



SHIRE OF CARNARVON
MINUTES
ORDINARY COUNCIL MEETING
TUESDAY 25 FEBRUARY 2025

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on
25 March 2025
as a true and accurate record

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

Chairman

DISCLAIMER

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

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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The meeting was declared open by the Presiding Member at 9.02am

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 Marco Ferreirinha Councillor, Plantation Ward
 Cr Luke Vandeleur Councillor, Town Ward
 Cr Paul Kelly Councillor, Town Ward
 Cr Dudley Maslen Councillor, Town Ward
 Cr Adam Cottrell Councillor, Coral Bay Ward(TEAMS)

Mr Stefan Louw Executive Manager, Community Planning & Sustainability
 Mrs Amanda Dexter Chief Executive Officer
 Mrs Amanda Leighton Executive Manager, Corporate Strategy & Performance
 Miss Stephanie Leca Executive Manager, Lifestyle & Community
 Michael Mallon Projects Delivery Manager
 Mrs Renee Louw IT Support Officer
 Mrs Dannielle Hill Senior Executive Officer

Apologies Nil
Leave of Absence Cr Luke Skender, Councillor Town Ward
Press..... Nil
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.)

Cr B Maslen (Direct Financial) – 7.1.6 Extension To Memorandum Of Understanding - Province Resources Ltd
 Cr B Maslen (Direct Financial) – 7.3.1 Northwater Structure Plan - Stages 4 And 5

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 commenced at 9.05am

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

The following question was submitted by Mr Shane Aylmore to the Special Meeting of Council held on 14 February 2025. Mr Aylmore was advised that his question could not be answered at that meeting as Council

could only deal with the matter in question and therefore his question would be submitted to the February 2025 Ordinary Council Meeting.

Question: It is sad that Shire of Carnarvon don't recognise tourism by closing the facilities at Point Quobba (Blowholes) i.e. ablution facility, sullage point and rubbish removal. Why doesn't the Shire of Carnarvon promote tourism?

Response: The CEO responded and stated that the Shire of Carnarvon does a great deal towards tourism in Carnarvon and there is a great deal of evidence around the town of what we do. Tourism is also a key point in our Economic Development Plan. A more formal response will be provided to Mr Aylmore. The Blowholes facilities have been closed as per Council direction. There will be discussions next week with Government Departments on a way forward in regards to the management of the Blowholes next week and we hope to have a position once we come out of caretaker mode and there is a government in place.

3.2 PUBLIC QUESTION TIME

Public Question Time was closed at 9.05am

9.05am – CEO Mandy Dexter left the meeting.

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 28 January 2025

4.2 Minutes of the Special Council Meeting - 14 February 2025

COUNCIL RESOLUTION OCM 01/02/25

Moved: Cr Burke Maslen

Seconded: Cr Marco Ferreirinha

That the minutes of Ordinary Council Meeting held on 28 January 2025 and the Special Meeting of Council held on 14 February 2025 be confirmed as a true record of proceedings.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

President Smith wished to acknowledge the sad passing of three Carnarvon identities, being Mr Barry Scott, Mr Bill Henderson and Hazel Howse. All of these amazing people were well known in the Carnarvon community and will be sadly missed. Sincere condolences to all the families.

9.09am – CEO Mandy Dexter returned to the meeting.

6 PRESENTATIONS, PETITIONS AND MEMORIALS

6.1 LOTTERIES HOUSE - LEASE AGREEMENT

Mrs Julee Nelson, Chairperson of Carnarvon Lotteries House will be addressing Council in regard to concerns relating to the lease agreement of Lotteries House.

Mrs Nelsons questions -

Council would have received my emails dated 14 February 2025 regarding Carnarvon Lotteries House and Shire of Carnarvon

- Email to the SoC CEO and Councillors
- Deed of Trust between Carnarvon Lotteries House and The Lotteries Commission
- Record of Certificate
- Expired Lease Agreement between Shire and CLH Inc.
- New Commercial Lease Agreement between Shire of Carnarvon and CLH

Question 1: Involvement of Lawyers:

Why wasn't the Council made aware that lawyers are involved in the current situation between Carnarvon Lotteries House and the Shire of Carnarvon?

Response: *No legal action is underfoot. Clarification of the lease was sought by CLH, the Lawyers who prepared the lease were contacted to provide clarification on the lease. The officers for the Shire of Carnarvon have already informed CLH that the current lease is fit for purpose. To date, the Shire has spent the following on legal fees relating to the lease for CLH. \$8354.90 on 31/1/25 seeking clarification regarding "Commercial Lease" and \$ER1,494.80 on 28/4/2022 for preparation of the lease, totalling \$2,329.70.*

Question 2: Shouldn't there have been transparency regarding the legal complexities?

Response: *To our knowledge, there are no legal complexities. The Lawyers who prepared the new lease, were contacted to review and respond to the queries raised by CLH. The current lease is fit for purpose. The current lease does not prohibit subleasing. The current lease clearly defines what happens to the building should CLH cease to operate.*

Question 3: Support for CLH as a Not-for-Profit Organisation:

Given that Carnarvon Lotteries House is a not-for-profit organisation that contributes significantly to the Carnarvon community, why does the Shire not consider transferring the land to CLH, thereby further supporting their continued service to the community?

Response: *Whilst the services that CLH provide to the community is of a significant benefit, if the land is transferred to CLH, the Shire needs to consider the risk of the CLH ceasing operations due to lack of funding or support from other government agencies. If the land is transferred to CLH, in the event that CLH ceases operations, the land and the building upon it would no longer be for the benefit of the community, and would contribute to be another vacant, unused building in the CBD.*

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 STATUS OF COUNCIL DECISIONS - JANUARY 2025

File No:	ADM0308
Location/Address:	Nil
Name of Applicant:	Nil
Name of Owner:	Nil
Author(s):	Amanda Dexter, Chief Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	1. Status of Council Decisions - Outstanding Action Items

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 inform Council of the action taken in relation to Council decisions. It is proposed that Council endorse a monthly report to Council on all outstanding matters that direction has been given on, including an update on any legal action that may have a contingent liability and is unresolved.

It is therefore recommended that Council NOTES the Completed Status of Council Decisions Report for the month of December 2024 as provided in **Schedule 1** to this Report.

Background

It is proposed that the CEO prepares a monthly report to Council, on all outstanding matters that direction has been given on and any action that has been taken in relation to them, including an update on any legal action that may have a contingent liability and is unresolved.

Should additional information be required, for example historical decisions related to major projects that are still progressing, an assessment of resourcing will be required, to complete this information. The content and format of a separate report in relation to outstanding legal matters, is currently being examined

Stakeholder and Public Consultation

The report is included to inform Council and the Community of the ongoing status of all outstanding matters of Council. It is provided to increase transparency for the Community.

Statutory Environment

Nil

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	N/A		
Reputation	In order to remain transparent and to facilitate timely and appropriate decision making, it is requested that action items be reviewed at each Council meeting.	Minor	Increase transparency by providing adequate access to information and data.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Status of Council Decisions report includes decisions made at a Council meeting and/or Committee meetings. Where a recommendation is made at a committee meeting, and the decision subsequently made by Council, the Council decision will only be included in the Status of Council Decision report.

The Status of Council Decisions report details all outstanding items where a decision has been made by Council and/or a committee and a status update has been provided by relevant officers. The Status of Council Decisions report is run through InfoCouncil.

The Status of Outstanding Council Decisions report also includes the completed items for the prior month however it is to be noted that there are no outstanding action items resulting from the January 2025 Council Meeting with all items being addressed.

OFFICER'S RECOMMENDATION

That Council notes the Status of Completed Council Decisions Report (Schedule 1) for the month of December 2024 to this report.

COUNCIL RESOLUTION OCM 02/02/25

Moved: Cr Burke Maslen

Seconded: Cr Marco Ferreira

That Council notes the Status of Completed Council Decisions Report (Schedule 1) for the month of December 2024 to this report.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS JANUARY AND FEBRUARY 2025

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:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
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

To report on actions performed under delegated authority for the months of January and February 2025.

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	C-1 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	C-1 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 January 2025 and February 2025 are submitted to Council for information.

CEO DELEGATION

10 February 2025	Fee Waiver - Pink Stumps Day Fundraiser Event - \$86.00 <i>Delegation 1.2.21 – Defer, Grant Discounts, Waive or Write Off Debts</i>
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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
A1861	P04/25	613 NORTH RIVER ROAD, NORTH PLANTATIONS	2 X SHEDS	ACTION SHEDS AUSTRALIA	06/02/2025

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/1	ELLODY KEARNEY	LOT 12 (570) ROBINSON ST, KINGSFORD	EARTHWORKS FOR TANK STANDS
B22/028	MELISSA BUSH	LOT 596 (57) DOUGLAS ST, SOUTH CARNARVON	PICKET FRONT FENCE AND GATES
B24/062	KYLIE & JASON CHAPLIN	LOT 590 (85) WILLIAM STREET, EAST CARNARVON	ANCILLARY DWELLING, PATIO, DECK AND SHED
B24/095	SHIRE OF CARNARVON	LOT 547 ON HN C54 ROBINSON ST CARNARVON WA 6701	SEA CONTAINER
B24/098	THO VAN PHAM & THAM THI DINH	LOT 139 (588) SOUTH RIVER ROAD, SOUTH PLANTATIONS	SOLAR PANELS
B24/101	WILLIAM FRANCIS BROGAN	LOT 1 (44) ROBINSON STREET, CORAL BAY	PERMANENT OCCUPANCY PERMIT FOR 20 TOURISM ACCOMMODATION UNITS

OFFICER’S RECOMMENDATION

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for the months of January and February 2025.

COUNCIL RESOLUTION OCM 03/02/25

Moved: Cr Marco Ferreirinha

Seconded: Cr Paul Kelly

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, resolves to accept the reports outlining the actions performed under delegated authority for the months of January and February 2025.

FOR: Crs Eddie Smith, Burke Maslen, Marco Ferreirinha, Luke Vandeleur, Paul Kelly, Dudley Maslen and Adam Cottrell
AGAINST: Nil
ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.3 FOI STATEMENT 2025

File No:	ADM1880
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Dannielle Hill, Senior Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	January 2024
Schedules:	1. Shire of Carnarvon Freedom of Information Statement

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 purpose of this report is to seek Council endorsement of the review of the Shire of Carnarvon Freedom of Information Statement. The last review was conducted in January 2024.

Background

In accordance with the Section 96 of the *Freedom of Information Act, 1992* it is a requirement of Council to undertake an annual review of its Freedom of Information Statement.

