



SHIRE OF CARNARVON
MINUTES
ORDINARY COUNCIL MEETING
TUESDAY 27 AUGUST 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

as a true and accurate record

Chairman

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

DISCLAIMER

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

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

INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

SPECIAL MEETINGS OF COUNCIL

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

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

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

1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE

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

- Mr John Attwood Acting/CEO
- Mr David Nielsen Executive Manager, Infrastructure Services
- Mr Alan Thornton Deputy Chief Executive Officer
- Mr Stefan Louw Manager, Regulatory Services
- Mrs Danielle Hill Senior Executive Officer

Apologies

- Cr Burke Maslen Councillor, Gascoyne/Minilya Ward

Leave of Absence

Nil

Press..... Nil

Observers Nil

2 DECLARATIONS OF INTEREST

(Elected Members and Officers are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

- Cr Luke Skender (Impartiality) – 7.4.3 – RFT 05/2024 – Civic Centre Upgrades Tender
- Cr Luke Skender (Impartiality) – 7.4.1 – Regional Road Group Future Year Work Programs
- Cr Luke Skender (Impartiality) – 7.4.6 – Acceptance of Funding for Carnarvon Airport Upgrades
- President Smith (Impartiality) – 12.2 – Blowholes Shack

3 PUBLIC QUESTION TIME

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

Public Question Time commenced at 1.01pm

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil

3.2 PUBLIC QUESTION TIME

Public Question Time was closed at 1.01pm

4 CONFIRMATION AND RECEIVING OF MINUTES

CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Council Meeting - 23 July 2024

COUNCIL RESOLUTION OCM 01/08/24

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreira

That the minutes of Ordinary Council Meeting held on 23 July 2024 be confirmed as a true record of proceedings.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

5 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Nil

6 PRESENTATIONS, PETITIONS AND MEMORIALS

Nil

7 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JULY AND AUGUST 2024

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

Authority/Discretion:

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

Summary of Item

To report on actions performed under delegated authority for the months of July and August 2024

Background

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

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

Stakeholder and Public Consultation

Nil

Statutory Environment

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

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications arising from receiving this report.

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

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

COMMON SEAL

DATE	DOCUMENT
24 July 2024	Gascoyne Gymnastics Club – Lease 5 Shallcross Street, Carnarvon

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)
15/8/2024	HOS24/005	Approval to install apparatus for the treatment of sewage at 85 William St, East Carnarvon	Jason Chaplin	Jason & Kylie Chapman

Other

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
30/7/2024	HPB24/001	Health approval for event under Health (Public Building) Regulations 1992 – Mediterranean Long Table Feast – 329 North River Road, North Plantations	Gascoyne Development Commission	Gascoyne Food Council Inc

PLANNING & DEVELOPMENT

Hawkers, traders and stall holders

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

Date of decision	Decision Ref.	Decision details	Applicant	Other person(s) affected
30/07/2024	P33/24	MOBILE TRADING LICENCE	GAHN ELEMENTS	Nil
08/08/2024	P34/24	MOBILE TRADING LICENCE	THE SIGNATURE BULL – RINGERS WESTERN	Nil
15/08/2024	P35/24	MOBILE TRADING LICENCE	LISA EVESON	Nil

BUILDING

Application No.	Owners Name	Lot & Street	Type of Building Work
B24/042	JULIAN ANDREOLI & RICKY ANDREOLI	LOT 927 (352) ROBINSON ST, EAST CARNARVON	SOLAR PANEL INSTALLATION

B24/026	WILLIAM BLAISE LEIGHTON	LOT 21 (9) CRAGGS COURT, BROWN RANGE WA 6701	SOLAR PANEL INSTALLATION
B24/043	DEAN WHITE, COLIN WHITE, FIONA WHITE & POLLY BAMFORD	LOT 320 (15) MASLEN ST, BROCKMAN	SOLAR PANEL INSTALLATION
B24/044	WILFRED & ANDREA FITZHUGH	LOT 996 (23) DEMPSTER ROAD, BROCKMAN	SOLAR PANEL INSTALLATION
B24/048	WARREN KEMPTON & SARAH BERSON	LOT 5 (14) MARGARET ROW, EAST CARNARVON	SOLAR PANEL INSTALLATION
B24/056	DARRYL TIPTON	LOT 2 (58) SOUTH RIVER RD, SOUTH PLANTATIONS	SOLAR PANEL INSTALLATION
B24/061	VANNY DANG & BA HOANG NGUYEN & THI DIEM NGUYEN	LOT 23 (219) NORTH RIVER RD, NORTH PLANTATIONS	SOLAR PANEL INSTALLATION
B24/045	ROWLAND & DANNIELLE LEE HILL	LOT 678 (289) ROBINSON STREET, EAST CARNARVON	SOLAR PANEL INSTALLATION
B24/047	LESLIE & WENDY GEORGE	LOT 74 (26) SHALLCROSS STREET, EAST CARNARVON	SOLAR PANEL INSTALLATION
B24/051	WILFRED & JANETTE OXENHAM	LOT 21 (10) WOORAMEL STREET, CARNARVON	SOLAR PANEL INSTALLATION
B24/060	KISS INVESTMENTS (WA) PTY LTD ATF THE LIVSEY FAMILY TRUST	LOT 250 (223) ROBINSON ST, MORGANTOWN	SOLAR PANEL INSTALLATION
B24/046	MICHAEL & LYNDA NATAL MARINO	LOT 40 (5) SAW STREET, EAST CARNARVON	SOLAR PANEL INSTALLATION
B24/049	SUSAN DAWSON	LOT 503 (51) SHALLCROSS STREET, EAST CARNARVON	SOLAR PANEL INSTALLATION
B24/052	STEPHEN MERRETT	LOT 185 (7) CARROLL WAY, MORGANTOWN	SOLAR PANEL INSTALLATION
B24/053	KENNETH & DEBRA-LEE PHILLIPS	LOT 12 (103) GASCOYNE ROAD, EAST CARNARVON	SOLAR PANEL INSTALLATION

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 July and August 2024.

COUNCIL RESOLUTION OCM 02/08/24

Moved: Cr Luke Skender

Seconded: Cr Paul Kelly

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

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.1.2 CEO RECRUITMENT - COMPLIANCE WITH THE ACT & REGULATIONS

File No:	ADM2111
Location/Address:	Nil
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Amanda Leighton, Manager People, Culture And Systems
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	SCM 16 July 2024
Schedules:	<ol style="list-style-type: none"> 1. CEO Advertisement 2. CEO Candidate Briefing Pack

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

Council is required to provide confirmation that the recruitment process for employing the new Chief Executive Officer has been completed and undertaken in accordance with the Shire’s adopted standards for CEO Recruitment, Performance and Termination.

At the Special Council meeting on the 7 May 2024, Council endorsed the CEO recruitment process and other associated matters (SCM03/05/24).

Council received the CEO Selection Panel’s confidential Chief Executive Officer Recruitment Report at the Special Council meeting on the 16 July 2024 and authorised the Shire President to execute an employment contract (SCM04/07/24 & SCM 05/07/24).

The Shire’s employment offer was accepted by the preferred applicant for the Chief Executive Officer role, Amanda Dexter, on 16 July 2024.

Background

The Shire’s previous substantive CEO, Andrea Selvey ceased employment with the Shire effective 30 June 2024.

The Local Government Act 1995 (LG Act) and the Local Government (Administration) Regulations 1996 (LG Admin Regs) require local governments to adopt and follow a model set of standards when dealing with CEO recruitment, performance management and termination.

Council adopted EME004 CEO Standards, Performance, Management Review Committee in August 2022, and last reviewed this policy in March 2024 (OCM07/03/2024).

Regulation 18FB(3) of the LG Admin Regs provides that a local government must, as soon as practicable after a person is employed in the position of CEO, certify by absolute majority that the process followed in relation to the recruitment was carried out in accordance with the local government’s adopted standards.

Regulation 18FB(4) provides that the local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution has passed.

Stakeholder and Public Consultation

WALGA
 Independent Recruitment Consultant - Page Executive
 Independent Panel Member

Statutory Environment

Local Government Act 1995
 Local Government (Administration Regulations) 1996

Relevant Plans and Policy

EME004 CEO Standards, Performance, Management Review Committee

Financial Implications

2024/2025 Budget and Long-Term Financial Planning

The CEO Total Reward Package will be included in the Shire’s 2024/25 budget and Long-Term Financial Planning process.

The CEO Recruitment process expenses were approximately \$33,000 (inclusive of GST), that included consultancy fees, advertising and incidentals. The cost of wages for administrative support provided by Shire employees for the recruitment process was absorbed as part of the operational 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	N/A		
Health & Safety	N/A		
Reputation	A poor recruitment process can cause reputational damage	Low	The support of the Manager People, Culture & Systems and the Specialist Recruitment Consultant minimises the risk of non-compliance.
Service disruption	N/A		

Compliance	The recruitment is non-compliant with the strict legislative requirements.	Moderate	The support of the Manager People, Culture & Systems and the Specialist Recruitment Consultant minimises the risk of non-compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The Shire applied its adopted Standards for CEO Standards, Performance, Management Review Committee in the CEO Recruitment process, as follows:

Division 2 – Standards for recruitment of CEO’s

5. Determination of selection criteria and approval of job description form:

The Management Review Committee (MRC) met on 20 May 2024 and undertook a review of the CEO Job Description and determined relevant selection criteria, duties and responsibilities that was consistent with leading the Shire’s Strategic Community Plan, with the final version endorsed by the MRC on 27 May 2024.

6. Advertising requirements

The Shire engaged Page Executive to undertake an executive search for the CEO job vacancy, with the advertising campaign commencing on 27 May 2024 and closing on 17 June 2024. The Shire utilised various online advertising mediums including the Shire’s website, Seek, and LinkedIn.

The CEO job vacancy advertisements (refer attachment 1) covered job candidate supporting information in accordance with Regulation 18A, including the following:

- Direct queries and applications were to be made to Jodie Choyce at Page Executive jodiechoyce@pageexecutive.com / 0410 426 517.
- Information on the role and position description was provided on the Shire website www.carnarvon.wa.gov.au.
- In addition, a Candidate Briefing Pack was also available for job candidate information (refer
- Attachment 2.).
- The closing date for applications was 4pm Monday 17 June 2024.
- A total reward package was advertised consistent with Salaries and Allowances Tribunal Band 2: \$228,973-\$356,181 (at the time of advertising).
- The contract term was offered on an initial five-year term.

7. Job description form to be made available by local government

Job candidates were informed that they were able to access the CEO job description form through the Shire's website www.carnarvon.wa.gov.au or alternatively by making an enquiries with Jodie Choyce at Page Executive jodiechoyce@pageexecutive.com / 0410 426 517 who distributed the job description form according to each job candidate's needs.

8. Establishment of selection panel for employment of CEO

On 28 November 2023, Council endorsed the elected members who would form part of the Management Review Committee whose responsibilities would include CEO Recruitment. The MRC consists of Shire President, Cr Eddie Smith, Deputy President, Cr Burke Maslen, Cr Luke Vanderleur, Cr Paul Kelly and Cr Dudley Maslen who served as a proxy panel member in case of unavailability among the other elected member selection panel members (OCM05/11/23).

On 7 May 2024, Council, at a confidential meeting appointed an Independent Panel Member to the CEO Recruitment Selection Panel (SCM03/05/24).

9. Recommendation by selection panel

An initial shortlisting assessment of each applicant against the CEO position job description and selection criteria was undertaken by Page Executive. The selection panel reviewed the preliminary shortlist assessment provided and determined those applicants suitable for progressing to the interview stage. Initial interviews were undertaken by the selection panel, who further shortlisted those suitable applicants for a second stage of interviews. This second stage also included due diligence checks including reference checks and informal verification of qualifications undertaken by Page Executive.

With the assistance of Page Executive, the selection panel compiled a detailed comparative analysis of those applicants selected for the second stage interviews, detailing their demonstrated knowledge, experience, qualification and skills suitable for fulfilling the role of CEO. From this comparative analysis, the selection panel was able to determine their preferred applicant, who was recommended to Council as being the most suitable applicant to be employed in the position of CEO.

On behalf of the selection panel, Page Executive compiled a comprehensive confidential Chief Executive Officer Selection Report, that included the documented recruitment and selection process undertaken consistent with the Shire's Adopted Standards for CEO Recruitment, Performance and Termination.

On 16 July 2024 Council considered the selection panel's confidential Chief Executive Officer Recruitment Report and approved by an absolute majority the selection panel's recommended preferred candidate, who was determined as being the person most suitable to be employed in the position of CEO (SCM04/07/2024).

