



SHIRE OF CARNARVON
AGENDA
ORDINARY COUNCIL MEETING
TUESDAY 26 NOVEMBER 2024

Bills Tavern, Coral Bay,
West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
Website – 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 26 November 2024
at the Bills Tavern, Coral Bay,
commencing at 10.30am.

Amanda Dexter
CHIEF EXECUTIVE OFFICER

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 - 22 October 2024

RECEIVING OF MINUTES

4.2 Minutes of the Audit & Risk Management Committee Meeting - 30 October 2024

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 COUNCIL APPOINTMENT TO THE WASTE AND LAND MANAGEMENT SUB COMMITTEE

File No:	ADM1899
Location/Address:	Carnarvon
Name of Applicant:	Department of Water and Environmental Regulation(DWER)
Name of Owner:	DWER
Author(s):	Amanda Dexter, Chief Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Letter of Invitation to the Waste and Land Management Sub Committee 2. WLMWG Behaviours Matrix

Authority/Discretion:

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

Summary of Report

To seek Council endorsement of the nomination of a Council Member as Council’s representative on the Waste and Land Management Subcommittee.

Background

In 2020, the Department of Water and Environmental Regulation (DWER), responded to general concerns from the Shire of Carnarvon, the community, and staff regarding poor waste management practices in the Carnarvon horticulture district.

In response, DWER initiated and led the Waste and Land Management Committee (WLMC). The WLMC engaged the support of the Keep Australia Beautiful Council to conduct a waste audit in August 2021 that documented the scale and significance of waste accumulation and inappropriate storage and disposal across the horticultural area.

Following flooding of the Gascoyne River in February 2021, the WA Government convened the Carnarvon Floodplain Management Working Group (CFMWG) to assist the horticultural industry to recover and to review factors that contributed to the impacts from flood to reduce future impacts. DWER raised the

importance of having waste management included in the remit of the CFMWG, which received unanimous support.

The WLMC was then absorbed into the CFMWG in late 2021 due to the synergies of the issues being raised. In 2022, the CFMWG report was endorsed by the Minister for Agriculture and Minister for Water.

The report had 5 key focus areas of which waste management was identified as a key risk associated to land management practices, from flood activity.

Subsequently, a Waste and Land Management Working Group (WLMWG) was initiated by DPIRD to address the focus area of 'Waste Management' within the Report. The WLMWG are actively working to implement the recommendations by finding innovative and collaborative ways to address the waste and land management issues impacting the Carnarvon area.

Waste that has been inappropriately disposed of poses a high risk to the water resource, the horticultural industry and the community.

Stakeholder and Public Consultation

Department of Primary Industries and Regional Development

Statutory Environment

Nil

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Waste Management costs are a significant impost on the Shires annual budget.	C2 Moderate	Seeking community collaboration and working together to mitigate land fill impost on ratepayers supports improved community outcomes.
Reputation	The Shire has a critical role in addressing waste	C2 Moderate	Seeking community collaboration and working together to mitigate land fill

	management and waste mitigation.		impost on ratepayers supports improved community outcomes.
Environment	Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 outlines ambitious targets to transition the state towards a sustainable, low-waste, circular economy. The strategy focuses on three key objectives: <ol style="list-style-type: none"> 1. Avoidance 2. Recovery 3. Protection 	C2 Moderate	Seeking community collaboration and working together to mitigate land fill impost on ratepayers supports improved community outcomes.

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The WLMWG use the multi-pronged approach of

- research and evaluation,
- collaboration and engagement,
- education,
- awareness and communication,
- appropriate infrastructure: and
- enforcement

All being nationally recognised and accredited methodology to supporting behavioural change (See Attachment 1).

This approach encourages collaboration and broad scale stakeholder involvement across agencies, industry and the community to achieve positive results for waste management.

Council is aware of the ongoing issues of waste management in the Gascoyne Region and is committed to driving mitigation in recognition of the critical role Council plays in addressing climate change mitigation and strategic waste management.

Key outcomes that the Shire and the WLMWG have in common relate to:

- Support the delivery of the CFMWG report recommendations on Improving waste management.
- Identify and resolve issues, including issues arising, related to waste management on the Carnarvon floodplain.

The Council has been invited to nominate a member to represent the greater community of Carnarvon.

Key Objectives of the Working Group –

1. Develop a strategy to regularly encourage growers to appropriately dispose of all waste and rubbish from their property.
2. Develop 'Good practice' guidelines for use by the horticultural industry members.
3. Distribution, implementation, and monitoring of 'good practice' guidelines
4. Investigation of options to manage excess agricultural produce.
5. Identify opportunities on how to work with industry to investigate and support proposals to devise solutions for horticultural and chemical waste management.
6. Support action for the implementation of recommendations from the Keep Australia Beautiful WA audits and other objective surveys.
7. Support action on the recommendations of the Gascoyne Floodplain Management Report for waste management.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves to appoint Shire President Eddie Smith as the Community Representative on the Waste and Land Management Working Group (WLMWG), representing both the greater community of Carnarvon and the Shire of Carnarvon..

7.1.2 2024/2025 CHRISTMAS/NEW YEAR SHUT DOWN FOR SHIRE ADMINISTRATION AND OPERATIONAL STAFF

File No:	ADM0124
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Amanda Dexter, Chief Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

This report seeks Council approval for the closure of Shire operations over the Christmas and New Year period for 2024/25. The proposed closure extends beyond public holidays, requiring staff to take 7 days of leave to cover the additional days. This arrangement enables employees to travel and spend the festive season with their families while contributing to the effective management of staff leave liabilities.

This proposed arrangement ensures operational efficiency while balancing the needs of Shire employees and the community.

Background

This request is presented to Council as Council Policy EME029 states –

“That the Administration Office, Works Depot, Library and Visitor Centre operating dates during the Christmas period be closed at the end of normal business hours on Christmas Eve and reopen the day following New Year’s Day, subject to the Chief Executive Officer ensuring that an emergency contact list is maintained for senior employees and key personnel and the closures being widely advertised prior.”

With this in mind, approval from Council is required to close for the extra days as the closing period does not conform with Council’s Policy EME029.

Due to Christmas Day falling on a Wednesday this year, it is requested that Council give consideration to allowing staff to finish work on Friday 20 December 2024 to enable those families that need to travel the extra day.

Stakeholder and Public Consultation

Advertising of the proposed closure will be placed in the local newspaper, social media and on Council’s website to ensure the community is informed of the closure period.

Statutory Environment

Nil

Relevant Plans and Policy

Policy – EME029 Annual Closure During Festive Season

Financial Implications

This proposal is accommodated within the current 2024/2025 financial budget through the salary and wages allocation to cater for the proposed closure.

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	Possible reputational risk in community not being able to access the administration centre.	C-1 Low	The availability of an out of hours call service will be available to monitor any emergencies and some senior staff and key personnel will be available.
Service disruption	With office being closed for 10 days there will be minimal service disruption to the community.	B-1 Moderate	An out of hours call service will be available to monitor any emergencies and essential senior staff and key personnel to be available to undertake key service delivery and emergency management.
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

Rationale for Closure

1. **Historical Success:** During the 2023/2024 closure period, no complaints or issues were reported, indicating minimal to no adverse impact on the community.
2. **Seasonal Trends:** The period between Christmas and New Year is historically a quiet time for tourism and local activities, with many residents traveling during the holidays.
3. **Operational Efficiency:** An extended closure aligns with reduced staff availability and operational demand during the festive season, allowing employees to take leave without impacting essential services.
4. **Enhanced Staff Wellbeing:** Enhances staff well-being by supporting family and personal time during the festive season.

