



ORDINARY MEETING OF COUNCIL

AGENDA

26 APRIL 2022

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 26 APRIL 2022 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

<p>The State of Emergency and Public Health Emergency declared by the State Government on 16 March 2020, remains in force. Please refer to the information on the current restrictions COVID-19 coronavirus: What you can and can't do (www.wa.gov.au)</p>
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DISCLAIMER:

The Presiding Member advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Meeting Procedures Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

C Lee, Director of Infrastructure Services

Leave of Absence:**4 DISCLOSURE OF INTERESTS****5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.

Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.

7 APPLICATIONS FOR LEAVE OF ABSENCE**Existing Approved Leave**

Councillor	From	To (inclusive)	Date Approved
Cr S Keemink	9 April 2022	22 April 2022	29/3/2022
Cr M Reymond	30 June 2022	6 July 2022	22/2/2022
Cr M Librizzi	3 August 2022	14 September 2022	25/1/2022

**Note: If Elected Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting*

If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 2.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
 - a. Cr V Tanti for the period 17 June 2022 to 28 July 2022.

8 PETITIONS, DEPUTATIONS**9 CONFIRMATION OF MINUTES**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 29 March 2022, as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
30 March 2022	Radio Mama Interview - Geraldton Regional Aboriginal Medical Service (GRAMS) Reserve Upgrade	Mayor Shane Van Styn
30 March 2022	Triple M Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
30 March 2022	Triple M Radio Interview - Weekly News Bulletin	Mayor Shane Van Styn
30 March 2022	GWN7 Interview - Federal Budget	Mayor Shane Van Styn
30 March 2022	Photo for Media Release - Council Approval of Lease for Mitchell St Community Centre - Geraldton Sporting Aboriginal Corporation (GSAC)	Mayor Shane Van Styn
30 March 2022	GRAMS Reserve Upgrade Opening	Mayor Shane Van Styn
30 March 2022	Public Sector Audit Committee Chair Forum – via electronic means	Mayor Shane Van Styn
1 April 2022	Photo for Media Release - CSRFF 2022-23 Small Grants Round – Spalding Horse And Pony Club	Mayor Shane Van Styn
4 April 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
4 April 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
4 April 2022	GWN7 Interview – Alcohol Restrictions	Mayor Shane Van Styn
4 April 2022	Proposed New Clubrooms for Aquarena	Mayor Shane Van Styn
4 April 2022	Meeting with Mid West Development Commission – Matters in Common	Mayor Shane Van Styn
5 April 2022	Triple M Radio Interview - ANZAC Day Services & Road Status in Relation to Flooding	Mayor Shane Van Styn
5 April 2022	Concept Forum - via electronic means	Mayor Shane Van Styn
6 April 2022	6PR Radio Interview – Alcohol Restrictions	Mayor Shane Van Styn
8 April 2022	Radio Mama Interview - School Holiday Programme	Mayor Shane Van Styn
10 April 2022	Radio Mama Interview – Monthly Update	Mayor Shane Van Styn
11 April 2022	Square Kilometre Array (SKA) Project Update	
11 April 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
11 April 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
14 April 2022	Triple M Radio Interview - New bush fire truck for Mullewa and Pindar	Mayor Shane Van Styn
14 April 2022	Meeting with Hon Mia Davies MLA, Leader of the Opposition and Shane Love MLA, Deputy Leader – Matters in Common	Mayor Shane Van Styn
19 April 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
19 April 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
19 April 2022	Audit Committee Meeting	Mayor Shane Van Styn
19 April 2022	Agenda Forum	Mayor Shane Van Styn
20 April 2022	Photo for Media Release - Access Beach Matting	Mayor Shane Van Styn
21 April 2022	Photo for Media Release - Planting of the Lone Pines in Leonard T Green Memorial Park (Olive Street Reserve)	Mayor Shane Van Styn

21 April 2022	Two Australian Citizenship Ceremonies	Mayor Shane Van Styn
21 April 2022	Filming for Media Release - Hollomby Foundation Scholarships - Successful Recipients	Mayor Shane Van Styn
21 April 2022	Budget and Long Term Financial Plan Workshop	Mayor Shane Van Styn
25 April 2022	ANZAC Day Dawn Service - Geraldton	Mayor Shane Van Styn
25 April 2022	ANZAC Day Service – Mullewa	Deputy Mayor Cr Jerry Clune
25 April 2022	ANZAC Day Main Service - Geraldton	Mayor Shane Van Styn
26 April 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
26 April 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
26 April 2022	Ordinary Meeting of Council	Mayor Shane Van Styn

Note: Whilst it is noted that Council Members may have also been in attendance at the above events, this is a record of attendance by the Mayor, or where a Council Member has been asked

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS
Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS521 PROPOSED ROAD NAMES – MORESBY HEIGHTS ESTATE, WAGGRAKINE
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AGENDA REFERENCE:	D-22-040607
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	16 March 2022
FILE REFERENCE:	LP/9/0045
ATTACHMENTS:	Yes (x1) Moresby Heights Structure Plan

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's approval for a number of proposed road names that will be used in future subdivisions within Moresby Heights Estate located within Waggrakine. This area has been identified in the aerial photographs in the background section below.