10. Application of cl. 5 where new process carried out

Not applicable, no new CEO recruitment and selection process was required.

11. Offer of employment in position of CEO

On 16 July 2024 Council considered the selection panel's Chief Executive Officer Recruitment Report and by absolute majority made the following resolution:

COUNCIL RESOLUTION SCM 04/07/24

Moved: Cr Luke Vandeleur

Seconded: Cr Burke Maslen

1. That Council by Absolute Majority in accordance with section 5.36 of the Local Government Act resolves to:

- a. Approves the making of an offer to Amanda Dexter for the position of CEO at the Shire of Carnarvon as the candidate that Council believes to be the person most suitably qualified for the position; and
- b. Approves and is satisfied with the proposed terms of the CEO employment contract detailed in Confidential Schedule Item 2, being for a period of a maximum five years inclusive of an annual Total Reward Package valued up to \$349,624.72 as calculated by the 2024 Salaries and Allowances Tribunal Local Government Determination Band 2.

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

AGAINST: Nil

ABSENT: Cr A Cottrell

CARRIED BY ABSOLUTE MAJORITY 7/0

OFFICER'S RECOMMENDATION PART TWO

COUNCIL RESOLUTION SCM 05/07/24

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council by Simple Majority in accordance with section 5.36 of the Local Government Act resolves to:

- a. Authorise the President to execute the CEO employment contract and apply the common seal by section 9.49A(1)(a) of the Local WALGA CEO Recruitment Guide 15 of 26 Government Act 1995, subject to Amanda Dexter agreeing to enter into the proposed terms of the CEO employment contract without amendment; and
- b. Notes that subject to Amanda Dexter accepting the proposed terms of the CEO employment contract, the candidate is appointed to the position of CEO at the Shire of Carnarvon.

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

AGAINST: Nil

ABSENT: Cr A Cottrell

CARRIED BY SIMPLE MAJORITY 7/0

12. Variations to proposed terms of contract of employment

The preferred applicant accepted the employment offer approved by Council.

13. Recruitment to be undertaken on expiry of certain CEO Contracts

Not applicable. The substantive CEO at the time, Andrea Selvey ceased employment with the Shire effective 30 June 2024. As such, a recruitment process was required to be undertaken in accordance with the Shire's Adopted Standards for CEO Standards, Performance, Management Review Committee.

14. Confidentiality of information

Page Executive were engaged to support the selection panel undertake the CEO recruitment process and contracted to provide confidential recruitment services.

The Shire's People, Culture and Systems Manager provided advice and support to Page Executive as required on the CEO recruitment process, assisted in managing selection panel members confidentiality and conflict of interest requirements, and was bound by the Shire's operational confidentiality and conflict of interest requirements.

The employment contract offer included conditions relating to pre-employment representations, including the provision of satisfactory National Police Clearance, pre-employment medical and formal verification of qualifications consistent with declarations made by the preferred applicant. All pre-employment representations have been verified and all have been found consistent with the preferred applicant's representations.

OFFICER'S RECOMMENDATION

That Council by Absolute Majority pursuant to Section 18fb(3)(4) of the Local Government (Regulations) Act 1995, certifies that the CEO recruitment process completed on execution of the CEO employment contract dated 16 July 2024 and approved by Council Resolution SCM04/07/24 & SCM05/07/24 dated 16 July 2024, was conducted in accordance with the Shire of Carnarvon adopted standards for CEO recruitment.

COUNCIL RESOLUTION OCM 03/08/24

Moved: Cr Paul Kelly

Seconded: Cr Dudley Maslen

That Council by Absolute Majority pursuant to Section 18fb(3)(4) of the Local Government (Regulations) Act 1995, certifies that the CEO recruitment process completed on execution of the CEO employment contract dated 16 July 2024 and approved by Council Resolution SCM04/07/24 & SCM05/07/24 dated 16 July 2024, was conducted in accordance with the Shire of Carnarvon adopted standards for CEO recruitment.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY ABSOLUTE MAJORITY 7/0

7.2 CORPORATE SERVICES

7.2.1 ACCOUNTS PAID UNDER DELEGATION JULY 2024

File No:	ADM0186
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Giang Nguyen, Creditors Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	<ol style="list-style-type: none"> 1. Schedule 1 - Accounts for Payment in July 2024 2. Schedule 2 - Credit Card Reconciliation 24.06.2024 - 22.07.2024

Authority/Discretion:

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

Summary of Report

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

Background

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

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.42

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

Relevant Plans and Policy

Nil

Financial Implications

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

Risk Assessment

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

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

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Nil

OFFICER’S RECOMMENDATION

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,781,394.59 as presented for the month of July 2024, incorporating the following; and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT41718</i>	<i>EFT42017</i>	<i>Muni EFT</i>	<i>\$2,062,534.08</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>DD40978.1-DD40978.3, DD40981.1, DD40987.1, DD40991.1, DD40993.1, DD40996.1-DD40996.5, DD41000.1, DD41002.1-DD41002.2, DD41005.1, DD41007.1, DD41013.1, DD41014.1-DD41014.2, DD41017.1, DD41018.1-DD41018.5, DD41020.1, DD41022.1, DD41024.1, DD41026.1-DD41026.2</i>	<i>DD41026.2</i>	<i>Bank Directs</i>	<i>\$718,860.51</i>
		TOTAL	\$2,781,394.59

- 2. receive the copies of credit card statements for all such Shire Facilities for the period 24.06.2024 – 22.07.2024***

COUNCIL RESOLUTION OCM 04/08/24

Moved: Cr Marco Ferreirinha

Seconded: Cr Luke Skender

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

- 1. receive the list of payments made under delegation, as per Schedule 1 at a total value of \$2,781,394.59 as presented for the month of July 2024, incorporating the following; and***

<i>Payment Reference from:</i>	<i>Payment Reference to:</i>	<i>Payment Type</i>	<i>Payment Amount</i>
<i>EFT41718</i>	<i>EFT42017</i>	<i>Muni EFT</i>	<i>\$2,062,534.08</i>
	<i>-</i>	<i>Trust EFT</i>	<i>\$0.00</i>

-			
-	-	<i>Cheque</i>	\$0.00
DD40978.1-DD40978.3, DD40981.1, DD40987.1, DD40991.1, DD40993.1, DD40996.1-DD40996.5, DD41000.1, DD41002.1-DD41002.2, DD41005.1, DD41007.1, DD41013.1, DD41014.1-DD41014.2, DD41017.1, DD41018.1-DD41018.5, DD41020.1, DD41022.1, DD41024.1, DD41026.1-DD41026.2	DD41026.2	Bank Directs	\$718,860.51
		TOTAL	\$2,781,394.59

2. receive the copies of credit card statements for all such Shire Facilities for the period 24.06.2024 – 22.07.2024

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.2.2 SUNDRY DEBTORS WRITE-OFF PROPOSAL

File No:	ADM0026
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Vika Nafetalai, Finance Officer
Authoriser:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

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

Summary of Report

This item presents to Council Sundry Debtor debts considered unrecoverable and seeks a Council resolution to write off these debts.

Background

The officer has reviewed the aged debts as outlined in Council Policy CF007 Debt Collection to ensure aged debts are recovered, including outsourcing to third party and hand delivered notices by Rangers. However, the debts presented in this report are deemed to be unrecoverable.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act 1995 Section 6.12 (1)(c)

Relevant Plans and Policy

CF007 Debt Collection; and Delegation 1.2.21 Defer, Grant Discounts, Waive or Write-Off Debts is delegated to the CEO where a debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Carnarvon. Delegation is also limited to individual debts valued below \$200 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.

Financial Implications

The total recommended write-off is \$1,382.95. This amount is considered immaterial in the overall context of the Shire’s financial 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	Mitigating Action/s
Financial	Reduction in Current Assets	Low	Debts regarded as uneconomical to recover as cost of recovering debt exceeds return. The impact is not material.
Health & Safety	N/A	N/A	N/A
Reputation	Writing off debts could damage the Shire’s reputation and encourage other non-payment by other debtors.	Moderate	Improve Process- Debt Recovery process is now more effective to minimise these issues in future.
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	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Carnarvon childcare Centre*

Comments

All reasonable recovery actions have been undertaken to secure payment of the listed debts. The Debtors listed below are recommended to be written off as the debtors have either declared bankruptcy, closed their business and/ or left town and not left a forwarding address. It would be uneconomical and inefficient use of Council resources to continue to pursue these debts given the return on that investment in time.

Debtor Code	Amount Outstanding	Date	Details of Debt	Reason for Write-Off	Preventative Actions
RICPEA	\$751.00	21/02/2024	Sustenance of 18 days, Impound & Microchip Fee and Administration Cost	Multiple efforts to recover debt internally, hand-delivered notices and through Legal have been unsuccessful. Dog has now been re-homed to Perth.	The Shire has streamlined the process and shortened the time frames that trigger actions in accordance with the debt recovery. These changes will ultimately lead to improved recovery debts and allow for a more efficient process of commencing litigation claims and write-off of bad debts.
RODTAY	\$346.34	20/03/2024	Vet Costs, Impound & Sustenance Fee and Administration Cost	Original debt was \$546.34. Payment arrangement was approved for \$150 every fortnight and \$200 was received. Dog got out again and as a result dog has now been re-homed in Perth. Debtors refuse to pay the remaining balance.	
YASRAN	\$285.61	8/01/2024	Reimbursement of Vet Bill and Administration Cost	Original debt was \$335.61. An approved payment plan was in place and \$50 was received. Debtor requested to address invoice to her corporation for payment but after multiple emails and notices delivered in person, we received no correspondence.	

OFFICER'S RECOMMENDATION

That Council by Simple Majority pursuant to Section 6.12 of the Local Government Act 1995, resolves to write-off the Sundry Debts listed below as they are considered unrecoverable.

COUNCIL RESOLUTION OCM 05/08/24

Moved: Cr Paul Kelly

Seconded: Cr Dudley Maslen

That Council by Simple Majority pursuant to Section 6.12 of the Local Government Act 1995, resolves to write-off the Sundry Debts listed below as they are considered unrecoverable.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.2.3 ADOPTION OF THE 2024/2025 ANNUAL BUDGET

File No:	ADM0027
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	N/A
Schedules:	<ol style="list-style-type: none"> 1. 2024-2025 Annual Budget 2. 2024-2025 Capital Works Program 3. 2024-2025 Ministerial Approval of Differential Rates 4. 2024-2025 Objectives and Reasons for the Differential Rates and Minimum Payments 5. 2024-2025 Fees and Charges

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

In accordance with S6.2 of the Local Government Act 1995 (the Act), Council is requested to consider and adopt the Shire of Carnarvon’s Annual Budget for the 2024/2025 financial year, together with supporting schedules, which include:

- 1) 2024/2025 Annual Budget
- 2) 2024/2025 Capital Works Program
- 3) 2024/2025 Ministerial Approval of Differential Rates
- 4) 2024/2025 Objectives and Reasons for the Differential Rates and Minimum Payments
- 5) 2024/2025 Fees and Charges

Background

Municipal Fund Budget

Under section 6.2(1) of the Act and Local Government (Financial Management) Regulations 1996 (FM Regs), Council is required to prepare and adopt an annual budget for each financial year, not later than 31 August of each financial year, or such extended time as the Minister allows. The legislation prescribes the form and

content of the Annual Budget, which must include Statement of Comprehensive Income, Statement of Cash Flow and Statement of Financial Activity (formerly known as the Rates Setting Statement – RSS) and various other notes.

2024/2025 Differential Rates, Minimum Payments, and Instalment Payment Arrangements

The purpose of levying rates is to meet Council’s budget requirements in each financial year to deliver services and community infrastructure. The rates levied are determined by applying the rate in the dollar to the applicable valuation amount of the properties. The Minister for The Department of Local Government, Sport and Cultural Industries (the Minister) determines the methods of land valuation, with the actual valuation provided by the Valuer General’s Office (VGO). Local Governments that apply differential rates must advertise their intention to impose differential rates, consider any public submissions and then apply to the Minister for approval to impose differential rates. The application must take into consideration section 6.33 of the Act, which provides the ability to differentially rate properties based on zoning or land use as determined by the local government. Section 6.35 of the Act also provides the ability to impose a minimum payment which is higher than the general rate, which would otherwise be payable on that land. The application of differential rating based on land use or zoning results in a rate in the dollar and minimum payment amounts for each rating category.

Differential rates have been applied for the 2024/2025 financial year. During the public submission period commencing 13 June 2024 and closing on 04 July 2024 no public submissions were received by 04 July 2024.

