



SHIRE OF CARNARVON  
**AGENDA**  
ORDINARY COUNCIL MEETING  
TUESDAY 25 JUNE 2024

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

*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.*

## NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon  
Ordinary Council Meeting  
will be held  
on Tuesday 25 June 2024  
at the Gwoonwardu Mia Aboriginal Culture  
Centre Carnarvon,  
commencing at 1.00pm.



Andrea Selvey  
CHIEF EXECUTIVE OFFICER

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### DISCLAIMER

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

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



## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads - )*  
*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –*  
*(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

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

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

### SPECIAL MEETINGS OF COUNCIL

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

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**1 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE**

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

**2 DECLARATION 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.)

**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.)

**3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil

**3.2 PUBLIC QUESTION TIME****4 CONFIRMATION AND RECEIVING OF MINUTES****CONFIRMATION OF MINUTES**

4.1 Minutes of the Ordinary Council Meeting - 28 May 2024

4.2 Minutes of the Special Council Meeting - 4 June 2024

4.3 Minutes of the Special Council Meeting - 18 June 2024

**5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION****6 PRESENTATIONS, PETITIONS AND MEMORIALS**

Nil

## 7 DEPARTMENTAL REPORTS

### 7.1 GOVERNANCE

#### 7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF APRIL AND MAY 2024

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

#### Authority/Discretion:

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | <b>Executive</b>      | 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"/>            | <b>Legislative</b>    | Includes adopting local laws, town planning schemes and policies.  |
| <input checked="" type="checkbox"/> | <b>Information</b>    | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).  |
| <input type="checkbox"/>            | <b>Quasi-judicial</b> | 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 reports on actions performed under delegated authority in May and June 2024.

#### Background

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

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

#### Stakeholder and Public Consultation

Nil



**Statutory Environment**

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

**Relevant Plans and Policy**

Nil

**Financial Implications**

There are no financial implications arising from receiving this report.

**Risk Assessment**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire	Low - 1	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low - 1	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 in May and June 2024 are submitted to Council for information.

**COMMON SEAL**

DATE	DETAILS
27.05.24	BP Australia – Deed of Extension – Lot 547 James Street
14.06.24	Contract of Employment – Provision of Building Services

**LAND USE AND PLANNING**

PLANNING AND DEVELOPMENT ACT 2005 - PART 10: DIVISION 2 Applications to subdivide, re-subdivide, or amalgamate land parcels					
File Ref:	WAPC Ref:	Subject Land	Purpose	Applicant/ Proponent	Advice Sent
A2718	164581	LOT 1 (14) ROBINSON ST & LOT 54 (6) ROBINSON ST CORAL BAY	AMALGAMATION	ALLERDING & ASSOCIATES	20/05/2024

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
A4109	P18/24	81 CORNISH STREET GREYS PLAIN WA 6701	TRANSPORT YARD	KIM & MALCOLM BAIL	22/05/2024
A3967	P19/24	358 ROBINSON STREET, EAST CARNARVON	TRANSPORTABLE ACCOMMODATION	B & L DEI GIUDICI	21/05/2024
A3165	P21/24	53 OLIVIA TCE SOUTH CARNARVON WA 6701	SOLAR PANELS	SEA CONTRACTING PTY LTD	24/05/2024
A3779	P26/24	80 SHALLCROSS STREET, EAST CARNARVON	CARPORT	LUKE SKENDER & CAROLIEN CLASENS	11/06/2024

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
23/05/2024	P23/24	APPROVED – MOBILE TRADING	CHIMNEY TREAT PTY LTD	N/A
23/05/2024	P24/24	APPROVED – MOBILE TRADING	MISS FANG	N/A
24/05/2024	P25/24	APPROVED – MOBILE TRADING	DELPHINA (SUE) BUNTER	N/A
12/06/2024	P27/24	APPROVED – MOBILE TRADING	KIRBY DICKSON	N/A

**BUILDING SERVICES**

Application No.	Owners Name	Lot & Street	Type of Building Work
B24/011	STATE OF WA	LOT 597 (3492) BLOWHOLES RD, MCLEOD	TRANSPORTABLE ACCOMMODATION
B24/031	CHANTELLE BUSH & WADE MASON	LOT 55 (31) GLARIS STREET, KINGSFORD	SOLAR PANELS
B24/032	SHIRE OF CARNARVON/ST JOHNS AMBULANCE	LOT 4 (358) ROBINSON ST, EAST CARNARVON	TRANSPORTABLE ACCOMMODATION
B24/033	STATE OF WA	6 ROBINSON ST CORAL BAY	FULL DEMOLITION OF HOUSE AND SHED
B24/034	RONALD HIBBEN	LOT 2 (103) BOOR STREET, KINGSFORD	FRONT FENCE
B24/035	CARNARVON LOTTERIES HOUSE INC & SHIRE OF CARNARVON	LOT 10 (53) OLIVIA TERRACE, CARNARVON	SOLAR PANELS
B24/036	DEPARTMENT OF COMMUNITIES	LOT 133 (37) WHEELOCK WAY, MORGANTOWN	FULL DEMOLITION OF RESIDENTIAL PROPERTY
B24/037	DEPARTMENT OF COMMUNITIES	LOT 135 (33) WHEELOCK WAY, MORGANTOWN	FULL DEMOLITION OF RESIDENTIAL PROPERTY
B24/038	DEPARTMENT OF COMMUNITIES	LOT 29 (14) SKIPWORTH ST, MORGANTOWN	FULL DEMOLITION OF RESIDENTIAL PROPERTY
B24/039	DEPARTMENT OF COMMUNITIES	LOT 12 (2) MASLEN ST, BROCKMAN	FULL DEMOLITION OF RESIDENTIAL PROPERTY
B24/040	STATE OF WA/SHIRE OF CARNARVON	LOT 1164 (7) EGAN ST, CARNARVON	TELECOMMUNICATIONS MONOPOLE
B24/041	MARY & DARRYL ROSS	LOT 141 (21) WHEELOCK WAY, MORGANTOWN	SHED

**ENVIRONMENTAL HEALTH**

**Food—Food Act 2008**

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
30/5/2024	HFO24/005	Food business registration, The Treasure Chest Coffee Van, Mobile food trailer 1TTC.229, 18 Mcleod St, South Carnarvon	Yinghua Song	

**On-site wastewater management—Health Act 1911, s.107**

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
31/6/2024	HOS24/004	Permit to use apparatus for the treatment of sewage, Donga accommodation, St John Ambulance, 358 Robinson St, Carnarvon	Carnarvon Plumbing Service	Shire of Carnarvon

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act 1995, resolves to accept the reports outlining the actions performed under delegated authority for April and May 2024.***



**7.1.2 POLICY REVIEW**

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	7.1.7 Policy Review
Schedules:	<ol style="list-style-type: none"> <li>1. June Policy Review EME018 to EME035_Tracked Changes</li> <li>2. CD016_Beautification Policy_DRAFT New Policy</li> </ol>

**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 updated Shire of Carnarvon Council Policy Manual was adopted by Council at the Ordinary Meeting of Council on 23 August 2022. This agenda item forms part of a schedule to facilitate the regular formal review of the Council Policy Manual by Council. Table 2 in the comments section details the recommended changes to the policies.

**Background**

One of the primary functions of a Local Government Council is to determine the local government’s policies. Council policies focus on the strategic and statutory decision-making obligations of the Council. The policy may relate to an Express Power or Duty or a matter that is non-statutory and entirely discretionary. Council policies guide and inform the Local Government’s strategic, financial, and operational functions and may impact service levels provided to the community. Council policies apply to Council and employees when fulfilling their decision-making responsibilities.

A full review of all policies was completed by Council in August 2023. At that time the Council advised it was onerous to review all 73 policies at once and a more frequent review cycle of a smaller number of policies at each review, would be more manageable.

Officers aim to present policies to Council for review as follows, noting that sometimes policies are presented outside of the cycle to allow for a more detailed review by the content experts.

Month	Policy Numbers
March	EME001 to EME017
June	EME018 to EME035
September	CF001 to CF019
December	ID001 to ID005 and CD001 to CD013
New Policies	Presented to Council as required.

**Stakeholder and Public Consultation**

Nil.

**Statutory Environment**

Section 2.7 of the Local Government Act 1995 articulates the Role of Council, which includes determining policies of the local government.

The specific legislation for different policies is provided for reference in each policy document.

**Relevant Plans and Policy**

Shire of Carnarvon Policy Manual.

**Financial Implications**

There are no additional financial implications from adopting the updated policies. Any impacts have either already been considered in the budget setting, e.g., Community Growth Fund allocations, or will be brought before Council if there is a financial impact outside the current budget allocation.

**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	Unclear policy direction can result in less transparent decision-making and may impact the Shire’s reputation.	High	The policies aim to provide Council and Employees with clear direction and improve the transparency and consistency of decision-making.
Service disruption	N/A		

Compliance	That policies do not support compliance.	High	Policies have been checked to align with legislation and aim to add clarity to legislation to assist with compliance.
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 officer’s recommendation is that Council adopts policy numbers EME001 to EME017 as presented to Council for their final review and recommendation.

Policy Title	Proposed Change
EME018	<b>Honorary Freeman of the Shire &amp; Notable Awards</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use. Removed reference to requiring an Absolute Majority as the Majority requirement is legislated and cannot be changed by policy.
EME019	<b>Roles and Responsibilities of Shire Delegates to External Bodies</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME020	<b>Disruptive Behaviour at Council Meetings and Forums</b> Changes. Reviewed by Shire Officers and minor changes made to format and word use. Removed reference to CEO being able to apprehend and detain people. This ‘power’ is not ever likely to be used and if it is, it is covered under legislation.
EME021	<b>Elected Members Contact with Shire Employees</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use..
EME022	<b>Civic Functions and Hospitality</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME023	<b>Governance Support to Elected Members</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME024	<b>Caretaker Policy - Shire Elections</b> Significant Changes.