The road names selected by the developer reflect the historical use of the land that is proposed to be developed as part of the Moresby Heights Estate. Since the historical use of land to grow wheat and barley crops has continued into present times, the selected road names are observed to have historical significance, hence demonstrate meeting the intent of Landgate's 'Policies and Standards for Geographical Naming in Western Australia'.

Following communication with Landgate, the City recommends that the Councillors support the proposed names as these names are of generic nature to enable the developer's subdivision to proceed and not be delayed. If the Councillors have other road name themes in mind, they could request the City to investigate those themes to add to the pre-approved list for future use.

If these road names are supported by Council, they will be required to be forwarded to the Minister for consideration and approval. Final approval from Landgate will be sought when the roads have been designed, partially constructed and a deposited plan has been prepared.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 26A of the *Land Administration Act 1997* RESOLVES to:

1. APPROVE the 'theme of grains' for naming the roads within the Moresby Heights Estate, Waggrakine and use of road names based on this theme that would include and not be limited to 'Lupin', 'Canola', 'Barley', 'Corn', 'Wheat', 'Oats', 'Rye', 'Millet', 'Sorghum', 'Triticale', 'Amaranth', 'Durum'; and
2. FORWARD the road names to the Minister for Lands for approval.

PROPONENT:

The proponent is CLE Town Planning and Design on behalf of Humfrey Land Developments.

BACKGROUND:

The practice of officially naming roads is covered under Sections 26 and 26A of the *Land Administration Act 1997* and is administered by Landgate. The legislation is supported by the 'Policies and Standards for Geographical Naming in Western Australia' which provides the necessary information and guidance in relation to naming and the determination of extents for roads, topographical features, points of interest, administrative boundaries and localities. Use of these policies and standards is mandatory and they have been developed through consultation with local government, government departments, emergency service responders, public service providers and the wider community.

Section 26A of the *Land Administration Act 1997* requires a developer of a new subdivisions to submit the theme for naming the roads and road names for approval by the local government. When the proposed theme and road names are approved by the local government, these are forwarded to the Minister for Lands for approval and then to Landgate.

To simplify the process, the City has a Register of Road Names which comprises road names that have in the past received pre-approval from Council. The developers can select names from this list to use for roads within their developments. However, given changes to Landgate's policy framework a number of those names no longer comply. Also, as names are often nominated for use in specific localities, few names are available for use within the Waggrakine area.

Given the above, the developer of the Moresby Heights Estate requested the City to support the schedule of road names that is proposed for use within future subdivisions. The approved structure plan for the Estate is included within Attachment No. DCS521.

Aerial photos of the Moresby Heights Estate within Waggrakine



The applicant has requested that road names be supported for the development based on the theme of grains and has provided the following justification:

“Wavecrest Estate sits on land currently used to grow wheat and barley crops, therefore naming roads within the Estate along the theme of grains is an acknowledgement of the historical use of the land. Further, it aligns with the City of Greater Geraldton and wider Mid West Region’s historical and continued agricultural industry.”

The suggested road names and their justification of alignment with the theme is listed below.

Proposed Road Name	Justification
Lupin	Lupin, a grain crop, has been grown in the Geraldton area since the early 1900s. Western Australia is now the world’s leading producer of lupin grain.
Canola	Canola is farmed extensively throughout Western Australia for two purposes – export overseas and for use as a break crop in WA cereal production systems.
Barley	Barley is a commonly known grain. It is farmed in Western Australia for export as both grain and when processed into malt.
Corn	Corn is a grain crop.
Wheat	Wheat is a grass crop that is cultivated for its seed. Wheat accounts for 56% of the Midwest region’s agricultural production.
Oats	Oats are a grain grown throughout WA. Exported as both oaten grain and cereal.
Rye	Rye is closely related to wheat and barley, being a member of the grass family grown as grain and foraging crop.
Millet	Milletts are small-grained cereal crops, belonging to the grass family.
Sorghum	A member of the grass family, sorghum is found in Western Australia’s rangelands.
Triticale	A cereal grain, which is a cross fertilisation of wheat and rye cereals. Triticale was introduced into Australia in the early 1970s
Amaranth	Amaranth is grain, sharing a similar nutritional profile and uses to other ‘true’ cereal grains.
Durum	Durum is a species of wheat, grown for pasta production

The proposed road names will service the first few stages of residential development at Wavecrest Estate. Stage 1 of Wavecrest Estate, which proposes the creation of 4 Rural Residential lots at the northern end of Sutcliffe Road, Waggrakine, has already received conditional subdivision approval. A subdivision application for Stage 2, which proposes 61 residential lots, is currently with the WA Planning Commission pending assessment and determination.

If these road names are supported by Council, they will be required to be forwarded to the Minister for Lands for approval. Subsequently, Landgate's final approval will be sought when the roads have been designed, partially constructed and a deposited plan has been prepared. Pre- approval of the road names by Council will allow for these names to be applied and approval requested from Landgate on a timely 'as-needs' basis. This will also ensure streamlined and timely completion of the subdivision process.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community or councillor consultation. Community consultation is normally not required where the road naming occurs in a Greenfield subdivision.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 26A of the *Land Administration Act 1997* requires developers of new subdivisions to submit street names for approval by the local government. Landgate is responsible under the Act for the final approval and application of road names.