In reviewing the existing FOI Statement there were minor changes in updating information only.

Stakeholder and Public Consultation

Nil

Statutory Environment

Freedom of Information Act, 1982 – Part 5

Requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections 96 and 97 of the FOI Act)

Relevant Plans and Policy

The Freedom of Information Statement is classed as a Council Policy and is referred to by staff when dealing with any Freedom of Information application/items relevant to this legislation.

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 (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.	B-2	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	To not review the FOI Statement will be in breach of the FOI Act	B-2	This agenda item aims to ensure that the Shire is compliant with the FOI Act
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

A copy of the updated Freedom of Information Statement is attached to this report for Council's information and consideration. In reviewing the document at an officer level there were minor changes required to reflect current information updates only. Procedure and statutory information remain unchanged.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995 and in accordance with Section 96 of the Freedom of Information Act, 1992 resolves to endorse the Shire of Carnarvon Freedom of Information Statement of February 2025 as presented in Schedule 1.

COUNCIL RESOLUTION OCM 04/02/25

Moved: Cr Marco Ferreira

Seconded: Cr Paul Kelly

That Council, by Simple Majority, pursuant to S.3.18 of the Local Government Act 1995 and in accordance with Section 96 of the Freedom of Information Act, 1992 resolves to endorse the Shire of Carnarvon Freedom of Information Statement of February 2025 as presented in Schedule 1.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.4 REQUEST FOR DEED OF EXTENSION OF LEASE - CARNARVON MOTORCYCLE CLUB

File No:	ADM0239
Location/Address:	Portion of Lot 1296, Speedway Road, Browns Range
Name of Applicant:	Carnarvon Motorcycle Club
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Governance & Information Coordinator
Authoriser:	Amanda Leighton, Manager People, Culture And Systems
Declaration of Interest:	Mrs Leighton – Impartiality Interest
Voting Requirement:	Simple Majority
Previous Report:	28 July 2014
Schedules:	1. Deed of Extension of Lease March 2020

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 details a request received 28 January 2025 from Carnarvon Motorcycle Club, seeking Council’s approval for a second further term of their Lease (a second further Deed of Extension of Lease) over a portion of Lot 1296, Speedway Road, Browns Range.



Background

At the Ordinary Council Meeting (OCM) July 2014, Council resolved to lease a portion of Lot 1296, Speedway Road, Browns Range to the Carnarvon Motorcycle Club (Club) for an initial term of 5 years; the initial lease (which included a provision for two further terms of five years) commenced on 22 March 2015 and expired 21 March 2020. At the OCM January 2020, Council approved the request for a first further term, this Deed of Extension of Lease commenced on 22 March 2020 and will expire on 21 March 2025 (**Schedule 1**).

Stakeholder and Public Consultation

N/A

Statutory Environment

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

Local Government Act 1995 – Sect. 3.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 30

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

(a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and-

(i) its market value is less than \$5 000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or (c) the land is disposed of to —

(i) the Crown in right of the State or the Commonwealth; or

(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

(iii) another local government or a regional local government; or

(d) it is the leasing of land to an employee of the local government for use as the employee's residence; or

(e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or

(f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the dental profession or medical profession to be used for carrying on the person's dental practice or medical practice; or

(g) it is the leasing of residential property to a person.

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

(a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or

(b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or

(c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —

(i) the names of all other parties concerned; and

(ii) the consideration to be received by the local government for the disposition; and

(iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

(2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —

(a) be made available for public inspection; and

(b) be published on the local government's official website.

(3) A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000; or

(b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Relevant Plans and Policy

Policy CF018 Lease and Licensing Classification; Category Two – Not for Profit

Financial Implications

The Cost of preparation of the lease will be paid by the lessee in accordance with Policy CF018. The current annual lease rental of \$406.36 (inc GST) will be reviewed annually (at the anniversary of commencement) based on CPI figures for the preceding quarter.

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	Not renewing the lease would result in a functioning sporting club without premises to operate	C2 - Moderate	Renewing the lease will mitigate this risk
Service disruption	N/A		
Compliance	N/A		
Property	Risk of damage or loss to the property if left vacant	C2 - Moderate	Renewing the Lease pf the building will mitigate this risk
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Deed of Extension of lease for a further five-year term will secure continuing revenue for the Shire whilst supporting an active local sporting club to continue to operate in Carnarvon, to progress its membership base and to develop and provide opportunities for participation in motorsport across the community.

OFFICER'S RECOMMENDATION

That Council, by simple majority, pursuant to Section 3.58 of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996 Reg 30 resolves to:

- 1. Exercise the option and renew the lease with Carnarvon Motorcycle Club over a Portion of Lot 1296, Speedway Road, Browns Range for a second further five-year term subject to:***
 - a. Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - b. Lease administration and document preparation is prepared at the Lessee's cost to be invoiced to the Lessee upon execution of the lease.***
 - c. Approve the CEO to execute the lease with the Lessee in accordance with the Shire of Carnarvon Policy CF018 Lease and Licensing Classification Category Two.***

COUNCIL RESOLUTION OCM 05/02/25

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreira

That Council, by simple majority, pursuant to Section 3.58 of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996 Reg 30 resolves to:

- 1. Exercise the option and renew the lease with Carnarvon Motorcycle Club over a Portion of Lot 1296, Speedway Road, Browns Range for a second further five-year term subject to:***
 - a. Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - b. Lease administration and document preparation is prepared at the Lessee's cost to be invoiced to the Lessee upon execution of the lease.***
 - c. Approve the CEO to execute the lease with the Lessee in accordance with the Shire of Carnarvon Policy CF018 Lease and Licensing Classification Category Two.***

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.5 REQUEST FOR LEASE - DISPOSAL OF PORTION OF LOT 421, ROBINSON STREET, CARNARVON

File No:	ADM2239
Location/Address:	Portion of Lot 421, Robinson Street, Carnarvon
Name of Applicant:	Gascoyne Auto Service
Name of Owner:	Shire of Carnarvon
Author(s):	Caroline Ballard, Governance & Information Coordinator
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 5/10/2023
Schedules:	<ol style="list-style-type: none"> 1. Aerial View - Lot 421 Robinson Street 2. Valuation Report Portion of Lot 421, Robinson Street, Carnarvon

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 item formally presents a request dated 5 February 2025 from Gascoyne Auto Service to lease a Portion of Lot 421 Robinson Street, Carnarvon for Carparking & Access.

Background

The portion of Lot 421 Robinson Street, Carnarvon lies adjacent to Gascoyne Auto Service’s current premises (Lot 406 Robinson Street, Carnarvon) (**Schedule 3**). The land was previously leased by the Shire of Carnarvon to PCYC.



The Shire of Carnarvon does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the Shire of

Portion of Lot 421 Robinson Street
Some 4000 m²



Gascoyne Auto Service purchased Lot 406, Robinson Street (the old PCYC building) in 2022 and have been in consultation with the Shire of Carnarvon for continuing use of the adjacent portion of Lot 421, Robinson Street, it is used by their business for vehicle access and car parking.

An independent market valuation was conducted by Opteon Solutions in May 2023 (**Schedule 2**), this gave indicative values for both Lease rental (\$12,000 p.a.) and outright purchase of the portion of land (\$120,000).

Gascoyne Auto Service advised that they wish to proceed to purchase the portion of land for \$120,000 and on 24 October 2023 Council resolved to accept their offer, sale of the land is subject to WAPC subdivision approval and rezoning. However, the sub-division process has yet to be completed and the land is still in continuous use by Gascoyne Auto Service; they have agreed to enter into a lease over the same portion of land for 3 years (which will be terminated once the sub-division action and purchase transactions are complete).

Stakeholder and Public Consultation

Gascoyne Auto Service
Opteon Solutions

Statutory Environment

Local Government Act 1995 – Sect. 3.58

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

(d) *any other disposition that is excluded by regulations from the application of this section.*

*LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 30**30 . Dispositions of property excluded from Act s. 3.58*

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and—
 - (i) its market value is less than \$5 000; and*
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or**
- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or**
- (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or*
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) another local government or a regional local government; or**
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or*
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
- (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the dental profession or medical profession to be used for carrying on the person's dental practice or medical practice; or*
- (g) it is the leasing of residential property to a person.*

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
- (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and*
 - (ii) the consideration to be received by the local government for the disposition; and*
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.**

(2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —

- (a) be made available for public inspection; and*
- (b) be published on the local government's official website.*

(3) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or*
- (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

Relevant Plans and Policy

CF018 Lease and Licensing Classification

Financial Implications

The market value report shows an annual rental of \$12,000 (ex gst) this will provide a further income for the Shire until such time as the land can be sold (subject to subdivision and rezoning). The officer’s recommendation is that Council accept the request to lease the portion of land.

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 costs are associated with the upkeep of the property. Property is disposed through lease at market value price.	Low	Disposal of property through a lease will mitigate this risk. Purchase price is based on an independent commercial valuation and continues to provide a fair market price for this request.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	Section of land is undeveloped, and is not able to be used by any other provider other than the occupier of the neighboring property.	Low	Disposal of the property to the proposed owner will ensure that the property remains an active space and is maintained
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:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The area of land was previously leased to PCYC and used as a car parking and garden area and provided side access to the main building. Gascoyne Auto Services use it as the main vehicle entrance to their workshop.

The Applicant will need to obtain a land survey and lodge an application with WAPC to subdivide the Lot in question. Once WAPC approval is given the applicant is required to lodge a plan of the subdivision with Landgate for registration and new titles can be issued. The portion of land can then be legally sold and transferred to the applicant. It should be noted that this is a lengthy process and entering into lease with the Shire of Carnarvon ensures the Applicant has adequate tenure over a portion of land that is essential to his business.