	Changes made to align with new Regulations in regard to Caretaker periods, most notably, the Regulations now prescribe Significant Acts (previously referred to in Policy as Major Policy Decision).
EME025	<b>Reference Groups</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME026	<b>Employee Gratuity Payments</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME027	<b>Acknowledgement of the Traditional Owners</b> Minor Changes. Updated to reflect acknowledgement of Baiyungu People (Coral Bay).
EME028	<b>Flying of Flags</b> Minor Changes. Changes to comply with Flag Protocol. Reviewed by Shire Officers and minor changes made to format and word use.
EME029	<b>Annual Closure During Festive Season</b> Minor Changes. Changed to remove reference to staffing matters – e.g., taking of leave.
EME030	<b>Complaint Handling</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME031	<b>Shire Social Media</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME032	<b>Election Signs</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME033	<b>Grievance Investigation and Resolution</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use..
EME034	<b>Communication</b> Minor Changes. Reviewed by Shire Officers and minor changes made to format and word use.
EME035	<b>Elected Members - Electronic Attendance at Meetings</b> Minor Changes. Policy amended to reflect changes to the Administration Regulations - Admin Reg 14C now allows for elected members to attend meetings electronically, with authorisation from the President or Council. The authorisation to attend electronically cannot be given if that would result in the member attending more than half of the meetings electronically (including this meeting) in the preceding 12 months (r.14C(3)).
CD016	<b>Beautification Policy</b> New Policy. Presented in draft at June CIS. Policy aim is to provide a structure for incentivising and supporting community and businesses to participate in streetscape improvements – e.g., verges, business facades.

**OFFICER'S RECOMMENDATION**

1. ***That Council, by Absolute Majority, in accordance with Section 2.7 of the Local Government Act 1995, resolves to adopt Policies EME018 to EME035 and CD016, as presented in Schedule 1 and include them in the Shire of Carnarvon Policy Manual.***





**7.1.3 MEMORANDUM OF UNDERSTANDING - PROVINCE RESOURCES LTD**

File No:	ADM1695
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	04 April 2022
Schedules:	1. DRAFT MoU Shire and Province Resources Limited - June 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**

At the Ordinary Council Meeting in April 2021, Council resolved to enter into a Memorandum of Understanding (MoU) with Province Resources Limited (PRL) to articulate a commitment to work together in progressing PRL’s aim to develop a Green Hydrogen project on a portion of the North Common, subject to all necessary and proper legislative processes.

The MoU was extended by Council in April 2022 for twelve months, with a further twelve months extension.

The officer’s recommendation is that Council further extends the MoU for twelve-months.

**Background**

PRL wishes to develop the HyEnergy™ Zero Carbon Hydrogen Project (the Project) in the Shire of Carnarvon. See attached map of the proposed project area in the North Common – **Schedule 4.4(b)**.

Significant portions of the area are allocated as 'managed reserves' under the three separate Management Orders for the purposes respectively of 'Town Common', 'Resting place for travellers and stock' and 'Artesian Bore'. Only the 'Artesian Bore' Management Order that includes a power for the Shire to lease - of up to 21 years with the Minister's prior consent, however, the intent is that the Bore is excluded from the project area.

The State has granted PRL a non-exclusive Section 91 Licence over an area of Crown land located to the north of the Carnarvon town site area.

The Licence is intended to assist PRL to assess the Project's feasibility and to help identify a suitable portion of the Licence Land that PRL would wish to lease for the Project. The Licence Land includes three Crown reserves each under a separate management order with the Shire.

The Shire's 3 Management Orders represent a statutory right granted to the Shire to manage and control those relevant lands. Under current legislation, the Minister cannot exercise a power or perform any of the Minister's duties in respect of the care, control or management of Crown land in a reserve under Management Order (such as to lease the managed land) without the consent of the relevant management body unless the power being exercised is the Minister's express power to cause the revocation of a Management Order arising in some circumstances.

PRL presently holds some preference that the Project's proposed Lease Area would be or would include a portion of the land in one or more of these three Crown reserves under the Management Orders.

Shire officers are supportive of the Project given the economic development benefit a project of this scale would bring to the Shire and the Region but understand that Council is also keen to ensure that the Shire and its residents benefit fairly from the Project.

The Department of Planning, Lands and Heritage (DPLH) has asserted that the Shire should consent to the revocation of the Shire's Management Orders where and to the extent that would be required to enable DPLH (the Minister) to enter into a lease with PRL in relation to the project area, and for the Shire and PRL to enter into a separate agreement on terms acceptable to the Shire, to encourage and enable local community engagement. As such PRL has approached the Shire with an offer of voluntary annual payments made to the Shire that are equal to 50% of the lease fee that would be paid to the State Government, for the life of the project, when a formal lease is entered into with the State. This offer is presented as one part of a package of benefits that the PRL is suggesting will be made available as the project progresses and develops.

Underpinning this offer, is the MoU between the Shire and PRL. That MoU was last considered by Council at a Special Meeting of Council on 4 April 2022. At this meeting Council resolved to extend the current MoU for twelve months from 1 May 2022 to 30 April 2023, with an option for a further twelve months extension, i.e., until 30 April 2024. The extension period has now expired, and it is timely for Council to consider their support of the Project and PRL. See attached draft MoU.

### **Stakeholder and Public Consultation**

Nil

### **Statutory Environment**

S3.18 of the *Local Government Act 1995*

### **Relevant Plans and Policy**

Nil

### **Financial Implications**

There are no direct financial implications from entering into an MoU; however, should this project proceed, the financial benefits could be significant for the Shire given PRL's commitment to make voluntary annual payments to the Shire equal to 50% of the lease fee that would be paid to the State Government, for the life of the project. Currently, the value of the lease is still under negotiation between PRL and the State Government.

**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*

**ADDITIONAL FOCUS AREAS:**

- N/A

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- *Aim towards 100% Renewable Energy*

**Comments**

The Shire and PRL have met regularly to ensure that the Shire's statutory and strategic planning aligns and keeps pace with this emerging industry; this is for the benefit of PRL and other potential projects.

The Shire has also assisted by advocating on behalf of PRL with State Government agencies such as the Department of Planning, Lands and Heritage for timely and proactive negotiations. Unfortunately, those negotiations between PRL and the State have taken longer than anticipated and are currently ongoing.

More recently, the Shire has sought and received a proposal to develop a Hydrogen Advocacy document for the Shire of Carnarvon. The document will ideally be a short (5-10 pages) paper that outlines the strategic advantages of Carnarvon as a place to produce renewable hydrogen, the barriers to this being realised, and the potential solutions. The aim of this paper is to provide a communication tool between the Shire and State/Federal Governments to demonstrate the benefits of the Shire of Carnarvon as a location for investment. It can also be used as a document to inform funding applications and other advocacy and investment attraction efforts.

The document will support existing Shire, State and National Strategies, and provide evidence as to the link between the solutions identified within the advocacy document and the overarching aims of the three levels of government.

The document will provide a strategic overview of:

- the opportunities, benefits and comparative advantages for hydrogen and large-scale renewable energy projects in the Shire of Carnarvon;
- discussion of the barriers (at a high level) to development;
- the types of solutions that the Shire of Carnarvon needs to realise the opportunities and benefits given the State Hydrogen Strategy;
- information on how the Shire of Carnarvon fits into the broader State Hydrogen Strategy - including drawing links from existing Shire strategies (Economic Development Strategy and Regional Planning Strategy) to the overarching 'vision' for development in the region; and
- information on how hydrogen/large-scale renewables fit into the broader community vision.

The Shire has approached the Gascoyne Development Commission for financial assistance to develop this advocacy paper.

The officer's recommendation that Council reaffirms its support for PRL via an MoU is based on the low risk to the Shire, the economic and social benefits this project could bring to the Shire and the Region, the offer of voluntary compensation payment of 50% of the value of the lease, and the commitment from PRL to promote the Region to the broader Hydrogen market.

**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 twelve months commencing 26 June 2024, with an option for a further twelve months extension.***

## 7.2 CORPORATE SERVICES

### 7.2.1 ACCOUNTS PAID UNDER DELEGATION MAY 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy 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 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 May 2024.

#### Background

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

#### Stakeholder and Public Consultation

Nil

#### Statutory Environment

*Local Government Act 1995 – Section 5.42*

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

**Relevant Plans and Policy**

Nil

**Financial Implications**

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

**Risk Assessment**

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

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

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

- N/A

**ADDITIONAL FOCUS AREAS:**

- N/A

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- N/A

**Comments**

Nil

**OFFICER’S RECOMMENDATION**

***That Council, by Simple Majority pursuant to Section 3.18 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 \$1,759,752.61 as presented for the month of May 2024, incorporating the following; and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT41207</i>	<i>EFT41512</i>	<i>Muni EFT</i>	<i>\$1,042,095.11</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>47253</i>	<i>47253</i>	<i>Cheque</i>	<i>\$482.95</i>
<i>DD40888.1, DD40892.1, DD40892.2, DD40894.1-DD40894.3, DD40897.1-DD40897.3, DD40899.1, DD40899.2, DD40901.1, DD40903.1, DD40905.1, DD40905.2, DD40907.1-DD40907.4, DD40909.1, DD40911.1, DD40916.1</i>	<i>DD40916.1</i>	<i>Bank Directs</i>	<i>\$717,174.55</i>
		<b><i>TOTAL</i></b>	<b><i>\$1,759,752.61</i></b>

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23.04.2024 – 22.05.2024***



**7.2.2 MONTHLY FINANCIAL REPORT MAY 2024**

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sarah Driscoll, Senior Finance - Operations
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. May 2024 Monthly Financial 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 item presents the Statement of Financial Activity for the period ending 31st May 2024 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

**Background**

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

**Stakeholder and Public Consultation**

Nil

**Statutory Environment**

*Local Government (Financial Management) Regulation 34.*

**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	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	Local Government Act 1995 requires Council receives these statements within 2 months of the end of the applicable month.	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	N/A	N/A	
Environment	N/A	N/A	
Fraud	N/A	N/A	

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

- *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 officer advises that the May 2024 Statement of Financial Activity being presented at the May 2024 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the Statement of Financial Activity, legislative notes, and supporting notes for the period ended 31st May 2024.