At the Special Meeting of Council on 04 June 2024, Council resolved as follows:

COUNCIL RESOLUTION SCM 01/06/24

Moved: Mr Eddie Smith
 Seconded: Cr Luke Skender

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

1. *Publicly advertise its intention to impose differential rates with a 4.5% increase and invites public submissions for a period of twenty-one days commencing on 13 June 2024; and*
2. *Consider any submissions in respect of imposition of differential rates as part of the 2024/2025 Budget deliberations.*
3. *Adopt the objects and reasons of the differential rates as provided in Schedule (c) and publish the document on the Shire of Carnarvon official website.*

2024/2025 Modelling - Rate\$ & Min 4-5% revenue increase					
Rate Code	Description	# of Properties	Valuation	Rate in \$	Estimated Income
01	UV Mining	48	1,814,671	26.6372	483,377.54
02	GRV Residential	1424	28,658,610	9.8174	2,813,529.93
03	UV Pastoral	32	3,247,320	12.7344	413,526.75
04	GRV Comm/Ind	278	16,703,888	11.1138	1,856,436.67
05	GRV Special Use/Rural	74	2,163,281	11.0600	239,258.98
06	UV Intensive Horticulture	170	24,798,000	2.6491	656,923.88
	Sub Total	2026	77,385,770		6,463,053.75

	Minimum Levy				
01	UV Mining	17	12,560	485.00	8245.00
02	GRV Residential	260	2,299,557	1322.00	343,720.00
03	UV Pastoral	8	20,700	1322.00	10,576.00
04	GRV Comm/Ind	56	370,938	1322.00	74,032.00
05	GRV Special Use/Rural	30	225,925	1322.00	39,660.00
06	UV Intensive Horticulture			1322.00	
	Sub Total	371	2,929,680		476,233.00
	Total Levy	2397	80,315,450		6,939,286.75

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

CARRIED BY ABSOLUTE MAJORITY 7/0

The Shire’s application seeking approval to impose differential rates was submitted to the Minister’s Office on 5 July 2024. Approval from the Minister for Local Government was received on 12 August 2024.

Fees and Charges

As per sections 6.16 to 6.19 of the Act, a local government may impose a fee or charge for any goods or services it provides. Fees and charges must be imposed when adopting the Annual Budget, however, may also be imposed or amended during the year if necessary. At the Ordinary Council Meeting of on 28 May 2024 Council resolved as follows:

COUNCIL RESOLUTION OCM 02/05/24

Moved: Cr Burke Maslen
Seconded: Cr Luke Skender

- 1. That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves to adopt the schedule of Proposed Fees and Charges for the 2024/2025 financial year;**
- 2. Give local public notice that the Schedule of Fees and Charges 2024/2025 will take effective from 28 July 2024.**

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

CARRIED BY ABSOLUTE MAJORITY 8/0

In accordance with the Council resolution, Council's intention to impose the Schedule of Fees and Charges was provided communicated via public notice.

Elected Members Sitting Fees

The Administration Regulations prescribe minimum and maximum amounts for Councillor Sitting Fees and Allowances. Councillor Sitting Fees and Allowances are reviewed annually by the Salaries and Allowances Tribunal (SAT) and by Council during the budget development process.

Materiality Threshold

Each financial year, a local government is to adopt a percentage or value, calculated under the Australian Accounting Standards (AASB), to be used for reporting material variances in the monthly statement of financial activity under AASB 1031 Materiality and FMR 34(5).

The Materiality Threshold is an internal control measure that prevents financial loss caused by an omission, misstatement or non-disclosure of financial information. The Materiality Threshold also minimises administrative inefficiency, ensuring only those variances representing a medium or high-level risk are reported to management and Council.

Stakeholder and Public Consultation

Minister for Local Government

The community was invited to make submissions on the proposed differential rating categories, rates in the dollar and minimum payments, which was subject to public notice "Notice of Intention to Impose Differential rates 2024/25" between 13 June 2024 and 4 July 2024. No submissions were received by the Shire.

Councillors have been involved through the budget process through briefings and workshops for rates, the capital works program and operational income and expenditure.

Statutory Environment

Local Government Act 1995, s6.2 Local government to prepare Annual Budget

Local Government Act 1995, s 1.7 Local public notice

Local Government Act 1995, s6.16 Imposition of fees and charges

Local Government Act 1995, s6.17 Setting level of fees and charges

Local Government Act 1995, s6.19 Local government to give notice of fees and charges

Local Government Act 1995, s 6.28 Basis of Rates

Local Government Act 1995, s 6.32 Rates and service charges

Local Government Act 1995, s 6.34 Limit on revenue or income from general rates

Local Government Act 1995, s 6.35 Minimum payment

Local Government Act 1995, s 6.36 Local government to give notice of certain rates

Relevant Plans and Policy

Rating Policy
 Financial Hardship Policy

Financial Implications

The 2024/2025 Annual Budget determines the financial operations of the Shire for the 2024/2025 financial year and provides the base level of detail to inform the preparation of the next Long Term Financial Plan.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the budget is not prepared according to the regulatory framework. Delays to the budget can impact cashflows.	Low	The proposed budget is compliant with applicable Legislation and Regulations.
Health & Safety	N/A	N/A	N/A
Reputation	The reputation of the Shire is impacted by the quality of the services we deliver and the rates and fees we charge. There is a risk that if balance is not achieved ratepayers and residents will be unhappy with either the rates they are charged, or the range and level of service offered.	High	Clear communication on the financial management of the Shire. Ongoing community engagement in service delivery.
Service disruption	Council does not endorse the 2024/2025 budget with the consequential risk of	High	Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until budget endorsement. Ministerial approval would be required for an extension if

	deferred cash flow and thus inability to meet financial commitments.		the budget is not adopted by 31 August.
Compliance	Council does not endorse the 2024/2025 budget with the consequential risk of deferred cash flow and thus inability to meet financial commitments.	High	Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until budget endorsement. Ministerial approval would be required for an extension if the budget is not adopted by 31 August.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comment

Annual Budget 2024/2025

The 2024/2025 Annual Budget financial activities are detailed in Schedule 1. The Statement of Financial Activity (SOFA) represents a composite view showing source and application of the finances of the Shire of Carnarvon. The SOFA highlights movements in the Surplus/Deficit which is primarily based on the operational and capital revenues and expenditures, borrowings, as well as transfer to and from reserves.

There are three main sections in the SOFA as follows:

- Operating activities
- Investing activities
- Financing activities

The non-cash components of each section, for example depreciation, are eliminated in the SOFA to show the true picture of funding movements. The Shire’s SOFA for 2024/2025 has been prepared to show a balanced position, i.e. no surplus or deficit.

Calculations for the 2024/2025 SOFA identified the need to raise \$6.99 million in rates revenue, which equates to a 4.5% increase in rates revenue and growth in rates for 2024/2025. The rates revenue generated will allow the Shire to continue with running its operations and delivering capital projects with the Shire’s financial constraints.

The estimated 2023/2024 carry forward operating and capital projects is \$7.39 million in value. The carry forward position includes \$5.6 million relating to the 2024/2025 Financial Assistance Grant received in advance. Other factors that contributed to the carry forward position include the timing of receiving grant funding and decisions about the optimum timing of the commencement of projects.

The SOFA provides 2024/2025 Annual Budget information for the following income and expenditure:

Operating Revenue \$19,955,728

General rates	\$6,992,788
Rates excluding general rates	\$318,765
Grants, subsidies and contributions	\$8,138,626
Fees and charges	\$3,557,520
Interest revenue	\$425,000
Other revenue	\$438,469
Profit on asset disposals	\$84,560

Capital Revenue \$15,784,217

Comprised of Capital grants, subsidies and contributions of \$15.61 million and Proceeds from disposal of assets of \$170K.

Capital Expenditure \$20,713,350

Non-operating expenditure comprises of \$17.19 million for Infrastructure and \$3.52 million for Property, Plant and Equipment.

Borrowings

Proceeds from new borrowings amount to \$865K. This comprises \$365k to fund the purchase of new plant and equipment and \$500k for new housing.

Reserves

In order to meet the funding requirements to achieve the outcomes contained in the 2024/2025 Annual Budget a range of Reserve transfers are proposed. Overall, the net transfer from Reserves of \$716,000 is mainly due to funding of the Shire’s Plant and Equipment program via unspent loan funds from 2022/2023.

Operating Expenditure \$

Employee costs	\$9,194,215
Materials and contracts	\$13,153,197
Utility charges	\$931,595
Depreciation	\$8,895,780
Finance costs	\$103,524
Insurance	\$748,544
Other expenditure	\$375,774
Loss on asset disposals	\$98,870

Through the 2024/2025 Annual Budget the Shire is aiming to deliver the following key capital projects:

Projects	Amount \$	External Grants and Contributions \$
Carnarvon Airport Upgrades	8,000,000	7,611,013
Carnarvon Activation Plan	1,805,563	1,526,738
Housing Development Northwater	1,365,920	187,000
Tramway Bridge Improvements	844,041	844,041
Fascine Wall Capping Beam Replacement	832,702	832,705
Quobba-Gnarloo Road	806,508	537,672
Minilya Lyndon Road	806,508	537,672
Landfill Compactor	737,769	0
Roads various – Roads to Recovery Funding	611,686	611,686
French Street - BlackSpot	600,000	600,000
Speedway Road A - Black Spot	590,651	590,651
Minilya Lyndon Road - BlackSpot	551,000	551,000
Civic Centre Refurbishment	420,721	420,721
Isuzu/Rosmech Street Sweeper	365,000	0
CAP Design & Project Management	309,128	309,128
New Refuse Site Development At Coral Bay	221,233	0
Upgrades To Swimming Pool Bowl	164,000	0
Pioneer Cemetery	162,500	0
Kerbing and Footpath Replacement	150,000	150,000
Artesian Pipeline Extension to Town Oval	150,000	100,000
Administration Building Roof Replacement	146,000	124,000
Pump Station Upgrades	130,000	0
Fascine Jetty Upgrade	100,000	0

The Capital Works Program is detailed in Schedule 2.

Differential Rates, Minimum Payments and Instalment Payment Arrangements 2024/2025

Council has been cognisant of a challenging current economic climate with high CPI inflation when developing the 2024/2025 Annual Budget, recognising the need for a general rate increase that reflects increased cost pressures in the community.

As part of the annual budget process, Council must determine the general rate in the dollar and minimum payments for the 2024/2025 financial year. During budget preparation it was identified that \$6.94 million of rate revenue was required to achieve a balanced budget in 2024/2025 while maintaining a 4.5% Rate in the Dollar (RID) change. The RID for Specified Area Rate – Coral Bay has increase by 4.5% in the 2024/2025 financial year RID.

Category	Rate in the \$ (cents) Proposed	Minimum Payment Proposed (\$)	Estimated Budget Rate Revenue \$ (inc Mins) 24/25
GRV – Residential	9.8174	1,322	2,813,529
GRV – Commercial/Industrial	11.1138	1,322	1,856,437
GRV – Special Use/Rural	11.0600	1,322	239,259
UV - Mining	26.6372	485	483,378
UV - Pastoral	12.7344	1,322	413,527
UV – Intensive Horticultural	2.6491	1,322	656,924
Totals			6,939,287
Specified Area Rate – Coral Bay	7.5170	N/A	311,102

Proposed Minimum Payments

The setting of minimum rates within rating categories recognises that every property receives some minimum level of benefit from the Shire's works and services, which is shared by all properties regardless of size, value, and use. A proposed minimum rate of \$1,322 has been applied to all rating categories except for the UV Mining category, set at \$485. The valuations of the 65 mining tenements have an average UV of \$7,563.42. The minimum rate for the UV Mining category is set at a lower level than the other rating categories to ensure that the rate burden is distributed equitably between all other property owners paying the minimum amount. A lower minimum payment will also ensure that less than 50% of the properties in this category are on the minimum rate and comply with section 6.35 of the Act.

Required Notice for Differential Rates and Minimum Payments and Ministerial Approval

Section 6.36 of the Act requires local governments seeking to impose differential rates or minimum payments to give local public notice, seek submissions for a minimum of 21 days, and then consider these submissions before imposing rates. The objects of, and the reasons for each proposed rate must also be prepared and published on the local government's website (Schedule 4). Section 6.33 and 6.35 of the Act require the Minister's approval to impose:

Differential rates more than twice the lowest differential rate (applicable for the GRV – Vacant, UV – Mining and UV – Commercial rating categories).

At the 4 June 2024 Ordinary Council Meeting (OCM), Council resolved to invite submissions on the proposed differential rates and minimum payments. Public notice inviting submissions on proposed differential rates was advertised in the Midwest Times in the 12 & 19 & 26 June 2024 editions, with the 21-day submission period ending close of business 4 July 2024. Public notices were also placed on noticeboards located at the Shire of Carnarvon's Administration Centre and Library. Digital public notices were published on the Shire of Carnarvon's Facebook page and Shire's website with a link to the Objectives and Reasons for the Differential Rates and Minimum Payments for the 2024/2025 Financial Year. No submissions were received by Council.