While Landgate's 'Policies and Standards for Geographical Naming in Western Australia' does not specify what names are suitable, it generally indicates that names should be relevant to the local area. If a historic 'theme' is chosen for road names, as in this instance, that theme must relate to the area in which the roads are to be located.

Additionally, certain name classifications are generally not considered suitable for road naming purposes including, and not limited to, the following:

- names of living persons;
- first names;

- dual naming;
- derogatory or discriminatory names;
- business or commercial names; or
- duplicating names that are in close proximity to existing names.

Preliminary validation of the proposed road names has been conducted against the policy and standard requirements and these names appear to meet with the intent of this Policy.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no inherent risks to the City in approving these road names.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The road names selected by the developer reflect the historical use of the land proposed to be developed as part of the Moresby Heights Estate. Since the historical use of land to grow wheat and barley crops has continued into present times, the selected road names are observed to have historical significance, hence demonstrate meeting the intent of Landgate's 'Policies and Standards for Geographical Naming in Western Australia'.

1. The option to refuse the proposed theme for naming the roads and the proposed road names is not supported by City Officers for the following reasons:
 - Refusing the proposed theme and the road names would require the developers to start the process again. This could potentially result in a delay in the subdivision process and creation of individual lots for sale. Creating individual lots requires issuing of Certificates of Titles for the individual lots that in turn require the street names to be approved.
 - City Officers observe that a number of road naming themes including and not limited to oceans, flora (vegetation, flowers and the like) have already been used within the City.
 - City Officers also generally observe that themes relating to Aboriginal names or those from other ethnic groups in Australia would require consultation with the relevant Aboriginal organisations, government agencies, community groups and the like. Associated processes would require additional time and staff resources that could delay this subdivision process. Dual naming of roads are not supported by Landgate.

2. The option to defer the matter is not supported by City Officers as it is considered that there is sufficient information for Council to determine the matter.

DCS523 DEMOLITION AND SUBSEQUENT DISPOSAL OF LOT 106 (1) EDWARD ROAD, UTAKARRA

AGENDA REFERENCE:	D-22-041343
AUTHOR:	B Robartson, Manager Land and Regulatory Services
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	7 April 2022
FILE REFERENCE:	A68866
ATTACHMENTS:	Yes (x2)
	A. Heritage Advisor's Report
	B. Municipal Inventory Place Record

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to demolish and remove the former Greenough Shire Offices and subsequently dispose of Lot 106 (1) Edward Road, Utakarra, by private treaty or auction.

Council has been attempting to sell or lease the building for a number of years without success. The fifty year old building is deteriorating and suffered damage from Tropical Cyclone Seroja. A decision on the future of this property is required.

In accordance with Delegated Authority endorsed by Council at its 24 August 2021 meeting - Item No. CCS623 - Annual Review of Delegations to the Chief Executive Officer - disposal of land assets is required to be specified in the Annual Budget or by Council resolution.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

PART A

1. DEMOLISH and remove the building situated on Lot 106 (1) Edward Road, Utakarra;
2. DISPOSE of (sell) Lot 106 (1) Edward Road, Utakarra; and
3. DELEGATE authority to the Chief Executive Officer to set the reserve price.

PART B

That Council by Simple Majority pursuant to Part 8, Section 103 of the *Heritage Act 2018* RESOLVES to:

1. AMEND the City of Greater Geraldton local heritage survey, known as the Municipal Inventory of Heritage Places, by changing the Management Category for Greenough Place Number 182 from Category 4 to Category 6 once the place has been demolished;
2. PREPARE an Archive Record as per Section 4.4 of the Heritage Conservation and Development Local Planning Policy; and
3. DETERMINE a suitable interpretive outcome for the site.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The former Greenough Shire offices are located on Lot 106 (1) Edward Road, Utakarra. The building was originally constructed in 1971 with extensions and refurbishment undertaken in 1991. The Shire used the building up until the merger with the City of Geraldton in 2007. The City of Geraldton-Greenough utilised the building for a short period after the amalgamation.

In February 2016, the building was listed for auction. It was passed in with no bids received (asking price of \$1.4M). The building and land was valued between \$900,000 and \$1.4M. A listing extension agreement for exclusive rights with a real estate agency ended on 30 June 2017 for a listing price of \$1.1M. Little interest was received.

In April 2019, the City entered into an agreement with Department of Premier and Cabinet to lease the building for a period of 12 months while negotiations were underway for the Geraldton Alternative Settlement Agreement (GASA). During this period the City undertook routine maintenance and cleaning of the building to ensure it was fit for purpose and presentation during the negotiations. The lease or outright purchase of the building did not eventuate.

In 2021, City Officers supported two requests for a viewing of the property, however, this interest did not translate to any offers being received due to:

- Repurposing and refurbishment costs;
- The size of the building and functionality; and
- A lack of funding to undertake the renewal works.