**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) Regulation 34.*

**Relevant Plans and Policy**

Nil

**Financial Implications**

Nil

**Risk Assessment**

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

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations

	regulatory framework.		
Health & Safety	N/A	N/A	
Reputation	The delay in achieving timely reporting has the potential to damage the shire’s reputation.	High	High priority has been placed on preparing Statutory reporting within legislated timeframes
Service disruption	N/A	N/A	
Compliance	<i>Local Government Act 1995</i> requires Council receives these statements within 2 months of the end of the applicable month.	N/A	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	N/A	N/A	
Environment	N/A	N/A	
Fraud	N/A	N/A	

**Community and Strategic Objectives**

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

**OBJECTIVES**

**In 2040 Carnarvon is a place where:**

- *Our community is engaged, inclusive and supportive*

**ADDITIONAL FOCUS AREAS:**

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

**Comments**

The officer advises that the May 2024 Statement of Financial Activity being presented at the May 2024 Ordinary Meeting of Council complies with the *Local Government Act 1995*. **Schedule 1** attached for consideration is the Statement of Financial Activity, legislative notes, and supporting notes for the period ended 31st May 2024.

**Monthly Financial Report – contains:**

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

**Notes for other supporting Information include:**

- Basis of Preparation
- Statement of Financial Activity by Program
- Cash and Financial Assets

- Cash Reserves
- Capital Acquisition and Disposals
- Receivables
- Payables
- Rate Revenue
- Non-operating grants and contributions
- Operating grants and contributions
- Borrowings
- Lease Liabilities

Interest earnings have exceeded budget, with staff ensuring surplus funds are invested in term deposits until required.

With the end of financial year in sight, staff are working diligently finalising projects and associated acquittals where necessary in preparation for audit.

The road capital works program is near complete with 81% of the budgeted road works complete and 98% committed with additional purchase orders.

After the approval of budget adjustments to date, the predicted closing position is a balanced budget.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995, resolves to receive the Monthly Financial Report for the period ended 31 May 2024 as per attached Schedule 1.***

**7.2.3 BUDGET ADJUSTMENTS - MAY 2024**

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Sarah Beresford, Finance Officer - Procurement
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly report
Schedules:	1. Budget Adjustments - May 2024

**Authority/Discretion:**

<input type="checkbox"/>	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	<b>Executive</b>	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 checked="" type="checkbox"/>	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	<b>Quasi-judicial</b>	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 officer requested budget adjustments arising after the adoption of the 2023/2024 Budget for Council to consider. The officer's recommendation is that as the adjustments will have an increased impact on the budget, that they are approved by Council.

**Background**

The Council adopted the Annual Budget for the Shire on 22 August 2023.

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

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

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

**Stakeholder and Public Consultation**

N/A

**Statutory Environment**

Local Government Act – Section 6.8(1).

**Relevant Plans and Policy**

N/A

**Financial Implications**

The proposed adjustments for Council to consider will result in increased funds to the projected budget closing position.

**Risk Assessment**

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

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

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

- *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 proposed adjustments are included for Council to consider for the month of May 2024.

**Adjustments Impacting Budgeted Closing Position**

The cancellation of the RADS contract increases available cash in the budget by \$27,000. The works required for the Pelican Point Spit Maintenance utilises \$20,703 of these available funds.

**Adjustments with no impact on budget closing position**

In addition to utilising funds from the cancellation of the RADS contract, funds for the Pelican Point Spit Maintenance will be transferred from Airside Minor Equipment and Diesel Fuel Rebate, which will not impact the budget closing position.

Transfer of funds from Parks and Gardens for works on the Babbage Island footpath and from Legal Expenses for the purchase of office stationery will also not impact the budget closing position.

**Net budget closing position**

All adjustments presented for May 2024 will result in an overall increase in available cash to the value of \$6,297.

**OFFICER'S RECOMMENDATION**

*That Council, by Absolute Majority, in accordance with section 6.8(1) of the Local Government Act, resolves to approve the adjustments to the 2023/2024 adopted Shire budget as detailed in this report and attached as per Schedule 1.*



### 7.3 DEVELOPMENT AND COMMUNITY SERVICES

#### 7.3.1 ROAD DEDICATIONS AND CLOSURES

File No: ADM0128 and ADM0200  
 Location/Address: Road dedications:  
 Lots 582 and 591 on DP 419180 Carnarvon – Mullewa Road, Inggarda Lots 588 and 589 on DP 418942 Carnarvon – Mullewa Road, Inggarda Lot 506 on DP 420949 Bush Bay Road, Brown Range Lots 9114, 9117, 9120, and 9123 on DP 418941 South River Rd., S..Plantations Lots 9168, 9171 and 9174 on DP 425264 South River Road, South Plantations.  
 Road closures:  
 Lot 583 on DP 419180 formerly Carnarvon – Mullewa Road, Inggarda Lot 584 on DP 418942 formerly Carnarvon – Mullewa Road, Inggarda Lot 508 and 509 on DP 420949 formerly NW Coastal Highway, Brown Range.  
 Name of Applicant: Department of Planning, Lands and Heritage  
 Name of Owner: State of Western Australia  
 Author(s): Stefan Louw, Planning And Building Manager  
 Authoriser: Andrea Selvey, Chief Executive Officer  
 Declaration of Interest: Nil  
 Voting Requirement: Simple Majority  
 Previous Report: 27 February 2024 and 23 April 2024  
 Schedules: 1. Deposit Plans

**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 results of advertising of the proposed road closures and dedications that were initiated following the resolution at the Ordinary Council Meeting on 23 April 2024 to proceed with the advertising, pursuant to Sections 56 and 58 of the Land Administration Act 1997 (the Act) and Regs. 8 and 9

of the Land Administration Regulations 1988 (The Regulations), for a period of no less than 35 days. The proposal was published in the Midwest Times on 8 May 2024.

During the advertising period the Shire did not receive any submissions from members of the public or from public utility services. Further details are noted in the Consultation section of this report.

This report recommends that the Council proceeds with the road closures and dedications.

## Background

The Shire received a request from the Department of Planning, Lands and Heritage (the Department), to amend the subject Crown land parcels to enable them to be dedicated as roads consistent with the 'as constructed' road works in the relevant localities. The Department has also requested that a number of disused road reserves be formally closed.

The Department is seeking to progress the land dedications as part of a suite of activities associated with its land tenure assembly program for the Carnarvon Flood Mitigation levees.

The proposed land tenure rationalisation associated with the project includes road actions that need to be completed by the Shire under Sections 56 and 58 of Land Administration Act 1997 (the Act). These road actions relate to the Lawson Street, Six Mile and South River Road levees.

Also requested by the Department is that Council consents for the following:

- Lot 584 on Deposited Plan 418942 and Lot 590 on Deposited Plan 419180 being included into the Shire-managed Reserve 46623 for 'Landscape Protection' following the closure of Lot 584 as a road. Lot 590 will be surrendered from Brick House Station as part of the tenure rationalisation. See Fig. 1.
- Lot 508 on Deposited Plan 420949 being included into Shire-managed Reserve 37127 for 'Recreation' following its closure as a road. See Fig. 2.

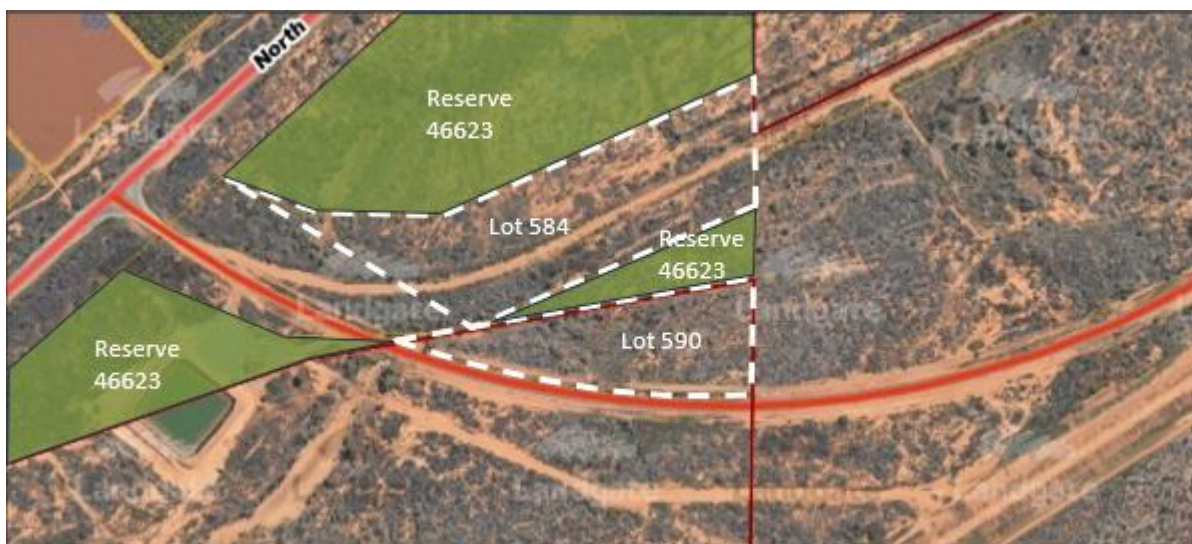


Figure 1. Lot 584 on DP 418942 and Lot 590 on DP 419180 and Reserve 46623



Figure 2. Lot 508 on DP 420949

### Stakeholder and Public Consultation

Formal public consultation occurred through advertising of the proposal in the Midwest Times. No comments were received. Prior to the formal public consultation, the Shire notified adjacent landowners to ensure they were aware of this application and to invite their comments. No comments were received.