The Following Table shows the specific dates Shire departments will be closed during the Christmas period:

Department	Festive Season Arrangements Closures	Open
Shire Administration Office	Monday 23 December 2024 – Friday 3 January 2025	Monday 6 January 2025
Visitors Centre	Monday 23 December 2024 – Friday 3 January 2025	Monday 6 January 2025
Library	Monday 23 December 2024 – Friday 3 January 2025	Monday 6 January 2025
Depot	Wednesday 25 December 2024 Thursday 26 December 2024 Wednesday 1 January 2025	Open other than public holidays listed
Waste Site	Wednesday 25 December 2024 Thursday 26 December 2024 Wednesday 1 January 2025	Open other than public holidays
Airport	Nil – Normal Services	
** On call Arrangements will be managed through the Shires out of hours service, with an Executive Manager/ CEO available at all times.		

Staff Impact

The proposed closure will be from Monday 23 December 2024, reopening at 8.00am Monday 6 January 2025 (10 working days in total) with 3 of these days being Public Holidays (i.e. Wednesday 25 and Thursday 26 December 2024 and Wednesday 1 January 2025). Staff are also entitled to a discretionary fourth Public (Government) Holiday at this time, being Thursday 2 January 2025.

Communication Plan

- Notifications about the closure will be disseminated through the Shire's website, social media platforms, and local newsletters.
- Clear signage will be placed at the affected facilities well in advance, advising the community of the closure dates and providing emergency contact details for critical services.

Council's approval of this recommendation will facilitate planning for the holiday period while ensuring that community expectations are managed effectively.

OFFICER'S RECOMMENDATION

*That Council, by Simple Majority **approve** the observance of Christmas/New Year stand-down for Shire administration and operational staff with the main civic buildings/offices to be closed from Monday 23 December 2024 and re-opening at 8.00am on Monday 6 January 2025 with advertising of the closure on the website, notice boards, social media and in the local newspaper to be undertaken.*

7.1.3 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF OCTOBER AND NOVEMBER 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:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

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

Summary of Item

To report on actions performed under delegated authority for the months of October and November 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	C-1 Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	C-1 Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

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

LAND USE AND DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/Proponent	Date Granted
A1058	P47/24	239 WILLIAM STREET EAST CARNARVON	1.8M HIGH POST & RAIL FENCING	B & L DEI GUIDICI	29/10/2024
A885	P48/24	8 HOPE ST EAST CARNARVON	ENCLOSED LEAN-TO	B & L DEI GUIDICI	23/10/2024

Hawkers, traders and stall holders

Shire of Carnarvon Local Government Act Local Laws, s.29

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
15/10/2024	P45/24	MOBILE TRADING APPLICATION – APPROVED	CODEY YATES (CHIMNEY TREAT PTY LTD)	NIL
15/10/2024	P46/24	MOBILE TRADING APPLICATION – APPROVED	BRETT KILGALLON (BLOWHOLES TUCKER BOX)	NIL

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B24/057	VAN GIANG CUU & THI MONG TUYEN QUACH	LOT 208 (993) NORTH RIVER ROAD, NORTH PLANTATIONS	SOLAR PANELS
B24/063	KEVIN JOHN LEAHY JNR	LOT 600 & 603 (57) OLIVIA TERRACE, CARNARVON	SOLAR PANELS
B24/068	TUYET NGOC THI & BINH QUOC LUU	LOT 178 (676) SOUTH RIVER ROAD, SOUTH PLANTATION	SOLAR PANELS
B24/069	ANTONY WALLACE	LOT 46 (19) CROWTHER STREET, SOUTH CARNARVON	SOLAR PANELS
B24/079	PETER & JAMIE WILLIAMS	LOT 67 (239) WILLIAM STREET, EAST CARNARVON	STORAGE SHED WITH A LEAN TO
B24/080	PETER & JAMIE WILLIAMS	LOT 67 (239) WILLIAM ST, EAST CARNARVON	POST AND RAIL FENCE
B24/082	MALCOLM SOMERS	LOT 11 (8) SAW STREET, EAST CARNARVON	SOLAR PANELS
B24/083	DENAM FRENCH	LOT 11 (9) JAMES ST, CARNARVON	SOLAR PANELS
B24/084	DEPARTMENT OF COMMUNITIES - HOUSING AUTHORITY	LOT 95 (3) GLASS PLACE, MORGANTOWN	FULL DEMOLITION OF RESIDENTIAL DWELLING

B24/085	DEPARTMENT OF COMMUNITIES - HOUSING AUTHORITY	LOT1088 (39) CAREY STREET, SOUTH CARNARVON	FULL DEMOLITION OF RESIDENTIAL DWELLING
B24/086	DEPARTMENT OF COMMUNITIES - HOUSING AUTHORITY	LOT 1083 (14) KILLICOAT ST, SOUTH CARNARVON	FULL DEMOLITION OF RESIDENTIAL DWELLING
B24/087	DEPARTMENT OF COMMUNITIES - HOUSING AUTHORITY	LOT1124 (12) HUBBLE STREET, SOUTH CARNARVON	FULL DEMOLITION OF RESIDENTIAL DWELLING
B24/088	GLEN ANDREWS	AL HARBOUR RD, SOUTH CARNARVON	SOLAR PANELS

ENVIRONMENTAL HEALTH

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

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
14/10/2024	HOS24/006	APPROVAL TO INSTALL APPARATUS FOR THE TREATMENT OF SEWAGE – 37 SHALLCROSS ST, EAST CARNARVON	DEAN WHITE, CARNARVON PLUMBING SERVICE	KRISTIAN BABUN & JESSICA WILLIS (OWNERS)

OFFICER’S RECOMMENDATION

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

7.1.4 IMPLEMENTATION OF THE SHIRE OF CARNARVON MAJOR PROJECTS AND INFRASTRUCTURE COMMITTEE OF COUNCIL

File No:	ADM2331
Location/Address:	Nil
Name of Applicant:	Nil
Name of Owner:	Nil
Author(s):	Amanda Dexter, Chief Executive Officer
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Draft Major Projects & Infrastructure Committee Tracking Spreadsheet 2. Key Projects Quarterly Status 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

It is proposed that Council form a Major Projects and Infrastructure Committee of Council (MP&IC) to ensure strategic oversight is undertaken given the considerable projects funded, planned and being scoped at the Shire. The purpose of the MP&IC is to oversee, evaluate, and guide major projects and asset management within the local government, ensuring alignment with strategic goals and community needs.

Background

The Council is currently undertaking several significant projects that promise to be transformational for the Shire and the communities involved. To ensure these projects are managed effectively and transparently, it is proposed to establish a Major Projects & Infrastructure Committee. Here are the key reasons for forming this committee:

1. **Enhanced Oversight:**
 - A dedicated committee will provide focused oversight on major projects, ensuring they stay on track and meet their objectives.
 - It will help in monitoring progress, managing budgets, and addressing any issues promptly.
2. **Transparency:**
 - The committee will enhance transparency by regularly reporting on project status and decisions.

- This openness helps build trust with the community and ensures that all actions are visible and accountable.
3. **Community Participation:**
 - By involving community representatives and stakeholders, the committee can ensure that the projects align with the needs and expectations of the residents.
 - It provides a platform for community input and engagement, fostering a sense of ownership and collaboration.
 4. **Strategic Alignment:**
 - The committee will ensure that all major projects align with the Council’s strategic goals and long-term vision.
 - This alignment is crucial for achieving sustainable development and maximising the benefits for the community.
 5. **Risk Management:**
 - A dedicated committee can better identify and manage risks associated with major projects.
 - It can develop and implement mitigation strategies to address potential challenges proactively.

By forming a Major Projects & Infrastructure Committee, the Council can ensure that these significant projects are managed effectively, transparently, and in a way that maximises benefits for the Shire and its communities. This approach not only enhances project success but also strengthens community trust and engagement.