This approach ensures compliance with legislative requirements while maintaining financial sustainability and securing a long-term revenue stream for the Shire.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, and in accordance with the Shire of Carnarvon Policy CF018 Lease and Licensing Classification – Category Four, resolves to:

- 1. Grant a new lease over portion of Lot 421, Robinson Street, Carnarvon, for a 3-year term, subject to:***
 - a) an annual licence fee of \$12,000 (ex GST) per annum;***
 - b) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - c) lease documentation is prepared at the Lessee's cost, invoiced to the Lessee upon execution of the lease.***
- 2. Advertise by local public notice its intention to grant a new lease for the land, being a portion of Lot 421, Robinson Street, Carnarvon, for a period of not less than two (2) weeks; and***
- 3. Approve the CEO to execute the lease with the Lessee as outlined above, subject to no objections being received during the public notice period for the proposed disposal of property.***

COUNCIL RESOLUTION OCM 06/02/25

Moved: Cr Paul Kelly

Seconded: Cr Burke Maslen

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, and in accordance with the Shire of Carnarvon Policy CF018 Lease and Licensing Classification – Category Four, resolves to:

- 1. Grant a new lease over portion of Lot 421, Robinson Street, Carnarvon, for a 3-year term, subject to:***
 - a) an annual licence fee of \$12,000 (ex GST) per annum;***
 - b) conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995; and***
 - c) lease documentation is prepared at the Lessee's cost, invoiced to the Lessee upon execution of the lease.***
- 2. Advertise by local public notice its intention to grant a new lease for the land, being a portion of Lot 421, Robinson Street, Carnarvon, for a period of not less than two (2) weeks; and***

- 3. *Approve the CEO to execute the lease with the Lessee as outlined above, subject to no objections being received during the public notice period for the proposed disposal of property.***

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.1.6 EXTENSION TO MEMORANDUM OF UNDERSTANDING - PROVINCE RESOURCES LTD

Cr B Maslen (Direct Financial) – 7.1.6 Extension To Memorandum Of Understanding - Province Resources Ltd
 – Left the meeting at 9.18am

File No: ADM1695
 Location/Address: N/A
 Name of Applicant: Province Resources Ltd
 Name of Owner: Province Resources Ltd
 Author(s): Amanda Dexter, Chief Executive Officer
 Authoriser: Amanda Dexter, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: 25 June 2024
 Schedules: 1. MOU Province Resources Ltd

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

At the April 2021 Ordinary Council Meeting, the Council resolved to enter into a Memorandum of Understanding (MoU) with Province Resources Limited (PRL) to support the development of a Green Hydrogen project on a portion of the North Common, subject to legislative requirements. Since then, the lease has been extended on a 12-month basis as the project progresses. PRL has now requested a further extension, and it is recommended that the Council approve a 24-month lease extension to facilitate continued progress.

Background

Province Resources Limited (PRL) is seeking to develop the HyEnergy™ Zero Carbon Hydrogen Project (the Project) within the Shire of Carnarvon. The proposed project area is located within the North Common (see attached map – Schedule 4.4(b)).

The North Common includes several managed reserves under three separate Management Orders, designated for:

- Town Common
- Resting place for travellers and stock
- Artesian Bore

Of these, only the Artesian Bore reserve includes a leasing power for the Shire, allowing a lease term of up to 21 years with Ministerial consent. However, the Artesian Bore is intended to be excluded from the project area.

The State Government has granted PRL a non-exclusive Section 91 Licence over Crown land north of the Carnarvon townsite to support feasibility studies and identify a suitable lease area. This land includes the three Crown Reserves under the Shire's Management Orders.

The Shire holds a statutory right to manage these reserves under its Management Orders. The Department of Planning, Lands and Heritage (DPLH) has advised that the Shire should consent to revocation of relevant Management Orders where necessary, allowing the State (Minister for Lands) to enter into a lease with PRL.

To ensure local community benefit, PRL has proposed an annual voluntary payment to the Shire equivalent to 50% of the lease fee paid to the State Government for the life of the Project. This payment is part of a broader benefits package PRL is offering as the Project progresses.

The Shire's officers are supportive of the Project, recognising its economic benefits for the region. However, the Council seeks to ensure fair benefits for the Shire and its residents.

The Memorandum of Understanding (MoU) between the Shire and PRL, last extended by Council on 4 April 2022, expired on 30 April 2024. Council is now required to review its position regarding its ongoing support for the Project and PRL.

Stakeholder and Public Consultation

Nil

Statutory Environment

S3.18 of the *Local Government Act 1995*

3.18. Performing executive functions

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

(2) In performing its executive functions, a local government may provide services and facilities.

(3) A local government is to satisfy itself that services and facilities that it provides —

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively. Relevant Plans and Policy

Financial Implications

There are no direct financial implications associated with extending the Memorandum of Understanding (MoU). However, if the Project proceeds, the financial benefits to the Shire could be significant, given PRL's commitment to making voluntary annual payments equivalent to 50% of the lease fee paid to the State Government for the duration of the Project. The exact value of the lease is still under negotiation between PRL and the State Government, and its final determination will influence the financial impact on the Shire.

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	Another proponent may make a more generous offer to the Shire.	D3 - Moderate	The MoU with PRL is non-exclusive, meaning the Shire can enter into negotiations with other prospective proponents.
Health & Safety	N/A		
Reputation	Potential for the perception that the Shire is excluding other potential proponents.		The MoU with PRL is non-exclusive, meaning the Shire can enter into negotiations with other prospective proponents.
Service disruption	N/A		
Compliance	N/A		
Property	Loss of a property (the North Common) for use by the community		Ensuring that the payment offered, plus the potential economic growth that could be realised from this project, compensates for the loss of this property.
Environment	Environmental impacts from the project are unknown.		The State Government, as the head lessor and authority with legislative responsibility for environmental approvals, would assume responsibility for environmental approvals and managing any potential environmental impacts.
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*
- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Carnarvon Industrial/Manufacturing Precinct/Hub*
- *Aim towards 100% Renewable Energy*

Comments

The Shire of Carnarvon acknowledges the significant work and investment that Province Resources Limited (PRL) has undertaken over the past three years to advance the HyEnergy® green hydrogen project. The Shire Background

Province Resources Limited (PRL) is seeking to develop the HyEnergy™ Zero Carbon Hydrogen Project (the Project) within the Shire of Carnarvon. The proposed project area is located within the North Common (see attached map – Schedule 4.4(b)).

The North Common includes several managed reserves under three separate Management Orders, designated for:

- Town Common
- Resting place for travellers and stock
- Artesian Bore

Of these, only the Artesian Bore reserve includes a leasing power for the Shire, allowing a lease term of up to 21 years with Ministerial consent. However, the Artesian Bore is intended to be excluded from the project area.

The State Government has granted PRL a non-exclusive Section 91 Licence over Crown land north of the Carnarvon townsite to support feasibility studies and identify a suitable lease area. This land includes the three Crown reserves under the Shire's Management Orders.

The Shire holds a statutory right to manage these reserves under its Management Orders. The Department of Planning, Lands and Heritage (DPLH) has advised that the Shire should consent to revocation of relevant Management Orders where necessary, allowing the State (Minister for Lands) to enter into a lease with PRL.

To ensure local community benefit, PRL has proposed an annual voluntary payment to the Shire equivalent to 50% of the lease fee paid to the State Government for the life of the Project. This payment is part of a broader benefits package PRL is offering as the Project progresses.

The Shire's officers are supportive of the Project, recognising its economic benefits for the region. However, the Council seeks to ensure fair benefits for the Shire and its residents.

The Memorandum of Understanding (MoU) between the Shire and PRL, last extended by Council on 4 April 2022, expired on 30 April 2024. Council is now required to review its position regarding its ongoing support for the Project and PRL.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995 resolves to enter a Memorandum of Understanding with Province Resources Limited for twenty four (24) months commencing 26 June 2024.

COUNCIL RESOLUTION OCM 07/02/25**Moved:** Cr Luke Vandeleur**Seconded:** Cr Paul Kelly**OFFICER'S RECOMMENDATION**

That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995 resolves to enter a Memorandum of Understanding with Province Resources Limited for twenty four (24) months commencing 26 June 2024.

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

AGAINST: Nil

ABSENT: Crs B Maslen and L Skender

CARRIED BY SIMPLE MAJORITY 6/0

9.20am – Cr Burke Maslen returned to the meeting.

7.2 CORPORATE SERVICES

7.2.1 MONTHLY FINANCIAL REPORT JANUARY 2025

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:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report - January 2025

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 31 January 2025 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

- 1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month

The attached monthly financial report is structured to include the statutory requirements plus further notes to assist Councillors to understand the Shire’s financial position at the time of reporting.

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.	Low	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. Including detailed notes to the statement of financial activity does however improve the trust between citizens and the Shire of Carnarvon.

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 January 2025 Statement of Financial Activity being presented at the February 2025 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 31 January 2025.

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

Key points of interest for Councillors consideration:

- Last year's closing audited surplus has resulted in a \$424K lower than budget result. This difference is due to the recognition of doubtful debts related to REX voluntary administration and doubtful rates. The mid-year budget review will need to address this gap of funds by reducing overall planned expenditure.
- Invested funds in term deposits total \$7.05M, comprising \$3.05M of Reserve funds and \$4M of Municipal Funds.
- Loan funds of \$500K have been acquired from Treasury to assist with funding the RED housing project.
- Capital and Operating grant funding equates to \$24M, of which \$3.3M has been received. The bulk of the difference is Airport and Roads Funding which is generally offset by expenditure. Budget review processes may defer some of these projects to future years.

- The Budget review process is currently underway and must be presented to Council before 31st March to comply with legislative requirements.
- The Shire is required by legislation to revalue its Land and Buildings class of assets this year. A purchase order has been issued, with an expected completion date in May 2025.
- Excluding the Airport upgrade, 21% of the capital works program is complete, with a further 29% of the program committed with purchase orders or contracts.

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 January 2025 as per attached Schedule 1.

COUNCIL RESOLUTION OCM 08/02/25

Moved: Cr Luke Vandeleur

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 January 2025 as per attached Schedule 1.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.2.2 PROPOSED BUDGET REVIEW 2024/2025

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sarah Driscoll, Senior Finance - Operations
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	1. 2024/2025 Budget Review Statutory Report

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 the proposed 2024/2025 Mid-Year Budget Review for Council to consider. The officer’s recommendation is that Council adopts the review as presented.

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to undertake a review of their annual budget between 1 January and 31 March each financial year. This review is to be provided to Council on or before 31 March in that financial year.

A budget review is a detailed comparison of the year-to-date actuals with the adopted budget. It considers current commitments and seeks to forecast known impacts on the annual budget for the remainder of the financial year.

Budget reviews provide a tool for decision making for current and future activities and they are a key component of prudent financial management practices in order to mitigate financial risk exposure to Council.

The review will examine the opening surplus for the 2024/2025 financial year, which varies by **\$424,944** from the opening surplus used for the adopted annual budget. This variance is made up of the following:

- The recognition of **\$286,748** outstanding debt for Regional Express Pty Ltd as a provision for doubtful debt expense on 30 June 2024.
- The recognition of **\$138,196** of doubtful rates as a provisional doubtful debt expense.