### Statutory Environment

Section 56 of the Act provides for a local government to make a request the Minister to dedicate land as a road. Section 58 of the Act applies in relation to the proposed road closures and amalgamations. All road closures for the purpose of amalgamation with the adjoining property require a 35-day public comment period before being submitted to the Department.

The following should also be noted:

- The proclamation of Lot 505 on DP 420949 as a main road under the Main Roads Act 1930.
- That section 24KA of the Native Title Act 1993 will be applied to new roads where Native Title exists (Lot 582 on DP 419180 and Lot 506 on DP 420949).

### Relevant Plans and Policy

There are no relevant policy implications associated with the proposal.

### Financial Implications

There are no financial implications associated with the proposal except for advertising costs. The land surveys associated with the proposal are being undertaken by the Department. The Shire's direct responsibility will be 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	If roads are closed there will be an increase in the size of the reserves that the Shire has responsibility for. Has implications for bush fire risk, and land management matters such as illegal dumping etc.	Low	Road dedications will assist in understanding land tenure so that levees and closed roads can be managed accordingly.
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 Department has requested that the Council consider initiating the changes to the road reserves as a suite of preliminary initiatives that its undertaking that are associated with its land assembly program for the Carnarvon Flood Mitigation Levees.

The consultation phase has been completed and the proposals are now presented to Council for consideration and the lodgement of a request to the Minister to undertake the road dedications and road closures.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995, resolves to:***

- 1. in accordance with Section 56 of the Land Administration Act 1997, proceed with the proposed public road dedication of Lots 582 and 591 on DP 419180 Carnarvon – Mullewa Road, Inggarda; Lots 588 and 589 on DP 418942 Carnarvon – Mullewa Road, Inggarda; Lot 506 on DP 420949 Bush Bay Road, Brown Range; Lots 9114, 9117, 9120, and 9123 on DP 418941 South River Rd., S. Plantations; Lots 9168, 9171 and 9174 on DP 425264 South River Road, South Plantations.***
- 2. in accordance with Sections 58 and 87 of the Land Administration Act 1997, proceed with the proposed closure of public roads located at Lot 583 on DP 419180 formerly Carnarvon – Mullewa Road, Inggarda; Lot 584 on DP 418942 formerly Carnarvon – Mullewa Road, Inggarda; Lots 508 and 509 on DP 420949 formerly NW Coastal Highway, Brown Range.***

***and:***

- a. Notes the results of public advertising – no objections received.***
  - b. Supports the proposal, and applies to the Minister for Lands to dedicate, as public roads, the portions described in part 1 above,***
  - c. Supports the proposed proclamation of Lot 505 on DP 420949 as a main road under the Main Roads Act 1930.***
  - d. Supports the proposal, and applies to the Minister for Lands to close the public roads, the portions described in part 2 above,***
  - e. Indemnifies the Minister for Lands pursuant to section 56(4) of the Land Administration Act 1997 against any claim for compensation that may arise from the road dedications.***
  - f. Indemnifies and keeps indemnified the Minister for Lands, State of Western Australia and the Department of Planning, Lands and Heritage under section 24KA of the Native Title Act 1993 (CTH) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of Lot 582 on DP 419180 and Lot 506 on DP 420949 as public roads.***
- 3. advise the Minister for Lands that it supports the inclusion, in accordance with Section 41 of the Land Administration Act 1997, of:***
    - a. Lots 584 on DP 418942, Lot 590 on DP 419180 within Shire Managed Reserve 46623 for 'Landscape Protection' following their closure as roads, and***
    - b. Lot 508 on DP 420949 within Shire Managed Reserve 37127 for 'Recreation' following its closure as a road.***

**7.3.2 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 13 - SCHEME AMENDMENT NO. 7**

File No:	A4046
Location/Address:	1300 North West Coastal Highway
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Colchestar Pty Ltd
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	25 July 2023
Schedules:	1. Amendment Documentation 2. Submission

**Authority/Discretion:**

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

**Summary of Report**

The Shire received a request from Canford Hospitality Consultants Pty Ltd on behalf of the owners of the Minilya Bridge Roadhouse to amend the Local Planning Scheme No. 13 to create a new special use zone, which adds the 'Hotel' land use.

The amendment would allow to operators of the roadhouse to serve packaged liquor to the lodgers and travellers. As the Shire is preparing the scheme amendment in response to this application officers saw this as an opportunity to extend the scheme amendment to capture all roadhouses outside the town of Carnarvon.

This report follows Council's resolution to advertise the amendment and seeks Council's resolution to support the proposed standard amendment and forward the amendment to the Western Australian Planning Commission (WAPC) with the request for the Minister for Planning to grant approval.

**Background**

The proposed amendment was presented to Council on 25 July 2023 for initiation and to publicly advertise the amendment for a period of 42 days. Please refer to the Council's resolution below.



**COUNCIL RESOLUTION OCM 17/07/23****Moved:** Cr Alexander Fullarton**Seconded:** Cr Burke Maslen***That Council by Simple Majority,***

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 7 of Shire of Carnarvon Local Planning Scheme No. 13 by creating a new Special Use Zone (SU2) which includes both the Wooramel and Minilya Bridge Roadhouses, adding 'Hotel' to the permitted uses, keeping the remaining roadhouses to Special Use Zone 1 and renumbering the Special Use Zones accordingly as per the Amendment Documentation.***
- 2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 7 is a standard scheme amendment on the basis that it is:***
  - i. an amendment relating to a zone or reserve that is consistent with the objective identified in the scheme for that zone or reserve;***
  - ii. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;***
  - iii. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;***
  - iv. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;***
- 3. Note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable.***
- 4. Resolves to authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.***
- 5. Pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to refer the Local Planning Scheme No. 13 Amendment 7 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;***
  - i. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties; and***
- 6. Pursuant to Regulation 53 of the Planning and Development Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.***

**FOR:** Crs Burke Maslen, Marco Ferreirinha, Alexander Fullarton and Luke Vandeleur**AGAINST:** Cr Eddie Smith**ABSENT:** Crs A Cottrell, L Skender and T Langley**CARRIED BY SIMPLE MAJORITY 4/1**

The advertising period has now closed, refer Stakeholder and Public Consultation section of this report for details. The amendment is submitted to Council for a decision. The officer's recommendation is to support the amendment without amendment; however, Council can also choose to either support the amendment with modification or not to support the amendment.

**Stakeholder and Public Consultation**

Following Council’s resolution to initiate the standard scheme amendment, the amendment was referred to the EPA for comment. EPA advised that the amendment was not required to be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).

Following advice received from the EPA the amendment was advertised for 42 days in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment was advertised on the Shire’s website, notices were sent to surrounding property owners and published in the Midwest Times. The amendment was also referred to the following public authorities:

- Department of Communities
- Department of Fire and Emergency Services
- Department of Jobs, Tourism, Science, and Innovation
- Department of Transport
- Department of Primary Industries and Regional Development (Regional Development Council)
- Department of Water and Environmental Regulation
- The Gascoyne Development Commission
- Horizon power
- Main Roads
- WaterCorp

Only one submission was received with no objection to the proposed amendment (refer to schedule 2).

**Statutory Environment**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Carnarvon Local Planning Scheme No. 13*

**Relevant Plans and Policy**

Shire of Carnarvon Local Planning Strategy:

The Local Planning Strategy sets out specific objectives for business and employment which relate to the growth and prosperity of a community. The Strategy recognises that the performance of the local economy directly affects several key areas relating to the growth and prosperity of a community including:

- Attracting new investment and sustaining existing businesses.

**Financial Implications**

N/A

**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	The landowner’s ability to utilise the site for diverse business potentials.	Low	The scheme amendment will address the zoning constraint to facilitate future development of the site, which is limited to what is being applied for.
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**

Allowing the roadhouses to obtain approval as a ‘Hotel’, the Scheme will support further economic potential for the operators and allow them to diversify their business models. However, it is important to note that the proposed amendment does not automatically allow for the roadhouses to serve liquor; rather, it provides them the opportunity to seek development approval and subsequently liquor license approval. This is currently not a possibility under the current scheme.

Currently, the definition of ‘Roadhouse’ permits operators to offer short term accommodation on-site. Adding the land use ‘Hotel’ to the list of permitted uses will not modify current lodging arrangements.

No approvals are being granted as part of this step in the process, and there are also no requirements in the *Planning and Development (Local Planning Schemes) Regulations, 2015* that compel Council to support this amendment; as such, the following option are available for Council to consider:

Option 1 and Officer’s Recommendation: Support the amendment as advertised. The Officer’s Recommendation is based on the following: no objections were received, the opportunity that this provides for further economic activity for local businesses, and that further approvals via a Development Application and Liquor Licence Approvals, would be required should these businesses wish to progress this business activity.

Option 2: Support the amendment with modifications.

Option 3: Not to support the amendment.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority, pursuant to Section 75 of the Planning and Development Act 2005 and Part 5, r50 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:***

- 1. support without modification Scheme Amendment No. 7 to amend Shire of Carnarvon Local Planning Scheme No. 13 as per Schedule 1 attached to this report;***
- 2. note the submission received as detailed in Schedule 2 attached to this report;***
- 3. note that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable;***
- 4. authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation; and***
- 5. forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.***

## 7.4 INFRASTRUCTURE SERVICES

### 7.4.1 REQUIRED ALTERATION TO RECYCLED WATER SCHEME

File No:	ADM1843
Location/Address:	Carnarvon
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Michael Mallon, Project Delivery Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> <li>1. DoH Letter</li> <li>2. Proposed Artesian Extension</li> <li>3. Current Recycled Water Irrigation Areas</li> <li>4. Proposed Recycled Water Irrigation Areas</li> </ol>

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#### Authority/Discretion:

<input type="checkbox"/>	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	<b>Executive</b>	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"/>	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	<b>Quasi-judicial</b>	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

Irrigation of Town Beach and Northwater areas will no longer be permitted by the Department of Health (DoH) under the Shire recycled water licence. It is possible to irrigate these areas with artesian water through a connection to an existing artesian pipeline adjacent to the Airport.