Unfortunately, Tropical Cyclone Seroja (11 April 2021) impacted the building, lifting part of the rear carport area off. Those parts of the carport roof then blew across various areas of the main building roof damaging a significant number of roof tiles. With the damage to the roof tiles, rain leaked into a number of the interior spaces causing water damage internally to ceilings, walls and the carpet.

The City's Regional Heritage Advisor has provided the following recommendations as per Attachment No. DCS523A. The demolition of the building is supported subject to the following:

- The preparation of an Archive Record as per Section 4.4 of the Heritage Conservation and Development Local Planning Policy.
- No agreement on an acceptable insurance settlement being forthcoming.
- A suitable interpretive outcome for the site being agreed to.

Two of the three Heritage Advisor recommendations have been included in the Officer recommendation. The insurance component is subject to administrative processes.



COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The site is listed as Place Number 182 in the Greenough volume of the Municipal Inventory of Heritage Places as follows:

Management Category 4

Level of Significance: Some Significance – Contributes to the heritage and/or historical development of the locality.

Management Recommendation: Conservation of the place is desirable. Any proposed change to the place should be in sympathy with the heritage values of the place.

A copy of the Municipal Inventory place record is included as Attachment No. DCS523B.

If Council approves the demolition, Officers recommend that the Management Category for the property be modified to Category 6 as follows:

Management Category 6

The place was previously included in the Municipal Inventory but has been removed due to demolition or diminished heritage significance.

The place does not form part of the relevant Local Planning Scheme Heritage List.

The building has a Category 4 listing on the City's Municipal register. This is the lowest heritage level. In addition, the building is not located within a Heritage Area or Special Control Area as defined under the Local Planning Scheme. As such, there are no precinct issues which need to be taken into consideration in assessing this application. Similarly, the building is not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of a wider area.

In making this decision, Council should consider that there may be some community concern relating to the loss of the former Greenough Shire's identity. Officers are conscious of this and in response, the current Civic Centre now has photos of former Greenough Shire Presidents in the hall outside of Chambers and the associated meeting room has been renamed the Greenough room. This room contains memorabilia from Greenough Shire. Greenough vehicle number plates are also available. Further suggestions to recognise this historical connection would be considered.

Economy:

The location of Lot 106 on the junction of Horwood and Edward Road's gives a highly visible development site with good passing traffic volumes only four kilometres from the city centre. The site has a base zoning of Service Commercial (R1). This zoning provides a reasonable range of uses that could be accommodated on site.

Environment:

The site is not a listed contaminated site. The Local Planning Scheme recognises the existing landscaping on the corner that needs to be retained. The City will investigate salvaging the timber rafters for future City projects.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council at its meeting held 28 September 2021 – Item No. DCS502 – Disposal of Vacant Land Assets, resolved in accordance with Section 3.58 of the Local Government Act 1995 to dispose (sell) a number of vacant Council owned properties.

COMMUNITY/COUNCILLOR CONSULTATION:

Briefing Notes were provided to Councillors at their 3 August 2021 and 5 April 2022 Concept Forums. At the 3 August 2021 Concept Forum, Councillors were informed of the poor state of the building and the damage caused by Tropical Cyclone Seroja and were invited to discuss the future of the building. Councillors were also invited to view the building.

At the 5 April 2022 Concept Forum, an updated Briefing Note reporting the proposed course of action was provided.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the Local Government Act 1995 details the process for 'disposing' of property.

Sub Delegation 1.1.19 – Disposing of Property. Council Conditions on the Delegations-

- a. *Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.*
- b. *Value of property that may be disposed under this delegation for any single project or where not part of a project but part of a single transaction shall not exceed \$500 000 including plant and assets with a depreciated value not exceeding \$500 000, in accordance with the provisions of section 5.43(d) of the Local Government Act 1995.*

Heritage Act 2018:

Section 103 of the Act requires the local government to prepare a local heritage survey of places (commonly referred to as a municipal inventory of heritage places) within its district which in its opinion are, or may become, of cultural heritage significance.

Should Council approve the demolition then the Management Category for the place should also be amended accordingly to a Category 6, which is:

Municipal Inventory Archive: Place was previously included in the Municipal Inventory but has been removed due to demolition or diminished heritage significance. The place does not form part of the relevant Local Planning Scheme Heritage List.

Heritage Conservation and Development local planning policy:

Relevant objectives of the policy are:

- a. *To conserve and protect places of cultural heritage significance.*
- b. *To ensure development does not adversely affect the significance of heritage places.*
- c. *To ensure that sufficient information is provided to enable the local government to make informed decisions.*
- d. *To ensure that heritage significance is given due weight in local planning decision making.*

Clause 4.1 of the policy requires that a local government, in considering any application in relation to a place on the local inventory, will apply and have regard to; the structural condition of a place, and whether a place is reasonable, capable of conservation and the level of heritage significance of that place.

The offices have been identified as of low heritage value, having been assigned a Management Category of 4. The place is not located within a Heritage Area or Special Control Area as defined under the Local Planning Scheme. As such there are no precinct issues which need to be taken into consideration in assessing this application. Similarly, the offices are not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of a wider area.