Stakeholder and Public Consultation

Seeking to engage more with the Community and to build confidence and trust – The Committee Meetings will be advertised and open to the public, the Shires marketing team will look to engage and encourage the community through social media, publishing of minutes and direct engagement.

Statutory Environment

Local Government Act 1995

Relevant Plans and Policy

Nil

Financial Implications

Nil – all costs are covered in the Annual Budget 2024/25

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	Projects require appropriate and adequate Council oversight to ensure	Moderate	The Committee is proposed to provide, Council oversight, strategic direction and transparency.

	that the Community is informed.		
Reputation	Projects require appropriate and adequate Council oversight to ensure that the Community is informed.	Moderate	The Committee is proposed to provide, Council oversight, strategic direction and transparency.
Compliance	Projects require appropriate and adequate Council oversight to ensure that the Community is informed.	Moderate	The Committee is proposed to provide, Council oversight, strategic direction and transparency.
Property	Projects require appropriate and adequate Council oversight to ensure that the Community is informed.	Moderate	
Environment	Projects require appropriate and adequate Council oversight to ensure that the Community is informed.	Moderate	

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 equitable community is actively involved in and are responsible for developing innovative, local solutions that transcend our region for a safe and unified 6701*
- *Our infrastructure, housing and amenities are high quality and accessible*
- *Our community is engaged, inclusive and supportive*
- *Our sustainable livelihoods create a community that can flourish into the future*

ADDITIONAL FOCUS AREAS:

- *Monitor the implementation of our Community Strategic Plan*
- *Improve the trust between citizens and the Shire of Carnarvon*
- *Supports the needs of areas outside the Township of Carnarvon (Coral Bay and outlying areas)*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Committee is proposed to oversee the progress of key landmark projects, capital projects and grant applications within the Shire of Carnarvon. Due to the dynamic nature and timing of decisions required for these significant projects, meetings may need to be scheduled on an 'as-needed' basis.

To ensure Elected Members receive regular progress updates and to facilitate timely decision-making, it is recommended that the **Major Projects & Asset Management Committee** meets bi-monthly. This would result in seven scheduled meetings during the 2024/25 financial year, final dates to be decided at the December Ordinary Meeting of Council:

- December 2024
- February 2025
- April 2025
- June 2025
- August 2025
- October 2025
- December 2025

Major Projects & Infrastructure Committee (MP&IC) Terms of Reference

Purpose

To provide advice, support and guidance to Councils Major Project Management Team in relation to Councils major projects and asset management, ensuring alignment with strategic goals and community needs.

Key Functions

- Oversee, monitor, and review Council's major projects.
- Evaluate asset management programs and review relevant service levels.
- Advise on strategies for strategic property holdings.
- Review key financial matters associated with the Major Projects and provide advice and support to the Project Management Team, as required.
- Monitor key delivery timelines in relation to Major Projects and provide advice and support to the Project Management Team, as required.
- Report to Council any emerging issues or risks associated with the Major Projects.
- Enhance accountability and transparency in major projects and asset management.
- Establish sub-committees or working parties as needed.
- Consider other matters referred by the council, other committees, and the CEO.

Meetings

- Frequency: Bi-monthly as advertised by Council
- Location: As advertised

Composition

- **Members:**
 - Shire President (Presiding Member)
 - Deputy Shire President (Deputy Presiding Member)
 - 1 Councillor
 - 1 Proxy Councillor
 - Chief Executive Officer
 - Executive Manager of Infrastructure
 - Manager of Strategic Projects
 - Contracts Manager
 - Manager of Finance
 - Secretariat (administrative support)
 - Official Observers (Communications and Media, Technical Experts, Project Management Team as required)

Term of Members

Members serve for a term of 2 years, with the possibility of renewal.

Quorum

A quorum consists of 5 members, including at least 2 Council members.

Duties of the Presiding Officer

- Preside at meetings.
- Preserve order and ensure proper conduct of business.
- Sign minutes upon confirmation.
- Ensure observance of the Terms of Reference.
- Provide advice to the Responsible Officer between meetings.
- Act as the principal spokesperson.

- Exercise other functions as determined by the Council.

General Duties of Members

- Act honestly and within the law.
- Act in good faith and not for improper motives.
- Act reasonably, justly, and non-discriminatorily.
- Undertake roles with care and diligence.
- Conduct relationships with respect, courtesy, and sensitivity.
- Use information prudently.

Roles and Responsibilities

- Advisory Role: Provide strategic guidance, facilitate stakeholder engagement.
- Reporting: Prepare and present reports on project status, risks, and outcomes.
- Risk Management: Identify and assess risks, recommend mitigation strategies.
- Strategic Responsibilities: Ensure alignment with strategic goals, promote sustainable development.
- Resource Allocation: Provide input on resource needs, advocate for funding.
- Performance Evaluation: Establish KPIs, conduct post-project evaluations.

Delegations

The committee is delegated the authority to undertake its functions on behalf of the Council, pursuant to section 44 of the Local Government Act 1999.

The committee does not have executive powers or authority to implement actions; the committee has an advisory role only.

The committee does not have any delegated financial responsibility or any management functions; the committee has an advisory role only.

Review and Amendment

The Council may amend these Terms of Reference by resolution. The committee shall review the Terms of Reference annually.

Cessation

The committee may be dissolved upon a decision of the Council.

OFFICER'S RECOMMENDATION

That Council by Absolute Majority in accordance with s.58 of the Local Government Act -

1. ***approve the formulation of the Major Projects and Infrastructure Committee***

2. *nominates President, Deputy President, Cr _____ and Cr _____ as proxy; and*
3. *adopt the Terms of Reference as contained withing the Report.*

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION OCTOBER 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer Sarah Driscoll, Senior Finance - Operations
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	1. Accounts for Payment in October 2024 2. Credit Card Statement 23.09.24 to 22.10.24

Authority/Discretion:

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

Summary of Report

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

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Payments are made without appropriate budget authority	Low	Internal controls are in place to manage this potential risk
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	Accounting Fraud	Moderate	Internal controls are in place, including background checks and regular updates of Sundry Creditors. Any creditor changes are independently reviewed

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$3,053,579.59 as presented for the month of October 2024, incorporating the following; and**

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT42500</i>	<i>EFT42749</i>	<i>Muni EFT</i>	<i>\$2,177,351.09</i>
<i>-</i>	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>
<i>-</i>	<i>-</i>	<i>Cheque</i>	<i>\$0.00</i>
<i>DD41155.1-DD41155.2, DD41157.1, DD41159.1, DD41162.1, DD41171.1-DD41171.3, DD41172.1-DD41172.3, DD41173.1-DD41173.5, DD41177.1, DD41178.1, DD41179.1-DD41179.2, DD41180.1, DD41181.1, DD41182.1, DD41183.1, DD41184.1-DD41184.4, DD41186.1, DD41188.1, DD41190.1, DD41192.1-DD41192.2, DD41195.1, DD41196.1</i>	<i>DD41196.1</i>	<i>Bank Directs</i>	<i>\$876,228.50</i>
		TOTAL	\$3,053,579.59

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 23.09.2024 – 22.10.2024**

7.2.2 BUDGET ADJUSTMENTS - NOVEMBER 2024

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

Authority/Discretion:

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

Summary of Item

This item presents officers’ requested budget adjustments arising after the adoption of the 2024/2025 Budget for Council to consider. It is recommended that Council approve the budget adjustments as the adjustments have no impact on the closing budget surplus. (Refer **Schedule 1**)

Background

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

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

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution - absolute majority required; and
- 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 two recommendations for the month of November.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act – Section 6.8(1).

Relevant Plans and Policy

N/A

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON

- N/A

Comments

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

Adjustments Impacting Budgeted Closing Position

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

Adjustments with no impact on budget closing position

Proposed budget adjustments have no impact on closing budget.