This report recommends Council allocate \$150,000 of funds from its strategic projects reserve in its 2024/2025 budget and in the interim, seek funding grant opportunities to fund all or part of the works necessary. It is further recommended to initiate discussion with Gascoyne Water Cooperative (GWC) to develop a strategic project for the extension of GWC non potable water pipelines further into town for public space irrigation and other commercial and/or residential premises irrigation.

#### Background

**Schedule 1** provides correspondence received in December 2023 from the Department of Health (DoH) regarding the Shire of Carnarvon Recycled Water Scheme.

It notes an internal audit of the scheme, conducted by Water Corporation, has resulted in an overall assessment of “average” compliance with the recycled water scheme approval conditions and regulatory requirements.

Although there has been improvement from the 2020 audit rating of “below average,” of primary concern to the DoH is the use of recycled water for irrigation in the Town Beach and Northwater areas.

Auditors and the DoH have recommended recycled water irrigation cease at these two locations. Failure to cease the use of recycled water at these locations may result in the withdrawal of DoH approval.

The following alternative irrigation methods have been considered to allow irrigation to continue at these areas, maintaining existing green spaces. This includes irrigation by:

- Recycled water using buffers to minimise spray drift;
- Potable water;
- Non potable GWC water;
- Subsurface recycled water; and
- Artesian water.

Irrigation by artesian water is considered the most cost effective and practical long-term alternative for the ongoing irrigation of these areas. Constructing the pipeline shown in **Schedule 2** allows connection of artesian water to existing recycled water pipelines.

It will be necessary to create a break in the pipelines at Brockman Park so that the two water systems are separated. This will also mean that in addition to the Town Beach and Northwater areas, the following areas currently irrigated with recycled water will be irrigated with artesian water:

- Town Oval
- Van Dongen Park
- Woolworths Carpark Gardens

Brockman Park will continue to be irrigated via recycled water.

The current total recycled water irrigation area is approx. 15 ha. Under the proposed arrangement, the area irrigated by recycled water will be reduced to 10.4 ha. The before and after areas are shown in **Schedules 3 and 4** as follows:

- Red = artesian lines and irrigation
- Green = recycled water irrigation areas
- Purple = recycled water distribution lines

There is a possibility this may not allow disposal of all recycled water generated by Water Corporation during the winter months. This may represent an opportunity to seek State Government funding to capture excess winter month recycled water in a pond adjacent to the existing storage ponds. That water can then be utilised in summer months when demand outstrips supply.

### Stakeholder and Public Consultation

Department of Health  
Water Corporation

### Statutory Environment

The *Health (Miscellaneous Provisions) Act 1911* provides the broad statutory basis for the recycled water scheme requiring Department of Health approval.

**Relevant Plans and Policy**

N/A

**Financial Implications**

A quotation of approximately \$150,000 (excl GST) for design and construction of an artesian water pipeline has been received. The 2023/24 FY budget does not have an allocation of expenditure for this project and will therefore require Council consideration during the 2024/25 FY budget deliberations.

**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			
Health & Safety			
Reputation	Recycled water quantity during summer months is reduced and results in areas not receiving required amounts of water.	A3 - Extreme	Artesian water upgrade does not require quantity monitoring and will result in irrigated sections receiving the required water.
Service disruption	Construction of new pipeline in areas will require service shutdown.	A2 – Low	Constructing the pipeline in stages will allow for the existing service areas to be maintained with minimal disruption.
Compliance	Failure to switch water source may result in the withdrawal of DoH approval.	A3 - Major	Complete the pipeline upgrade to ensure compliance with health requirements.
Property	High salinity artesian water can cause staining/corrosion.	A2 - High	Monitor and wash down any areas that are required regularly as part of a maintenance program.
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:**

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

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- N/A

**Comments**

The table below summarises advantages and disadvantages of the alternate irrigation methods considered.

Irrigation Method	Advantages	Disadvantages
Recycled water using buffers and planting to minimise spray drift	Lowest capital cost	Unable to satisfy scheme approval conditions
Potable water	<ul style="list-style-type: none"> <li>• Nil water compliance issues.</li> <li>• Nil restriction on watering times.</li> </ul>	<ul style="list-style-type: none"> <li>• High operating cost (est &gt;\$50,000 p.a. utility costs)</li> <li>• Tank(s) and pressure pump required.</li> </ul>
Non Potable GWC water	<ul style="list-style-type: none"> <li>• Nil water compliance issues.</li> <li>• Nil restriction on watering times.</li> <li>• May be able to supply other major customers (Caravan Park, Justice centre, Aquatic centre)</li> </ul>	<ul style="list-style-type: none"> <li>• High capital cost to construct pipeline at least 2.4kn in length.</li> <li>• Is ongoing operating cost for the purchase of water.</li> <li>• Tank(s) and pressure pump required.</li> </ul>
Subsurface recycled water	<ul style="list-style-type: none"> <li>• No change in area under recycled irrigation.</li> </ul>	<ul style="list-style-type: none"> <li>• Recycled water not recommended for subsurface application.</li> <li>• Cost of install at least \$150,000.</li> <li>• High maintenance requirements.</li> <li>• High disturbance of primary green areas to install</li> </ul>
Artesian water	<ul style="list-style-type: none"> <li>• Nil water compliance issues.</li> <li>• Nil restriction on watering times.</li> <li>• Nil water or pumping cost</li> </ul>	<ul style="list-style-type: none"> <li>• Water has higher salinity.</li> <li>• Possible iron staining.</li> </ul>

On balance, use of artesian water represents the only affordable short-term opportunity to ensure irrigation is maintained to Town Beach and Northwater. It is likely approved use of recycled water at those sites will cease in 2024/2025. Council should note however that artesian water can cause iron staining and with a salinity higher than recycled water requires application management and may accelerate corrosion of steel. It should also be noted that both Northwater and Town Beach are already located directly adjacent to a marine environment. It may therefore be difficult to differentiate corrosion due to artesian water and corrosion due to the marine environment.

In the medium to longer term, development of a strategic project to bring GWC water into the township (along Robinson Street to Olivia Terrace) would provide opportunity for Northwater and Town Beach irrigation to be supplied by a non-potable source. That scheme would not be subject to DoH approval and this would negate any potential impact of rust staining and corrosion associated with artesian water irrigation. It would also provide potential opportunity for larger commercial properties in that area such as the Justice Centre, Caravan Park, Motel and Aquatic Centre to utilise lower cost irrigation type water.

This project would progress the Integrated and Water Security Plan endorsed by Council in May 2024 as a Priority Project for the community.

**OFFICER'S RECOMMENDATION**

***That Council pursuant to Section 3.18 of the Local Government Act resolves to:***

- a) Nominate construction of an artesian pipeline to supply artesian water to irrigate Town Beach and Northwater as a Priority 1 project in its 2024/2025 budget;***
- b) Consider allocation of \$150,000 from its strategic projects reserve in its 2024/2025 budget for the construction of the artesian pipeline;***
- c) Authorise the CEO to seek funding opportunities to fund all or part of the necessary works; and***
- d) Authorise the CEO to seek collaboration opportunities with Gascoyne Water Cooperative (GWC) to extend existing non potable water pipelines to service additional businesses and residences.***

**7.4.2 RENAMING OF RUSHTON STREET (A) TO DE BONI STREET**

File No:	ADM1869
Location/Address:	Rushton Street, Carnarvon
Name of Applicant:	David Guglielmana
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 22/02/24 7.4.1 Proposed Renaming of Rushton Street to De Boni Street
Schedules:	<ol style="list-style-type: none"> <li>1. Plan - Renaming of Rushton Street (A)</li> <li>2. Street Naming Request from David Guglielmana</li> <li>3. Additional Information for Landgate - De Boni Family</li> <li>4. Email from GRAMS - Gascoyne Outreach Service</li> </ol>

**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 outcome of the Shire’s application to Landgate for renaming Section A of Rushton Street to De Boni Street see **Schedule 1**.

Landgate has provided in-principle support for the renaming, subject to Council’s final approval, as per the officer’s recommendation and subsequent advertising of the change via Public Notification.

**Background**

A request was received from Mr David Guglielmana advocating for a street to be named after the De Boni family in recognition of their history in establishing plantations in Carnarvon during the late 1920’s. A copy of Mr Guglielmana’s letter is provided at **Schedule 2**.

At its Ordinary Council Meeting on 27 February 2024, Council resolved as follows:



**COUNCIL RESOLUTION OCM 22/02/24****Moved:** Cr Dudley Maslen**Seconded:** Cr Luke Skender

***That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 and Section 26A of the Land Administration Act 1997 resolves to:***

***1. support the proposed renaming of Section A of Rushton Street to DeBoni Street as shown on the plan at Schedule 2; and***

***2. authorise the proposed renaming application be forwarded to Landgate for assessment under the 'Policies and Standards for Geographical Naming in Western Australia' criteria.***

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

AGAINST: Nil

**CARRIED BY SIMPLE MAJORITY 8/0**

In accordance with the Council resolution, the application was forwarded to Landgate for assessment. Landgate requested further information on the specific De Boni family members being recognised by the renaming of Rushton Street (A). This information was provided by Mr Guglielmana and is included at **Schedule 3**.

Landgate has subsequently provided their in-principle support for the renaming. Subject to Council approval and issuing of public notices, the proposed renaming is then forwarded to the Minister for a final decision to approve or decline the renaming.

**Stakeholder and Public Consultation**

The Gascoyne Outreach Service (GRAMS) is the only affected business located on Section A of Rushton Street and was consulted regarding the proposed renaming. A copy of an email from GRAMS stating that they have no objection to the renaming of Rushton Street (A) is included at **Schedule 4**. There are no residential properties affected by the proposed renaming.

Further, should Council provide final approval as per the officer's recommendation, public notices will be widely distributed, and emergency service providers will be formally notified of the name change.