Clause 4.3 of the policy, Structural Condition Assessment (in the case of demolition), states:

If structural failure is cited as justification for the demolition of a place in the local government's Inventory, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

Structural failure of the building has not occurred. However, as noted above the building has suffered cyclone and water damage. There is also a demonstrated lack of interest from businesses and the community to repurpose/ reconfigure the building (both prior to and after the cyclone).

Given the evidence provided in this report and the advice received from the City's Regional Heritage Advisor, the application to demolish the building is considered consistent with the objectives of this policy and can be supported.

While discretion could be exercised in relation to local planning policy provisions when considering an application for development approval, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

FINANCIAL AND RESOURCE IMPLICATIONS:

Following Tropical Cyclone Seroja, Officers did attempt to engage local contractors to undertake an assessment of the damaged building. As Councillors would be aware, local builders were fully engaged with both new building and cyclone repair works to undertake a building assessment. A Perth company was subsequently engaged to assess the building on the 9 July 2021 for cyclone damage only and considered initial repairs to cost approximately - \$110,278 ex GST. The quotation was limited in its scope and noted other assessment components would need to be undertaken.

A second quotation was then provided by a local firm of civil engineers who provided an engineering report and an estimate of costs to repair cyclone damage and make good other maintenance defects due to natural wear and/or vandalism. This was significantly higher at \$655,000 (ex GST). The engineering report made an allowance of \$100,000 (ex GST) for removal, supply and installation of new carpet and reinstating the building with a new tiled roof and internal painting where required. It is also noted that the building is structurally sound and could be rebuilt (albeit in its current configuration). It should be noted that if the repairs are undertaken, the estimate is based on retaining the existing layout. This has proven problematic in attracting interest to the site given the specialised nature of the building design. It should also be noted that in the current buoyant construction market, this estimate may be low.

The City has a pending insurance claim for damages following TC Seroja based on the first assessment for a claim at \$110,278 that is still to be finalised. It is considered that negotiation with the insurers to reach an agreed position on settlement needs to include full carpet replacement.

The cost to demolish the building are estimated at \$100,000. If Council supported the recommendation to demolish the building, the vacant land value has been estimated at \$500,000. A vacant block is likely to be more attractive to potential developers.

The City will continue in its efforts to realise sales from property disposal with timing dependent on market conditions. With the current upturn in the property market, the City is releasing a portion of its portfolio to replenish its cash inflows impacted by COVID-19 and as a provision to deal with a notable price increases in construction contracting services. This action is also providing an opportunity for residents to acquire land for home construction.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

This report ensures that Delegated Authority protocols and conditions align to legislative requirements in relation to the disposal of land assets. The determination on the future of Lot 106 (1) Edward Road is considered a necessity to reduce public risk/liability. It is considered that taking no action on the building is not good practice and the building will deteriorate further.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Council could resolve to take no action on the building and relist the property for sale 'as is', but at a discount to the previous sale price. The revised price could be listed between \$400,000 - \$500,000. Should a sale not eventuate within six (6) months the City could still proceed to demolish the building and then offer the vacant lot for sale.
2. The Council could determine to refurbish the existing building. Officers are not supportive of this option as the costs to do so are high (between \$700,000 and \$1 million) and no proposed use has been identified.
3. The Council could determine to demolish the building and make the site safe, but not sell the land at this time. The Council may have ideas for future use of the site for community activities.
4. The Council could determine to demolish the building and use City resources to subdivide the property into smaller lots for future sale. Officers are not supportive of this option at this time due to the shortage of staff resources.

DCS524 GREATER GERALDTON CRIME PREVENTION COMMITTEE - REPRESENTATION

AGENDA REFERENCE:	D-22-039294
AUTHOR:	L Young, Youth Crime Prevention Officer
EXECUTIVE:	F Norling, A/Director Community Services
DATE OF REPORT:	4 April 2022
FILE REFERENCE:	CS/16/0020
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Confidential - EOs Community Representatives - Greater Geraldton Crime Prevention Committee 2022-2023
	B. Draft Committee Terms of Reference – Greater Geraldton Crime Prevention Committee

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to appoint other persons to be members of the Greater Geraldton Crime Prevention Committee.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. ACKNOWLEDGE the recommendations of the Greater Geraldton Crime Prevention Committee;
2. APPOINT the following persons to be members of the Greater Geraldton Crime Prevention Committee:
 - a. Western Australia Police Officer in Charge, Geraldton (or proxy);
 - b. Western Australia Police Officer in Charge, Mullewa (or proxy);
 - c. Western Australia Police Officer in Charge, Mid West Gascoyne Youth Engagement Team (or proxy);
 - d. Community Representative - Ms Leonie Taylor;
 - e. Community Representative - Mr Tim Milnes; and
3. DETERMINE the appointments to apply until the expiration date of 21 October 2023 or as determined by Council.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the City of Greater Geraldton Ordinary Meeting of Council held on 23 November 2021 – Item No. CEO085 Re-establishment of Council Advisory Committees – Council resolved as follows:

Part A

1. *RE-ESTABLISH* the following listed Council Committees:

- a. *Greater Geraldton Crime Prevention Committee;*

Part B

1. *REQUIRE* each internal Council Committee at their first meeting held following this resolution to:

- a. *APPOINT* by Committee resolution an Elected Member as Chairperson, and Elected Member as a proxy Chairperson for the Committee; and
- b. *REVIEW* the terms of reference of the Committee and report to Council any required changes in relation to named membership of the Committee.

