



SHIRE OF CARNARVON  
**AGENDA**  
SPECIAL COUNCIL MEETING  
FRIDAY 28 FEBRUARY 2025

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

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

## **NOTICE OF MEETING**

Notice is hereby given

Shire of Carnarvon  
Special Council Meeting  
will be held  
on Friday 28 February 2025  
at the Shire Council Chambers, Stuart Street  
Carnarvon,  
commencing at 8.30am.

Amanda Dexter  
CHIEF EXECUTIVE OFFICER

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### DISCLAIMER

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

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

## INFORMATION ON PUBLIC QUESTION TIME

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

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

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

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

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

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

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

### SPECIAL MEETINGS OF COUNCIL

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

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

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

**2 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.)

**3 PUBLIC QUESTION TIME**

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

**3.1 PUBLIC QUESTION TIME**

## 4 DEPARTMENTAL REPORTS

### 4.1 GOVERNANCE

#### 4.1.1 COMPLIANCE AUDIT REPORT 2024

|                          |  |
|--------------------------|--|
| File No:                 | ADM0011  |
| Location/Address:        | N/A  |
| Name of Applicant:       | Shire of Carnarvon                                     |
| Name of Owner:           | N/A  |
| Author(s):               | Caroline Ballard, Governance & Information Coordinator |
| Authoriser:              | Amanda Dexter, Chief Executive Officer                 |
| Declaration of Interest: | Nil  |
| Voting Requirement:      | Simple Majority  |
| Previous Report:         | 7.1.3 Compliance Audit Return 2023                     |
| Schedules:               | 1. Compliance Audit Return 2024                        |

#### Authority/Discretion:

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

#### Summary of Report

The purpose of report is to present to the Special Council Meeting, the 2024 Compliance Audit Return (CAR) for review and that Council adopt the 2024 CAR as presented in **Schedule 1** for submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March 2025.

The 2024 CAR comprises of 94 questions over 11 categories, these questions require a response of YES, NO or N/A.

Yes – indicates compliance

No – indicates non-compliance

N/A – indicates that this function was not required to be performed this year or is not a requirement for this Local Government.

#### Background

Local Governments are required to complete a Compliance Audit for the previous calendar year by the 31 March. The Compliance Audit is an in-house audit that is undertaken by the appropriate Responsible Officer

using questions provided by DLGSC. In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* the ARC is to review the CAR and is to report to Council the results of that review.

The CAR is to be:

1. Presented to an Ordinary Meeting of Council
2. Adopted by Council; and
3. Recorded in the minutes of the meeting at which it is adopted.

Following the adoption of the CAR by Council a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2025. The return requires the Shire President and the Chief Executive Officer to certify that the statutory obligations of the Shire of Carnarvon are compliant.

**Stakeholder and Public Consultation**

Nil

**Statutory Environment**

*Local Government (Audit) Regulations 1996, Regulation 14*

**Relevant Plans and Policy**

Nil

**Financial Implications**

Nil

**Risk Assessment**

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

| Risk Category      | Description  | Rating  | Mitigating Action/s  |
|--------------------|--|---------|--|
| Financial          | N/A  |         |  |
| Health & Safety    | N/A  |         |  |
| Reputation         | There is a reputational risk should the CAR not be completed on time or if significant non-compliance is reported. | D-2 Low | Pending the ARMC decision, this item can be presented to Council in time to meet the deadline. The compliance % rate and comparison table demonstrate improvements have been made. |
| Service disruption | N/A  |         |  |
| Compliance         | Non-compliance should the CAR not be completed on time.  | D-2 Low | Pending the ARMC decision, this item can be presented to Council in time to meet the deadline.   |
| Property           | N/A  |         |  |
| Environment        | N/A  |         |  |

|       |                                   |              |  |
|-------|-----------------------------------|--------------|--|
| Fraud | The CAR responses are fraudulent. | D-3 Moderate | The responses are validated by the Governance & Information Coordinator. |
|-------|-----------------------------------|--------------|--|

### 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 process for completing the 2024 CAR involved Officers from each area being delegated the relevant questions to answer. Their responses were checked and validated by the Governance & Information Coordinator for accuracy and to ensure that a high quality, verified CAR was completed.