**Statutory Environment**

Section 3.18 of the *Local Government Act 1995*

Section 26A Clause 5(b) of the *Land Administration Act 1997*.

**Relevant Plans and Policy**

Shire of Carnarvon – *Policy ID004 Naming of roads, parks, places, and buildings.*

Landgate – *Policies and Standards for Geographical Naming in Western Australia*

**Financial Implications**

The Shire would incur minor costs of approximately \$250 for new street sign purchase and installation which can be met within existing operational budgets.

**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	Minor impact to the Shire’s budget for street signage and installation costs	C1 Low	Costs can be accommodated through the road signage maintenance budget.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	The renaming of this section of Rushton Street may cause some initial confusion.	B1 Moderate	Ensure the renaming of Rushton Street is well publicised on social media platforms and other media including the newspaper and Shire website.  Ensure emergency services organisations are aware of the road name change.
Compliance	Allowing Rushton Street to remain in three separate sections is contrary to Landgate’s guidelines under the <i>Policies and Standards for Geographical Naming in Western Australia</i> and may cause delays in emergency services response times.	A4 Extreme	Renaming Section A of Rushton Street goes some way towards complying with Landgate’s guidelines, with Section B of Rushton Street proposed for renaming under a separate application. It is proposed that Section C will remain as Rushton Street.  The renaming will provide clear locations for emergency services responses.
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

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

**ADDITIONAL FOCUS AREAS:**

- N/A

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- N/A

**Comments**

Landgate is supportive of the proposed renaming of Rushton Street (A) to honour the De Boni family and to address the current complexity of having three disconnected sections of road named Rushton Street.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995 and Section 26A of the Land Administration Act 1997 resolves to:***

- a. Approve renaming of Section A of Rushton Street provided in Schedule 1 to De Boni Street; and***
- b. Authorises the CEO to:***
  - i. formally submit this renaming application to Landgate; and***
  - ii. issue public notification of the street renaming proposal via the Shire's website and social media platforms, the local newspaper, the Shire Newsletter and notice boards; and***
  - iii. formally advise Emergency services organisations (WA Police, DFES, St John Ambulance and SES) of the proposed road renaming.***

**7.4.3 ENDORSEMENT OF ASSET MANAGEMENT PLAN**

File No:	ADM1661
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Shire of Carnarvon Asset Management Plan 2024-2034

**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 Asset Management Plan (AMP) of the Shire of Carnarvon for endorsement by Council.

**Background**

As part of the integrated planning and reporting framework, local governments are required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. By regulation, that plan must include a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

An Asset Management Plan (AMP) is what is referred to as an informing strategy within the integrated planning framework. It informs the local government of how capable it is to deliver the services and assets required by the community.

The Shire engaged Asset Infrastructure Management (AIM) to prepare the AMP.

A copy of the Asset Management Plan is provided at Schedule 1 for endorsement by Council.

**Stakeholder and Public Consultation**

AIM has consulted with Shire staff and its long-term financial planning consultants to inform AMP development.

**Statutory Environment**

*Local Government Act 1995* Section 5.56 - Planning for the future

**Relevant Plans and Policy**

CF016 – *Asset Management Policy*

**Financial Implications**

There is no direct financial implication associated with the recommendation.

**Risk Assessment**

		<b>STEP 3 – Risk Tolerance Chart Used to Determine Risk</b>				
<b>Consequence</b> →		<b>Insignificant 1</b>	<b>Minor 2</b>	<b>Major 3</b>	<b>Critical 4</b>	<b>Extreme 5</b>
<b>Likelihood</b> ↘						
<b>Almost certain</b>	<b>A</b>	High	High	Extreme	Extreme	Extreme
<b>Likely</b>	<b>B</b>	Moderate	High	High	Extreme	Extreme
<b>Possible</b>	<b>C</b>	Low	Moderate	High	Extreme	Extreme
<b>Unlikely</b>	<b>D</b>	Low	Low	Moderate	High	Extreme
<b>Rare</b>	<b>E</b>	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	Not endorsing the AMP. Endorsement of an AMP forms part of the statutory integrated planning framework to inform local government of how capable it is to deliver the services and assets required by the community.	C2-Moderate	Endorse the AMP as presented.
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:**

- *Monitor the implementation of our Community Strategic Plan*

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

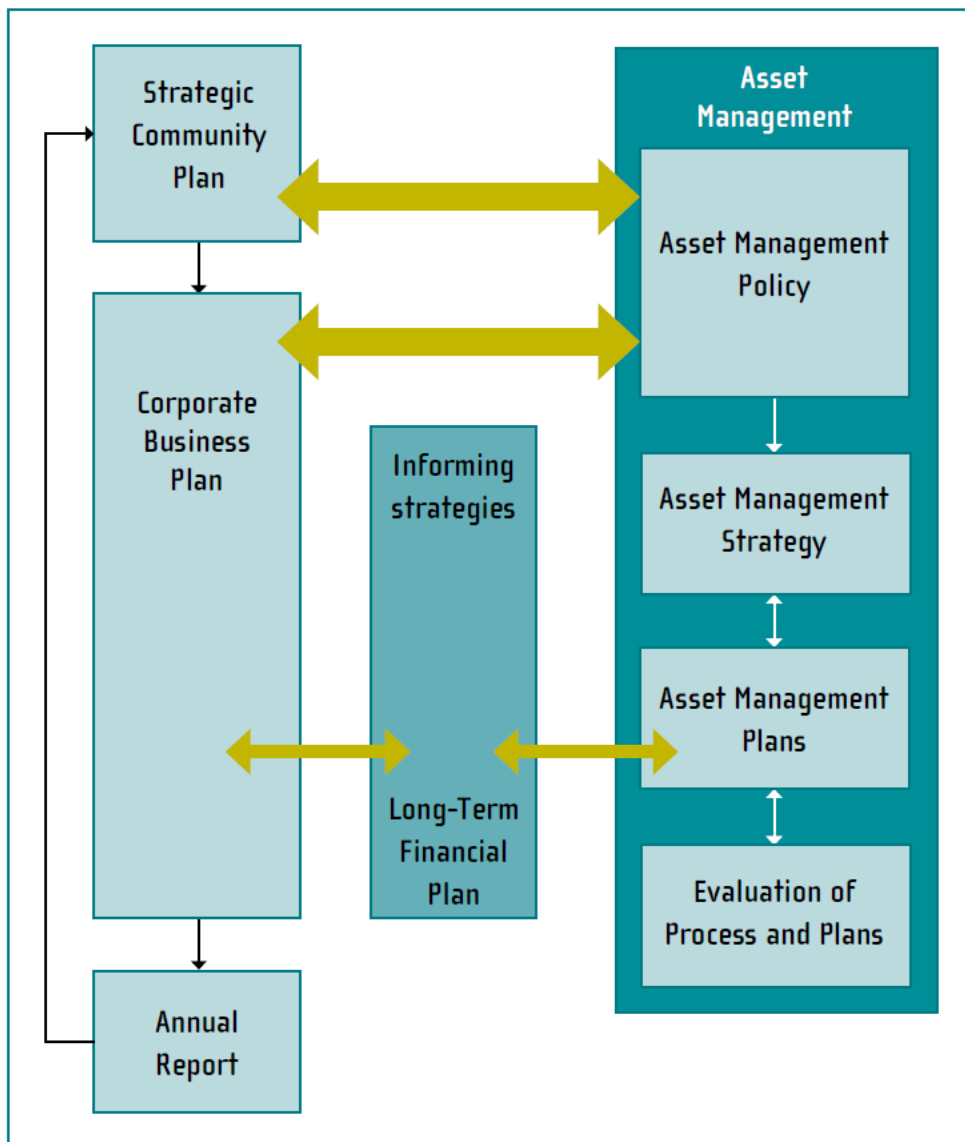
- N/A

**Comments**

The definition of an AMP is “a tactical plan for managing infrastructure and other assets to deliver an agreed level of service.”

The AMP assists decision making regarding the acquisition, renewal, and replacement of assets in accordance with the Shire Strategic Community Plan and Corporate Business Plan.

The diagram below summarises linkages between the Shire’s strategic documents within the integrated planning framework.



Council should note within the AMP that Shire assets collectively depreciate by approximately \$9.2M each year, every year as they age and wear. That level of depreciation is unable to be fully funded given current revenues and expenditures.

The Shire is not unique to this dilemma. It is the unfortunate position many small to medium Shires find themselves in across Australia particularly where small rate bases are not supplemented by mining or other larger economic development drivers. It means Council is in a difficult position regarding maintaining existing levels of service and asset condition. That is often difficult for communities to appreciate, acknowledge and/or understand, particularly in the face of demand and need for new facilities.

This does not mean however that our current asset management practices cannot be improved to close the gap that exists between what can be afforded and what the community desires. The AMP describes measures necessary for improvement of current asset management practices. Much of that work, associated with ensuring better systems of asset inspections and early interventions, has commenced.

There are also positive indications of an increase in economic development within the Shire. The Shire's commitment and efforts to facilitate economic development is showing results. Reversals do not however occur overnight, and the asset management journey is a lengthy process that requires long-term commitment and focus.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority in accordance with section 5.56 of the Local Government Act 1995, endorses the Asset Management Plan provided at Schedule 1 for inclusion as an informing strategy to Strategic Community Plan and Corporate Business Plan.***

**7.4.4 NATIONAL DISASTER RISK REDUCTION GRANT**

File No:	ADM2257
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Kyle Williams, Development Coordinator - Development & Community
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Majority
Previous Report:	N/A
Schedules:	Nil

**Authority/Discretion:**

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

**Summary of Report**

The Shire of Carnarvon has received an offer of \$250,000 of funding from the National Disaster Risk Reduction (NDRR) Fund for purchase of 1000m of 500mm high mobile flood barriers. These barriers can be rapidly deployed to reinforce the Boundary Road Levee during a flood event or deployed as a replacement for sandbags or temporary levees in other locations.

Grant acceptance requires a matching \$250,000 co-contribution from the Shire of Carnarvon.