Previously, there has been an issue in reaching a quorum at these meetings, as discussed by Council members at the Committee meeting held on the 16 March 2022. The Committee agreed to establish a standard committee consisting of three Council members and one proxy, three members from WA Police, and two community representatives, one from Geraldton and one from Mullewa. All other group members to be included by invitation.

Other persons, which means a person who is not a Council member or an employee, as per the *Local Government Act 1995 Section 5.9 (1)* can be members of a local government committee, to be endorsed by Council resolution with their term expiring at the next Local Government Election.

Expressions of interest from prospective community representatives for the Greater Geraldton Crime Prevention Committee were sought. Advertisements were included on the City websites and social media. Applicants were asked to address specific criteria, which demonstrated their knowledge of crime prevention matters, along with a copy of their curriculum vitae.

Two expressions of interest (EOIs) were received by the closing date of Friday, 18 March 2022 from Ms Leonie Taylor and Mr Tim Milnes. The EOIs are enclosed as Confidential Attachment No. DCS524A.

Below is a summary of the changes to the Terms of Reference. Updates to terms of reference are not required to be approved by Council, only where a new Committee is established.

Terms of Reference as Adopted by Council on 23 November 2021	Updated Crime Prevention Committee Terms of Reference
<p>SET the Terms of Reference of the Greater Geraldton Crime Prevention Committee to:</p> <ol style="list-style-type: none"> a. appoint three Elected Members and one proxy to this Committee; b. provide advice and guidance on the implementation of the Community Safety Crime Prevention Plan; c. provide input into any required review of the Community Safety Crime Prevention Plan; and d. act as an advisory body to Council on matters relating to community safety and crime prevention. 	<p>SET the Terms of Reference of the Greater Geraldton Crime Prevention Committee to:</p> <ol style="list-style-type: none"> a. the quorum of a committee meeting is in accordance with Section 5.19 of the Local Government Act 1995, at least 50% of the number of offices (whether vacant or not) of member of the Committee; b. appoint three Council Members and one proxy to this Committee; c. appoint three nominees from Western Australia Police to this Committee; d. appoint two community representatives to this Committee; e. provide advice and guidance on the implementation of the Community Safety Crime Prevention Plan; f. provide input into any required review of the Community Safety Crime Prevention Plan; and g. act as an advisory body to Council on matters relating to community safety and crime prevention.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

To make the City of Greater Geraldton a safe and liveable place there is a focus on the reduction of crimes committed and the perceptions of crime by the community. The Greater Geraldton Crime Prevention Committee works to deliver the outcomes of the Community Safety Crime Prevention Plan and members of the Greater Geraldton Crime Prevention Committee will provide future input into the review of the Plan.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Ensuring that Council Advisory Committees have strong community representation and comprised of individuals who are experienced and knowledgeable in crime prevention matters will support the role of Council in the good governance of the City of Greater Geraldton.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The Greater Geraldton Crime Prevention Committee consistently included community representation since May 2011. The community representation has been valued and contributed to successful outcomes.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted at the Greater Geraldton Crime Prevention Committee meeting held on the 16 March 2022 when a review of the membership and Terms of Reference was conducted. During this process, the issue of membership and meeting quorum was raised and agreed on by all parties. The Draft Terms of Reference is attached as Attachment No. DCS524B.

The community representative positions were advertised with two expressions of interest received. The applications from prospective community representatives were circulated to Council members on the Crime Prevention Committee by email. All three Council members' replies were positive for the appointment of Ms Leonie Taylor and Mr Tim Milnes. Councillors on the Committee were happy to appoint both applicants from Geraldton, as there was no applicant from Mullewa, with the membership therefore being modified to reflect this as 'two community representatives'.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act 1995 includes provisions relating to Council Committees and the appointment and tenure of members.

5.9. Committees, types of

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*
-

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

5.11. Committee membership, tenure of

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day, whichever happens first.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.3	Pride in place and a sense of belonging is commonplace.
Outcome 1.4	Community safety, health and well-being is paramount.
Outcome 1.7	Reconciliation between Indigenous and non-Indigenous communities is supported.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Community representatives are chosen based on their experience and knowledge, which ensures the guidance they provide to Council will be relevant and informed.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. NOT SUPPORT the two Geraldton based community representatives on the Committee. It was considered that in accordance with good governance, community representation is recognised as important to the function of this Committee.