When comparing the 2024 CAR against the 2023 CAR, the Shire of Carnarvon compliance rating has decreased by 4%.

| Compliance Audit Return Categories         | 2023 Audit Questions | Non-Compliance | Compliance Rating | 2024 Audit Questions | Non-Compliance | Compliance Rating |
|--|----------------------|----------------|-------------------|----------------------|----------------|-------------------|
| Commercial Enterprises by Local Government | 5                    |                | 100%              | 5                    |                | 100%              |
| Delegation of Power/Duty                   | 13                   |                | 100%              | 13                   | 1              | 92%               |
| Disclosure of Interest                     | 21                   |                | 100%              | 21                   | 1              | 95%               |
| Disposal of Property                       | 2                    |                | 100%              | 2                    |                | 100%              |
| Elections                                  | 3                    |                | 100%              | 3                    |                | 100%              |
| Finance                                    | 7                    |                | 100%              | 7                    |                | 100%              |
| Integrated Planning and Reporting          | 3                    |                | 100%              | 3                    |                | 100%              |
| Local Government Employees                 | 6                    |                | 100%              | 5                    |                | 100%              |
| Official Conduct                           | 3                    |                | 100%              | 4                    |                | 100%              |
| Optional Questions                         | 9                    |                | 100%              | 9                    |                | 100%              |
| Tenders for Providing Goods and Services   | 22                   | 1              | 95%               | 22                   | 3              | 86%               |
| <b>TOTAL</b>                               | <b>94.00</b>         | <b>1.00</b>    | <b>99%</b>        | <b>94.00</b>         | <b>5.00</b>    | <b>95%</b>        |

### Delegation of Power/Duty



**Q13. Did all persons exercising a delegated power or duty under the Act keep on all occasions, a written record in accordance with *Local Government (Administration) Regulations 1996, regulation 19*?**

Written records were not kept by all persons exercising a delegated power or duty in accordance with *Local Government (Admin) Regulations 1996, Reg19*.

**Disclosure of Interest**

**Q5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?**

Due date for Annual Return completion missed by one employee – submitted 03.09.2024.

Employees are required to complete an annual return between 1 July and 31 August each year, the staff member in question was active in the workplace and had not completed this task prior to taking leave at the end of August. The Annual Return was completed upon the employee's return from leave.

**Tenders**

**Q2. Subject to *Local Government (Functions and General) Regulations 1996, regulation 11(2)*, did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?**

July 2024 - A successful tenderer was found not to be a WALGA preferred supplier, therefore the tender was non-compliant, it was referred to Council who accepted the non-compliance and requested that a review of the Purchasing Policy be undertaken (undertaken September 2024).

**Q13. Were all expressions of interest that were not rejected under the *Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2)* assessed by the local government? Did the CEO list each person as an acceptable tenderer?**

An EOI was handled by a Contractor (that had been awarded the Tender for the Carnarvon Activation Plan Project), the EOI process was not followed according to *F&G Reg 23(3) & (4)*.

**Q14. Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with *Local Government (Functions and General) Regulations 1996, Regulation 24*?**

EOI was handled by the Contractor that had been awarded the Tender for the Carnarvon Activation Plan Project. EOI process was not followed according to *F&G Reg 24*.