It is recommended Council authorise the CEO to seek a variation to the funding offer to allow the NDRR funding to be utilised in the Shires existing Flood Preparedness project which will have insufficient funds to complete the full scope of proposed town levee repairs.

**Background**

An application for NDRR funding for mobile flood barriers was submitted to the Department of Fire and Emergency Services (DFES) in January 2024. These barriers can be utilised to save time and resources when required to construct temporary levees during flood events.

This is particularly the case for temporary reinforcement of the Boundary Road Levee. The erection of that temporary levee is the responsibility of the Shire of Carnarvon upon direction from DFES.

DFES has advised the Shire funding application has been successful and the \$250,000 has been formally offered to the Shire for acceptance and expenditure in 2024/2025.

Construction of the Boundary Road levee reinforcing is triggered by a predicted Gascoyne River height of 6.7m or more. This has occurred twice in the last five years.



Boundary Road levee reinforcing requires availability of significant plant and equipment including:

- 3 x semi road train side tippers
- 4 x front end loader (2 x loading, 2 x at unload site)
- 50m rolls x 60 of black plastic.
- Earth material/sand
- 10 personnel for black plastic positioning during sand construction
- Traffic management
- Construction time of at least 24 hours.

Plant required is sourced from local contractors and availability is not guaranteed.

All costs incurred by the Shire for these works are reimbursed to the Shire by DFES.

Under the Flood Preparedness project currently being undertaken by the Shire in partnership with DPIRD and DWER, procurement of the services necessary to repair damage to the town levee system has been problematic. Submissions for this project under RFQ 05/2024 are currently being evaluated, but it has become apparent that the funding available for that project is not sufficient to carry out the full scope of those repairs.

On that basis, it is recommended Council authorise the CEO to seek a variation to the NDRR offer to determine if that can be utilised for the Town Levee repairs. If it cannot, it is recommended that Council not accept the funding offer due to the difficulty funding the Shire contribution, noting that the scope of works for the repairs to the town levees would be scaled to remain within budget, based on the highest priority areas for repairs.

#### **Stakeholder and Public Consultation**

N/A

#### **Statutory Environment**

*Local Government Act 1995* Section 3.18 Performing Executive Functions

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

CD006 External Grants – Procurement and Grants

#### **Financial Implications**

Acceptance of the National Disaster Risk Reduction offer requires a matching co-contribution of \$250,000. There is no 2023/2024 budget allocation for that co contribution. The co-contribution has not been included in draft 2024/2025 budget deliberations to date.

The co-contribution could be met in the 2024/2025 budget either through the Emergency Management Reserve fund or through the normal municipal budget.

Drawing from the Emergency Management Reserve would however consume 84% of that reserve. Further, as the cost of construction of the Boundary Road levee reinforcement is claimable from DFES, the purchase of the flood barriers does not provide an operational cost offset to the Shire through the use of the barrier system.

Town levee repairs associated with the federally funded Flood Preparedness project has a current budget allocation of approximately \$715,000 (including project management). That is funded through the Federal government grant and a Shire contribution of approximately \$358,000. If DFES accept the variation in scope for the NDRR project, this would mean that the co-contribution is already covered under an existing budget allocation with no additional Shire contribution required and the full scope of work for the repairs to the town levees would be highly likely to be able to be achieved.

**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	<p>If the funding scope variation is not acceptable to DFES \$250,000 in funding will be lost.</p> <p>Accepting the funding NDRR funding offer as is will deplete reserves and/or the budget.</p>	<p>C3 - High</p> <p>A3 - Extreme</p>	<p>There is no mitigation to this risk.</p> <p>Adopting the recommendation and DFES accepting the proposed project variation.</p>
Health & Safety	N/A		
Reputation	Rejecting funding may impact reputation with the funding body and community.	D2 - Low	Risk is acceptable. Report explains reasons for not being able to accept grant due to limited capacity to fund co-contribution.
Service disruption	N/A		
Compliance	N/A		
Property	Current levee reinforcement process requires significant resources to be on hand. Flood barriers minimise this requirement.	D3 - Moderate	Risk is acceptable. In all past occasions, levee reinforcement has occurred. Flood warning systems are mature and well developed and provide warning typically 3-5 days in advance of floodwaters.
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 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 recommendation considers the possible outcomes of a request to vary the funding purpose so that the matter can be dealt with in a single consideration by Council.

**OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority in accordance with Section 3.18 of the Local Government Act 1995, resolves to:*

- a. authorise the CEO to request that the Department of Fire and Emergency Services varies the National Disaster Risk Reduction grant funding offer to allow that funding of \$250,000 to be utilised on the town levee system repairs currently funded under the Shires's Flood Preparedness project;*
- b. formalise and execute that agreement if the variation at (a.) is accepted; or*
- c. if the variation described at (a.) is not accepted, authorise the CEO to advise DFES that unfortunately in this instance the Shire is unable to proceed with the project as it cannot meet the project co-contribution of \$250,000.*

**7.4.5 REQUEST FOR QUOTATION RFQ 05/2024 RECONSTRUCTION OF FLOODGATES - SEPARABLE PORTION B**

File No:	ADM2302
Location/Address:	Various
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 15/01/24
Schedules:	Nil

**Authority/Discretion:**

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

**Summary of Report**

This report informs Council that no submissions have been received for Separable Portion B under the Request for Quotation (RFQ) 05/2024 – Repair of Town Levees (Separable Portion A) and Reconstruction of Flood Gates (Separable Portion B). The RFQ closed on 27 May 2024. One submission has been received for Separable Portion A and is currently being reviewed by the Evaluation Panel.

Due to unsuccessful attempts to attract submissions for this portion of work under both a Tender and RFQ process, it is recommended Council authorises the CEO to engage the services of a suitably qualified supplier to deliver the required scope of works.

**Background**

In 2023 the Shire undertook a Request for Tender (RFT) process for the repair of town levees and reconstruction of flood gates on the airport levee. Tender RFT 10/2023 was issued as two separable portions – Separable Portion A for the Repair of Town Levees and Separable Portion B for Reconstruction of Airport Levee Floodgates. RFT 10/2023 closed on 15 December 2023. One submission only was received for Separable Portion A. No submissions for Separable Portion B were received.

At the Ordinary Council Meeting held on 23 January 2024 Council resolved not to accept the submission received for Separable Portion A and authorised the CEO to seek alternative quotations for the work detailed within the scope of works for RFT 10/2023.

Based on RFT 10/2023 feedback received, a challenging element of Separable Portion B required Contractors to provide structural designs and drawings for the headwalls and floodgates that met construction standards.

This required contractors to engage the services of a structural engineer to prepare floodgate structural designs and drawings. The Contractor was also required to supply and install the floodgate penstocks based on the most suitable type of gate for each identified location.

Project Managers GHD researched options on the supply of the penstocks. Two east coast suppliers could provide the infrastructure required. After reviewing their submissions, a quotation from Australian Water Engineers (AWE) for the supply of 6 flood gate penstocks was accepted.

This therefore removed the need for the contractor to source the floodgates and these items would be supplied to the successful contractor by the Shire. For construction of the new headwalls, Main Roads WA technical specifications were reviewed and determined to be suitable removing the need for the completion of structural designs.

Nine suitably qualified contractors were identified and forwarded RFQ 05/2024 inclusive of the above variations. Submissions for one or both separable portions were invited.

One submission has been received for Separable Portion A and is currently being reviewed by the Evaluation Panel.

No submissions were received for Separable Portion B, reconstruction of the flood gates.

**Stakeholder and Public Consultation**

Nil.

**Statutory Environment**

*Local Government Act, 1995 S3.57 - Tender for providing goods and services.*

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

**Relevant Plans and Policy**

Policy C013 – Tender Selection Criteria Policy

Policy C002 – Purchasing Policy

**Financial Implications**

The total budget allocation for this element of the Improving Flood Preparedness project is \$170,060. This allocation is further broken down into the following –

Carnarvon Airport Levee Flood Gates – Project Element 2	\$170,060.00
Less Project Management Costs	-\$29,464.00
Less Supply of Penstock Flood Gates	-\$51,500.00
Total Project Budget available for Reconstruction work	\$118,560.00

There are seven other elements in the Improving Flood Preparedness project. A budget is defined for each of those elements. Most elements have commenced and have committed expenditures.

There is no flexibility or scope for a change in budget unless the Shire and/or project partners (the Department of Primary Industries and Regional Development and Department of Water and Environmental Regulation) are prepared to increase their contributions.

**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	Over expenditure of project budget. As no pricing has been received, it remains unknown if existing budget allocation is sufficient.	C2 – Moderate	Review scope of works to and assess the Shire capacity to assist with delivery some elements in-house. Seek submissions from other Shire contractors recently engaged by Council to complete concrete works.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	Fail to meet funding deadline. Inability to secure the services of contractors has delayed delivery of this project element.	C2 - Moderate	Works must be completed by the end of December 2024. Two attempts have been made to test market. The recommended RFQ will target concrete service providers with Shire assistance for earthworks and supply of the floodgates.
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

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

**ADDITIONAL FOCUS AREAS:**

- N/A

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- N/A

**Comments**

An RFT and RFQ process was undertaken to engage a contractor to deliver the works on repairing the town levees and the reconstruction of the flood gates. It was thought at the time a combined tender with separable portions would be appropriate to increase the potential of submissions and maximise the interest of

prospective tenderers. Unfortunately, this was not the case and although one submission was received for Separable Portion A (levee works), no submissions have been received for Separable Portion B.

Under the funding agreement with the Department of Science, Energy and Resources, all project elements must be completed by 31 December 2024. There is a need to keep momentum rolling on trying to secure a suitable contractor to deliver the floodgate project element and meet the project deadline.

Removing the flood gate reconstruction as a separable portion under the combined RFQ 05/2024 offers this element as a stand-alone item. The allocated budget is less than the statutory tender threshold and efforts to engage a contractor under previous processes have been exhausted.