Net budget closing position

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

OFFICER'S RECOMMENDATION

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

7.2.3 MONTHLY FINANCIAL REPORT OCTOBER 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:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Monthly Financial Report October 2024

Authority/Discretion:

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

Summary of Item

This item presents the Statement of Financial Activity for the period ending 31 October 2024 for Council to consider. The officer’s recommendation is that the Statement of Financial Activity be received by Council.

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The officer advises that the October 2024 Statement of Financial Activity being presented at the November 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 31 October 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

Key points of interest for Councillors consideration:

- Included in the Statement of Financial Activity it is noted that Rates levied is approximately \$50,000 less than budgeted. This amount includes anticipated back rates and interim rates which have not been levied – although they are anticipated to be received over the remainder of the financial year.
- Please also note that the amount of Rates stated at the YTD Actual is the figure of levied(billed) rates and not the actual amount of income received at this time – please refer to note 8 for more information.
- Note 8 –
 - Rates receivable:
 - Rates levied this year \$7,289,048 which is made up of UV, GRV, Minimal Rates and Special Area Rates.
 - Currently we are tracking at approximately 50% of levied rates paid.
 - Please note that doubtful debts of \$428,045 in Receivables General is made up of:
 - Outstanding Rates \$134,000 (Further detail on this will be presented at the December Audit & risk Committee.
 - Outstanding Receivables REX \$287,000

- Misc debtors for remaining amount.

OFFICER'S RECOMMENDATION

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

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 REVISED ST JOHN WA LAND TRANSFER MECHANISM - 5 RUSHTON STREET, CARNARVON AND 358 ROBINSON STREET, CARNARVON

File No:	ADM1801
Location/Address:	5 Rushton Street, Carnarvon and 358 Robinson Street, Carnarvon
Name of Applicant:	St John Ambulance WA
Name of Owner:	State of Western Australia and Shire of Carnarvon
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Recommendation 1 - Simple Majority Recommendation 2 - Absolute Majority
Previous Report:	23 August 2022
Schedules:	1. Business case 2. Land swap proposal

Authority/Discretion:

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

Summary of Report

This item concerns a revised land swap proposal from St John Ambulance WA. The initial proposal involved a three-way transaction between the State, the Shire, and St John WA. Under the revised arrangement, the transaction is simplified to include only the Shire and St John Ambulance WA.

The State has agreed to transfer ownership of the land at 5 Rushton Street, Carnarvon, to St John WA for a nominal amount (peppercorn). This facilitates a direct land swap between the Shire and St John WA, where:

- The Shire disposes of its land at 358 Robinson Street, Carnarvon, to St John WA for a peppercorn.
- In exchange, the Shire acquires the land at 5 Rushton Street, Carnarvon, from St John WA for the same nominal amount.

This revised proposal eliminates the need for State involvement, streamlining the transaction.

Background

On 23 August 2022 Council resolved the following:

FC 9/8/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.18 of the Local government Act 1995 resolves to endorse the land swap proposal between the State Government and the Shire of Carnarvon as per the Business Case at Schedule 7.2.3 (a).

CARRIED

F6/A0

FC 10/8/22

OFFICER'S RECOMMENDATION PART TWO

Cr Maslen/Cr Vandeleur

That Council, by Absolute Majority, jointly with St John WA seek the approval of the Minister for Lands for a "land swap" as follows:

- a) Pursuant to Section 3.58 of the Local Government Act 1995 dispose of property, 358 Robinson Street, Carnarvon, by sale to the State Government for the price of a "peppercorn", and***
- b) Pursuant to Section 3.59 of the Local Government Act 1995 acquire of property, 5 Rushton Street, Carnarvon by purchase for the price of a "peppercorn".***

CARRIED BY ABSOLUTE MAJORITY

F6/A0

Following ongoing discussions with the State, an alternative mechanism for the land transfer has been agreed upon to simplify the process.

Under the original arrangement, the land swap involved the State transferring land to the Shire of Carnarvon, with St John WA subsequently negotiating a new lease agreement with the State. However, the revised proposal simplifies the transaction.

Subject to St John WA's successful acquisition of 5 Rushton Street from the State for a nominal fee, the land swap will proceed directly between St John WA and the Shire of Carnarvon. This revised approach was initially proposed by St John WA as part of their original land swap submission and is now the preferred method for implementation. The details of the alternative method are outlined in Schedule 2 of this report.

Key Changes:

1. The State transfers 5 Rushton Street, Carnarvon, to St John WA for a nominal fee (peppercorn).
2. The Shire of Carnarvon disposes of its land at 358 Robinson Street, Carnarvon, to St John WA for a nominal fee.
3. In exchange, the Shire acquires 5 Rushton Street, Carnarvon, directly from St John WA for the same nominal fee.

This approach removes the need for direct State involvement in the land swap and simplifies the process for all parties involved.

Stakeholder and Public Consultation

The key Stakeholders have been engaged appropriately through the negotiations.

Statutory Environment

Local Government Act 1995

The Council may entertain a land exchange pursuant to Section 3.58 ‘Disposing of Property’ and Section 3.59 ‘Commercial enterprises by local governments’ of the Local Government Act, 1995.

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

A scheme amendment is required to be prepared for 5 Rushton Street pursuant to Section 75 of the Planning and Development Act 2005, with the process to amend the scheme enacted under the Planning and Development (Local Planning Schemes Regulations) 2015 should the Shire wish to dispose of the property.

Relevant Plans and Policy

Revenue Strategy

Council’s Revenue Strategy includes a recommendation that Council will seek to proactively identify and investigate opportunities for business activities, such as this proposal.

Financial Implications

There are no financial implications.

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	Not making a profit.	Low	Advice from real estate agent is positive that the property will sell.
Health & Safety	N/A		
Reputation	The previous resolution of Council in February 2012, in support of a land swap, influenced the St John decision to invest in the building on Robinson Street. There is some potential for reputational damage should Council now chose to decline the land swap.	Moderate	The officer’s recommendation mitigates that risk.
Service disruption	N/A		
Compliance	N/A		

Property	Property may be structurally unsafe	Low	Council’s Building Surveyor inspected the building and determined that it is structurally sound with only general maintenance items to be considered.
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:

- *Monitor the implementation of our Community Strategic Plan*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Considering the attached business case **Schedule 1**, the alternative proposal from St John WA and the previous Council resolution, The Shire Administration recommends that Council agrees with the alternative proposal as put forward by St John. This option includes the benefit of acquiring unconditional freehold property for the Shire to dispose of or use for its own purpose.

This streamlined approach ensures an efficient transfer process, meets the needs of both St John WA and the Shire, and facilitates optimal land use for community benefit.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority,

- 1. Notes the revised land transfer mechanism as agreed with the State and St John WA,*
- 2. Approves, pursuant to Section 3.58 of the Local Government Act 1995, the disposal of property at 358 Robinson Street, Carnarvon by sale to St John WA for the price of a “peppercorn”, and*
- 3. Approves, pursuant to Section 3.59 of the Local Government Act 1995, the acquisition of property at 5 Rushton Street, Carnarvon by purchase from St John WA for the price of a “peppercorn”; and*
- 4. Authorises the CEO to take all necessary actions to implement the revised land transfer mechanism to complete the transaction.*

7.3.2 LOCAL PLANNING POLICIES

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

Authority/Discretion:

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

Summary of Report

This report proposes that Council considers the adoption of amended Local Planning Policies (LPP) – CD017 Signs and Advertising, CD018 Outbuildings, and CD019 Alfresco Dining under Local Planning Scheme No. 13 (LPS 13).