Instalment Interest, Penalty Interest and Other Administration Fees

Under section 6.45 and 6.51(1) of the Act, Council can charge interest on unpaid rates and rates paid on an approved instalment plan. The maximum interest rate for outstanding rates and other monies owed to Council is prescribed by Regulation 70 of the FMR and is currently 7%. Instalment interest is set at 5.5% as prescribed under FMR 68. Under FMR 67, instalment charges are set to provide full or partial reimbursement of administration costs. The individual instalment transaction fee of \$6.60 is set to reflect the administration cost in handling the instalment options provided to ratepayers. A nominal \$67.00 fee is proposed for

administration costs incurred when actioning requests to enter into alternative payment arrangements which demand significant time for officers to process. The charge has been formulated to offset administration costs partially.

Due Dates for the Payment of Rates and Treatment of Non-Payment of Debts to maintain consistency with previous years, the due dates for the payment of rates are proposed as per below:

Instalment Option	Payment Due Date
Proposed rate notice issue date:	3 September 2024
Full Payment	10 October 2024
Two Instalments	
First Instalment	10 October 2024
Second Instalment	13 February 2025
Four Instalments	
First Instalment	10 October 2024
Second Instalment	12 December 2024
Third Instalment	13 February 2025
Fourth Instalment	10 April 2025

In addition to the above, alternative payment arrangements are available to ratepayers to meet their obligations by year-end.

UV Revaluations

The “Intention to Impose Differential Rates for 2024/2025” report presented to Council at the 26 April 2024 OCM modelled differential rates based on all property valuations current at the time. UV properties are revalued annually by the Valuer General. Council’s approach to meet the required rating income for 2024/2025 was to levy all differential rating categories (GRV and UV) with a consistent RID percentage increase contained at 4.5%.

GRV Revaluation

The Act prescribes those properties with a non-rural purpose be rated using GRV as the basis for the calculation of annual rates. The Valuer General’s Office (VGO) determines the GRV for all properties within the Shire. As per section 22 of the Valuation of Land Act 1978, the VGO determines the frequency of general valuations, although historically, a GRV revaluation has occurred every three to five years. The GRV valuation occurred in 2023/2024, with the revised valuations taking effect from 1 July 2024.

The overall objective for the 2024/2025 differential rating approach is to ensure that the rates revenue required to balance the budget is collected on an equitable basis, enabling the Shire to provide facilities, infrastructure and services to the entire community. This has resulted in a 4.5% RID increase across all differential rating categories.

Ministerial Approval

Ministerial approval of the Shire’s request to impose a differential general rate was received on Tuesday 12 August 2024 (Schedule 3). Council is requested to adopt the 2024/2025 proposed differential rates, minimum payments and instalment payment arrangements as part of the Annual Budget adoption.

Fees and Charges 2024/2025

2024/2025 fees and charges were reviewed to maximise full cost-recovery without hindering patronage for services. In reviewing the fees and charges, officers focused on verifying the following:

- the legislative head of power for all fees and charges;
- whether the fee and charge is regulated or otherwise;
- for non-regulated fees and charges:
 - the full cost recovery;
 - the rationale for the price;
 - how vital the fees and charges are to the community;
 - market competitiveness and regard to the current economic climate; and
- GST applicability.

Council is requested to adopt the revised 2024/2025 Fees and Charges, as per Schedule 5, as part of the Annual Budget adoption.

Elected Members Sitting Fees 2024/2025

Council is to determine the level of remuneration within the appropriate band, but must be no less than the minimum, and no more than the maximum, within the band. The remuneration ranges provide flexibility to local governments to set remuneration within the allocated Band.

Allowance-Fee	2024/2025 Proposed
Allowance; Shire President	\$49,752
Allowance; Deputy Shire President	\$12,438
Councillor Sitting Fee	\$19,312

The total of proposed Councillor Sitting Fees and Allowances paid for 2024/2025 is \$216,690 which represents an 3% increase in fees and allowances.

Council is requested to adopt the 2024/2025 proposed Councillor Sitting Fees and Allowances as part of the Annual Budget adoption.

Materiality in Financial Reporting

The Shire has several thresholds on financial reporting as follows:

- a) Asset capitalisation threshold of \$5,000;
- b) Reporting variances in the monthly statement of activity on a nature and type-level or core service, that are + \$10,000 for operating items and + \$20,000 for capital items or 10%, whichever is higher;

As per FMR 34(5), materiality thresholds can be set as a percentage, or dollar value, against an appropriate base amount. The Shire's materiality threshold provides both; the advantage being is that a minimum value threshold can be set as well as a proportional value threshold, relevant to major items or subtotals. Threshold levels should not be so high as to allow material variances to go unnoticed, and by the same token, should not be so low as to cause an administrative burden.

For monthly financial activity statement reporting, 10% of the summarised revenue and expenditure by Nature and Type or Asset Class Reporting would be considered a reasonable guide for highlighting variances. Council may also wish to adopt a value rather than a percentage or incorporate a minimum value threshold into the materiality consideration. The threshold provides \$10,000 for operating and \$20,000 for capital as a minimum value for reporting in the monthly statement of financial activity.

Council is requested to adopt the recommended materiality threshold for 2024/2025.

OFFICER’S RECOMMENDATIONS

1. ***That Council, by Absolute Majority under sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, imposes the following differential rates and minimum payments for the 2024/2025 financial year:***

Category	Rate in the \$ (cents) Proposed	Minimum Payment Proposed (\$)	Estimated Budget Rate Revenue \$ (inc Mins) 23/24
GRV – Residential	9.8174	1,322	2,813,529
GRV – Commercial/Industrial	11.1138	1,322	1,856,437
GRV – Special Use/Rural	11.0600	1,322	239,259
UV - Mining	26.6372	485	483,378
UV - Pastoral	12.7344	1,322	413,527
UV – Intensive Horticultural	2.6491	1,322	656,924
Totals			6,939,287
Specified Area Rate – Coral Bay	7.5170	N/A	311,102

2. ***That Council, by Simple Majority under section 6.45 of the Local Government Act 1995, and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, nominates the following due dates for the payment of rates in full and by instalments:***

Instalment Option	Payment Due Date
Proposed rate notice issue date:	3 September 2024
Full Payment	10 October 2024
Two Instalments	
First Instalment	10 October 2024
Second Instalment	13 February 2025
Four Instalments	
First Instalment	10 October 2024
Second Instalment	12 December 2024
Third Instalment	13 February 2025
Fourth Instalment	10 April 2025

Under section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the ratepayer has elected to pay rates and charges through an instalment option of \$6.60 for each instalment after the initial instalment is paid;

Under section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 5.5% where the ratepayer has elected to pay rates and charges through an instalment option;

Under section 6.51(1) and section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 7% for rates and charges and cost of proceedings to recover such charges that remains unpaid after becoming due and payable.

3. *That Council, by Absolute Majority under section 6.16 of the Local Government Act 1995, adopts the 2024/2025 Fees and Charges included as Schedule 5, effective from 28 July 2024.*
4. *That Council, by Absolute Majority under section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopts the 2024/2025 Annual Budget for the Shire of Carnarvon as presented in Schedule 1, which includes the following:*
 - (a) *Statement of Comprehensive Income*
 - (b) *Statement of Cash Flows*
 - (c) *Statement of Financial Activity*
 - (d) *Notes to, and forming part of, the Annual Budget*
 - (e) *Budget Capital Works Program (Schedule 2).*
5. *That Council, by Absolute Majority under section 5.98 and 5.99 of the Local Government Act 1995 adopts the following annual amounts for elected member sitting fees and allowances for 2024/2025 effective from 1 July 2024 and endorses that all members sitting fees be paid monthly:*

Allowance-Fee	2024/2025 Proposed
Allowance; Shire President	\$49,752
Allowance; Deputy Shire President	\$12,438
Councillor Sitting Fee	\$19,312

6. *That Council, by Simple Majority under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accountings Standard AASB 1031 Materiality, adopt a threshold of (+)or (-) \$10,000 for operating items and (+) or (-) \$20,000 for capital items, or 10%, whichever is higher, when reporting material variances in each nature and type line item of the Statements of Financial Activity in 2024/2025.*

COUNCIL RESOLUTION OCM 06/08/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

1. *That Council, by Absolute Majority under sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, imposes the following differential rates and minimum payments for the 2024/2025 financial year:*

Category	Rate in the \$ (cents) Proposed	Minimum Payment Proposed (\$)	Estimated Budget Rate Revenue \$ (inc Mins) 23/24
GRV – Residential	9.8174	1,322	2,813,529
GRV – Commercial/Industrial	11.1138	1,322	1,856,437

GRV – Special Use/Rural	11.0600	1,322	239,259
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UV - Pastoral	12.7344	1,322	413,527
UV – Intensive Horticultural	2.6491	1,322	656,924
Totals			6,939,287
Specified Area Rate – Coral Bay	7.5170	N/A	311,102

2. *That Council, by Simple Majority under section 6.45 of the Local Government Act 1995, and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, nominates the following due dates for the payment of rates in full and by instalments:*

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Second Instalment	13 February 2025
Four Instalments	
First Instalment	10 October 2024
Second Instalment	12 December 2024
Third Instalment	13 February 2025
Fourth Instalment	10 April 2025

Under section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the ratepayer has elected to pay rates and charges through an instalment option of \$6.60 for each instalment after the initial instalment is paid;

Under section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 5.5% where the ratepayer has elected to pay rates and charges through an instalment option;

Under section 6.51(1) and section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 7% for rates and charges and cost of proceedings to recover such charges that remains unpaid after becoming due and payable.

3. *That Council, by Absolute Majority under section 6.16 of the Local Government Act 1995, adopts the 2024/2025 Fees and Charges included as Schedule 5, effective from 28 July 2024.*
4. *That Council, by Absolute Majority under section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopts the 2024/2025 Annual Budget for the Shire of Carnarvon as presented in Schedule 1, which includes the following:*
- (a) Statement of Comprehensive Income*
 - (b) Statement of Cash Flows*
 - (c) Statement of Financial Activity*

- (d) *Notes to, and forming part of, the Annual Budget*
- (e) *Budget Capital Works Program (Schedule 2).*

5. *That Council, by Absolute Majority under section 5.98 and 5.99 of the Local Government Act 1995 adopts the following annual amounts for elected member sitting fees and allowances for 2024/2025 effective from 1 July 2024 and endorses that all members sitting fees be paid monthly:*

Allowance-Fee	2024/2025 Proposed
Allowance; Shire President	\$49,752
Allowance; Deputy Shire President	\$12,438
Councillor Sitting Fee	\$19,312

6. *That Council, by Simple Majority under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accountings Standard AASB 1031 Materiality, adopt a threshold of (+)or (-) \$10,000 for operating items and (+) or (-) \$20,000 for capital items, or 10%, whichever is higher, when reporting material variances in each nature and type line item of the Statements of Financial Activity in 2024/2025.*

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

CARRIED BY ABSOLUTE MAJORITY 7/0

7.2.4 MONTHLY FINANCIAL REPORT JULY 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:	Alan Thornton, Deputy Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority/Discretion:

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

Summary of Item

This item defers the presentation of the financial activity statement for the period ending 31 July 2024 until the 24 September 2024 Ordinary meeting of Council. The officer’s recommendation is that Council notes the deferral.

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 2 months after the end of the month to which the statement relates.

Legislation requires the statement of financial activity for the period ending 31 July 2024 to include 2024/25 Annual Budget information. The 2024/25 Annual Budget is scheduled to be adopted by Council at the 27 August 2024 Ordinary Meeting of Council.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy

Nil

Financial Implications

Nil

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework.	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations.
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	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	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The officer advises that the July 2024 Statement of Financial Activity is deferred until the 2024/25 Annual Budget is adopted by Council. The 2024/25 Annual Budget will be presented to Council at the 27 August 2024 Ordinary Council Meeting (OCM).

Once the Annual Budget is adopted the aim is to present the July 2024 Statement of Financial Activity at the 24 September 2024 OCM to ensure compliance.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, receives the officer's report that the July 2024 Statement of Financial Activity be deferred until the Ordinary Meeting of Council on 24 September 2024 after the 2024/25 Annual Budget has been adopted by Council.