**OFFICER'S RECOMMENDATION**

***That Council, by simple majority pursuant to Regulation 14 and 15 of the Local Government (Audit) Regulations 1996, resolves to:***

- 1. Accept the recommendation of the Audit and Risk Management Committee and adopt the Shire of Carnarvon's Compliance Audit Return for the period 1 January 2024 to 31 December 2024; and***
- 2. Authorise the Shire President and Chief Executive Officer to certify the Shire of Carnarvon Compliance Audit Return and submit the certified copy to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.***

## 4.2 INFRASTRUCTURE SERVICES

### 4.2.1 ENDORSEMENT OF DETAILED DESIGN - CARNARVON ACTIVATION PROJECT (PHASE 1)

|                          |  |
|--------------------------|--|
| File No:                 | ADM2278  |
| Location/Address:        | Shire of Carnarvon   |
| Name of Applicant:       | Shire of Carnarvon   |
| Name of Owner:           | Shire of Carnarvon   |
| Author(s):               | Michael Mallon, Project Delivery Manager                   |
| Authoriser:              | Stephanie Leca, Community and Cultural Development Manager |
| Declaration of Interest: | Nil  |
| Voting Requirement:      | Simple Majority  |
| Previous Report:         | OCM 09/03/24<br>OCM October (Item 7.4.1 - Withdrawn)       |
| Schedules:               | 1. Grant Approval<br>2. Detailed Design (3 Elements)       |

#### Authority/Discretion:

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

#### Summary of Report

This report seeks Council endorsement of designs for three (3) of the five (5) total elements of the Carnarvon Activation Plan Phase 1 Project. It is recommended that the designs be endorsed to allow Shire Officers and the engaged consultant to proceed with developing a tender package for these items.

#### Background

At the Ordinary Council Meeting in March 2024, Council resolved to accept the funding from Lotterywest as follows:

#### OFFICER'S RECOMMENDATION

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

- a. accept the offer of \$3.357 million in funding from Lotterywest for the Carnarvon Activation Plan Phase One;***
- b. commit to considering the co-contribution required from the Shire being:***
  - a. \$277,325 in the 2024/2025 budget;***
  - b. \$277,325 in the 2025/2026 budget; and***
- c. authorise the CEO to execute the Lotterywest Grant Agreement for the Carnarvon Activation Plan Phase One.***

**d. The design of each Phase 1 element of the Activation Plan is brought back to Council for endorsement.**

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

**AGAINST:** Nil

**ABSENT:** Crs A Cottrell and L Vandeleur

**CARRIED BY SIMPLE MAJORITY 6/0**

The Project consists of multiple project elements developing Carnarvon as an inclusive, thriving community by connecting community assets and improving aesthetics, usability and activation in and around Carnarvon. Elements include the following:

1. Tramway Walk Trail - Trail furniture and signage.
2. Van Dongen Park – Playground, landscaping, and day use facilities.
3. Connect and Create –
  - Public Art - A local artist has been engaged to deliver the design for art to be installed in the Main Street and Van Dongen Park.
  - Digital Screen - A large digital display screen installed outside the Civic Centre for promotion of local art and marketing.
4. Whitlock Island Shelter
5. Lock Hospital Healing Shelter

H+H Architects have been engaged to deliver the design and technical specifications of these elements.

In accordance with “Item d” of the Council resolution, endorsement of these element designs by Council is now being sought.

**Note:** The two (2) remaining elements (not part of this item’s endorsement), the Healing Shelter and the Whitlock Island Shelter, will be presented for formal endorsement at the March Ordinary Council Meeting (OCM). These items require further stakeholder engagement before being presented for formal endorsement.

### **Stakeholder and Public Consultation**

The Carnarvon Activation Plan was developed with strong stakeholder and community engagement including two workshops with the community throughout 2023. The co-design process was widely advertised to encourage participation and a total of 35 community members attended across the two workshops.

The conceptual designs prepared by H+H Architects were presented informally to Council at its Corporate Information Session (CIS) on 8 October 2024. Recommendations provided by Council during the CIS have been incorporated.

A second presentation was conducted at the December CIS (10 December 2024) with the revised changes and additional elements being the two shelters, presented for comment. Council commented the shelter projects lacked stakeholder engagement and consultation. Following this, an engagement strategy for each shelter project was developed by H+H and Shire Officers to ensure appropriate opportunity for input was present.

The original plan has been adjusted slightly in scope to align with the available project funding. Once Council endorses the Detailed Design, further community engagement and communication will be undertaken. While the scope has been scaled down, the changes are not considered material and will not impact the project's intended use or outcomes.