These provisions for doubtful debts were at the request of the Shire's auditors, post annual budget adoption. This 2023/2024 closing surplus was certified by the Office of the Auditor General on 11 December 2024.

There are other factors and urgent matters that affect the operational activities and revenue streams which have resulted in budget variations and will be outlined further in this report.

Stakeholder and Public Consultation

Nil

Statutory Environment

s.6.8 Local Government Act 1995

Local Government (Financial Management) Regulations 1996 Regulation 33A – Review of budget

(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget; and

(d) include the following —

(i) the annual budget adopted by the local government;

(ii) an update of each of the estimates included in the annual budget;

(iii) the actual amounts of expenditure, revenue and income as at the date of the review;

(iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

(2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Relevant Plans and Policy

There are no policy implications related to this report.

Financial Implications

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

Further and ongoing analysis of the budget will be undertaken over the next few months during the formulation of the 2025/2026 Annual Budget and any areas requiring Council's attention will be identified in the standard monthly budget adjustment 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	Mitigating Action/s
Financial	Risk of over expenditure occurring on some line items in the budget and/or a deficiency in funds to complete specific projects or tasks.	High	Endorse the budget review with any amendments (as specified by Council).
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	Insufficient budget could result in potential delays and service disruptions.	Medium	The Review has attempted to accurately predict budget requirements to maintain service continuity for the remainder of the financial year.
Compliance	That the review is completed within statutory timeframes.	Medium	Compliance will be achieved if adopted prior to end of March.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

During the year, Council have resolved to accept 19 budget amendments which were necessary to proceed with urgent matters. These amendments are included within this budget review, as the budget review is a comparison of actuals and the initial adopted budget.

Due to the variance in the opening deficit post audit completion, officers have had to carefully consider any changes in Council's operating environment since the beginning of the financial year with a view of recouping the opening budget deficit and forecasting the financial impacts likely to arise for the remainder of the financial year.

The progress of capital program completion, particularly projects with a large portion of own-source Council funding, has been an area of focus. Note 6 of the Statutory Report provides a detailed overview of the updated Capital Acquisitions budget. Note 4 of the Statutory Reports provides an overview of predicted variances between the adopted budget and estimated year to date figures across operating, investing and financing activities.

Upon review of all areas of the budget, Officer's were unable to recoup the deficit that the REX doubtful debt created in the budget. The 2024/2025 budget is therefor in a deficit of **\$286,748**.

OFFICER'S RECOMMENDATION

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

- 1. Adopt the 2024/2025 Mid-Year Budget Review, as per Schedule 1, in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996; and***
- 2. Forward a copy of the Council resolution and the statutory budget review to the Department of Local Government, Sport and Cultural Industries within 14 days after adoption.***

COUNCIL RESOLUTION OCM 09/02/25

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

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

- 1. Adopt the 2024/2025 Mid-Year Budget Review, as per Schedule 1, in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996; and***
- 2. Forward a copy of the Council resolution and the statutory budget review to the Department of Local Government, Sport and Cultural Industries within 14 days after adoption.***

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY ABSOLUTE MAJORITY 7/0

7.2.3 ACCOUNTS PAID UNDER DELEGATION JANUARY 2025

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Vika Nafetalai, Finance Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	<ol style="list-style-type: none"> 1. List of Accounts for payment- January 2025 2. Credit Card Statement 23/12/2024- 22/01/2025 3. Credit Card Reconciliation 25/11/2024- 22/12/2024

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 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 January 2025.

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, 2 and 3 attached.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

5.42. Delegation of some powers and duties to CEO

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

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2),(3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

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

12. Payments from municipal fund or trust fund, restrictions on making

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee’s name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee’s name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
Local Government (Financial Management) Regulations 1996

(b) recorded in the minutes of that meeting. Relevant Plans and Policy

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. Any creditor changes are independently reviewed

Community and Strategic Objectives

The proposal aligns with the following desired objectives 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

Along with the monthly Credit Card statement, Council is usually provided with a reconciliation detailing the nature of the expenditure incurred on Credit Cards during the month. Due to the timing of staff leave, the December detailed expenditure reconciliation was not provided in the January 2025 Council Meeting. This statement and reconciliation are therefore provided within the February report.

OFFICER’S RECOMMENDATION

That Council by simple majority in accordance with S.5.42 of the Local Government Act – 1995, resolves to:

- 1. Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,231,662.71 as presented for the month of January 2025, incorporating the following: and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT43180</i>	<i>EFT43189</i>	<i>Cancelled Batch</i>	<i>0</i>
<i>EFT43190</i>	<i>EFT43383</i>	<i>Muni EFT</i>	<i>\$1,305,598.51</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>

-	-	<i>Cheque</i>	<i>\$0.00</i>
<i>DD41310.1- DD41310.7, DD41312.1, DD41316.1, DD41331.1, DD41333.1- DD41333.2, DD41337.1, DD41340.1, DD41344.1, DD41346.1, DD41349.1- DD41349.5, DD41351.1- DD41351.3, DD41352.1, DD41353.1- DD41353.2, DD41355.1- DD41355.6, DD41357.1- DD41357.2, DD41358.1- DD41358.2</i>	<i>DD41362.1</i>	<i>Bank Directs</i>	<i>\$926,064.20</i>
		<i>TOTAL</i>	<i>\$2,231,662.71</i>

Receive the copies of credit card statements for all Shire Facilities for the period 23.11.2024 – 22.12.2024 & credit card statements for the period 23.12.2024- 22.01.2025.

COUNCIL RESOLUTION OCM 10/02/25

Moved: Cr Paul Kelly

Seconded: Cr Dudley Maslen

That Council by simple majority in accordance with S.5.42 of the Local Government Act – 1995, resolves to:

- 1. Receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,231,662.71 as presented for the month of January 2025, incorporating the following: and**

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT43180</i>	<i>EFT43189</i>	<i>Cancelled Batch</i>	<i>0</i>
<i>EFT43190</i>	<i>EFT43383</i>	<i>Muni EFT</i>	<i>\$1,305,598.51</i>
-	-	<i>Trust EFT</i>	<i>\$0.00</i>
-	-	<i>Cheque</i>	<i>\$0.00</i>
<i>DD41310.1- DD41310.7, DD41312.1, DD41316.1, DD41331.1, DD41333.1- DD41333.2, DD41337.1, DD41340.1, DD41344.1, DD41346.1, DD41349.1- DD41349.5, DD41351.1- DD41351.3, DD41352.1, DD41353.1- DD41353.2, DD41355.1- DD41355.6, DD41357.1- DD41357.2, DD41358.1- DD41358.2</i>	<i>DD41362.1</i>	<i>Bank Directs</i>	<i>\$926,064.20</i>
		<i>TOTAL</i>	<i>\$2,231,662.71</i>

Receive the copies of credit card statements for all Shire Facilities for the period 23.11.2024 – 22.12.2024 & credit card statements for the period 23.12.2024- 22.01.2025.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 NORTHWATER STRUCTURE PLAN - STAGES 4 AND 5

Cr B Maslen (Direct Financial) – 7.3.1 Northwater Structure Plan - Stages 4 And 5 – Cr Maslen left meeting at 9.23am

File No:	ADM1883
Location/Address:	Lot 9001 on Plan 402324
Name of Applicant:	Taylor Burrell Barnett t/a DevelopmentWA
Name of Owner:	Western Australian Land Authority
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	1. Structure Plan 2. DWER response

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 seeks Council’s endorsement of the draft Northwater Structure Plan for Stages 4 and 5 following the public advertising period from 10 April 2024 to 22 May 2024. Only one submission was received during the advertising period, which has been resolved. The report also outlines the structure plan’s compliance with relevant planning requirements. Upon Council’s endorsement, the structure plan will be submitted to the Western Australian Planning Commission (WAPC) for final approval.

For the structure plan itself, refer to **Schedule 1** to this report. A complete copy of the structure plan report including appendices will be tabled at the Ordinary Council Meeting due to document size restrictions.

Background

Stages 1 and 2 of Northwater Estate related to the residential and canal development that have since been developed to the south-east of the structure plan area. Stage 3 relates to an area of the parent lot that was granted subdivision approval in May 2023 for new residential lots.

The Northwater Structure Plan (Stages 4 and 5) is the last piece to the puzzle and a critical planning document guiding the future land use and development within the last two stages of the Northwater Estate. Please refer to figure 1 below for the various stages of the Northwater Estate.