COUNCIL RESOLUTION OCM 07/08/24

Moved: Cr Marco Ferreirinha

Seconded: Cr Paul Kelly

That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, receives the officer's report that the July 2024 Statement of Financial Activity be deferred until the Ordinary Meeting of Council on 24 September 2024 after the 2024/25 Annual Budget has been adopted by Council.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.3 DEVELOPMENT AND COMMUNITY SERVICES

7.3.1 SHIRE OF CARNARVON LOCAL PLANNING SCHEME NO. 13 - SCHEME AMENDMENT 8

File No:	ADM2148
Location/Address:	Lot 350 on Plan 46687, Lot 3000 on Plan 50853, Lot 3002 on Plan 50853, Portion Lot 755 on Plan 420666 and Lot 732 on Plan 418999
Name of Applicant:	Element Advisory
Name of Owner:	State of Western Australia
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	23 January 2024
Schedules:	<ol style="list-style-type: none"> 1. Amendment documentation 2. EPA text modification request

Authority/Discretion:

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

Summary of Report

This report seeks a Council resolution to initiate an amendment to Local Planning Scheme No. 13 (LPS 13). This amendment aims to facilitate the implementation of the HyEnergy Renewable Green Hydrogen Project, known as the 'HyEnergy Project.'

Background

Council previously considered this item at the Ordinary Council Meeting on 23 January 2024 and decided to initiate the scheme amendment. However, following referral to the Environmental Protection Authority (EPA) for assessment, EPA responded with further information to make modifications to the scheme text. The modification involves the following:

“All use and development shall be in accordance with either:

- *A future Ministerial Statement issued under Part IV of the EP Act (note, not specific to the proposal) or*
- *an EPA determination that a proposal does not require assessment under Part IV, or*
- *correspondence from the EPA Chair, or delegate, that a proposal is not considered significant, and does not require referral for environmental impact assessment under Part IV of the EP Act.”*

The above requirement from EPA is considered not too different from the previous scheme text, that has now been replaced by the text above, which stated the following:

“The local government shall refer all strategic planning proposals, subdivision and development applications that relate to land within SCA12 to the State agency for environmental regulation under Clause 66 of the deemed provisions.”

The main difference between the above scheme texts is that future developers would have to obtain advice from EPA prior to lodging their development applications. However, EPA’s level of assessment on development applications would be similar under either of the above scheme texts and, as such, is not considered onerous.

The affected sites are currently reserved under the Scheme as ‘Environmental Conservation’ which prohibit most development on the site. It is acknowledged that the proposed development does not directly align with the overarching objectives of the ‘Environmental Conservation’ reserve however, it is important to note that the ‘Environmental Conservation’ reserve was applied broadly along the coastline as a key planning action of the Strategy. The intent of this action was to provide increased control over the protection and management of the coast to ensure future development does not compromise the amenity of the natural environment. This action was implemented when the Shire prepared LPS 13 in 2020, with all land along the coast (regardless of tenure) reclassified to ‘Environmental Conservation’.

As a result, a Scheme Amendment is required to allow for the future planning and development of the project.

In detail, the proposed changes to LPS 13 include:

- rezoning the western section of Lot 350 in the Town Common area from 'Environmental Conservation' reserve to 'Strategic Infrastructure' reserve and 'General Industry' zone;
- introducing a Special Control Area (SCA) in Schedule 7 to incorporate additional provisions for the proposed 'General Industry' zone;
- adding Additional Use Areas under Schedule 1 to allow for extra land uses within the existing 'Environmental Conservation' reserve;
- including Additional Use Areas under Schedule 2 to permit additional land uses within the planned 'General Industry' zone; and
- updating the scheme maps to reflect the changes in rezoning, SCA, and additional use areas.

Stakeholder and Public Consultation

The scheme amendment proposal, once initiated, will be forwarded to the Environmental Protection Authority (EPA) in accordance with *s. 81 of the Planning and Development Act 2005*. The application is then required to be advertised for a period of 60 days. As soon as practical and at the end of the consideration period the local government must pass a resolution to either:

- support the amendment without modification;
- support the amendment with proposed modifications; or
- to not support the proposed amendment.

Within 21 days of resolution the amendment must be submitted to the Western Australian Planning Commission (WAPC).

Statutory Environment

Section 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 defines scheme amendments in the three (3) following ways: basic, standard, or complex amendment. It is considered that the amendment falls within the ‘Complex amendment’ category.

A complex amendment means any of the following:

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act; and
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

By virtue of point (c) above, the amendment is being treated as a complex amendment.

Relevant Plans and Policy

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

- Attracting new investment and sustaining existing businesses

Financial Implications

N/A

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	The Shire over many years has provided in-principal support for the project. Not initiating the Scheme amendment may result in reputational damage	Moderate	Initiate the scheme amendment
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	This Scheme amendment is necessary to facilitate the HyEnergy Project,	Moderate	An environmental assessment report has been provided as part of the initiation request that addresses the risks through mitigation measures.

	which is a key element of the Government’s emission reduction strategies. If not initiated, it will be unlikely the project can occur in the future.		Detailed environmental impacts will be assessed at the structure planning stage or development application stage.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *Aim towards 100% Renewable Energy*

Comments

Initiating the Scheme Amendment with the modified text will provide a level of certainty to the proponents that the project can eventuate in the future. Many of the details (such as environmental impact, costings, detailed designs etc.) will be completed at a later stage once a level of certainty is provided.

In addition to the above, this report seeks Council’s resolution to initiate and advertise the scheme amendment only. No approvals are being granted as part of this step in the process, and there are also no requirements in the *Planning and Development (Local Planning Schemes) Regulations 2015* that compel Council to initiate this amendment.

As such, the following options available for Council to consider are:

Option 1: Abandon the amendment.

Option 2: Initiate the amendment to gather community feedback as further information for the final decision, noting that the item will be brought back to Council for adoption following the advertising period.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority,

- 1. pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 8 of Shire of Carnarvon Local Planning Scheme No. 13 by:***

- a. rezoning the western portion of Lot 350 within the Town Common area from ‘Environmental Conservation’ reserve to ‘Strategic Infrastructure’ reserve and ‘General Industry’ zone;***
- b. introducing a Special Control Area (SCA) into Schedule 7 to provide additional provisions for the proposed ‘General Industry’ zone;***

- c. *introducing an Additional Use Area under Schedule 1 to enable additional land uses to be considered in the existing 'Environmental Conservation' reserve;*
 - d. *introducing Additional Use Areas under Schedule 2 to enable additional land uses to be considered in the proposed 'General Industry' zone; and*
 - e. *updating the Scheme Map accordingly.*
2. *pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 8 is a complex scheme amendment on the basis that it relates to development that is of a scale that is significant relative to development in the locality;*
 3. *notes that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable;*
 4. *pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to REFER the Local Planning Scheme No. 13 Amendment 8 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
 5. *refers the Amendment to the Minister for Planning, pursuant to Section 83A of the Planning and Development Act 2005, for permission to advertise the proposed Scheme Amendment;*
 6. *upon compliance with Sections 81, 82 and 83A of the Planning and Development Act 2005, advertises the proposed Amendment pursuant to the details prescribed within Part 5, Division 2, Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 60 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties; and*
 7. *pursuant to Regulation 44 of the Planning and Development (Local Planning Scheme) Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.*

COUNCIL RESOLUTION OCM 08/08/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

That Council, by Simple Majority,

1. *pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Local Planning Scheme Amendment No. 8 of Shire of Carnarvon Local Planning Scheme No. 13 by:*
 - a. *rezoning the western portion of Lot 350 within the Town Common area from 'Environmental Conservation' reserve to 'Strategic Infrastructure' reserve and 'General Industry' zone;*
 - b. *introducing a Special Control Area (SCA) into Schedule 7 to provide additional provisions for the proposed 'General Industry' zone;*
 - c. *introducing an Additional Use Area under Schedule 1 to enable additional land uses to be considered in the existing 'Environmental Conservation' reserve;*

- d. introducing Additional Use Areas under Schedule 2 to enable additional land uses to be considered in the proposed 'General Industry' zone; and*
- e. updating the Scheme Map accordingly.*
- 2. pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), resolves that the Local Planning Scheme Amendment No. 8 is a complex scheme amendment on the basis that it relates to development that is of a scale that is significant relative to development in the locality;*
 - 3. notes that pursuant to Regulation 35(A) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the Shire of Carnarvon Local Planning Scheme No. 13 affects the following structure plans: No Structure Plans applicable;*
 - 4. pursuant to Section 81 and 82 of the Planning and Development Act 2005, resolves to REFER the Local Planning Scheme No. 13 Amendment 8 to the Environmental Protection Authority for the level of assessment to be set pursuant to Section 48A of the Environmental Protection Act 1986;*
 - 5. refers the Amendment to the Minister for Planning, pursuant to Section 83A of the Planning and Development Act 2005, for permission to advertise the proposed Scheme Amendment;*
 - 6. upon compliance with Sections 81, 82 and 83A of the Planning and Development Act 2005, advertises the proposed Amendment pursuant to the details prescribed within Part 5, Division 2, Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 60 days through the placement of an advertisement in the local newspaper, placement of a notice in the Shire Office, and posting of notices to affected parties; and*
 - 7. pursuant to Regulation 44 of the Planning and Development (Local Planning Scheme) Regulations 2015, resolves to forward the amendment to the Western Australian Planning Commission.*

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.3.2 CORAL BAY WASTE FACILITY ILUA COMPENSATION OFFER

File No:	ADM0125
Location/Address:	Portion of Lot 304 Coral Bay
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Stefan Louw, Planning And Building Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	28 May 2024
Schedules:	1. ILUA proposal - Confidential - Confidential (under separate cover)

Authority/Discretion:

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

Summary of Report

This item presents a recommendation for compensation to be paid to Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) to secure an Indigenous Land Use Agreement (ILUA) for the proposed Coral Bay waste facility on a portion of Lot 304, Coral Bay.

Background

Following the Ordinary Council Meeting in May 2024 a formal compensation offer was provided to NTGAC for their consideration. The offer included the following:

Non-extinguishment

- (1) The Shire takes no issue in incorporating the non-extinguishment principle and will ensure that that the ILUA is drafted to adequately reflect this point.

Funding

- (1) Pursuant to section 60AB of the *Native Title Act 1993* (Cth), the Shire is willing to negotiate the costs payable by the Shire to NTGAC for negotiating the ILUA.

- (1) The Shire proposes that the NTGAC's costs are capped in a fixed amount that makes an adjustment for the costs already incurred by the Shire to date for obtaining the Report, legal advice sought in respect of the proposed ILUA and costs for negotiations already taken place.

Compensation

- (1) The Shire acknowledges the bifurcated approach to compensation as set out in the *Timber Creek* decision, which involves determining the economic value of the land and the additional, non-economic or cultural loss with respect to the land occasioned by diminution in the Traditional Owners' connection to Country.
- (2) As to the economic value of the land, the Shire notes that the land valuation for Lot 304 has been quoted at \$60,000, exclusive of any apportionment reflecting the partial use of the Lot for the Site.
- (3) The Shire has also relied on the Report to approach the assessment of compensation. Given the Report did not identify any archaeological or ethnographical sites, the Shire considers that the impact of the proposed Facility on native title interests is minimal. It follows that the Shire considers there is not a basis for determining cultural loss with respect to the proposed Facility.
- (4) Nonetheless, the Shire acknowledges that as the proposed activities are to take place on land subject of native title for exclusive possession, such rights are necessarily impacted by the Facility. To that end, the Shire is willing to offer \$30,000 in compensation for economic loss. The Shire is also willing to offer a \$20,000 cash payment which is separate to the economic value of the land. While it is the Shire's intention that the \$20,000 serves as a contribution towards a facility that furthers the cultural knowledge of the area, the offer is not subject to conditions. Accordingly, the Shire is willing to offer a total \$50,000 in compensation.
- (5) The Shire intends to assess the compensation payable in accordance with the ILUA by way of a lump sum payment and does not intend on pursuing annual fees or levies being imposed with respect to the proposed activities, particularly given the term of the project. In doing so, the Shire is especially mindful of its position as a public authority relying on the funds of ratepayers.

Native Title and Traditional Owner Liaison at the Shire

- (1) The Shire remains willing to utilise a sector of its Ranger services to engage with native title, heritage and other Indigenous matters in line with NTGAC's suggestion for an Aboriginal liaison officer and maintains this as additional to the Shire's offer of compensation above.
- (2) To that end, the Shire already has an Aboriginal Community Liaison officer. The Shire is confident that it can use these existing resources to build and support such a liaison with Traditional Owners without expending on new employee arrangements.

Ongoing monitoring of the Site

- (1) The Shire warrants that, in accordance with DPLH Procedures, the Site will be continuously monitored for any matters that may arise from the future excavation or ground disturbances at the Site and which have the potential to impact native title rights and interests.
- (2) Additionally, the NTGAC will receive an annual report prepared by the Shire's contractors regarding the activities undertaken in connection with the Facility and their impact on the land.