On 17 December 2024, a public community-wide meeting was held at the Carnarvon Civic Centre's Theatre to ensure transparency and open dialogue on several key projects with significant community impact. One of the identified key projects was the Carnarvon Activation Plan (subject of this item). In attendance were:

- Shire CEO and Executive team;
- Shire President, Deputy President and three Councillors; and
- Approximately 30 community members.

After the project was presented, positive feedback was provided on the LED screen and proposal for furniture in Robinson Street to support further activation of that area. In addition, two relevant questions were asked and answered relating to the Tramway Shelter being reinstated (not part of this endorsement), and if there will be increased parking options (not funded by Lotterywest but Shire is seeking alternative funding programs).

Shire Officers consider the community engagement undertaken thus far on the projects seeking endorsement exceeds reasonable input. Therefore, Officers are confident that these projects will not attract negative feedback once endorsed.

### Statutory Environment

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

#### **3.18. Performing executive functions**

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

### Relevant Plans and Policy

N/A

### Financial Implications

The total project budget of \$3,920,252.50 is available via the following funding sources:

| <b>FUNDING SOURCE</b>                    | <b>AMOUNT</b>          |
|--|------------------------|
| Lotterywest                              | \$ 3,357,602.50        |
| Shire of Carnarvon (2024/25 and 2025/26) | \$ 557,650             |
| Gascoyne Development Commission          | \$ 5,000               |
| <b>TOTAL</b>                             | <b>\$ 3,920,252.50</b> |

Endorsement of the designs as recommended does not have any direct financial implication.

Procurement for the delivery and/or construction of the designs will quantify actual financial implications. It may be necessary to further modify the designs to suit the available budget.

Shire Officers and H+H Architects have been working closely together with HWA Quantity Surveyors to best estimate the cost of construction of these elements based on the detailed design drawings. A summary of the approximate budgeted projects and their estimated construction costs is below:

| PROJECT            | CURRENT BUDGET         | QUANTITY SURVEYOR ESTIMATES | VARIANCE             |
|--------------------|------------------------|-----------------------------|----------------------|
| VAN DONGEN PARK    | \$ 2,455,425.00        | \$ 2,555,000.00             | \$ 99,575.00         |
| CONNECT AND CREATE | \$ 380,000.00          | \$ 216,000.00               | -\$ 164,000.00       |
| TRAMWAY WALK TRAIL | \$ 154,900.00          | \$ 186,295.00               | \$ 31,395.00         |
|                    | <b>\$ 2,990,325.00</b> | <b>\$ 2,957,295.00</b>      | <b>-\$ 33,030.00</b> |

**Note:** The Quantity Surveyor estimates above do not include a design or construction contingency and no escalation allowance.

Feedback received from Council at the October CIS was that the community stage project location priority was Town Oval and other locations explored were not deemed suitable. On 20 January 2025, the Shire submitted a variation request to Lotterywest to reallocate the funding for the community stage project to other projects in the Carnarvon Activation Plan. This is due to insufficient budget being available to complete the project in its full capacity that would deliver the best outcomes for the community.

H+H Architects explored multiple locations for the Community Stage and determined that while Town Oval is the most suitable location for construction, it is not the most suitable in the interim while the “RV parking and amenities” priority project at Town Oval remains unfunded. The Community Stage project is still deemed a priority for Council and alternate funding partners have been sought to deliver the project in its full capacity.

On 24 February 2025, the Shire received correspondence from Lotterywest that the variation would be accepted. The amended grant schedule is presented in **Schedule 1** and will increase the Connect and Create budget by \$371,848.