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS683 RATES EXEMPTION APPLICATION – CENTACARE FAMILY SERVICES**

AGENDA REFERENCE:	D-22-032878
AUTHOR:	S Russell, Rates Coordinator
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	21 March 2022
FILE REFERENCE:	RV/4/0003-003
ATTACHMENTS:	Yes (x3)
	A. Statutory Declaration
	B. Organisation's Operations
	C. Constitution

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to grant a rates exemption to Centacare Family Services, based on the charitable land use of Rates A11447 being Lot 606 (156) Durlacher Street, Geraldton. The legal name of the organisation is The Roman Catholic Bishop of Geraldton Centacare Family Services and the property is owned by the Roman Catholic Bishop of Geraldton.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.26(2)(g) of the Local Government Act 1995 RESOLVES to:

1. APPROVE a rates exemption to The Roman Catholic Bishop of Geraldton Centacare Family Services on the property being Lot 606 (156) Durlacher Street, Geraldton on the basis it is being used exclusively for a charitable purpose; and
2. APPROVE the exemption to take effect from the date which the application was received being 8 March 2022, and to remain in force for the duration of the current use of the property.

PROPONENT:

The proponent is The Roman Catholic Bishop of Geraldton Centacare Family Services, trading as Centacare Family Services.

BACKGROUND:

Centacare Family Services is a not for profit charitable organisation which offers community services to individuals, couples and families. The general objective of Centacare is to provide services, which are responsive to people in need, in a stimulating and supportive environment, to enhance their quality of life.

The property being Lot 606 (156) Durlacher Street, Geraldton is used by Centacare Family Services as the Men's Hub, which provides health and well-being services. The services are provided free of charge to support vulnerable and disadvantaged men in the community. Services provided free of charge include:

- Providing a social support space to develop social skills, connections and self-care strategies;
- Weekly education workshops;
- Referral to other support services including counselling for mental health, housing and employment.

The services provided by Centacare Men's Hub are of a public benefit, and Council may approve a rates exemption under section 6.26 of the Local Government Act 1995.

The property was purchased in March 2021 specifically for the purpose of operating the Men's Hub from this address.

The City periodically review properties previously classified as exempt to ensure that the use of land still qualifies as used for charitable purposes.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Centacare Men's Hub provides services free of charge to members of the community in need with the objective of offering a stimulating and supportive environment to enhance quality of life.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

This Council and its predecessor Councils have approved rate exemptions for property utilised exclusively for charitable purposes, consistent with section 6.26(2)(g) of the Local Government Act 1995.

The most recent Council approved rates exemptions on the basis of charitable purposes were at the Ordinary Meeting of Council on 27 July 2021 – Item No. CCS609, Rates Exemption Application – Senses Australia and 28 September 2021 – Item No. CCS634, Rates Exemption Application - Midwest Disaster Relief.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.26 of the Local Government Act 1995 provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”.

‘Charitable purposes’ is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

The definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as trusts for one of the following:

- *the relief of poverty;*
- *the advancement of education;*
- *the advancement of religion; and*
- *other purposes beneficial to the community;*

The High Court of Australia incorporated the Statute of Elizabeth into Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute of Elizabeth; and
- (b) for the public benefit.

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth, or by Lord Macnaghten (above); and
- (b) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

FINANCIAL AND RESOURCE IMPLICATIONS:

The property assessment is currently rateable and the total loss of revenue for the full financial year would be \$5,919. The amount of rates which would qualify for exemption from 8 March 2022 to 30 June 2022 would result in a loss of revenue of \$1,865 for the current financial year.

Exempt properties are still required to pay the Emergency Services Levy and rubbish collection charges.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion
Outcome 1.5	The opportunity for all to reach their potential exists
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Council by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and legal costs may be incurred as a result.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative option is for Council to decline the application for a rate exemption on the basis that it considers Centacare Men's Hub is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

CCS684 STATEMENT OF FINANCIAL ACTIVITY TO 31 MARCH 2022

AGENDA REFERENCE:	D-22-041953
AUTHOR:	J Bagshaw, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	6 April 2022
FILE REFERENCE:	FM/17/0009
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 March 2022

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 March 2022.

The statements in this report include no matters of variance considered to be of concern for the current budgeted end of year position.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the monthly financial statement of activity for the period 1 July 2021 to 31 March 2022, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of March 2022 is detailed in the attached report and summarised as follows, the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	150,048	0.2%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	389,271	0.6%	over YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	239,223	2.6%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	462,182	1.4%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	1,100,361	23.3%	over YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$	26,000,414
Cash at Bank – Reserve	\$	32,842,230
Total Funds Invested	\$	60,079,163

Current Rates Collected to March 2022	93.75%
Current Rates Collected to March 2021	92.27%
Rates Arrears Collected to March 2022	48.29%
Rates Arrears Collected to March 2021	41.16%

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the budget. The financial position presented in the March financials show a YTD negative variance of \$239,223 in the net operating surplus/(deficit) result (this takes into account commitments).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The Financial Management Regulations require presentation each month of a Statement of Financial Activity accompanied by other supporting information that is considered relevant. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Elected Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences ongoing financial management and the performance of the accounting systems. The monthly report provides a summary of the organisation's liquidity and going concern status.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require the local government to prepare a statement of financial activity each month, reporting on the source and application of funds as set out in the adopted annual budget.