Background

Local Planning Policies provide guidance to applicants/developers and the community regarding the planning considerations that will form part of the decision-making process, as well as to the local government when exercising discretion under LPS 13.

Policies must be consistent with the intent of the relevant LPS 13 provisions, including State Planning Policy 7.3 - Residential Design Codes (‘R-Codes’), and cannot vary development standards or requirements set out in the LPS 13 or impose any mandatory requirements upon development. Policies are to be given due regard in the assessment of development applications and are listed as a “matter to be considered” when determining a development application under clause 67 of Schedule 2 of the Regulations.

This review of the policies was undertaken to ensure the content and provisions are based on sound planning principles and the provisions of LPS 13. The review of policies has resulted in the proposed amendments. The full set of draft policies are attached to this report **Schedule 1**, a description of the policies being considered is summarised below.

Stakeholder and Public Consultation

If Council resolves to proceed with advertising the revised local planning policies, following community consultation, a further report with a recommendation on whether or not to adopt the draft amended local planning policies as advertised, or in a further, modified form, along with the public comments received, will be prepared and referred to Council for a decision.

Statutory Environment

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) provide that policies may be prepared by a local government in respect of any matter relating to planning and development, subject to local planning scheme provisions.

As per *Schedule 2, Part 2, Division 2, clause 4(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015*, if a local government resolves to prepare a local planning policy the local government, as a minimum, must publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of –

1. The subject and nature of the proposed policy;
2. The objectives of the proposed policy;
3. Where the proposed policy may be inspected; and
4. To whom, in what form and during what period submissions in relation to the proposed policy may be made.

It is also proposed that details of the revised policies would be advertised on the Shire's website and in the Shire Newsletter.

Policies must be consistent with the intent of the relevant Scheme provisions, including *State Planning Policy 7.3 - Residential Design Codes ('R-Codes')*, and cannot vary development standards as set out in the Local Planning Scheme.

Policies are to be given due regard in the assessment of development applications and are listed as a "matter to be considered" when determining a development application under clause 67 of Schedule 2 of the Regulations. Importantly these policies will facilitate the application and operation of LPS 13.

Relevant Plans and Policy

Policy Statement No 18 – Advertising and Signage

Policy Statement No 15 – Outbuildings

Policy Statement No 9 – Alfresco Dining

Financial Implications

There are no financial implications associated with the proposal with the exception of advertising costs. The Shire's responsibility is limited to consultation with the local community and service providers.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	There is a risk associated by the non-adoption of the policies as it could lead to reduced clarity on development requirements and have an adverse impact on the amenity of the built environment.	Low – C1	The policies clarify what is acceptable development and the community will have a better understanding of how applications are to be determined.
Environment	N/A		
Fraud	N/A		

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

A description of the policies being considered is summarised below.

CD017 Signs and Advertising

The purpose of this policy is to provide guidance on signage and includes instances where development approval is not required. This policy also clarifies what signage is considered suitable for approval to provide certainty to businesses.

The policy includes the following:

- Advice that signs proposed for sites on or adjacent to state controlled roads will also require approval from Main Roads WA; and
- Confirmation that development approval is not required for signs associated with elections, referendums and polls.

CD018 Outbuildings

The purpose of this policy is to provide guidance on the requirements for outbuildings. The policy recognises that many people who live in Carnarvon have the need for a large outbuilding to accommodate boats, caravans, vehicles and other lifestyle related equipment. The policy focuses on the maximum permitted size of a proposed outbuilding.

The policy specifies that the combined floor area of existing and proposed outbuildings and the wall and ridge height of proposed outbuildings are not to exceed the maximum standards set out in the policy. The maximum standards do not override the open space requirements of Table 1 of the R-Codes or any other Scheme requirements.

CD019 Alfresco Dining

Alfresco dining contributes to the vibrancy and amenity of a locality, as well as increasing interaction between the street and adjoining built forms. The policy identifies appropriate locations and extent to which alfresco dining areas are permitted within the Shire.

The objectives of the policy are to:

- establish guidelines for alfresco dining facilities to ensure a consistency of form and function;
- allow for the operations of alfresco dining in such a manner that will not conflict with, or prejudice the adjacent businesses, residential activities and/or other normal functions of the area; and
- ensure that alfresco seating is located to avoid danger or unnecessary distraction to motorists, pedestrians and other road users.

Once the consultation phase has been completed the proposals will be presented to Council for consideration along with any feedback received from the public during the consultation phase.

A further report will be presented to Council at completion of the advertising period for consideration and adoption of the Local Planning Policies in accordance with the provisions of Clause 4 of Schedule 2 of the Regulations.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, resolves to:

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

accordance with the specific requirements of Clause 87 of Part 12 the Regulations for the minimum required period of twenty-one (21) days.

7.3.3 PELICAN POINT BEACH CLOSURE

File No:	ADM0141
Location/Address:	Pelican Point Beach, Pelican Point Road, Babbage Island
Name of Applicant:	Shire of Carnarvon
Name of Owner:	State of Western Australia; Management Order vested to the Shire of Carnarvon
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 28 November 2023
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 of the outcomes of the temporary beach closure which has been in effect since November 2023. It also seeks Council's resolution to extend the closure period to support ongoing spit stabilisation works and subsequent revegetation efforts.

Background

The Department of Transport undertook sand spit restoration/ stabilisation works during 2023 and early 2024. To support the success of this work undertaken sand spit restoration works conducted Council resolved the following at the Ordinary Council Meeting held on 28 November 2023:

COUNCIL RESOLUTION OCM 28/11/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, resolves to:

- 1. temporarily ban vehicle access to Pelican Point spit in accordance with the Beach Vehicle Access Closure Plan;*
- 2. review the Beach Vehicle Access Closure Plan in November 2024;*

- 3. close the beach to vehicles from Pelican Point to the Gascoyne River mouth during turtle nesting season, if nesting turtles and/or turtle tracks are spotted on the beach; and
- 4. permanently close the beach to vehicle access from the prawning jetty south to Pelican Point.

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

AGAINST: Cr Paul Kelly

ABSENT: Crs L Skender and DM Maslen

CARRIED BY SIMPLE MAJORITY 5/1

This report is in response to point 2 of the above recommendation that requires a review to be undertaken to reconsider the temporary ban of vehicle access to the Pelican Point spit.

Stakeholder and Public Consultation

Nil

Statutory Environment

- Section 3.18 of the *Local Government Act 1995*
- Shire of Carnarvon Local Laws

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Community and stakeholder sentiment on this matter is divided and Council’s decision will be scrutinised whatever that decision may be.	B2- High	Clear information that shows thoughtful decision making.
Service disruption	N/A		
Compliance	People could still drive on the beach despite rules and regulations.	C4- Extreme	Barriers are in place to prevent access to the beach. Regular Ranger patrols

			are being carried out to enforce requirements.
Property	N/A		
Environment	Destruction of dune systems and revegetation efforts.	B4- Extreme	Banning vehicle activity on the spit.
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:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Formal monitoring of the Pelican Point spit has been taking place as part of a funding grant (Coastwest) for the past 4 months, specifically in relation to vegetation and brush fencing and overall dune condition, while beach closure has been monitored regularly during the past twelve (12) months.

The following observations have been made:

- Vegetation is beginning to reestablish on Pelican Point, but the process is slow.
- There is erosion on the western face of the newly constructed dune on Pelican Point. Erosion occurred in May due to higher tides and storm swell. Affected brush fencing that were impacted during that time appear to have stabilised recently.
- The hydro mulch and brush fencing measures have prevented significant sand loss from the tops of the dunes on Pelican Point.
- Signage and barriers were installed to implement the closure. It has proven more difficult to ensure closure of the main beach between the Prawning Jetty and Pelican Point, however, closures around Pelican Point have been successfully implemented.
- Compliance with the closure of Pelican Point has generally been good.
- Compliance with closure of main beach has been less successful but anecdotally there has been a noticeable reduction in vehicle numbers.