**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     | Delaying design endorsement may jeopardise ability to receive approval for payment of first funding claim – refer comments. | C4 - Extreme | Council to endorse the design to allow procurement to commence. |

|                    |  |           |   |
|--------------------|--|-----------|---|
| Health & Safety    | N/A  |           |   |
| Reputation         | Designs proposed for endorsement do differ from the original CAP proposal developed with Community consultation and may not meet community expectations. | C3 - High | Further community engagement and communication will be undertaken. The Contract Documentation stage (next stage) has the opportunity for minor changes to be completed. |
| Service disruption | N/A  |           |   |
| Compliance         | N/A  |           |   |
| Property           | N/A  |           |   |
| Environment        | N/A  |           |   |
| Fraud              | N/A  |           |   |

### Community and Strategic Objectives

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

#### OBJECTIVES

In 2040 Carnarvon is a place where:

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

#### ADDITIONAL FOCUS AREAS:

- *Supports the needs of youth in Carnarvon*

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

- *Whitlock Island Development*

### Comments

Detailed designs for the three (3) project elements noted above are provided in ***Schedule 2 – Detailed Designs – Carnarvon Activation Plan – Phase 1.***

Once endorsed, the next stages for delivering these project elements can commence. This will be:

- Additional community engagement and communication; and
- Completion of technical specifications and construction procurement documentation.

As noted in the Stakeholder and Public Consultation Risk Assessment sections, the designs presented for endorsement do differ in some areas from the initial project proposals utilised to secure project funding. This is primarily associated with the size reduction of Van Dongen Park and amenities provided. Additional community engagement will be undertaken to communicate these changes and Shire Officers have a community presentation strategy prepared after formal endorsement.

Procurement actions are likely to be a combination of public request for tenders (RFT) and/or requests for quotation (RFQ). In accordance with Council's adopted delegations, any contracts arising from that procurement process greater than \$250,000 require formal Council approval. This is estimated to occur in April/May 2025.

Council should note, the first milestone claim of \$1,357,602 from Lotterywest is due on 30 March 2025. To enable that funding to be claimed, confirmation of final project cost and construction commencement date is required to be provided to the funding body.

Additional project elements include:

- Whitlock Island Tramway Shelter; and
- Healing Shelter at the Lock Hospital memorial statue

Design of these elements does not form part of this report but are part of the scope being undertaken by H+H Architects. The delay in presenting those items for formal endorsement is primarily due to these items originally being completed in-house by the Shire. After further consultation with Council, it was determined that the scope of works is better completed by the Consultants given their expertise in this field. As such, a variation to the contract scope was prepared and commencement of these projects is now underway.

Designs for the Tramway Shelter and Healing Shelter elements are progressing. Site surveys are completed, and initial concept designs have been prepared and presented to each stakeholder group for further consultation.

The Lock Hospital Working Group is tentatively scheduled to visit Carnarvon from 10-12 March 2025, accompanied by H+H Architects and Shire representatives, to discuss the Healing Shelter project. Shire Officers are also hoping to coordinate a meeting with the Carnarvon Heritage Group during this time and are awaiting confirmation of their availability.

Endorsement of designs for these two (2) elements will be requested from Council at the March Ordinary Council Meeting once they are developed to a suitably detailed level.

#### **OFFICER'S RECOMMENDATION**

***That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to:***

- 1. Accept the funding variation presented by Lotterywest in Schedule 1 to reallocate \$371,848 from the Community Stage project to the Connect and Create project; and***
- 2. Endorse the detailed designs provided in Schedule 2 for the three presented elements of the Carnarvon Activation Plan Phase 1.***

**4.2.2 TRAMWAY BRIDGE REPAIR OPTIONS**

|                          |  |
|--------------------------|--|
| File No:                 | ADM1930  |
| Location/Address:        | Lot 1203, Babbage Island Road, Babbage Island                                    |
| Name of Applicant:       | Shire of Carnarvon   |
| Name of Owner:           | Shire of Carnarvon (asset) / Department of Planning, Lands and Heritage (land)   |
| Author(s):               | Michael Mallon, Project Delivery Manager   |
| Authoriser:              | Amanda Dexter, Chief Executive Officer   |
| Declaration of Interest: | Nil  |
| Voting Requirement:      | Simple Majority  |
| Previous Report:         | OCM 20/03/23<br>OCM 23/11/24   |
| Schedules:               | 1. Tramway Bridge 15% Design Report - GHD<br>2. Project Cost Estimate Comparison |

**Authority/Discretion:**

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

**Summary of Report**

This report presents Council with two design options for the Tramway Bridge refurbishment and seeks approval to proceed with one design methodology only. There is a repair or replacement option. It is recommended that Council resolve to proceed with the replacement option.