This offer was developed with the aim of progressing economic, social, cultural, and environmental outcomes.

The NTGAC Board considered the above offer at its meeting on 17 July 2024 and provided a response on 7 August 2024. In summary, the NTGAC has agreed to some components of the offer, proposed a counteroffer for the financial compensation and included two items not previously part of the compensation offer. See attached confidential document for details.

Stakeholder and Public Consultation

The Shire has sought legal advice in drafting the new compensation offer that responds to NTGAC’s counteroffer dated 7 August 2024.

The new offer has not been discussed with representatives of the NTGAC Board or their legal team.

Statutory Environment

Section 3.18 of the Local Government Act 1995

Relevant Plans and Policy

N/A

Financial Implications

The 2024/2025 capital works budget covers the development of the Coral Bay Waste Facility. Expenditure on the Heritage Survey, meeting fees and legal fees to-date have been allocated to this account leaving a balance of \$221,233 for this project. The ILUA compensation offer will be costed to this 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	The offer is not accepted by NTGAC, and a larger compensation payment is required.	Low	NTGAC’s counteroffer.
Health & Safety	The waste facility is critical infrastructure for the health of the community. Without a new site, this Health service is impacted.	Extreme	Securing an ILUA is a critical step in developing a new site.
Reputation	Waste management is a core function of local government. Not	High	Securing an ILUA is a critical step in developing a new site.

	providing this service to an acceptable standard and at an acceptable cost would impact the Shire’s reputation.		
Service disruption	The current waste site is reaching capacity and without a new site, this service is at risk.	High	Securing an ILUA is a critical step in developing a new site.
Compliance	N/A		
Property	N/A		
Environment	Waste disposal facilities pose an environmental risk.	Moderate	This risk is managed via strict monitoring by the Shire in accordance with licence conditions.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

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

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

YMAC’s correspondence on behalf of the NTGAC, dated 7 August 2024, includes information on their financial compensation counteroffer as well as further considerations for Council to consider. Please see the attached confidential document which provides a summary of the NTGAC’s recommendations for compensation to achieve an ILUA, the proposed response from the Shire and the cost of each element of the compensation package. The offer is provided as a confidential attachment as it is subject to commercial negotiations however, Council’s decision in relation to the compensation offer will be included in the meeting minutes for transparency.

OFFICER’S RECOMMENDATION

That Council by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 and section 24BE of the Native Title Act 1993, resolves to formally offer a compensation package to Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) for an Indigenous Land Use Agreement (ILUA) on the terms set out in ‘Confidential Attachment’, to allow the Shire to construct a new waste disposal facility on a portion of Lot 304, Coral Bay (Confidential Attachment to be inserted in the Minutes).

COUNCIL RESOLUTION OCM 09/08/24**Moved:** Cr Luke Vandeleur**Seconded:** Cr Paul Kelly

That Council by Simple Majority, pursuant to section 3.18 of the Local Government Act 1995 and section 24BE of the Native Title Act 1993, resolves to formally offer a compensation package to Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) for an Indigenous Land Use Agreement (ILUA) on the terms set out in 'Confidential Attachment', to allow the Shire to construct a new waste disposal facility on a portion of Lot 304, Coral Bay (Confidential Attachment to be inserted in the Minutes).

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.4 INFRASTRUCTURE SERVICES

7.4.1 REGIONAL ROAD GROUP FUTURE YEAR WORK PROGRAMS

Cr L Skender (Impartiality Interest) – 7.4.1 Regional Road Group Future Year Work Programs

File No:	ADM0046
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	<ol style="list-style-type: none"> 1. Proposed and indicative RRG 3 Year Works Program 2. Multi Criteria Analysis - Quobba Gnaraloo Rd 2025/26 3. Multi Criteria Analysis - Wahroonga Pimbee Road 2025/26

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

Council approval of a three-year Regional Road Group (RRG) Project Grant works program is sought. The proposed works program commences in 2025/2026.

Background

In August 2023, Council resolved as follows:

COUNCIL RESOLUTION OCM 01/08/23

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:

- a) Approve the works program for Regional Road Group (RRG) Road Project Grant funding commencing in FY 2024/25 as presented in Schedule 1 with the final budget allocation to be determined through the 2024/25 budget process; and***

b) Endorse the indicative works program for Regional Road Group (RRG) Road Project Grant funding for years 2025/26 and 2026/27 as provided in Schedule 1.

CARRIED BY SIMPLE MAJORITY 6/0

The Gascoyne RRG Policy and Procedure Manual states as follows in relation to the submission of the Shires three-year works program:

“All Local Governments shall develop and supply the RRG with a three-year program. The first year of the program will be the annual funding recommendations to SAC. The two future years will comprise a list of prioritised projects with estimated costs. The future year projects are not commitments and do not require detailed assessment but are intended to provide the source for reserve projects and assist Local Governments to plan for future funding and work commitments. The program will also provide a basis to advocate for future funding under the State Roads Funds for Local Government.”

RRG Road Project Grant funding may only be allocated to Shire Roads of Regional Significance defined in the Roads 2040 document as follows:

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

The approved RRG project works for 2024/2025 is as follows:

1. Quobba Gnaraloo Road, SLK 62 -71 – reshape formation and drainage to achieve consistent Type 3 standard and resheet to achieve 7m pavements.
2. Minilya Lyndon Road, SLK 107-116 - reshape formation and drainage to achieve consistent Type 3 standard and resheet to achieve 7m pavements.

Goodwork Holdings Pty Ltd has been awarded contract RFT 02/2024 Supply of Plant and Operators for Unsealed Road Upgrade Works for the delivery of the RRG project program for a period of three years, commencing in 2024/2025.

Works will commence on Minilya Lyndon Road in early 2025. Works on Quobba Gnaraloo Road will follow and is planned for completion by May/June 2025. The intent is to then continue works on Quobba Gnaraloo under the 2025/2026 program to avoid additional mobilisation/ demobilisation.

Since 2023/2024 the Shire has nominated two projects per year for the RRG program to maximise value for money and economy of scale.

The three-year program adopted by Council in 2022 focused on the three major unsealed roads in the Shire network i.e. Quobba Gnaraloo Road, Minilya Lyndon Road and Wahroonga Pimbee Road.

That program included a Quobba Gnaraloo Road Project for each year with alternating resheeting/reconstruction projects for Minilya Lyndon and Wahroonga Pimbee Roads for the other RRG project.

The proposed program for years 2025/2026 - 2027/2028 maintains this approach. Details of the proposed three-year RRG work program is provided in **Schedule 1**.

The development need on each of the unsealed roads as identified in the Roads 2040 strategy is to upgrade each to consistent type 3 standards. Type 3 standard is defined as “Road construction from imported material of adequate thickness, shaped and drained.”

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995 - Section 3.18 Performing executive functions.

Relevant Plans and Policy

Gascoyne Regional Road Group Policy and Procedure Manual.

Gascoyne Roads 2040 - Regional Strategies for Significant Local Government Roads

Financial Implications

RRG Road Project Grants funding provides two thirds of the total project budget allocation. The Shire provides the remaining one third of the total project cost.

The RRG Roads Project Grant allocation for Carnarvon in 2024/25 is provided in the table below.

MRWA Contribution	Shire Contribution	Total Project Budget
\$ 1,075,344	\$ 477,456	\$ 1,552,800

For the purposes of future project budget allocations, it has been assumed this allocation will be at least maintained for 2025/2026 and for the following two financial years. Typically, RRG Project funding increases by at least CPI each year.

The scope of Shire of Carnarvon RRG projects through the schedule of rates contract established for their completion can be easily increased or decreased to suit available funding. There is minimal risk of over or underspend of available funding and value for money is maximised.

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	Actual RRG Project Funding unknown	C2 - minor	RRG Project funding has always increased annually in the past. The

Risk Category	Description	Rating	Mitigating Action/s
	until approved in each FY.		nominated project scopes may be amended to suit the final approved allocation.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Commencing 2025/2026 a WALGA Multi Criteria Analysis (MCA) for each of the proposed road projects is required as part of the project nomination and submission process. The MCA uses a method to score each road project against multiple criteria (e.g. a road condition assessment, road safety, traffic linkages, etc).

The MCAs for the proposed 2025/2026 RRG road projects are provided in **Schedules 2 and 3**.

Other Western Australia RRG’s utilise MCA scoring as a tool to assess elected RRG projects and distribute available RRG funding.

Distribution of RRG funding in accordance with the Gascoyne RRG Policy and Procedure Manual is via a pro rata basis where the total available funding is distributed in proportion to the Asset Preservation Value (APV) of each member Shire.

The MCA tool is therefore considered as an informing document only and is not utilised in the Gascoyne RRG to prioritise projects between member Shires.

An MCA could be utilised if the Shire was considering the merits of an alternative RRG project outside of its current proposed work program.

OFFICER’S RECOMMENDATION

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

- a) approve the works program for Regional Road Group (RRG) Project Grant funding commencing in 2025/2026 as presented in Schedule 1 with the final budget allocation to be determined through the 2025/26 budget process;***

- b) note the Multi Criteria Analysis provided in Schedules 2 and 3 for each proposed 2025/2026 road project; and***
- endorse the indicative works program for Regional Road Group (RRG) Project Grant funding for years 2026/2027 and 2027/2028 as provided in Schedule 1.***

COUNCIL RESOLUTION OCM 10/08/24

Moved: Cr Marco Ferreira

Seconded: Cr Luke Vandeleur

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

- a) approve the works program for Regional Road Group (RRG) Project Grant funding commencing in 2025/2026 as presented in Schedule 1 with the final budget allocation to be determined through the 2025/26 budget process;***
- b) note the Multi Criteria Analysis provided in Schedules 2 and 3 for each proposed 2025/2026 road project; and***
- c) endorse the indicative works program for Regional Road Group (RRG) Project Grant funding for years 2026/2027 and 2027/2028 as provided in Schedule 1.***

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.4.2 REQUEST FOR FURTHER EXTENSION OF TIP FEE AMNESTY

File No:	ADM0122
Location/Address:	739 North River Road and 551 North River Road, Carnarvon
Name of Applicant:	Mr Paul James
Name of Owner:	Mr Stephen Lyall and Mr Bill Lyall
Author(s):	Mativa Toomalatai, Infrastructure Project Officer
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 08/09/23
Schedules:	1. Request from Paul James of PJC Carpentry

Authority/Discretion:

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

Summary of Report

This report presents a request received from P.J.C. Carpentry (PJC) on behalf of S and B Lyall (the Lyalls) seeking a further extension of the tip fee amnesty for removal of waste materials from two properties owned by the Lyalls located at 793 and 551 North River Road.

It is recommended Council approve the request for the amnesty extension for a period of six weeks only including a condition that no further amnesty extensions will be granted.

Background

In April 2023 Council resolved to grant a tip fee amnesty period of three months for plantation properties to assist them in removal of accumulated horticultural waste. That amnesty period was from June to September 2023.

In August 2023, the Lyalls requested an extension of the amnesty period. Their contractors engaged to remove waste, including asbestos, had been prevented from completing the work due to delays in the issue of relevant asbestos removal licenses. In September 2023, Council resolved (OCM 08/09/23) to extend the amnesty period giving the Lyalls until 27 December 2023 to remove the waste from their properties.

On 23 July 2024, the Shire received a request from the Lyalls contractor PJC seeking a further extension of the tip fee amnesty period for their clients. This request is attached under **Schedule 1** of this report.

PJC has now completed asbestos licence requirements and is able to commence removing waste materials from the two properties.

Stakeholder and Public Consultation

Nil.

Statutory Environment

Local Government Act, 1995, Section 6.12 – Power to defer, grant discounts, waive or write off debts and Section 6.16 – Imposition of fees and charges.

Relevant Plans and Policy

Nil.

Financial Implications

Under the current fees and charges for 2024/2025 the fee for disposal of more than 10kg of asbestos at the Brown Range waste facility is \$107 per tonne with a minimum charge of one tonne. An additional burial fee of \$78 per load applies.

Based on estimated volumes provided previously, the amount of asbestos anticipated for disposal at the landfill site is 58 cubic metres or 0.754 tonnes (~ ¾ tonne). This equates to a loss of revenue to the Shire of \$107 plus a burial fee of \$78 for each load of asbestos delivered.

Additional waste will comprise of approximately 500m conduit tubing and 150m of disused concrete drain (pipe segments and concrete caps).