Public feedback

No formal reports or comments have been received from the public during the past 12 months.

Options

The closure of Pelican Point beach is considered the recommended measure to ensure the success of the sand spit restoration works conducted by the Department of Transport in 2023/24.

Options available for Council to consider as part of the recommendation are:

1. Permanently ban vehicle access to Pelican Point spit.
2. Temporarily ban vehicle access to Pelican Point spit until further notice; and/or
3. Restrict vehicle access to Pelican Point spit.

The Shire Administration recommends Option Two to give the dune system and vegetation more time to establish with a review in a further 12 months.

OFFICER'S RECOMMENDATION

That Council by Simple Majority, resolves to:

- 1. Approve the continuation of the temporary vehicle access ban to Pelican Point spit; and*
- 2. Direct the CEO to conduct a comprehensive review of the temporary vehicle access ban to Pelican Point spit, including a detailed assessment of dune conditions and environmental impacts, and present a report with recommendations to the November 2025 Ordinary Meeting of Council.*

7.4 INFRASTRUCTURE SERVICES

7.4.1 PROPOSED AMMENDMENT TO THE CARNARVON WASTE SITE FEES AND CHARGES

File No:	ADM0002
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Nil
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

It is proposed to apply a fee for commercial disposal of concrete containing reinforcing in an effort to incentivise the separation of reinforcing materials from concrete before disposal. Thereby enhancing recycling efficiency and reducing processing costs. Concrete free of reinforcing can be crushed and reused on-site, aligning with sustainable waste management practices.

Background

The Shire recognises its responsibility to contribute to global efforts to mitigate climate change through sustainable practices, strategic planning, and community leadership. As a local government, the Shire plays a pivotal role in promoting low-carbon initiatives, enhancing resource efficiency, and supporting the transition to renewable energy sources. By fostering sustainable land use, improving waste management practices, and investing in energy-efficient infrastructure, the Shire can significantly reduce its environmental footprint.

In addition to addressing its own operations, the Shire actively engages with the community to increase awareness, encourage sustainable behaviours, and support local businesses and residents in reducing emissions. Through targeted programs, innovative policies, and collaborative partnerships, the Shire aims to lead by example and drive meaningful progress toward a resilient, sustainable future.

With a commitment to both mitigation and adaptation, the Shire integrates climate action into its long-term planning, ensuring the community is well-prepared to address current challenges while safeguarding resources and opportunities for future generations.

Where possible, waste facility fees and charges are set to reward separation of waste types that can be reused/recycled by having minimal or no fees associated with their disposal.

Concrete waste is primarily a commercial waste. Existing waste facility fees and charges allow free disposal of all concrete for all customers.

In 2022/2023, concrete with reinforcing attracted a fee of \$32/Tonne which was three times the fee for disposal of concrete without reinforcing.

It is unclear why this approach was suspended, and it is suspected it may have been an administrative oversight.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995

1.7. Local public notice

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

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

[Section 1.7 inserted: No. 16 of 2019 s. 5.]

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

- (b) amended* from time to time during a financial year.

* Absolute majority required.

Sect 6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Relevant Plans and Policy

N/A

Financial Implications

There is no direct expenditure implication associated with the recommendation.

Application of a fee for disposal of concrete containing reinforcing is likely to result in a small increase in revenue for the tip site.

In 2023/2024, approximately 490 tonnes of the concrete disposed of at the site contained reinforcing. Based on the recommended fee, this would result in a revenue of \$15,600.

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	Strategic long term costs associated with landfill management and climate change mitigation.	C2 - Moderate	To reduce the costs of Landfill expansion improving waste Reduction and Recycling is critical - waste reduction through education, improved recycling programs, and policies to minimise landfill waste will assist in this area.
Reputation	May attract negative comment from affected commercial operators.	C2 - Moderate	Will encourage separation of recyclable material which enhances recycling efficiency and reduces processing costs.
Environment	Currently unable to utilise significant amount of concrete waste due to reinforcing contained within it.	C2 - Moderate	Proposed fee to be imposed is designed to encourage separation of recyclable material which enhances recycling efficiency (reduction in landfill) and reduces processing costs.

	This is using valuable landfill space.		
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Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Shire aims to incentivise the separation of waste types to maximise recycling and reuse opportunities by applying minimal or no fees for materials that can be easily processed.

Concrete waste, predominantly generated by commercial operators, is currently accepted free of charge for all customers. However, this approach overlooks the additional processing challenges posed by concrete containing reinforcing materials.

In 2022/2023, a differentiated fee structure was applied, where reinforced concrete attracted a disposal fee of \$32 per tonne—three times the fee for non-reinforced concrete. This approach aligned with the principle of encouraging waste separation, yet it was discontinued, likely due to an administrative oversight.

The Shire’s waste facility is equipped with a crusher bucket attachment for its excavator, enabling the efficient processing of non-reinforced concrete into reusable material. This crushed concrete is utilised on-site to maintain internal roads and tracks, demonstrating a practical and sustainable recycling method.

Reinstating a tiered fee structure for concrete disposal would not only cover the added costs of processing reinforced concrete but also encourage commercial operators to separate materials, supporting the Shire’s sustainability goals.

The following table showing the quantities of concrete waste received for 2023/2024.

Waste Type	Tonnes Received 2023/2024	As percentage of Total Tonnes Received
Concrete (no reinforcing), Brick, Tile, Rock	1028.82	7.0%
Concrete with Reinforcing	489.7	3.3%

It is recommended to reintroduce a fee of \$32/tonne for the commercial disposal of concrete containing reinforcing.

OFFICER’S RECOMMENDATION

That Council, by Absolute Majority in accordance with sections 1.7, 6.16, and 6.19 of the Local Government Act 1995 resolves to:

(a) Approve the amendment of fees and charges for the disposal of concrete with reinforcing at the Browns Range Waste Facility as follows:

<i>Waste Item</i>	<i>Current Fee (incl GST)</i>	<i>Residential Customer Fee (incl GST)</i>	<i>Commercial Customer Fee (incl GST)</i>
<i>Concrete, bricks, tile, rocks</i>			
<i>Concrete Containing metal reinforcement and other waste types</i>	<i>FREE</i>	<i>FREE</i>	<i>\$32/tonne</i>

(b) Direct the CEO to publicly advertise its intention to introduce the amended fee, with the changes to take effect from the 1 January 2025.

7.4.2 APPROVAL TO ACCEPT AND UTILISE ADDITIONAL 2024/25 REGIONAL ROAD GROUP FUNDING ON THE QUOBBA GNARLOO ROAD

File No:	ADM0046
Location/Address:	Quobba Gnaraloo Road
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	OCM 15/10/24
Schedules:	1. RRG Road Project Grant Budget Variation Detail

Authority/Discretion:

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

Summary of Report

The Shire has been made aware of additional Regional Road Group (RRG) Funding. This report seeks Council approval for further RRG funding and a commitment for an additional co-contribution to be able to access this funding. The additional co-contribution can be funded via unallocated Roads to Recovery (R2R) funds within the existing budget with no impact upon the budget bottom line.

Background

At the Ordinary Council Meeting in October 2024 Council resolved to accept an additional \$300,000 of RRG funding towards Quobba Gnaraloo Road. Acceptance of the additional funding resulted in a further contribution of \$150,000 from the Shire.

On 1 November correspondence from Main Roads WA indicated a further \$450,000 additional RRG funding was available for the Gascoyne Local Governments to consider. Accepting the additional funds will require:

- that those works are to be completed by the end of the current financial year; and
- a commitment of at least one third of the additional funding from the Local Government.