**Background**

The Shire of Carnarvon received funding from the Federal Department of Infrastructure, Transport, Regional Development and Communications under Phase 4 of their Local Roads and Community Infrastructure (LRCI) funding program for an amount of \$844,041.

At the Ordinary Council Meeting on 28 March 2023, Council resolved as follows:

**FC 20/3/23**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Fullarton/Cr Vandeleur*

*That Council, by simple majority*

- a) pursuant to Section 3.18 of the Local Government Act, 1995 nominate the Tramway Bridge Restoration Project for completion under the Local Roads and Community Infrastructure (LRCI) Phase 4 funding program.*



- b) *pursuant to Section 9.49A of the Local Government act, 1995 authorises the CEO to finalise the resultant funding agreement with Department of Infrastructure, Transport, Regional Development and Communications.*
- c) *pursuant to Section 3.18 of the Local Government Act, 1995 directs the CEO to further develop the remaining shortlisted projects to achieve a “shovel ready” status utilising existing approved budgets and to include provision in the draft 2023/24 budget to progress development of shovel ready project status.*

**CARRIED**  
**F6/A0**

In November 2024, the Shire engaged GHD (engineering consultants), who visited Carnarvon to undertake a structural condition inspection and assessment of the Tramway Bridge from Abutment 1 (Whitlock end) to Pier 26. Their inspection report was provided to the Ordinary Council Meeting on 26 November 2024 where Council resolved as follows:

#### **COUNCIL RESOLUTION OCM 01/11/24**

**Moved:** Cr Paul Kelly

**Seconded:** Cr Marco Ferreirinha

#### ***That Council***

- 1. *approve the temporary closure of the western sections of the Tramway Bridge to ensure public safety while assessments are ongoing;***
- 2. *direct the CEO to coordinate a Councillor briefing following the finalisation and receipt of GHD’s detailed inspection report (Phase 1). The briefing will provide an opportunity to discuss findings and recommendations in detail;***
- 3. *direct the CEO to commence the development of a comprehensive restoration and funding strategy to guide the long-term remediation of the Tramway Bridge, including identifying and pursuing external funding opportunities; and***
- 4. *direct the CEO to ensure transparent, up-to-date information is shared with the community. This will demonstrate the Shire’s commitment to the project and proactively address community concerns about the bridge’s safety and future.***

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

**AGAINST:** Nil

**CARRIED BY SIMPLE MAJORITY 8/0**

Shire Officers have engaged GHD again to complete an inspection and assessment for the remainder of the bridge (Pier 27 to Abutment 2)(Town Beach). This work is being completed in February, with the report expected by end of February 2025.

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

A community meeting was held at the Carnarvon Civic Centre Camel Lane Theatre on Tuesday 17 December, 2024. The meeting encouraged public engagement across a variety of projects, one of which being the Tramway Bridge closure and future works. In attendance were:

- Shire CEO and Executive team;
- Shire President, Deputy President and three Councillors; and
- Approximately 30 community members.

The community meeting provided an opportunity for community members to share any concerns and ask questions. Some concerns raised were centred around tourism and the impact to the peak season, reiterating reopening the Tramway Bridge as soon as possible yet ensuring any safety concerns are resolved. The other aspect raised was the Shire to provide regular updates and transparency throughout the process, which has been answered through further media updates and the website projects page.

Overall, the reopening and refurbishment of the Tramway Bridge is a significant community priority that requires Council to seek and potentially allocate surplus funds to ensure it can be an ongoing local business and tourist attraction for the community.