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	Loss of operating revenue for the Brown Range waste facility.	A1 – High	Loss of revenue from the tip fee amnesty is a consequence to encourage clean-up of the horticultural district. Actual loss in this instance is insignificant.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Declining the request may result in waste remaining on both properties and be a risk during flood and cyclonic events.	B3 - Major	Approving the request as recommended.
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

This second amnesty extension request is almost a year after granting the first extension and cites similar reasons for delays in completing the waste removal works. The intent of the amnesty was however to encourage growers to remove waste from their properties and whilst it is not preferred to prolong this amnesty process, it is limited to only these two properties.

A further tip fee amnesty extension of six weeks only is therefore recommended for the Lyalls to complete disposal of waste removed from their two properties located at 793 and 551 North River Road. The recommendation includes the provision that no further extensions will be given.

OFFICER'S RECOMMENDATION

That Council by Simple Majority, pursuant to Sections 6.12 and 6.16 of the Local Government Act, 1995 approves extension of the tip fee amnesty for Mr Stephen Lyall and Mr Bill Lyall to remove waste from their properties located at 793 and 551 North River Road subject to the following:

- a) that the extension will be for the period from 1 September 2024 to 13 October 2024; and***
- b) that no further extensions of the horticultural area tip fee amnesty will be granted.***

COUNCIL RESOLUTION OCM 11/08/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Skender

That Council by Simple Majority, pursuant to Sections 6.12 and 6.16 of the Local Government Act, 1995 approves extension of the tip fee amnesty for Mr Stephen Lyall and Mr Bill Lyall to remove waste from their properties located at 793 and 551 North River Road subject to the following:

- a) that the extension will be for the period from 1 September 2024 to 13 October 2024; and***
- b) that no further extensions of the horticultural area tip fee amnesty will be granted.***

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.4.3 RFT 05/2024 CIVIC CENTRE UPGRADES TENDER

Cr L Skender (Impartiality Interest) – 7.4.3 RFT 05/2024 Civic Centre Upgrades Tender

File No:	ADM2316
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. RFT 05/2024 Evaluation and Recommendation Report - Confidential (under separate cover)

Authority/Discretion:

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

Summary of Report

This report details Request for Tender (RFT) 05/2024 Civic Centre Upgrades (Design and Construction). The Woolshed is the dedicated Carnarvon evacuation centre. The project scope is to complete Civic Centre Woolshed building works to increase comfort, practicality and resilience during disaster events.

It is recommended Council does not accept the submission received for this tender.

Background

In October 2023 the Shire received funding from Department of Fire and Emergency Services (DFES) as part of the Local Government Resilience Fund. With this fund DFES supports 16 Local Governments impacted by Cyclone Seroja to undertake works to improve resilience of evacuation facilities.

The funding is for upgrades to the Woolshed which serves as an evacuation centre. The improvements include roofing of the outdoor courtyard, enhancements to the kitchen facilities and interior renovations. On 17 July 2024 the Shire advertised RFT 05/2024 Civic Centre Upgrades (Design and Construction). The works included in the Tender consist of two separable portions, described below:

Separable Portion 1 -

Design and Construction of a new roof enclosure structure and concrete floor to improve usability of the external courtyard and ventilation in the Woolshed during disaster events. The courtyard also requires earthworks to improve stormwater drainage.

Separable Portion 2 -

Includes general building infrastructure upgrades to improve comfort and suitability of the Woolshed as the designated evacuation centre. Including replacement of all doors, roller shutters and timber flooring (approx 500m²). Works includes installation of six additional power points for bar and kitchen, replacing damaged external bunker lights and the purchase and install of a new commercial stove/oven.

The successful Tenderer is to be responsible for the design of the above-mentioned works and all required (engineering) approvals.

RFT 05/2024 closed on Wednesday 7 August 2024. One tender submission, from Northern Aspect Constructions was received.

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 C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

Financial Implications

There is no direct financial implication associated with the recommendation.

The Shire received \$500,000 in 2023/2024. In the same year \$91,333 has been used for upgrades of the emergency generator. The remaining budget is available for the Civic Centre upgrade works.

The Tender submission received substantially exceeds the available project budget.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	Project cost exceeding the available budget if the Tender is accepted	A3 – Extreme	Not accept the Tender submission. Review/reduce scope of works, prepare design, re-tender the works.

Risk Category	Description	Rating	Mitigating Action/s
	Loss of Funding by not completing the works within the DFES funding agreement timeframe.	D3 – Moderate	The project is to be completed by 31 Dec 2024. After receipt of the Tender submission, it is unlikely this timeframe will be met. A request to extend the funding agreement until 30 June 2025 has been submitted.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The tender evaluation report for RFT 05/2024 is attached in **Schedule 1 (Confidential)**. This report is a comprehensive summary of the tender process undertaken, the submission received and the tender evaluation.

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

- The roof enclosure and drainage improvements included in Separable Portion 1 are critical to improve resilience of the facility during a disaster event. These works need to be completed to some extent.
- Available budget will only allow completion of Separable Portion 2 if the submission received was accepted.
- Value for money is difficult to interpret with only one submission received.
- More Tender submissions are likely if the Shire can provide designs including required engineering approval(s).
- A reduction in roof structure size and not replacing the courtyard concrete floor may achieve some level of cost saving without compromising facility fit for purpose.
- Progressing designs of the upgrade works in-house may also allow cost savings to be achieved.

Preparing the revised scope, design and new Tender will require time. Extension of the project completion time in the funding agreement with DFES will be necessary.

The following therefore summarises the Evaluation Panel recommendation.

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 05/2024 Civic Centre Upgrades (Design and Construction); and***
- b) authorise the CEO to revise the project scope of works;***
- c) authorise the CEO to seek and execute a funding agreement project completion time extension; and***
- d) authorise the CEO to seek public tenders for the revised Civic Centre Upgrades project scope.***

COUNCIL RESOLUTION OCM 12/08/24

Moved: Cr Marco Ferreira

Seconded: Cr Luke Vandeleur

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

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

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.4.4 REQUEST TO CONTRIBUTE TO CLEANING COSTS OF CARNARVON HERITAGE PRECINCT PUBLIC TOILETS

File No:	ADM0308
Location/Address:	Carnarvon Heritage Precinct (Public Toilets), Lot 501 Annear Place, Carnarvon WA 6701
Name of Applicant:	Dudley Maslen – Chairperson, Carnarvon Heritage Group
Name of Owner:	State of WA
Author(s):	Mativa Toomalatai, Infrastructure Project Officer
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Email from Carnarvon Heritage Group

Authority/Discretion:

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

Summary of Report

This report presents a request received from the Carnarvon Heritage Group (CHG), seeking a Shire contribution towards weekly cleaning of toilets at the Carnarvon Heritage Precinct.

It is recommended Council not to approve this request.

Background

On 23 July 2024, the Shire received a request from the Chairperson of the CHG seeking Council consideration to contribute toward the cost of cleaning toilets located within the Carnarvon Heritage Precinct building.

The toilets are cleaned by a contractor twice weekly at a cost of \$200 per week. The CHG currently shares this cost with the tenants of the Kestrel Café as they occupy part of the complex and their patrons use the facility. The toilets are accessible by the public during the hours of 8am to 4pm from Tuesday to Sunday.

The CHG has requested the Shire to contribute one third of the weekly cleaning cost of the toilets, being \$66.67 per week. A copy of the request is provided in **Schedule 1**.

Stakeholder and Public Consultation

Nil.

Statutory Environment

Local Government Act, 1995 S3.18 – Performing executive functions

Relevant Plans and Policy

Policy CD004 - Community Growth Fund

Financial Implications

There are direct financial implications associated with the request.

If Council approve the request, the Shire cash contribution will equate to be \$3,466.67 per annum. There is no current budget allocation for this expenditure.

The calculation is an estimate based on the precinct being opened all year round.

Risk Assessment

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

Risk Category	Description	Rating	Mitigating Action/s
Financial	No dedicated budget available. Allowance for this expenditure will require an equivalent reduction in budget for another Shire service / operation.	A2 – High	Council adopts the officer recommendation to not approve the contribution.
Health & Safety	N/A		
Reputation	Precedent creation. Other clubs providing toilet facilities that may provide or be perceived to provide broader community benefit may seek a Shire contribution.	B2 - High	Council adopts the officer recommendation to not approve the contribution.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The request received from the CHG does not specifically identify hardship the group is experiencing in maintaining the precinct however it implies that the toilet cleaning is a costly operation.

The CHG is a not-for-profit organisation made up of members who volunteer their time to the preservation of the heritage precinct. CHG leases a portion of the main building to Kestrel Café, who operate a café business from this location six days a week.

In addition to the café lease, the CHG provides access to the heritage site for an admission fee. That fee allows the public to visit their Museums, Hall of Fame and the Lighthouse Keepers Cottage. Prior to its closure, this included access to the One Mile Jetty.

The CHG reported a net surplus of \$47,758 in their 2023 Annual Information Statement to the Australian Charities Commission.

In prior years, the Shire applied a rates donation of up to 90% to the rates account for the CHG properties. During financial years 2002/2003 to 2021/2022, the CHG received a total value of \$21,228.52 in rates donations for the heritage precinct property.

Consideration of this request as a stand-alone item is not a preferred process for considering distribution of Shire funding to community groups and clubs. Extensive review of the Community Growth Fund policy and process has been undertaken in recent years to provide a standardised, transparent determination process for community groups and clubs.

Accepting this proposal opens the Shire to requests of a similar nature from other community groups. It may create an expectation that Council will approve such requests and set an unwanted precedent.

To not circumvent the existing Community Growth Fund process provided under Council policy and to avoid setting a precedent, it is recommended Council do not grant the CHG request and advise the CHG committee to apply for financial assistance through the Community Growth Fund.

OFFICER'S RECOMMENDATION

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

- (a) not approve the request received from the Carnarvon Heritage Group seeking a financial contribution towards a third of the cost to clean the toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon; and***
- (b) advise the Carnarvon Heritage Group to apply to the Community Growth Fund to seek funding towards the cost of cleaning the public toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon.***

MOTION**COUNCIL RESOLUTION OCM 13/08/24**

Moved: Cr Dudley Maslen

Seconded: Cr Luke Vandeleur

- (a) approve the request received from the Carnarvon Heritage Group seeking a financial contribution towards a third of the cost to clean the toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon; and*
- (b) advise the Carnarvon Heritage Group to apply to the Community Growth Fund to seek funding towards the cost of cleaning the public toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon.*

FOR: Crs Marco Ferreirinha, Paul Kelly and Dudley Maslen

AGAINST: Crs Eddie Smith, Adam Cottrell, Luke Skender, Luke Vandeleur

ABSENT: Cr B Maslen

LOST 3/4

MOTION**COUNCIL RESOLUTION OCM 14/08/24**

Moved: Cr Paul Kelly

Seconded: Cr Adam Cottrell

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

- (a) not approve the request received from the Carnarvon Heritage Group seeking a financial contribution towards a third of the cost to clean the toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon; and*
- (b) advise the Carnarvon Heritage Group to apply to the Community Growth Fund to seek funding towards the cost of cleaning the public toilets located at the Carnarvon Heritage Precinct on Lot 501 Annear Place, Carnarvon.*

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

7.4.5 PLANT REPLACEMENT PROGRAM

File No:	ADM0167
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Carnarvon
Author(s):	Gloria Quinn, Executive Assistant
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. Plant Replacement Program 2025-2034

Authority/Discretion:

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

Summary of Report

This report presents a Plant Replacement Program 2025 – 2034 prepared for endorsement by Council.

Background

Local governments are required to produce a plan for the future under S5.56 of the Local Government Act 1995.

By regulation, that plan must include a Strategic Community Plan and a Corporate Business Plan.

As part of this integrated planning and reporting framework process, a Plant Replacement Program (PRP) has been prepared to guide replacement of plant and vehicle assets over the next ten years.

The PRP is an informing document to the Long-Term Financial Plan and Corporate Business Plan.

Stakeholder and Public Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 5.56 – Planning for the future

Relevant Plans and Policy

Long Term Financial Plan
Corporate Business Plan

Financial Implications

There is no direct financial implication associated with the recommendation. The net financial implications for implementation are stated within the PRP itself. These implications are projected for the forthcoming ten financial years.

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	Inability to implement the PRP due to budget constraints.	A3 - Extreme	Endorse the PRP while recognising budget constraints. Support replacement of the proposed plant and vehicle assets, in line with the annual PRP and budget.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

The proposed Plant Replacement Program 2025 – 2034 is attached at **Schedule 1**.

Endorsement of this program does not bind Council to future budget commitments for vehicle and plant replacement.

Its intent in the first instance is to convey adoption of a general strategic basis for:

- a) minimisation/elimination of leased vehicles and plant; and
- b) more frequent turnover of vehicles and plant.

