHOP VEHICLE HAS NOT BEEN FORMALLY SOUGHT HOWEVER BASED ON THE PREVIOUS FIVE YEAR LEASE AGREEMENT FOR THIS VEHICLE, A MONTHLY LEASE OF AT LEAST \$1900 IS LIKELY.

OFFICERS HAVE HOWEVER EXAMINED THE LISTING OF PLANT AND EQUIPMENT ADOPTED IN THE 2024/2025 BUDGET FOR DISPOSAL. A TOTAL OF 12 PLANT ITEMS WERE NOMINATED FOR A TOTAL SALE VALUE OF - \$174,363.

THE ADOPTED SALE PRICES WERE BASED ON A STANDARD 20% OF ORIGINAL PURCHASE PRICE. INITIAL INDICATIONS FROM REVIEWING SECOND HAND PLANT SALES INDICATE THAT THE SALE OF THE OLD WASTE COMPACTOR AND THE GRID ROLLER MAY BE UNDERSTATED BY AT LEAST \$25,000. THE FOLLOWING TABLE SHOWS THIS INFORMATION:

PLANT NUMBER	DESCRIPTION	YEAR/HOURS	BUDGETED SALE PRICE	ADVERTISED SALE PRICE 1	ADVERTISED SALE PRICE 2
P288	COMBINATION TOWED GRID ROLLER	2010	\$27,220	\$85,000 FOR 2005 MODEL.	\$75,000 FOR 2005 MODEL.
P297	CAT 815F2 LANDFILL COMPACTOR	7000HRS	\$15,740	\$192,000 FOR 2004 MODEL WITH 18000 HRS	\$465,000 FOR 2012 MODEL 5800 HRS

RISK ASSESSMENT

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

RISK CATEGORY	DESCRIPTION	RATING	MITIGATING ACTION/S
FINANCIAL	NO EXISTING BUDGET ALLOCATION AVAILABLE. INCREASED MAINTENANCE COST OF HAVING OLDER	A2 – HIGH D2 - LOW	BUDGET AMENDMENTS HAVE BEEN IDENTIFIED TO MEET BUDGET SHORTFALL. P330 IS IN EXCELLENT CONDITION AND IS REASONABLY EXPECTED TO GIVE RELIABLE SERVICE. 2024/2025 BUDGET WAS UNABLE TO SUPPORT

	VEHICLE IN FLEET. INTENT OF PLANT REPLACEMENT PROGRAM IS TO REMOVE LEASED VEHICLES FROM FLEET AND TURN OVER PURCHASED VEHICLES WITHIN 2 YEARS TO MINIMISE TURNOVER AND SERVICE COSTS.		THE PURCHASE OF ALL VEHICLES RECOMMENDED IN THE ENDORSED PLANT REPLACEMENT PROGRAM.
HEALTH & SAFETY	N/A		
REPUTATION	N/A		
SERVICE DISRUPTION	NO SERVICE VEHICLE IS LIKELY TO IMPACT THE ABILITY TO EFFECTIVELY MAINTAIN THE VEHICLE AND PLANT FLEET.	B3 – HIGH	ACCEPT THE QUOTED PRICE FOR THE PURCHASE OF P330.
COMPLIANCE	N/A		
PROPERTY	N/A		
ENVIRONMENT	N/A		
FRAUD	N/A		

COMMUNITY AND STRATEGIC OBJECTIVES

THE PROPOSAL ALIGNS WITH THE FOLLOWING DESIRED OBJECTIVES AS EXPRESSED IN THE *COMMUNITY STRATEGIC PLAN 2022-2032*:

OBJECTIVES

IN 2040 CARNARVON IS A PLACE WHERE:

- *OUR INFRASTRUCTURE, HOUSING AND AMENITIES ARE HIGH QUALITY AND ACCESSIBLE*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

COMMENTS

ON BALANCE, PURCHASE OF P330 IS CONSIDERED THE MOST COST-EFFECTIVE WAY TO MANAGE THIS UNEXPECTED REQUIREMENT AND MAINTAIN AN ESSENTIAL ITEM OF THE FLEET. ITS PURCHASE WILL ALSO ELIMINATE AN EXPENDITURE REQUIREMENT OF APPROXIMATELY \$90,000 IN THE 2025/2026 BUDGET AND THAT SAVING CAN BE ALLOCATED TOWARD THE REPLACEMENT OF OTHER LEASED VEHICLES UNABLE TO BE REPLACED IN 2024/2025.

OFFICER’S RECOMMENDATION

THAT COUNCIL, BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 6.8(1) OF THE LOCAL GOVERNMENT ACT RESOLVES TO:

- A) APPROVE THE BUDGET VARIATION DETAILED IN CONFIDENTIAL SCHEDULE 1; AND***

- B) *AUTHORISES THE CEO TO NEGOTIATE AND FINALISE PURCHASE OF LEASED PLANT ITEM P330 FOR NOT MORE THAN THE QUOTED PRICE PROVIDED IN CONFIDENTIAL SCHEDULE 2.***

COUNCIL RESOLUTION OCM 17/10/24

MOVED: CR PAUL KELLY

SECONDED: CR LUKE SKENDER

THAT COUNCIL, BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 6.8(1) OF THE LOCAL GOVERNMENT ACT RESOLVES TO:

- A) *APPROVE THE BUDGET VARIATION DETAILED IN CONFIDENTIAL SCHEDULE 1; AND***
B) *AUTHORISES THE CEO TO NEGOTIATE AND FINALISE PURCHASE OF LEASED PLANT ITEM P330 FOR NOT MORE THAN THE QUOTED PRICE PROVIDED IN CONFIDENTIAL SCHEDULE 2.*

FOR: CRS EDDIE SMITH, BURKE MASLEN, ADAM COTTRELL, MARCO FERREIRINHA, LUKE SKENDER, LUKE VANDELEUR, PAUL KELLY AND DUDLEY MASLEN

AGAINST: NIL

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Nil

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 26 November 2024 at Bills Tavern, Coral Bay commencing at 10.30am

14 CLOSURE

The Presiding Member declared the meeting closed at 1.50pm.