Both repair and replacement options will trigger the requirement for a Heritage Impact Statement which is submitted to the Department of Planning, Lands and Heritage, (DPLH) as the landowners of the heritage curtilage zone. Regardless of design methodology chosen to proceed with, it is not expected that it will impact the heritage of the Tramway Bridge.

### **Statutory Environment**

N/A

### **Relevant Plans and Policy**

- Carnarvon Fascine Waterway and Environs – Master Plan Report Dec 2010
- Fascine Waterway Infrastructure Priorities 2022
- Carnarvon Fascine - Environmental constraints and opportunities report Jan 2010
- Carnarvon Heritage Precinct Masterplan 1998
- Carnarvon Heritage Structure Plan April 2004
- CHG Conservation Plan 1998

### **Financial Implications**

LRCI Phase 4 allocated funding needs to be expended before 30 June 2025. This provides a tight timeline to expend the remaining available budget of \$600,000 for refurbishment works.

There are no direct financial implications with this decision but are indirect financial implications associated as both options exceed any current available budget. GHD engaged McGarry Associates (MGA, Quantity Surveyors) to provide a cost estimate for both repair and replacement options as part of the 15% design report. Shire Officers also contacted Ventia Australia Pty Ltd to provide a cost estimate for the works detailed in the 15% design report for comparison. This decision is because Ventia have been appointed to undertake the repair works to the One Mile Jetty on behalf of the Department of Transport (DoT). The received price is preliminary and requires some extra information before being revised and/or confirmed.

Ventia did not provide a cost estimate for the repair option as they believe it to not be economically viable for the extent of work required.

The repair option is designed for minimum 15–20-year design life expectancy, while the replacement option is designed for minimum 30 year design life expectancy. It is likely the design life would exceed those stated and the structure with appropriate maintenance will last in excess of 50 years. It is therefore in the best interest of the community to consider the replacement option as the preferred option due to minimal increased cost but provision of maximum longevity.

A detailed breakdown is attached in **Schedule 2**. A summary of that schedule is in the table below. Highlighted sections are the comparable options provided by both GHD and Ventia. That option is to undertake replacement of each designated critical pile and replace only the deck and handrail, between Piers 1 and 26. Additional work for the remainder of the bridge will be undertaken as a separate stage.

| PRICE SCHEDULE COMPARISON (PIERS 1-26 ONLY) |                       |                       |                            |                       |                            |
|---|-----------------------|-----------------------|----------------------------|-----------------------|----------------------------|
| ITEMS                                       | GHD                   |                       |                            | VENTIA                |                            |
|   | REPAIR                | REPL. OPTION 1        | REPL. OPTION 2             | REPL. OPTION 1        | REPL. OPTION 2             |
|   | Pier 1-26 (Full Deck) | Pier 1-26 (Full Deck) | Pier 1-26 (1-26 Deck only) | Pier 1-26 (Full Deck) | Pier 1-26 (1-26 deck only) |
| <b>PRELIMINARIES SUBTOTAL 1</b>             | \$779,407             | \$779,407             | \$779,407                  | \$385,000             | \$327,000                  |
| <b>CONSTRUCTION SUBTOTAL 2</b>              | \$1,507,985           | \$2,226,849           | \$1,649,535                | \$1,515,930           | \$1,041,840                |
| <b>FIXED PROFIT + LEVY SUBTOTAL 3</b>       |                       |                       |                            | \$288,941             | \$208,063                  |
| <b>GRAND TOTAL</b>                          | \$2,287,392           | \$3,006,256           | \$2,428,942                | \$2,189,871           | \$1,576,903                |
| <b>AVAILABLE BUDGET</b>                     | \$600,000             | \$600,000             | \$600,000                  | \$600,000             | \$600,000                  |
| <b>VARIANCE</b>                             | \$1,687,392           | \$2,406,256           | \$1,828,942                | \$1,589,871           | \$976,903                  |

There is a significant difference in price and that can be attributed to the following:

- Ventia are completing similar works on the One Mile Jetty at the same time and can reduce their mobilisation costs, whereas GHD have allowed for full site mobilisation.
- Ventia have allowed for a cost plus (fixed profit %) method rather than a fixed lump sum with profit factored in as GHD have.
- Ventia have not allowed for an engineered design and geotechnical investigation. Shire Officers have requested a price for this service but are yet to receive a response.