2024/25 RRG funding has been allocated towards Minilya Lyndon Road and Quobba Gnaraloo Road. A Contractor has been engaged for the 2024/25 RRG works. Mobilisation to Minilya Lyndon Road has been scheduled for mid-January 2025. Upon completion of these works the Contractor will mobilise to Quobba Gnaraloo Road. Additional length of reconstruction works may jeopardise completion of all works by 30 June 2025.

It is therefore proposed to allocate a total of \$200,000 (\$150,000 of additional RRG funding and \$50,000 from the Shire) towards the purchase of a polymer-based additive to stabilise the reconstructed pavement of Quobba Gnaraloo Road. This additive increases existing pavement material strength, improves material bonding and pavement surface durability. It also reduces dust and was used successfully on Quobba Gnaraloo Road RRG works in 2023/2024. Use of the additive will result in minimal additional works for the Contractor. The additive is added into the water and the water trucks will spray it on the roads. The Shire will be responsible for the purchase and delivery of the required additive to site.

Stakeholder and Public Consultation

N/A

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

Under the Road Project Grant program, a one third contribution from the local government is required. Accepting further RRG funding for Quobba Gnaraloo Road will result in the following split of funding allocations for the 2024/25 RRG works:

RRG 2024/25	State	Shire	R2R	Total
Minelya Lyndon Road: SLK 107-116	\$ 537,672	\$ 268,836	\$ -	\$ 806,508
Quobba Gnaraloo Road:	\$ 987,672	\$ 268,836	\$ 200,000	\$ 1,456,508
* Quobba Gnaraloo Road Original allocation: SLK 62-71	\$ 537,672	\$ 268,836	\$ -	\$ 806,508
* Quobba Gnaraloo Road additional funding (accepted Oct 2024)	\$ 300,000		\$ 150,000	\$ 450,000
* Quobba Gnaraloo Road- polymer additive	\$ 150,000		\$ 50,000	\$ 200,000

As indicated in the table above, it is proposed to utilise \$50,000 of an unallocated portion of R2R funding as the Shire’s one third contribution towards an additional \$150,000 RRG funding.

The unallocated portion of R2R funding to date totals \$461,686. These funds are to be allocated to resealing of sealed roads in Carnarvon. A completed resealing plan utilising R2R funds is scheduled for submission at the December Council meeting.

R2R funding may also be required if Council decides to proceed with the Speedway Road Intersection upgrade. Tender submissions for construction of that project are currently being reviewed. That project is funded jointly by Blackspot and R2R. Based on the initial assessment of submissions, the current budget allocation will not be sufficient and if that project is to proceed, additional R2R funds will need to be allocated in addition to additional Blackspot funds already approved by MRWA.

An item regarding the Speedway Road tender will be presented at the December Council meeting.

Accessing \$50,000 of the unallocated Roads to Recovery funding is however considered the only readily available source to fund these additional works without impacting reserves, existing projects and the budget bottom line.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Proceeding places additional pressure on a very tight 2024/2025 budget.	C2 Moderate	Access unallocated R2R funding to leverage the additional \$50,000 of Road Project Grant funding.
	Not proceeding risks loss of ability to leverage additional grant funds	C2 Moderate	
Reputation	Council is often regarded as not managing the communities’ assets and roads adequately and strategically.	C2 Moderate	Leveraging further funds at every opportunity will help reduce the financial impacts and deficit of Road Asset Maintenance. This is a strategically responsible action and may assist to grow improved relations and confidence from the community.
Reputation	The Shire over commits and under delivers in regard to the RRG funds available and loses the confidence and faith of Main Roads and its Local Government Partners – there by jeopardising future availability of increased funds.	C2 Moderate	The proposed work schedule has been reviewed and is considered achievable whilst having an appropriate asset management impact.
Property	The Quaobba Gnarloo Road is a high use road, that requires ongoing remediation, access to adequate funds is not always available, and Councils funds are extremely limited	C2 Moderate	Leveraging further funds at every opportunity will help reduce the financial impacts and deficit of Road Asset Maintenance. Council is encouraged to support the 2/3 – 1/3 leverage opportunity that RRG provides.

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

Locally available pavement material on Quobba Gnaraloo Road is poor in quality. The additional funding allows the addition of a stabilising product to improve the quality of the completed reconstruction works without impacting the time required to complete the project. It will also allow retreatment of areas treated with the stabiliser last year and will allow treatment of other areas along Quobba Gnaraloo Road after the maintenance grading that will be carried out at the completion of the upgrade works.

It is therefore recommended Council accept the offer of \$150,000 of additional RRG funding and allocate \$50,000 of its R2R funding.

OFFICER'S RECOMMENDATION

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

- accept an additional \$150,000 of Regional Road Project Grant funding;***
- approve an allocation of \$50,000 of unallocated Roads to Recovery funding as its Road Project Grant funding co-contribution;***
- approves allocation of the additional funding to increase the scope of work to be completed under the existing 2024/2025 Quobba Gnaraloo RRG project;***
- authorises the CEO to formalise the budget variation as provided in Schedule 1; and***
- authorises the CEO to advise Main Roads WA that it can confirm allocation of the Shire co-contribution and can complete the additional work by 30 June 2025.***

7.4.3 FLOATING PONTOON JETTY REPAIR OPTIONS

File No:	ADM0061
Location/Address:	Fascine
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	David Nielsen, Executive Manager Infrastructure Services
Authoriser:	Amanda Dexter, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Fascine Pontoon Jetty General Arrangement

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 three floating jetties in the Fascine are vital assets that contribute to the area's amenity and public accessibility. However, significant remedial works are necessary to ensure these structures are properly maintained and continue to serve the community as quality infrastructure.

To facilitate these essential repairs and protect the jetties during the upcoming cyclone season, it is recommended that the pontoons and walkways be temporarily removed. This proactive measure will prevent potential damage during severe weather events and enable a thorough restoration process.

Additionally, a comprehensive public information campaign should be undertaken to ensure the community is informed about the reasons for this temporary action. Key messaging should focus on:

- The importance of maintaining the jetties as a long-term community asset.
- The timeline for removal, repairs, and planned reinstatement post-cyclone season.
- Assurance that the jetties will be restored to full functionality upon completion of the works.

By communicating openly and clearly, the Shire can maintain public trust and understanding while safeguarding the integrity of these valuable structures.

Background

Floating pontoon jetties are installed at three locations along the Fascine adjacent to cantilever platforms. Aerial photo of typical jetty is shown below and the general arrangement drawings are provided in Schedule 1. Installation occurred in 2015.

Access to each pontoon jetty is via an articulated walkway. Each pontoon jetty is secured to the shore with four struts. One end of the strut is attached to the jetty. The other strut end is attached to the Fascine wall.

Each strut has a “ball and socket” type joint at each end. Each strut is also able to telescope i.e. get shorter and longer as required as the tide rises and falls. The struts also have a damping function like a shock absorber.

This system allows the freedom of movement necessary for the floating jetties to remain in their correct location during both tidal and wave action.



The pontoon jetty struts were removed temporarily during recent capping beam works to provide access for contractors completing that capping beam work. Upon removal it was found that almost every strut had defects ranging from:

- partial strut fracture
- complete strut fracture
- seizing of the telescoping action
- moderate to severe corrosion

It has not been possible to salvage enough serviceable struts to reinstall onto the pontoons. The floating jetties are currently secured by temporary moorings and lines only. The pontoons under this arrangement are moved by wave and wind action usually toward the Fascine wall. This movement creates a sideways force on the pivot point of the articulated walkway. Damage at that pivot point is considered likely especially in conditions of increased wind and/or wave action. The risk of breakage has therefore increased significantly

With the floating pontoons removed, a full clean of accumulated marine growth on the pontoons will be completed and a full inspection of the pontoons and walkways will also be possible.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996, General financial management — s. 6.10
Part 2 Regulation 18

18. When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

- (a) where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or
- (b) where the total amount to be so used does not exceed \$5 000 in a financial year; or
- (c) where each of the following conditions is satisfied —
 - (i) a decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
 - (ii) the local government considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
 - (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

[(d) deleted]

[Regulation 18 amended: SL 2020/35 r. 5; SL 2022/177 r. 7 and 10.]