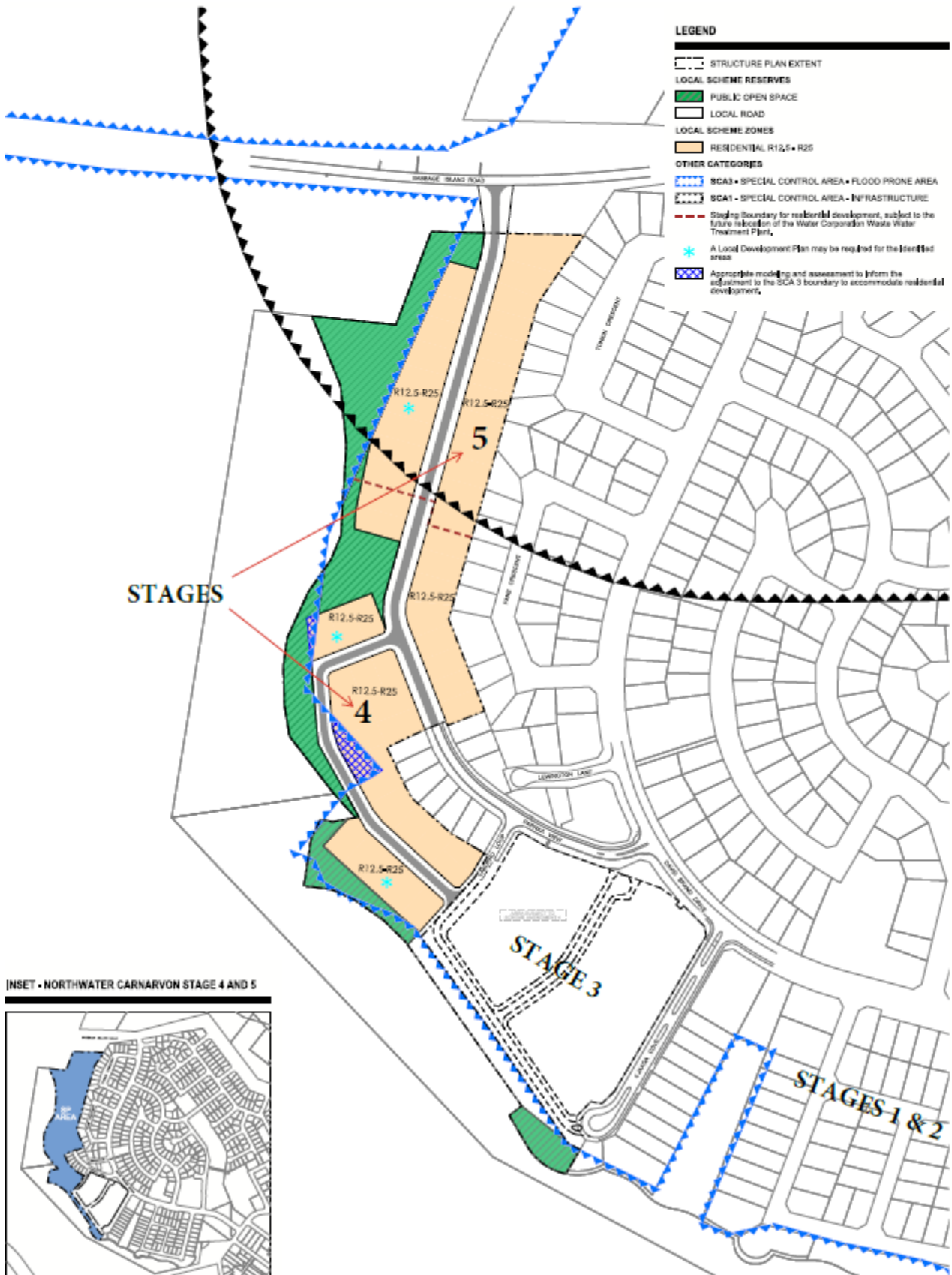


Figure 1 - Northwater Estate stages

Specifically, the structure plan applies to part of Lot 9001 on Deposited Plan 402324 (the subject land), within the locality of Brockman in Carnarvon. The structure plan area is approximately 750 metres north-west of the Carnarvon Town Centre, 1.5 kilometres north-west of the Carnarvon Airport and 1.3km north-west of the Carnarvon Hospital. The structure plan is proposed to provide a road connection from Babbage Island Road at its northern extent through to Parnaa View at its southern extent.

The subject land has previously been cleared of remnant vegetation due to the construction of a levee system to protect urban areas from flooding of the Gascoyne River, and the land has partly been filled as a result of depositing dredge spoil associated with the Northwater estate and canal system which is located to the immediate south. Lot 9001 is owned by the Western Australian Land Authority t/a DevelopmentWA. DevelopmentWA will be responsible for the future subdivision and development of the subject land.

Following receipt of the plan, it was made available for public consultation from 10 April 2024 to 22 May 2024. The structure plan incorporates key infrastructure planning, land use proposals, and environmental considerations for these stages of development.

Stakeholder and Public Consultation

Pursuant to Clause 18 of Schedule 2 of Part 4 of the *Planning and Development (Local Planning schemes) Regulations 2015*, the local government must within 28 days of accepting an application for a structure plan, advertise the proposed structure plan in accordance prescribed requirements.

The application was advertised from 10 April 2024 to 22 May 2024 to surrounding property owners and occupiers as well as to the following agencies:

- Department of Water and Environmental Regulation
- Water Corporation
- Horizon Power
- Gascoyne Development Commission
- Department of communities

During the advertising period, only one submission was received from the Department of Water and Environmental Regulation (DWER). The submission raised concerns regarding Local Water Management Strategy (LWMS) that formed part of the structure plan.

Following further work undertaken and adjustments made to the strategy by the applicant, the LWMS was re-referred to DWER for consideration and was subsequently approved on 9 January 2025.

In addition to the above, the proposal was also referred to the Shire's Infrastructure Department who did not raise any concerns.

Statutory Environment

The structure plan has been informed by and addresses the requirements of clause 16 of the Deemed Provisions, *Planning and Development (Local Planning Schemes) Regulations 2015*, the Structure Plan Guidelines and the provisions of the Local Planning Scheme No. 13.

Relevant Plans and Policy

The proposed structure plan has addressed the following strategies and policies and is considered to be consistent with those strategies and policies.

Shire of Carnarvon Local Planning Strategy 2017
State Planning Strategy 2050
Gascoyne Regional Investment Blueprint 2050
Gascoyne Coast Sub-Regional Strategy

- State Planning Policy 2.6 – Coastal Planning
- State Planning Policy 2.9 – Water Resources
- State Planning Policy 2.9 – Planning for Water
- State Planning Policy 3.0 – Urban Growth and Settlement
- State Planning Policy 3.4 – Natural Hazards and Disasters
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 6.3 – Ningaloo Coast

Financial Implications

There are no financial implications associated with this application.

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	Ad hoc development could occur without a structure plan in place, which could lead to poor planning and sustainability outcomes that can damage Shire’s reputation.	Moderate – C2	Endorsing a structure plan for the Northwater Estate - Stages 4 and 5 will ensure proper planning for future development.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Poor planning through ad hoc development could negatively impact the environment in relation to stormwater management and native vegetation clearance.	Moderate – C2	Endorsing a structure plan for the Northwater Estate - Stages 4 and 5 will ensure proper planning for future development taking into account the affected environmental aspects.
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*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Northwater Structure Plan for Stages 4 and 5 has been assessed against all relevant planning requirements, including:

- **Compliance with the Local Planning Scheme:** The plan aligns with the objectives of the Local Planning Scheme, ensuring that proposed land uses and densities are consistent with the intended outcomes for the area.
- **Infrastructure Requirements:** The structure plan addresses all necessary infrastructure requirements, including roads, utilities, stormwater management, and open space provision, ensuring that development can proceed in a coordinated and sustainable manner.
- **Environmental Considerations:** The plan has been assessed in relation to environmental impacts, and any required mitigation measures have been incorporated.
- **Urban Design and Layout:** The proposed layout provides for a mix of land uses in a well-integrated and sustainable manner, supporting the broader vision for the Northwater precinct.

The Northwater Structure Plan for Stages 4 and 5 meets all necessary planning requirements, and the submission received during the advertising period has been addressed and resolved. It is recommended that Council endorse the structure plan and proceed with submitting the structure plan to the Western Australian Planning Commission (WAPC) for final approval.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority,

- 1. Pursuant to Section 3.18 of the Local Government Act, 1995 endorses the Northwater Structure Plan (stages 4 and 5); and***
- 2. Pursuant to Clause 20(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to submit the Northwater Structure Plan (stages 4 and 5) to the Western Australian Planning Commission (WAPC) for approval.***

COUNCIL RESOLUTION OCM 11/02/25**Moved:** Cr Dudley Maslen**Seconded:** Cr Paul Kelly***That Council, by Simple Majority,***

- 1. Pursuant to Section 3.18 of the Local Government Act, 1995 endorses the Northwater Structure Plan (stages 4 and 5); and***
- 2. Pursuant to Clause 20(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to submit the Northwater Structure Plan (stages 4 and 5) to the Western Australian Planning Commission (WAPC) for approval.***

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

AGAINST: Nil

ABSENT: Crs B Maslen and L Skender

CARRIED BY SIMPLE MAJORITY 6/0

9.25am – Cr Burke Maslen returned to the meeting.

7.3.2 LOCAL PLANNING POLICIES

File No:	ADM0173
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	26 November 2024
Schedules:	1. Local Planning Policies

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 seeks a Council resolution to adopt the amended local planning policies (LPP) – CD017 Signs and Advertising, CD018 Outbuildings, and CD019 Alfresco Dining under Local Planning Scheme No. 13 (LPS 13), attached as **Schedule 1**.

Background

On 26 November 2024 Council resolved the following:

COUNCIL RESOLUTION OCM 11/11/24

Moved: Cr Luke Skender
Seconded: Cr Dudley Maslen

That Council, by Simple Majority, resolves to:

- 1. initiate the local planning policies for advertising in accordance with the requirements of Clause 4 of Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) comprising the following local planning policies: a) CD017 – Signs and Advertising; b) CD018 Outbuildings, and c) CD019 Alfresco Dining, as set out at Schedule 1; and**
- 2. authorise the Chief Executive Officer to advertise Council’s proposal to adopt the local planning policies referenced to in point 1 above under the Shire of Carnarvon Local Planning Scheme No. 13 in accordance with the specific requirements of Clause 87 of Part 12 the Regulations for the minimum required period of twenty-one (21) days.**

This report also advises the outcome of the public advertising period.

Stakeholder and Public Consultation

The local planning policies were advertised in accordance with *Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015* by advertising in the local newspaper for a period of 34 days. In addition to the newspaper advertisement, the local planning policies were also advertised on the Shire’s website and Shire Newsletter.

No submissions were received.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 – Division 2, Local Planning Policies.

Relevant Plans and Policy

- Policy Statement No 18 – Advertising and Signage
- Policy Statement No 15 – Outbuildings
- Policy Statement No 9 – Alfresco Dining

Financial Implications

There are no financial implications associated with the proposal except for advertising costs, which have been budgeted for in the 2024/25 budget. The Shire’s responsibility is limited to consultation with the local community and service providers.

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	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	There is a risk associated by the non-adoption of the policies as it could lead to reduced clarity on development requirements and have an adverse impact on the amenity of the built environment.	Low-C1	The policies clarify what is acceptable development and the community will have a better understanding of how applications are to be determined.
Environment	N/A		

Fraud	N/A		
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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 local planning policies are considered supplementary guidelines in the decision-making process associated with development applications. The local planning policies have been prepared and advertised in accordance with relevant regulations and, as such, can be adopted by Council.

OFFICER’S RECOMMENDATION

That Council by Simple Majority:

- 1. Pursuant to Clause 4(3)(b) of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed with the policies without modification; and***
- 2. Pursuant to Clause 4(4) of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 request the CEO to publish the local planning policies in accordance with clause 87, of the Planning and Development (Local Planning Schemes) Regulations 2015.***

COUNCIL RESOLUTION OCM 12/02/25

Moved: Cr Burke Maslen

Seconded: Cr Paul Kelly

That Council by Simple Majority:

- 1. Pursuant to Clause 4(3)(b) of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed with the policies without modification; and***
- 2. Pursuant to Clause 4(4) of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 request the CEO to publish the local planning policies in accordance with clause 87, of the Planning and Development (Local Planning Schemes) Regulations 2015.***

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.4 INFRASTRUCTURE SERVICES

7.4.1 RFT 10-24 CIVIC CENTRE UPGRADES

File No:	ADM2333
Location/Address:	1 Camel Lane, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	1. Simple Majority 2. Absolute Majority
Previous Report:	OCM 12/08/24
Schedules:	1. RFT 10-24 Evaluation and Recommendation Report - Confidential (under separate cover)

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 evaluation of submissions received for Request for Tender (RFT) 10/24 – Civic Centre Upgrades for Council consideration. It is recommended that Council does not award a contract for the works.