The Officer recommendation gives the CEO ability within the scope of Council's Purchasing Policy and delegations, to engage a suitably qualified contractor to deliver the scope of works required for the flood gates.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority, pursuant to Regulation 11(2)(c)(i) of the Local Government Regulations, Functions and General 1996 and 3.18 of the Local Government Act, 1995, authorises the CEO to seek alternate quotations for the project scope detailed under RFQ 05/2024 Separable Portion B - Reconstruction of Flood Gates.***

**7.4.6 REQUEST FOR TIP FEE WAIVER FROM CARNARVON RIDERS ASSOCIATION**

File No:	ADM0122
Location/Address:	Lot 350 Robinson Street (previously Performing Arts building)
Name of Applicant:	Carnarvon Riders Association
Name of Owner:	Shire of Carnarvon
Author(s):	Mativa Toomalatai, Acting Projects Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> <li>1. Carnarvon Riders Association Request to Waive Tip Fees</li> <li>2. Map identifying the Old Performing Arts Building</li> </ol>

**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 a request from the Carnarvon Riders Association (CRA) for Council to consider waiving waste disposal fees applicable to removal of waste from a property located at Lot 350 Robinson Street. This building is adjacent to the Netball Courts and was previously referred to as the ‘Performing Arts Building’.

The Officer’s recommendation is that Council approves the fee waiver request.

**Background**

On 14 June the Shire received a request from the CRA to waive tip fees associated with the removal of various rubbish and waste that has accumulated at the site previously referred to as the ‘Performing Arts Building’. A copy of that correspondence is provided at **Schedule 1**.

This property is intended to be utilised by Pastor John as a base to carry out his charity work for the community. The CRA is helping Pastor John to relocate from his previous base at Lot 547 Carnarvon Airport to his new base at Lot 350 Robinson Street. The location of that property is provided at **Schedule 2**.

Part of this transition is to clean up the new site prior to occupation by Pastor John.

**Stakeholder and Public Consultation**

Nil.



**Statutory Environment**

*Local Government Act 1995, Section 6.12 Power to defer, grant discounts, waive or write off debts.*

**Relevant Plans and Policy**

Nil.

**Financial Implications**

It is not possible to provide Council with a definitive value for the lost revenue for the disposal of the waste as the exact quantities and types of waste are unknown until the clean-up process is carried out.

**Risk Assessment**

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

<b>Risk Category</b>	<b>Description</b>	<b>Rating</b>	<b>Mitigating Action/s</b>
Financial	A loss of revenue if tip fees are waived.	A2 – High	Council to refuse the request and not waive the tip fees.
Health & Safety	N/A		
Reputation	Perception of not being supportive of a community group.	C2 – Moderate	Council’s fees and charges specifically note that waste disposal fees apply to organisations, clubs and not for profit groups.
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:**

- N/A

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- N/A

**Comments**

The property formerly known as the Performing Arts Building, located at Lot 350 Robinson Street contains an accumulation of miscellaneous items associated with its previous performing arts usage. Items include furniture, minor equipment, stage props, costumes and multiple miscellaneous items that have accumulated over time. The building is unused, and no third party is currently responsible for upkeep and maintenance.

Pastor John will be moving from a site at Lot 547 Carnarvon Airport to the Performing Arts Building. The airport site will be occupied by the Carnarvon Riders Association (CRA). The Pastor currently utilises a building within the airport compound to store second hand donated furniture. The Pastor provides a grass roots locally operated direct charity to assist people in crisis with furniture. To help both Pastor John and the CRA transition into their new spaces, the CRA are assisting Pastor John with relocation to the new address. Part of this process is to perform a thorough clean-up of the site.

As stated in the letter received from the CRA, members of their association have volunteered to undertake working bees to remove all waste in this area and dispose of it at the tip. As this will be a volunteer effort, CRA will be using their own time and resources to clean-up the site and to dispose of the waste. The CRA are a not-for-profit organisation. They have requested Council waive any tip fees associated with the disposal of this waste.

It must be noted that the standard recommendation to Council is to decline requests to waive tip fees. The following statement is included in the Shire's Fees and Charges Schedule –

*“Unless a specific formal fee exemption or waiver has been issued, commercial waste disposal fees are applicable to all waste disposal other than domestic generated waste disposal by a domestic householder resident of the Shire of Carnarvon. This includes waste disposal fees being applicable to clubs, groups and organisations including not for profit organisations.”*

The Fees and Charges Schedule also states that:

*“Commercial waste disposal fees and charges do not apply to waste disposal being performed on behalf of the Shire of Carnarvon by its employees, contractors or agents.”*

Given the circumstances noted above however, the waiver request from CRA is considered reasonable. Whilst the CRA is not an employee, contractor or agent of the Shire, a clean-up of the rubbish at this Shire property will be necessary at some point in time and it would be likely that the clean-up would have to be conducted by the Shire. The existing site may also harbour vermin and a clean-up will mitigate risk of that occurring. It will allow an unused Shire building to provide some basic function and that function supports community members in need.

Based on the circumstances presented therefore, on this occasion, it is recommended Council approves the request for a waiver of tip fees.

**OFFICER'S RECOMMENDATION**

***That Council, by Simple Majority in accordance with Section 6.12 of the Local Government Act 1995, resolves to approve the request from the Carnarvon Riders Association to waive the waste disposal fees for the disposal of waste from the property identified in the attached map under Schedule 2, located at 350 Robinson Street, Carnarvon.***

**7.4.7 AWARD OF REQUEST FOR QUOTE (RFQ) 07/2024 TECHNICAL DESIGNS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTATION FOR CARNARVON ACTIVATION PLAN PHASE 1 PROJECTS**

File No: ADM2299  
 Location/Address: Shire of Carnarvon  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Shire of Carnarvon  
 Author(s): Carolien Claassens, Project Contracts Manager  
 Authoriser: Andrea Selvey, Chief Executive Officer  
 Declaration of Interest: Nil  
 Voting Requirement: Simple Majority  
 Previous Report: Nil  
 Schedules: 1. RFQ 07/2024 Evaluation and Recommendation Report (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) 07/2024 - Technical Designs, Specifications and Construction Documentation for Carnarvon Activation Plan (CAP) Phase 1 Projects. The report presents the Evaluation and Recommendation report (Confidential) for Council’s consideration. It is recommended to award the contract to Howard & Heaver Pty Ltd T/A H+H Architects.

**Background**

Funding was received from Lotterywest for implementation of the first phase of the CAP. The project aims to improve the amenity and connectivity of public spaces in Carnarvon. The Shire seeks to improve and activate existing assets for use by the local community and tourists.

The first Phase of the CAP project is a series of four projects at the below sites:

- Tramway walk trail – interpretive signage, furniture and fixtures, interpretive signage for healing shelter and Whitlock Island shelter;
- Town Oval - Community stage, furniture, and public art;
- Van Dongen Park - Playground and day use amenities; and
- Connect and Create - Public art installations on Robinson Street, self-standing urban screen.

In collaboration with landscape architectural consultant UDLA, a CBD revitalisation plan which included a conceptual design for the delivery of the CAP Phase 1 Project. The conceptual plan will be utilised for the delivery of the technical designs and construction documentation. These documents will form part of the construction tender.

RFQ 07/2024 was not publicly advertised. Quotes from three WALGA preferred suppliers have been requested. In accordance with Local Government Regulations a Local Government is exempt from public advertising when sourcing goods and services from WALGA Preferred Suppliers. RFQ 07/2024 closed on Friday 14 June 2024. Three submissions were received.

**Stakeholder and Public Consultation**

N/A

**Statutory Environment**

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

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

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

**Relevant Plans and Policy**

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy Financial Implications

**Financial Implications**

A total project budget of \$4,961,253 has been allocated for the implementation the CAP Phase 1 Project. Most of the project budget, \$4,198,603 is externally funded by Lotterywest and LRCI. A further \$205,000 is funded by several other funding parties. The remaining \$557,650 will require a cash contribution from the Shire over two years.

In the project budget an estimate of \$310,000 has been allocated towards content writing and professional fees. The submission from H+H Architects is within the estimated 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	Insufficient project budget allocation for professional fees	C1 – Low	The current budget allocation for provisional fees is based upon an estimate only. The overall project budget has sufficient capacity to allow for a variation if required.
Health & Safety	N/A		
Reputation	N/A		

Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community and Strategic Objectives**

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

**OBJECTIVES**

In 2040 Carnarvon is a place where:

- *Our 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 community acknowledges our history and celebrates our diverse cultures*
- *Our community is engaged, inclusive and supportive*

**ADDITIONAL FOCUS AREAS:**

- *N/A*

**BIG IDEAS FOR THE FUTURE OF CARNARVON:**

- *Whitlock Island Development*

**Comments**

The Evaluation Panel evaluated and scored the submissions. A detailed Evaluation and Recommendation Report is provided in ***Schedule 1 (Confidential)***.

**OFFICER’S RECOMMENDATION**

***That Council, by Simple Majority:***

1. ***Pursuant to Section 3.57 of the Local Government Act 1995 and Division 2 Section (2) (b) of the Local Government (Functions and General) Regulations 1996 resolves to accept the Submission from Howard & Heaver Pty Ltd T/A H+H Architects for RFQ 07/2024 Technical designs, Specifications and Construction Documentation for Carnarvon Activation Plan Phase 1 Projects based on the submitted price provided in Schedule 1 (confidential) of \$xxxxxx (excl. GST). <PRICE TO BE INCLUDED IN MINUTES OF COUNCIL MEETING>; and***
2. ***Pursuant to Section 9.49A (4) of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Howard & Heaver Pty Ltd T/A H+H Architects for RFQ 07/2024.***

**8 APPLICATIONS FOR LEAVE OF ABSENCE**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

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

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

**12.1 BLOWHOLES RESERVE MANAGEMENT AND BUILDING ORDERS UPDATE**

This matter is considered to be confidential under Section 5.23(2) - (d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**13 DATE OF NEXT MEETING**

**14 CLOSURE**