A secondary benefit of the program is that the overall range of plant and vehicle assets has been reviewed with multiple surplus items identified for disposal.

It is considered that a more rapid turnover strategy can deliver compounding and peripheral benefits associated with a younger fleet. These include:

- a) Higher trade-in/resale value;
- b) Reduced breakdowns;
- c) Lower repair costs;
- d) Lower service costs; and
- e) Vehicles remain in manufacturer warranty period.

Even by implementing the above strategy, net outlay is likely to be beyond the capacity of annual budgets to deliver the scheduled plant and vehicle replacements. When this occurs, decisions will need to be made regarding which replacements can be deferred.

As a general strategy the following is considered appropriate to the updating and refinement of the PRP:

- a) Undertake an annual review of the PRP to ensure it is up to date both in terms of inventory and service level demand;
- b) Implement fleet replacements as soon as possible and allow sufficient lead time for the delivery of new vehicles and equipment as the global supply chain market has shifted significantly in recent years. This can mean a vehicle or plant item must be budgeted for in one financial year to secure an order placement but may be paid for in a subsequent financial year.
- c) Once a new vehicle or plant item is purchased, prioritise its scheduled replacement. i.e. better to defer replacing an older item of plant than deferring replacement of a newer item of plant to minimise annual net outlay.

Where a vehicle forms part of an employee employment contract, offering a vehicle allowance in lieu of a vehicle is also an option for consideration.

The attached Plant Replacement Program demonstrates a forward plan to renew plant and vehicle assets at the current level required to deliver the necessary services to the community.

OFFICER'S RECOMMENDATION

That Council by Simple Majority in accordance with section 5.56 of the Local Government Act 1995, endorses the Plant Replacement Program provided at Schedule 1 for inclusion as an informing document to the Long-Term Financial Plan and Corporate Business Plan.

COUNCIL RESOLUTION OCM 15/08/24

Moved: Cr Paul Kelly

Seconded: Cr Luke Skender

That Council by Simple Majority in accordance with section 5.56 of the Local Government Act 1995, endorses the Plant Replacement Program provided at Schedule 1 for inclusion as an informing document to the Long-Term Financial Plan and Corporate Business Plan.

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

CARRIED BY SIMPLE MAJORITY 7/0

7.4.6 ACCEPTANCE OF FUNDING FOR CARNARVON AIRPORT UPGRADES

Cr L Skender (Impartiality Interest) – 7.4.6 Acceptance Of Funding For Carnarvon Airport Upgrades

File No:	ADM2303
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	John Attwood, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	OCM 10/05/2024
Schedules:	<ol style="list-style-type: none"> 1. Letter Minister of Transport - approving funding for Carnarvon Airport upgrade project 2. RAPU 2024-25 Draft Funding Agreement - Confidential

Authority/Discretion:

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

Summary of Report

This report recommends formal acceptance of funding from Department of Transport (Department) for the Carnarvon Airport Upgrade Project to allow unrestricted operation of Q400 aircraft.

Background

In September 2023, the Shire of Carnarvon approved a pavement concession for REX to operate the Dash Q400 aircraft into Carnarvon Airport. The pavement concession for REX expires in October 2024. An extension of this concession will be required to enable REX to continue to operate into Carnarvon Airport until upgrades are completed.

Prior to approving the concession, a pavement inspection was completed by Regional Airport Management Services (RAMS) who was engaged by the Department at their cost.

Subsequent pavement inspections by RAMS were agreed to be conducted at three monthly intervals upon commencement of the Q400 operation to monitor impacts to the pavement. The most recent Pavement Inspection was completed in July 2024. No material defects have been identified to date.

RAMS identified the recommended works and project budget required for upgrades to allow unrestricted operation of Q400 aircraft. An estimated budget of \$8 Million was identified for the recommended works.

The recommended works includes:

- Installation of a 60mm asphalt overly to Runway 04/22 (the primary runway);

- Re-grading of runway flanks to match the new pavement level;
- Widen the apron between Taxiway Alpha and Bravo to enable access to all three Apron bays from either taxiway;
- Installation of 60mm asphalt overlays to Taxiways Alpha and Bravo and apron bays 1, 2 and 3; and
- Line marking and runway grooving.

The advantage of an asphalt overlay over full runway reconstruction is it avoids lengthy runway closures that would be necessary for reconstruction works.

In May 2024 the Shire received correspondence from the Minister for Transport to advise that as part of the 2024-2025 Budget, the State Government endorsed a grant to enable up to \$8 million of upgrades to Carnarvon Airport pavements to a condition suitable for unrestricted Q400 operations. A copy of the letter is provided in **Schedule 1**.

The Department has now provided a draft funding agreement under the Regional Airport Pavement Upgrade Program (RAPU) 2024-25.

Stakeholder and Public Consultation

Department of Transport.

Statutory Environment

Local Government Act, 1995 - Section 3.18 Performing executive functions
 Local Government Act, 1995 – Section 9.49A Execution of Documents

Relevant Plans and Policy

CD006 – External Grants – Procurement and Grants

Financial Implications

The Department has agreed to fund \$7,611,013 of the \$8M total project cost. This equates to a project contribution of approximately 95%.

The Shire is to provide a contribution of \$388,987 under the proposed agreement. The draft budget has made allowance for this required contribution.

This Shire contribution was originally allocated to reconstruct the Northern Apron in 2024/2025. Council resolved in April 2024 to defer the Northern Apron Reconstruction works and reallocate its contribution toward the higher priority Q400 upgrade works.

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
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Financial	Project cost exceeding available budget	C3 – High	The Project budget, provided by RAMS to DOT included project management, contingencies and cost escalations. An addition to the funding agreement is proposed to limit the Shire contribution to its original project contribution.
Health & Safety	N/A		
Reputation	The Department has provided substantial financial support to the Carnarvon and Coral Bay Airport upgrades over multiple years. Not accepting the funding is likely to impact on the Shire’s reputation and possible future funding opportunities.	B3 – High	Accept the funding from the Department. Provide formal thank you to the Minister for ongoing support to the Carnarvon and Coral Bay airports.
Service disruption	If the Q400 causes damage to the runway pavement it may become necessary to amend or cancel the concession. Upgrades to the pavement are necessary to allow ongoing Q400 operation.	C4 - Extreme	Accept the funding from the Department. Commence the upgrade project. Maintain regular pavement inspections as approved by DOT.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

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

OBJECTIVES

In 2040 Carnarvon is a place where:

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

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

A copy of the draft funding agreement is provided in **Confidential Schedule 2**. The draft as presented here includes amendments by officers who reviewed the draft agreement in detail. The agreement has been returned to the Department for their consideration of the proposed amendments. At the time of writing a response has not been received.

Timely execution of the funding agreement is necessary to allow commencement of the project. It is intended to advertise tenders for the upgrade works early in 2025.

The first step of the project is engagement of a suitably qualified and experienced Project Manager. The Project Manager will assist the Shire with the following:

- Preparation of the scope of works and terms of reference for engagement of the Independent Technical Expert required under the funding agreement;
- Preparation of the necessary designs, technical specifications, and tender documentation;
- Provision of technical advice to prospective tenderers and be a member of the tender submission Evaluation Panel;
- Act as contract Superintendent during construction works to ensure all works are completed to the required standard;
- Work collaboratively with the independent Technical Expert to ensure milestone claim information is provided to the Department to ensure timely funding payment.

OFFICER'S RECOMMENDATION

That Council by simple majority:

- a) pursuant to Section 3.18 of the Local Government Act, 1995, resolves to accept the funding from the Department of Transport for the Carnarvon Airport upgrade project to allow unrestricted operation of Q400 aircraft and formally thank the Minister for the ongoing support for air transport services in the Shire of Carnarvon; and***
- a) pursuant to Section 9.49A of the Local Government Act, 1995, authorises the CEO to finalise negotiation and execution of the Regional Airport Pavement Upgrade Program Funding Agreement between the Shire of Carnarvon and Department of Transport.***

COUNCIL RESOLUTION OCM 16/08/24

Moved: Cr Marco Ferreira

Seconded: Cr Luke Vandeleur

That Council by simple majority:

- a) pursuant to Section 3.18 of the Local Government Act, 1995, resolves to accept the funding from the Department of Transport for the Carnarvon Airport upgrade project to allow unrestricted operation of Q400 aircraft and formally thank the Minister for the ongoing support for air transport services in the Shire of Carnarvon; and***
- a) pursuant to Section 9.49A of the Local Government Act, 1995, authorises the CEO to finalise negotiation and execution of the Regional Airport Pavement Upgrade Program Funding Agreement between the Shire of Carnarvon and Department of Transport.***

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

COUNCIL RESOLUTION OCM 17/08/24

Moved: Cr Adam Cottrell

Seconded: Cr Marco Ferreirinha

That Cr Cottrell be granted leave of absence for the September 2024 Ordinary Council Meeting.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY ABSOLUTE MAJORITY 7/0

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS FROM MEMBERS WITHOUT NOTICE

NIL

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

Nil

12 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**COUNCIL RESOLUTION OCM 18/08/24****Moved: Cr Paul Kelly****Seconded: Cr Luke Vandeleur**

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

12.1 CONTRACT VARIATION RFT 13-2022 - ADMIN ROOF REPLACEMENT

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

12.2 BLOWHOLES SHACK

This matter is considered to be confidential under Section 5.23(2) - (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY ABSOLUTE MAJORITY 7/0**12.1 CONTRACT VARIATION RFT 13-2022 - ADMIN ROOF REPLACEMENT****OFFICER'S RECOMMENDATION**

That Council by simple majority pursuant to Regulation 21A of the Local Government (Functions and General) Regulations 1996 and Section 9.49A of the Local Government Act, 1995, resolves to:

- a) approve a contract variation of \$80,070 ex GST to Contract RFT 13/2022 Admin Roof Replacement for the works nominated in Schedule 1.; and*
- b) authorise the CEO to vary Contract RFT 13/2022 Admin Roof Replacement to delete works associated with the replacement of asbestos facias and eave linings in the Council Chambers building; and*
- c) authorise the CEO and make the necessary amendments and finalise execution of the contract variations between the Shire of Carnarvon and James Gregory Pty Ltd; and*
- d) reallocate any balance of LRCI Phase 3 funding to the Fascine Capping Beam Replacement project budget.*

COUNCIL RESOLUTION OCM 19/08/24**Moved: Cr Luke Vandeleur****Seconded: Cr Paul Kelly**

That Council by simple majority pursuant to Regulation 21A of the Local Government (Functions and General) Regulations 1996 and Section 9.49A of the Local Government Act, 1995, resolves to:

- a) approve a contract variation of \$80,070 ex GST to Contract RFT 13/2022 Admin Roof Replacement for the works nominated in Schedule 1.; and***
- b) authorise the CEO to vary Contract RFT 13/2022 Admin Roof Replacement to delete works associated with the replacement of asbestos facias and eave linings in the Council Chambers building; and***
- c) authorise the CEO and make the necessary amendments and finalise execution of the contract variations between the Shire of Carnarvon and James Gregory Pty Ltd; and***
- d) reallocate any balance of LRCI Phase 3 funding to the Fascine Capping Beam Replacement project budget.***

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

CARRIED BY SIMPLE MAJORITY 7/0

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 20/08/24

Moved: Cr Paul Kelly
Seconded: Cr Luke Vandeleur

A motion was moved that Council suspend standing orders.

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

CARRIED BY SIMPLE MAJORITY 7/0

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION OCM 20/08/24

Moved: Cr Paul Kelly
Seconded: Cr Luke Skender

A motion was moved that Council resume standing orders.

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

CARRIED BY ABSOLUTE MAJORITY 7/0

12.2 BLOWHOLES SHACK

Mr E Smith (Impartiality Interest) – 12.2 Blowholes Shack

OFFICER'S RECOMMENDATION

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to arrange for the illegally erected shack/structure to be removed from the Shire managed Blowholes Reserve.

COUNCIL RESOLUTION OCM 22/08/24

Moved: Cr Paul Kelly

Seconded: Cr Marco Ferreirinha

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995, authorises the CEO to arrange for the illegally erected shack/structure to be removed from the Shire managed Blowholes Reserve.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

MOTION**COUNCIL RESOLUTION OCM 21/08/24**

Moved: Cr Luke Skender

Seconded: Cr Paul Kelly

That the meeting be reopened to the public.

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

AGAINST: Nil

ABSENT: Cr B Maslen

CARRIED BY SIMPLE MAJORITY 7/0

13 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 24 September 2024 at Shire Council Chambers, Stuart Street Carnarvon commencing at 1.00pm

14 CLOSURE

The Presiding Member declared the meeting closed at 2.15pm.