Background

In 2023, the Shire of Carnarvon obtained funding under the Department of Fire and Emergency Services (DFES) LG Resilience Fund for Cyclone Seroja.

The funding is for upgrades to the Woolshed which serves as an evacuation centre. The improvements include roofing of the outdoor courtyard, enhancements to the kitchen facilities and a mixture of exterior/interior renovations.

In July 2024, the Shire tendered for a design and construct contract to complete the upgrades. The single submission received included a conforming and non-conforming tender. The non-conforming tender proposed using the existing concrete beam structure which resulted in a more affordable cost). At its August Ordinary Meeting Council resolved to not accept the tender received as follows:

COUNCIL RESOLUTION OCM 01/08/24**Moved:** Cr Marco Ferreirinha**Seconded:** Cr Luke Vandeleur

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996, resolves to:

- a) not accept any submission received for Tender – RFT 05/2024 Civic Centre Upgrades (Design and Construction); and*
- b) authorise the CEO to revise the project scope of works;*
- c) authorise the CEO to seek and execute a funding agreement project completion time extension; and*
- d) authorise the CEO to seek public tenders for the revised Civic Centre Upgrades project scope.*

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

A revised scope of works was completed. The design and certification component was completed in-house and was based on using the existing concrete beam structure. The aim was to reduce project cost and be able to deliver the entire work package.

This revised package was re-advertised as Request for Tender RFT 10/2024 – Civic Centre Upgrades on 12 December 2024. The Tender closed on 29 January 2025. Two submissions were received. No submissions by local contractors were received.

Stakeholder and Public Consultation

N/A

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

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

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

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

(2) In performing its executive functions, a local government may provide services and facilities. (3) A local government is to satisfy itself that services and facilities that it provides –

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively

Local Government Act, 1995 – Section 5.42

5.42. Delegation of some powers and duties to CEO

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

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

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

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Relevant Plans and Policy

Policy CF001 – Purchasing and Procurement

Financial Implications

There are no direct financial implications associated with the recommendation. The Shire received \$500,000 with no required co-contribution in the 2023/24 financial year. A total of \$95,920.13 has been expended to date on this project.

In the 2024/2025 budget year, an additional \$12,053.98 from Council funds was allocated to this project as a contingency. A total budget of \$416,133.85 is available for the civic centre upgrade works.

Both tender submissions received significantly exceed the available project 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	Project cost exceeding the available budget if the Tender is accepted.	A3 – Extreme	Reduce scope of work and seek individual quotes from local contractors.
	Loss of Funding by not completing the works within the	D3 - Moderate	Extension was granted until September 2025. It is likely that the project will

	DFES funding agreement timeframe.		not require an extension if individual quotes are sought for a portion of works.
Health & Safety	Not completing the roof enclosure.	A1 – High	Seek further funding to complete the remainder of works.
	Not solving the drainage issue in courtyard.	B1 - Moderate	Seek further funding to complete the remainder of works.
Reputation	Unable to deliver project on time.	C3 – High	Continue to work with funding body to achieve a revised timeline if required. Plan short term works with contractors to ensure work is completed on time.
Service disruption	Federal/State elections utilising the woolshed for voting.	D1 – Low	Work with Contractor to achieve a timeline that is suitable once works are planned.
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

Before evaluating the submissions, a meeting was held with two officers and the Chief Executive Officer (CEO) to discuss the tenders received. It was agreed that based on the monetary value of the submissions far exceeding available budget, a detailed evaluation would not be required.

The tender evaluation report for RFT 10/2024 is attached in **Schedule 1 (Confidential)**. This report is a summary of the tender process undertaken, the submissions received and the tender evaluation.

The Panel noted the following in respect of arriving at its recommendation to not accept the tender submission received:

- a) The roof enclosure and drainage improvements included are critical to improve resilience of the facility during a disaster event. These works need to be completed to some extent.

- b) Available budget does not allow completion of works to lesser extent if either submission received was accepted.
- c) Value for money for both RFT 10/24 submissions is difficult to quantify when compared with previous Tender submission (RFT 05/24).
- d) More Tender submissions were expected after the Shire provided designs including required engineering approval.
- e) Separating works and seeking quotes from local contractors may provide more cost saving opportunities to deliver the project. Less cost for mobilisation and a higher chance of a smaller scope of works being agreed to.

Shire Officers contacted a local contractor and they advised that due to current commitments they did not have sufficient time to make a submission. By separating works and creating smaller portions, local contractors should be able to provide a submission for the works required. The engagement of local contractors for this project can deliver additional community benefit.

Under **Section 11.2 (c) of the Local Government Functions and Regulations 1996** - tenders do not have to be publicly invited according to the requirements of this division if within the last 6 months the local government has publicly invited tenders for the supply or the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.

Council should note however that any award of contract recommended through that RFQ process must return to Council for approval.

Preparing the reduced scope and contacting local contractors will not require considerable time. Extension of the project completion time in the funding agreement with DFES is not necessary currently.

OFFICER'S RECOMMENDATION PART 1

That Council by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996, resolves to not accept any submission received for Tender – RFT 10/2024 Civic Centre Upgrades

OFFICER'S RECOMMENDATION PART 2

That Council by Absolute Majority pursuant to Section 5.42 of the Local Government Act, 1995, resolves to authorise the CEO to seek quotes for the Civic Centre Upgrades project.

COUNCIL RESOLUTION OCM 13/02/25

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council by Simple Majority pursuant to Section 3.57 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996, resolves to not accept any submission received for Tender – RFT 10/2024 Civic Centre Upgrades

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

COUNCIL RESOLUTION OCM 14/02/25

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

That Council by Absolute Majority pursuant to Section 5.42 of the Local Government Act, 1995, resolves to authorise the CEO to seek quotes for the Civic Centre Upgrades project.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY ABSOLUTE MAJORITY 7/0

7.4.2 REQUEST FOR CONSIDERATION OF WARROORA EAST AND NORTH ROADS AS ROADS OF REGIONAL SIGNIFICANCE

File No:	ADM0046
Location/Address:	Warroora East and North Roads
Name of Applicant:	Warroora Station
Name of Owner:	Marty and Muriel Horack
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Warroora Correspondence 2. Schedule 2 - Application for Significant Regional Road Status - Warroora North and East Roads

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

A request has been received from Warroora Station for inclusion of Warroora East and North Roads in the Gascoyne Roads 2040 Plan as Roads of Regional Significance.

Inclusion in that plan is subject to Regional Road Group (RRG) application and approval. It is recommended Council support the request and lodge its application to the Gascoyne RRG.

Background

Correspondence received from Warroora Station requesting inclusion of Warroora East and North Roads as regionally significant roads is provided in **Schedule 1**. Adding a new regionally significant road to the 2040 plan requires Council approval in the first instance. That request is then submitted to the Regional Road Group (RRG) for its formal endorsement.

Each year, Main Roads WA (MRWA) allocates Road Project funding to each Regional Road Group (RRG). This funding may only be expended on roads nominated as Roads of Regional Significance in a document called Roads 2040. Each individual Shire within the RRG determines their regionally significant road projects and project funding allocations. Shires provide a one third co-contribution to each road project.

Shire of Carnarvon Roads of Regional Significance nominated in the Roads 2040 document are currently as follows:

Functional Category	Road of Regional Significance
Carnarvon Townsite Roads	Carnarvon Road Cornish Street Douglas Street Harbour Road James Street Robinson Street
Mine and Coastal Access	Blowholes Road Quobba-Gnaraloo Road
Northwest Coastal Hwy to Gascoyne Junction	Carnarvon – Mullewa Road Wahroonga – Pimbee Road
Northwest Coastal Hwy to Kennedy Range and Mount Augustus Route	Lyndon – Minnie Creek Road Lyndon – Towera Road Minilya – Lyndon Road
Plantation Roads	Bibbawarra Road North River Road
Coral Bay Roads	Robinson Street Banksia Drive

Warroora East Road is approximately 22km in length and provides the primary access to Warroora Station. The station provides homestead tourism facilities in addition to its pastoral operations. Correspondence from Warroora Station states that its tourism facilities host up to 5,500 visitors per annum. A traffic count completed in January 2025 recorded an average daily traffic of 8 vehicles per day noting however that this is well outside the recognised tourism season and is unlikely to be representative of peak traffic. Warroora East Road is not a Restricted Access Vehicle (RAV) rated road.

Warroora North Road is maintained by the Shire from the Minilya Exmouth Road to the 14 Mile turnoff, a total length of approximately 5.4km. This section of road provides the primary access to eleven Department of Biodiversity, Conservation and Attractions (DBCA) managed camping areas along the Warroora Coast. Correspondence from Warroora Station states that around 7,500 visitors camp at the Nyinggulu Coastal Reserve (Warroora Station coastline) annually. The remainder of Warroora North Road is not maintained and road closed signage is in place. No traffic counts have been completed for Warroora North Road. Warroora North Road is not a RAV rated road.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act, 1995 – Section 3.18

3.18. Performing executive functions

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

(2) In performing its executive functions, a local government may provide services and facilities. (3) A local government is to satisfy itself that services and facilities that it provides —

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively

Relevant Plans and Policy

Gascoyne Regional Road Group Policy and Procedure Manual.
 Gascoyne Roads 2040 - Regional Strategies for Significant Local Government Roads
 Shire Policy ID002 - Maintenance of Shire Roads, Station Access Roads and Station Airstrips

Financial Implications

There are no direct financial implications associated with the recommendation.

In approximately August of each year, the Shire is required to develop and supply the RRG with a three-year road project works program. The first year of the program will be the annual funding recommendations to the State Road Funds to Local Government Advisory Committee (SAC). The two future years projects are not commitments and do not require detailed assessment but are intended to provide the source for reserve projects and assist Local Governments to plan for future funding and work commitments.

Inclusion of Warroora East and North Road represents an opportunity for the Shire to leverage funding from the Department of Biodiversity, Conservation and Attractions (DBCA) toward the upgrade of at least one of these roads. Warroora North Road provides the primary access to DBCA Warroora Coast camping areas and that area is the primary generator of traffic on that road.