It is recommended that any remaining budget be expended in an eligible way outlined in the LRCI guidelines.

**Risk Assessment**

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

| Risk Category      | Description  | Rating        | Mitigating Action/s  |
|--------------------|--|---------------|--|
| Financial          | Insufficient funds to repair bridge in entirety.                 | A4 – Critical | Exhaust available budget on repair works and seek further funding for the remaining repairs. Complete repair works in two major stages.                        |
| Health & Safety    | Bridge continues degrading and becomes unsafe in all capacities. | A4 - Critical | Use existing budget to repair bridge to serviceable condition and reopen to public once deemed safe.   |
| Reputation         | Bridge continues degrading and is closed permanently.            | A5 - Critical | Exhaust available budget on repair works and seek further funding for the remaining repairs.<br>Keep community informed on progress of repair works.           |
| Service disruption | Insufficient funds keep bridge closed throughout tourist season. | A1 – High     | Exhaust available budget on repair works and seek further funding for the remaining repairs.   |
| Compliance         | Potential design implications with heritage compliance.          | C2 – Moderate | Work with DPLH to assess heritage impact.<br>Current design strategy is similar to the One Mile Jetty design and has undergone consultation with DPLH already. |
| Property           | Continued degradation increases cost for maintenance repairs.    | A4 - Critical | Exhaust available budget on repair works and seek further funding for the remaining repairs.   |
| Environment        | N/A  |               |  |
| Fraud              | N/A  |               |  |

### Community and Strategic Objectives

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

#### OBJECTIVES

In 2040 Carnarvon is a place where:

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

#### ADDITIONAL FOCUS AREAS:

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

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

- *Whitlock Island Development*

### Comments

The path forward for this project is recommended to be completed in multiple stages given the complexity and financial cost required to refurbish the Tramway Bridge to its previous importance. These recommended stages are as follows:

- **Stage 1** – Abutment 1 (Whitlock Island end) and Piers 1 to 26
- **Stage 2** – Piers 27 to 68

- **Stage 3** – Pier 69 (or N1 as denoted on 1996 drawings) to Abutment 2 (Fascine end), including the drawbridge.

Stage 1 is identified as the most critical and complex stage due to its location on the bridge. Most of the work will need to be completed over water as opposed to stages 2 and 3 which can be completed land based. Land based work is easier for driving piles and doing replacement works for its ease of accessibility for both personnel and plant equipment.

It is estimated that the total cost of all three stages will be more than \$5m and therefore will require further funding either from heritage partners, other funding programs, or allocation of Council funds.

As written in the financial implications section, there is an opportunity to engage with Ventia directly through the WALGA Preferred Supplier program; and where pending surplus funds are available, for the following to occur:

- a) Ventia to mobilise to Carnarvon in May and commence works on the Tramway Bridge.
- b) Expend available funds before mobilising to complete the One Mile Jetty (OMJ) works on behalf of DoT.
- c) Remobilise to the Tramway Bridge upon completion of OMJ works and complete the remaining stages 2 and 3.

The above opportunity is not part of this Council resolution however, it does provide Council with the opportunity to minimise the amount of funds expended on another contractor who will require full mobilisation from outside the district. As Ventia did not provide a cost estimate for the repair option, it is recommended that Council proceed with the replacement option as their preferred option and commence further discussions with both GHD and Ventia to enable progression of the Tramway Bridge refurbishment works.

#### **OFFICER'S RECOMMENDATION**

***That Council, by simple majority pursuant to Section 3.18 of the Local Government Act 1995, resolves to direct the CEO to proceed with progressing the Tramway Bridge refurbishment project with the preferred replacement design methodology option.***

**5 CLOSURE**