Relevant Plans and Policy

N/A

Financial Implications

Council has set an allocation in the 2024/2025 budget of \$100,000 toward repair of the pontoon jetties. That allocation will be sourced from Fascine Reserve funds which has a current balance of \$416,144.

As explained below there is a significant variance in potential cost to the Shire – dependent on whether the Recreational Boating and Fishing Scheme Grant that the Administration has applied for is successful. The costs range from approximately \$40,000 - \$150,000.

Temporary Removal of Pontoons and Walkways

An estimate quotation has been obtained for the temporary removal of the pontoons and walkways. This work requires a crane for lifting and a truck for transport of the items to the Shire depot. An estimate of \$2,600 was received based on removal of two of the pontoons. The cost to remove all three is estimated at \$4,000. There will be a similar cost associated with returning the pontoons and walkways. These costs can be met from within existing operational budgets if necessary.

Strut Replacement

Replacement of the struts is an option to be considered for securing the pontoons. The supplier of the existing struts is located in Europe (Austria). A quotation for replacement of the 12 struts has been received.

Total cost of replacement is approximately \$68,000 excluding freight and import duty. No similar strut has been located in Australia.

Installation of Piles

A budget estimate quotation of \$136,000 has been received for installation of the six piles necessary to secure the three floating pontoons. Application has been lodged under the Department of Transport Recreational Boating and Fishing Scheme (RBFS) to fund that work. Successful applications are expected to be announced in January 2025. A successful application would reduce the total Shire contribution to approximately \$35,000.

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 budget allocation for piling system	A2 - High	A successful RBFS application will reduce the Shire contribution to be within the available budget.
Health & Safety	N/A		
Reputation	Possible negative community feedback regarding removal of the assets	B2 - High	Provide detailed information to the public that the removal is temporary only and reasons why removal is necessary.
Service disruption	The floating jetties will be unavailable if removed.	A2 - High	Temporary measure only. Floating pontoons will receive most use in the winter season.
Compliance	N/A		
Property	Damage to the articulated walkway.	B3 - High	Temporary removal of the walkway will mitigate this risk.
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our 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:

- *Fascine Waterway Improvement*

Comments

Issues with the struts were identified last year. This led the Administration to consider other options and remedial works. The move to a piling system was preferred due to the reduction in maintenance and availability locally to review and support issues.

An allocation of \$100,000 was made in the 2024/2025 budget for installation of a piling type system to secure the pontoons in place as an alternative to the strut system.

Two piles at each pontoon removes any need for a strut system. A piling system is the preferred low maintenance system to secure the floating pontoons.

The following table presents a summary of the advantages and disadvantages of the available options for securing the pontoons:

System	Advantages	Disadvantages
Existing Strut System	Relatively simple “like for like” replacement.	More suitable generally for “smooth” waters. No Australian supplier of this type of strut located. Life of strut limited. Potentially looking at replacement cost every 10 years.
Piling System	Minimal ongoing maintenance costs. System suitable for the conditions at the location.	Higher initial cost. Requires specialist piling contractor to install piles.

It is recommended to remove the pontoons and walkways as soon as possible to mitigate risk of damage over the cyclone season. Removal also allows full inspection and cleaning to take place, regardless of what securing system is finally adopted.

A piling system is the recommended system to secure the pontoon jetties as that provides essentially a maintenance free system.

The preparation of documentation for procurement of the piling services can commence now and be ready for formal quotations in January 2025. At which time it is likely the results of the RBFS funding application should be known.

If successful, proceeding with the piling system would result in only approximately \$40,000 expenditure to Council however if unsuccessful it is further recommended that Council proceed with the increased allocation of funds up to \$50,000 from Reserves to expedite the piling option to proceed and ensure that the Jetty’s are out of the water for as little time as possible.

Reinstatement of the jetties after the cyclone season is achievable.

It is appreciated these are high visibility community assets. Information to the community regarding the need for the temporary removal will be undertaken.

OFFICER’S RECOMMENDATION

That Council by Absolute Majority pursuant to Section 3.18 of the Local Government Act 1995 resolves to:

- 1. Approve the allocation of a further \$50,000 from the Fascine Upgrade and Renewal Reserve to complete the upgrade of the Jetties to a piling system should the Recreational Boating and Fishing Scheme Grant application be unsuccessful. .**
- 2. Direct the CEO to temporarily remove the three Fascine floating pontoon jetties and walkways for the cyclone season and for full cleaning and inspection;**
- 3. Direct the CEO to proceed with the piling project and the subsequent reinstatement of the three Fascine floating pontoon jetties and walkways by installing six plies occur no later than 30 April 2025; and**
- 4. Direct the CEO to provide information to the community regarding the need for the temporary removal and the planned reinstatement of the assets.**

**7.4.4 RFT 09/2024 PLANT AND OPERATORS FOR FLOOD DAMAGE REPAIRS - AGRN 1118
AWARD OF TENDER**

File No: ADM2326
 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: Amanda Dexter, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirement: Simple Majority
 Previous Report: N/A
 Schedules: 1. RFT 09/2024 Evaluation and Recommendation Report - Confidential

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 Tender (RFT) 09/2024 Plant and Operators for Flood Damage Repairs for the damaged roads included in flood event AGRN 951. It is recommended not to award the Tender.

Background

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

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

Road Name	Section (SLK) From	Section (SLK) To	Total Length	Number of Items
Bush Bay Rd (218)	2.658	31.654	28.996	12
Bush Bay Rd (90)	0.503	4.970	4.467	8

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

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

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

The Shire received three submissions. A detailed confidential Evaluation and Recommendation Report is provided in **Confidential Schedule 1**.

Stakeholder and Public Consultation

Nil

Statutory Environment

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

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

Relevant Plans and Policy

Policy CF001 – Purchasing and Procurement

Financial Implications

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

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

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

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

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

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

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

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Delay of the project jeopardising the funding.	B3- High	In accordance with DRFA-WA requirements the repair works are to be completed by 30 June 2026. Currently there is sufficient time to allow for a Request for Quote to re-test the market.
Health & Safety			
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will delay reinstatement works.	C2 - Moderate	Re-issue the Request for Quote asap.
Service disruption			
Compliance			
Property	Further decline of road assets.	C3 - High	Re-issue the Request for Quote and ensure commence of works asap.
Environment			
Fraud			

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- *N/A*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Based on the evaluation of the submissions received, the panel recommends not to accept any of the Tender submissions. The panel did not consider any submission received provided clearly demonstrable value for money.

Not accepting any submission will require the Shire to re-test the market and request quotes from suitably qualified and experienced contractors. The Request for Quotation (RFQ) process will be essentially identical to the tender process noting however that a public tender process is not required.

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

The funding arrangement with DRFA-WA requires completion of all AGRN 1118 repair works by 30 June 2026. It is unlikely the Shire will not able to meet the required completion date, regardless of the need to re-test the market.

Being able to utilise the same scope of works simplifies the issuing of the Request for Quote documentation. The Panel endeavours to commence the Request for Quote process in early December with submissions to be provided by late January 2025.

The contractors who made submissions to this tender RFT 09/2024 will be invited to make a submission to the request for quotation.

OFFICER'S RECOMMENDATION

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

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

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

Nil

13 DATE OF NEXT MEETING

14 CLOSURE