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	Dilution of available RRG funding.	A3-Extreme	Seek a DBCA contribution agreement and commitment toward upgrade works on Warroora North Road.
Health & Safety	Lack of emergency service access to Warroora Coast via Warroora North Road.	A3-Extreme	Seek a DBCA contribution agreement and commitment toward upgrade works on Warroora North Road.
Reputation	Perception that inclusion as a regionally significant road is an automatic qualification for upgrade works to be completed.	C2-Moderate	Warroora Station has been advised that inclusion as a Regionally significant Road is not an automatic guarantee of upgrade funding. This may require reinforcement from time to time.
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 economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

An assessment has been completed to determine if the roads can be considered as regionally significant. For a road to be considered as regionally significant, it must meet at least two of the first four of the following categories unless the RRG uses the discretionary category 5.

Category	Summarised Description	Category Satisfied by Warroora East Road	Category Satisfied by Warroora North Road
1. NETWORK SIGNIFICANT	Roads/routes connecting areas or towns of significance to the Region	Partially – indirect connection to Warroora Coast via Station. Not promoted as primary Warroora Coast access.	Yes – primary connection to iconic Warroora Coast.
2. ROAD FUNCTION/FREIGHT	A Major Route that performs a Regional Distributor function as shown in the Road Hierarchy.	No	No
3. TRAFFIC VOLUME	Has a passenger car unit (PCU) adjusted traffic seasonal ADT count of greater than 200.	Insufficient assessment - unlikely to satisfy.	Insufficient assessment - unlikely to satisfy.
4. TOURISM	Roads that provide access to tourist attractions or recreation areas of State or regional significance.	Yes – Warroora Station is a significant tourism site that provides accommodation and experiences to Warroora Coast visitors.	Yes –Warroora Coast is an iconic tourist and recreation area.
5. REGIONAL ROAD GROUP CRITERIA	The (RRG) may allow the submission of a road only meeting one criteria if the road has merit for consideration as a	Carnarvon Shire recognises the need to support and promote attraction of visitors to region. Warroora homestead visitors are	Not required.

Category	Summarised Description	Category Satisfied by Warroora East Road	Category Satisfied by Warroora North Road
	Significant Local Government Road. The RRG must show why they consider the road/route as being significant.	inextricably linked to visitation to the iconic Warroora Coast.	

Both roads are currently classified as Type 2 – Formed Roads. These are roads formed and drained without imported material or a constructed pavement. Each has multiple issues that contribute to their reduced service level. Typical issues include:

- existing road formation sitting below natural ground level resulting in ineffective drainage;
- rock protrusion through the road surface impacting road surface roughness;
- shape loss;
- poor quality clayey formation material; and
- non cohesive formation material susceptible to corrugation.

The recommended development strategy is to complete upgrade works on each road to provide a consistent Type 3 – Gravel Road Standard i.e. Road construction from imported material of adequate thickness, shaped and drained.

Warroora East Road does not fully meet the necessary two categories for inclusion as a regionally significant road and may require application of the discretionary category by the RRG. Tourism facilities at the homestead do however reasonably demonstrate a clear linkage to the Warroora Coast i.e. visitors to the homestead are also likely to be visitors to the Warroora Coast. It is therefore recommended Council supports the request from Warroora Station and makes application to the Gascoyne RRG for the inclusion of Warroora East and North Roads as regionally significant roads.

As further comment regarding the development need for Warroora North Road, it is understood Coral Bay emergency services (St Johns ambulance) is currently unable to access the Warroora Coast via Warroora North Road due to its poor condition. Warroora North Road service level improvement will improve emergency servicing of the area.

A completed application to the Gascoyne RRG for inclusion of both roads is provided in **Schedule 2**.

OFFICER’S RECOMMENDATION

That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1994 and in accordance with the requirements of the Gascoyne Roads 2040 - Regional Strategies for Significant Local Government Roads:

- a) Requests the Gascoyne Regional Road Group to consider the submission provided in Schedule 2 for inclusion of Warroora East Road and Warroora North Road in the Gascoyne Regional Strategies for Significant Local Government Roads; and***
- b) Directs the CEO to enter negotiations with the Department of Biodiversity, Conservation and Attractions (DBCA) for a formal agreement for the funding of upgrade works on Warroora Road North and East that provide access to the Warroora Coast camping and recreation areas.***

COUNCIL RESOLUTION OCM 15/02/25**Moved:** Cr Burke Maslen**Seconded:** Cr Marco Ferreira

That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1994 and in accordance with the requirements of the Gascoyne Roads 2040 - Regional Strategies for Significant Local Government Roads:

- a) Requests the Gascoyne Regional Road Group to consider the submission provided in Schedule 2 for inclusion of Warroora East Road and Warroora North Road in the Gascoyne Regional Strategies for Significant Local Government Roads; and*
- b) Directs the CEO to enter negotiations with the Department of Biodiversity, Conservation and Attractions (DBCA) for a formal agreement for the funding of upgrade works on Warroora Road North and East that provide access to the Warroora Coast camping and recreation areas.*

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

7.4.3 RFQ 13/2024 - PLANT AND OPERATORS FOR FLOOD DAMAGE REPAIRS - AGRN 1118 - ACCEPTANCE OF QUOTE

File No:	ADM2337
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
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:	OCM 26 November 2024 Report 7.4.4 RFT 09/2024 – Plant and operators for flood damage repairs – AGRN 1118 Award of tender.
Schedules:	1. RFQ 13-2024 - Evaluation and Recommendation Report - Confidential (under separate cover)

Authority/Discretion:

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

Summary of Report

This report details the process undertaken for Request for Quote (RFQ) 13/2024 Plant and Operators for Flood Damage Repairs for the damaged roads included in flood event AGRN 1118 - Ex-tropical cyclone Lincoln and associated flooding (19-25 February 2024). This RFQ was initiated due to Council not awarding RFT 09/2024 for this work.

It is recommended Council accepts the submission from THEM Earthmoving Pty Ltd for completion of the specified works.

Background

Shire of Carnarvon suffered damage to various road assets following Ex-Tropical cyclone Lincoln and associated flooding between 19 and 25 February 2024. Reinstatement cost of these roads qualifies for Disaster Recovery Funding Arrangements – Western Australia (DRFA-WA) to repair the damage to pre-weather event conditions. DRFA-WA has allocated Australian Government Reference Numbers (AGRN) AGRN 1118 towards this event.

The table below lists all roads (and specific sections) requiring flood damage repair under AGRN 1118:

Road Name	Section (SLK) From	Section (SLK) To	Total Length	Number of Items
Bush Bay Rd (218)	2.658	31.654	28.996	12
Bush Bay Rd (90)	0.503	4.970	4.467	8
Callagiddy Rd	1.314	2.247	0.933	3
Callagiddy - Winderie Rd	0.268	98.466	98.198	100
Edagee Rd	32.076	39.083	7.007	4
Gilroyd Rd	0.000	0.188	0.188	1
Meedo Rd	12.981	68.364	55.383	25
Meeragoolia Rd	5.278	30.672	25.394	10
Pimbee Rd	0.193	0.969	0.776	2
Rocky Pool Rd	0.329	1.618	1.289	3
Wahroonga - Pimbee Rd	19.681	84.264	64.583	44

In August 2024 Greenfield Technical Services were appointed to assist the Shire with engineering services, Tender assistance, onsite supervision, and administrative support with DRFA-WA funding associated with this event.

A Tender process was undertaken seeking a suitable contractor for the provision of plant and operators for the repair of the damaged roads included in AGRN 1118. Tender RFT 09/2024 closed on 4 November 2024.

Three submissions were received however a contract was not awarded in accordance with the following Council resolution at its November 2024 Ordinary Meeting.

COUNCIL RESOLUTION OCM 24/11/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Skender

That Council, by Simple Majority pursuant to Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996, resolves to

- a) not accept any submission received for Tender RFT 09/2024 Plant and Operators for Flood Damage Repairs – AGRN 1118 and;***
- b) authorise the CEO to request quotes from suitably qualified and experienced contractors for Plant and Operators for Flood Damage Repairs – AGRN 1118 including the contractors who lodged submissions to RFT 09/2024.***

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

AGAINST: Nil

CARRIED BY SIMPLE MAJORITY 8/0

Stakeholder and Public Consultation

Nil

Statutory Environment

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

3.57. Tenders for providing goods or services

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

Local Government (Functions and General) Regulations, 1996 – Part 4 Division 2 Tenders for providing goods or services.

Section 11. When tenders have to be publicly invited

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (c) *within the last 6 months –*
 - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
 - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the Local Government (Functions and General) Regulations 1996 Part 4 Provision of goods and services Division 2 Tenders for providing goods or services (s. 3.57) r. 11 page 16 As at 03 Nov 2024 Published on www.legislation.wa.gov.au [PCO 03-p0-00] supply of the goods or services but no person was, as a result, listed as an acceptable tenderer.*

Local Government Act, 1995 – Section 3.18 Performing executive functions

3.18. Performing executive functions

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides –*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

Relevant Plans and Policy

Policy CF001 – Purchasing and Procurement

Financial Implications

The 2024/25 budget includes an allowance of \$3,500,000, including an estimate of \$250,000 for Project Management by Greenfield Technical Services.

The works are funded by the DRFA-WA program. The Program requires a project contribution from the Shire of a maximum of \$231,000. The budget includes allowance for this contribution.

The estimated cost of works has been calculated based on the following:

- The works will take approx. 80 days at 10hrs/day;
- Combination of several plant and equipment incl. operators, mobilisation and demobilisation;
- Full-time plant hire contractor supervisor;
- Full-time mechanic;
- Full-time traffic management operator; and

- Camp facilities for 14 staff (including 10 operators, 1 supervisor, 1 mechanic, 1 camp attendant, 1 traffic management operator)

Any Contract will be based upon the adopted schedule of rates. The final cost of the works will depend on actual number of hours worked.

Part of the DRFA-WA process is the submission of the quoted schedule of rates to DFES. Based on the schedule of rates an estimated project cost will be calculated. Part of the calculations is the inclusion of contingencies to allow for possible cost overruns.

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	Delay of the project jeopardising the funding.	B3- High	In accordance with DRFA-WA requirements the repair works are to be completed by 30 June 2026. Currently there is sufficient time for the works to be completed on acceptance of a quote.
Health & Safety	N/A		
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will delay reinstatement works.	C2 - Moderate	Accept a quote to enable works to commence.
Service disruption	N/A		
Compliance	N/A		
Property	Further decline of road assets.	C3 - High	Accept a quote to ensure commencement of works asap.
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 funding arrangement with DRFA-WA requires completion of all AGRN 1118 repair works by 30 June 2026.

Upon Council's resolution not to award Tender RFT 09/2024, RFQ 13/2024 was initiated seeking quotes from suitably qualified and experienced contractors. All contractors who made submissions to Tender RFT 09/2024 were invited to make a submission for RFQ 13/2024.

The RFQ closed on 20 January 2025. Three submissions were received in good order and within the required timeframe for the RFQ. These submissions have been evaluated by an Evaluation Panel. A detailed Evaluation and Recommendation Report is provided in **Confidential Schedule 1**.

OFFICER'S RECOMMENDATION***That Council by Simple Majority:***

- 1. Pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 resolves to accept the submission and schedule of rates recommended in Confidential Schedule 1 from THEM Earthmoving Pty Ltd for RFQ 13/2024 Plant and Operators for Flood Damage Repairs – AGRN 1118.***
- 2. Pursuant to Section 3.18 of the Local Government Act 1995, authorises for CEO to make any necessary non-material amendments and finalise the execution of a contract between the Shire of Carnarvon and THEM Earthmoving Pty Ltd for RFQ 13/2024 Plant and Operators for Flood Damage Repairs – AGRN 1118.***

COUNCIL RESOLUTION OCM 16/02/25

Moved: Cr Burke Maslen

Seconded: Cr Marco Ferreira

That Council by Simple Majority:

- 1. Pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 resolves to accept the submission and schedule of rates recommended in Confidential Schedule 1 from THEM Earthmoving Pty Ltd for RFQ 13/2024 Plant and Operators for Flood Damage Repairs – AGRN 1118.***
- 2. Pursuant to Section 3.18 of the Local Government Act 1995, authorises for CEO to make any necessary non-material amendments and finalise the execution of a contract between the Shire of Carnarvon and THEM Earthmoving Pty Ltd for RFQ 13/2024 Plant and Operators for Flood Damage Repairs – AGRN 1118.***

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

COUNCIL RESOLUTION OCM 17/02/25

Moved: Mr Eddie Smith

Seconded: Cr Burke Maslen

That President Smith be granted leave of absence for the April 2025 Ordinary Council Meeting.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

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

LATE ITEM: ORDINARY COUNCIL MEETING 25 FEBRUARY 2025

President Eddie Smith Proposed

Justification for a Vote of No Confidence in Government Handling of Children at Risk

Systemic Failures in Child Protection Services

Despite multiple inquiries highlighting systemic neglect, governments have reduced funding for frontline child protection services in regional areas like Carnarvon, increasing the risks for vulnerable children.

Failure to Implement Key Inquiries & Royal Commission Recommendations

- The Royal Commission into Institutional Responses to Child Sexual Abuse (2017) made over 400 recommendations, many of which remain unimplemented at both State and Federal levels.
- The Royal Commission into the Protection and Detention of Children in the Northern Territory (2017) exposed widespread abuse in juvenile detention centres, including Don Dale, yet key reforms have been ignored.

Overrepresentation of Indigenous Children in Out-of-Home Care

- Aboriginal and Torres Strait Islander children are 10 times more likely to be in out-of-home care than non-Indigenous children (AIHW, 2022).
- The Family Matters Report (2023) highlights the increasing rate of Indigenous child removals despite government commitments to reduce these numbers.
- The failure to invest in early intervention and community-led solutions has exacerbated intergenerational trauma and the breakdown of family structures.

2. Youth Justice System in Crisis

High Rates of Youth Offending

- Well documented evidence of young offenders who have over 400 counts of offending prior to turning 15
- In WA, NT, and QLD, Indigenous children make up over 80% of those in detention, reflecting the at risk environment they live in
- Rather than addressing the root causes of crime, governments continue to rely on punitive detention measures, leading to a revolving-door justice system that fails to rehabilitate young offenders.

3. Failure of Government Programs & Service Reductions in Regional WA

The Failure of Target 120 and Other Youth Programs

- Target 120, a key WA Government initiative aimed at reducing youth crime, has failed to produce meaningful results, particularly in towns like Carnarvon, Broome, and Derby.
- Reports from community leaders indicate that youth crime continues to rise in regional areas, despite Target 120's presence, due to insufficient funding, lack of wraparound services, and inadequate community engagement.
- Government data itself shows that the program has failed to meet its goals, with increasing youth reoffending rates and ongoing community safety concerns.

Cuts to Youth Services & Early Intervention Programs

- The closure or reduction of youth programs, family support services, and mental health resources in regional WA has worsened the crisis for at-risk children.
- In Carnarvon, Broome, and other regional towns, the withdrawal of crisis support, diversionary programs, and rehabilitation services has left vulnerable children with nowhere to turn.
- No service operates past 5pm in these towns with systemic at risk youth. Services shut when they are needed most.
- The State Government's own cuts to regional service delivery have resulted in a loss of essential youth outreach services, forcing more children onto the streets without supervision, support, or protection.

4. Rising Youth Crime and Social Breakdown in WA

Escalating Youth Crime in Regional WA

- Carnarvon, Broome, Derby, and other regional WA towns have seen a significant rise in youth crime and antisocial behaviour, directly linked to the failure of government intervention programs.
- Local businesses, police, and community members report that children as young as 7 or 8 years old are frequently seen roaming the streets at night, engaging in criminal activity, or placing themselves in dangerous situations due to a complete lack of supervision or support.
- The government response has been reactive, focusing on punitive measures rather than addressing the underlying social and economic issues leading to youth crime.

Impact of Service Reductions on At-Risk Youth

- Withdrawing or reducing regional services has directly contributed to child neglect, family breakdown, and increased youth crime.
- The lack of safe spaces, crisis accommodation, and after-hours support in places like Carnarvon has created a crisis where children are left to fend for themselves on the streets.
- Overburdened police and local services are being forced to pick up the slack, despite having neither the funding nor resources to provide long-term solutions.

5. Mental Health and Social Welfare Failures

Severe Underfunding of Youth Mental Health Services

- Indigenous youth suicide rates in WA remain among the highest in the world, yet mental health services continue to be critically underfunded in regional communities.
- In 2023, the WA and NT Children's Commissioners warned of a growing mental health crisis among at-risk youth, with governments failing to address the root causes of despair, trauma, and self-harm.
- Without proper mental health interventions, at-risk youth are left in crisis, further increasing their vulnerability to criminal behaviour, substance abuse, and violence.

Housing Crisis and Family Instability

- The lack of social housing and crisis accommodation in regional WA has worsened child neglect and homelessness, forcing more families into unstable and unsafe living conditions.
- Domestic violence and substance abuse remain leading causes of child protection interventions, yet government support services for affected families have been reduced.
- Governments have ignored repeated warnings from community leaders that the housing crisis is directly linked to rising youth crime and child protection concerns.

Conclusion: A Vote of No Confidence is Justified

RECOMMENDATION

The Council of the Shire of Carnarvon, representing its community and acknowledging the escalating crisis of children and youth at risk in our region and across Australia:

- 1. Approves a Vote of No Confidence in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities.***
- 2. Condemns the Government's ongoing neglect and failure to act on well-documented inquiries, expert recommendations, and community-led solutions that could have prevented the crisis from reaching its current state.***
- 3. Demands urgent and immediate intervention, including:***
 - ***A full-scale overhaul of the current youth intervention strategies in WA, including the failed Target 120 program, and an urgent redirection of funding to community-led initiatives that actually work.***
 - ***The immediate restoration and expansion of essential youth services that have been cut from regional WA, including mental health, diversion programs, crisis housing, and family support services.***
 - ***An increase in frontline service resources in regional areas, including Carnarvon, to address the youth crisis with a combination of enforcement and prevention, rather than reactive policing alone.***
 - ***The establishment of a dedicated Regional Youth Crisis Response Taskforce, in consultation with local governments, Aboriginal community organisations, and law enforcement, to implement a real and measurable strategy to tackle this crisis.***
 - ***The State and Federal Governments to formally report on the progress of previous inquiries, royal commissions, and policy commitments, ensuring transparency and accountability on their failures to act.***
- 4. Urges the State and Federal Governments to recognise that their current approach is failing, and that without decisive action, they will continue to abandon the most vulnerable children in our communities, further fuelling crime, social collapse, and intergenerational harm.***

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION OCM 18/02/25****Moved:** Cr Burke Maslen**Seconded:** Cr Dudley Maslen

A motion was moved that Council suspend standing orders to discuss the proposed late item in more detail.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0**RESUMPTION OF STANDING ORDERS****COUNCIL RESOLUTION OCM 19/02/25****Moved:** Cr Burke Maslen**Seconded:** Cr Paul Kelly

A motion was moved that Council resume standing orders.

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0**MOTION****COUNCIL RESOLUTION OCM 20/02/25****Moved:** Cr Dudley Maslen**Seconded:** Cr Paul Kelly

The Council of the Shire of Carnarvon, representing its community and acknowledging the escalating crisis of children and youth at risk in our region and across Australia:

- 1. Approves a Vote of No Confidence in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities.*
- 2. Condemns the Government's ongoing neglect and failure to act on well-documented inquiries, expert recommendations, and community-led solutions that could have prevented the crisis from reaching its current state.*
- 3. Demands urgent and immediate intervention, including:*

- *A full-scale overhaul of the current youth intervention strategies in WA, including the failed Target 120 program, and an urgent redirection of funding to community-led initiatives that actually work.*
 - *The immediate restoration and expansion of essential youth services that have been cut from regional WA, including mental health, diversion programs, crisis housing, and family support services.*
 - *An increase in frontline service resources in regional areas, including Carnarvon, to address the youth crisis with a combination of enforcement and prevention, rather than reactive policing alone.*
 - *The establishment of a dedicated Regional Youth Crisis Response Taskforce, in consultation with local governments, Aboriginal community organisations, and law enforcement, to implement a real and measurable strategy to tackle this crisis.*
 - *The State and Federal Governments to formally report on the progress of previous inquiries, royal commissions, and policy commitments, ensuring transparency and accountability on their failures to act.*
4. *Urges the State and Federal Governments to recognise that their current approach is failing, and that without decisive action, they will continue to abandon the most vulnerable children in our communities, further fuelling crime, social collapse, and intergenerational harm.*

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

AGAINST: Nil

ABSENT: Cr L Skender

CARRIED BY SIMPLE MAJORITY 7/0

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 25 March 2025 at Shire Council Chambers, Stuart Street Carnarvon commencing at 9.00am

14 CLOSURE

The Presiding Member declared the meeting closed at 9.41am.