A statement of financial activity and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Provision of monthly financial reports to Council fulfils relevant statutory requirements and is consistent with good financial governance.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS257	COUNCIL POLICY 3.2 COASTAL ADAPTATION
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AGENDA REFERENCE:	D-22-038262
AUTHOR:	M Dufour, Manager Engineering Services
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	31 March 2022
FILE REFERENCE:	GO/15/0013
ATTACHMENTS:	Yes (x1) Draft Council Policy 3.2 Coastal Adaptation (v2)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 3.2 Coastal Adaptation, version 2.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 2.7 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Council Policy 3.2 Coastal Adaptation, version 2.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City is facing the continuing impacts of coastal erosion and inundation along its coastlines. Vulnerability of land use and development within the coastal zone is expected to increase in the future. In accordance with Western Australia's State Planning Policy 2.6 Coastal Planning (SPP2.6), the City has adopted a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). A key component of the CHRMAP report is the identification of long-term adaptation pathways for twelve (12) Coastal Management Units (CMUs) along the developed Geraldton coastline.

Council Policy 3.2 Coastal Adaptation (version 1) was approved by Council on 26 November 2019. This was the culmination of a Councillor Workshop held on 5 October 2019 to develop the Policy, hosted by an experienced facilitator.

Within the biennial review process for the Council Policy Manual, the policy is due for review. City Officers requested Councillor's review of the Policy, including consideration of retiring the Policy. Based on the feedback received from Councillors it is proposed to retain the Policy unchanged.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Council Policy provides the community with Council's position in regard to coastal risk management.

Economy:

The Council Policy will serve as a document to support political and financial lobbying of State and Federal Governments for funding of coastal adaptation measures.

Environment:

The Council Policy aligns with the State Coastal Planning Policy. The Policy and Geraldton CHRMAP report provides the long term adaptation pathways for managing and accessing the foreshore environment.

Leadership:

Council Policy 3.1 Climate Change and the City's CHRMAP report support the development of this Council Policy. The Council Policy can enable the development of a coastal Local Planning Policy – to provide further planning guidance for building and living along the Geraldton coastline.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council adopted version 1 of Council Policy 3.2 Coastal Adaptation at the Ordinary Meeting of Council on 26 November 2019 (Item No. IS200 Council Policy 3.2 Coastal Adaptation).

COMMUNITY/COUNCILLOR CONSULTATION:

The Executive Management Team reviewed the draft policy on 7 February 2022. Council were consulted via Briefing Note on 22 February 2022. The Councillor Briefing Note requested that Councillors, in reviewing the Policy, consider its retirement. However, after responses received from Councillors the consensus was that the policy should be retained. The restriction of the economic consideration to the 'protect' option was queried by one Councillor. The economic consideration for the 'protect' option was included in the Policy to provide Council with the flexibility to be able to consider funding coastal protection measures where the City's CHRMAP report specifically identifies a non-protect long-term adaptation pathway. For example, of the twelve coastal management units (CMUs) in the City's CHRMAP report, ten have a non-protect long-term adaptation pathway. The two CMUs with a protect pathway (Geraldton Foreshore, Beresford) have already had extensive investment in their protection (revetments, groynes, buried seawalls etc.).

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 of the Local Government Act 1995 the role of Council includes the determination of Council Policies:

2.7. Role of Council

(1) *The Council —*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the Council is to —*

- (a) oversee the allocation of the local government's finances and resources; and
 (b) determine the local government's policies.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no immediate financial or resource implications in adopting this Policy. The Policy has been developed primarily to support financial leveraging from State and Federal governments.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Outcome 3.2	Regional leader in adapting to climate change.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

The Policy outlines Council's position to guide and inform new and existing land-holders in their investment decisions in the City region.

RISK MANAGEMENT:

Ensuring that Council Policies are up to date reflects the current needs of the Local Government. This supports the role of Council in the good government of the City of Greater Geraldton. The Policy sits as an overarching document to the City's CHRMAP report - which provides risk management and long-term adaptation pathways for the develop Geraldton coastline.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Retirement of Council Policy 3.2 Coastal Adaptation was considered by City Officers, since Council Policy CP3.1 Climate Change updated in May 2021 references adapting to climate change:

"Ensuring that planning, investment and project decisions take into consideration the likely impact of climate change through including the impact on current and future human settlements, natural resources and ecosystems".

However, this was not supported by Councillors.

IS258	WORK HEALTH AND SAFETY
AGENDA REFERENCE:	D-22-037946
AUTHOR:	C Lee, Director Infrastructure Services
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	5 April 2022
FILE REFERENCE:	GO/15/0009
ATTACHMENTS:	Yes (x2) Confidential
	A. Confidential - EY Work Health and Safety Gap Analysis and Assessment
	B. Confidential - 2022 State Council Decision Emergency Management Advocacy Positions

EXECUTIVE SUMMARY:

In November 2020, the WA government adopted the national model Work Health and Safety legislation. The Work Health and Safety Act ('the Act' or 'this Act') replaced the Occupational Safety and Health Act from 1984 on 31 March 2022.

A key change of the Act for employers includes a much broader understanding of the term 'worker' which will also extend to contractors, sub-contractors, and volunteers.

The Act also incorporates changes associated with the inclusion of Industrial Manslaughter, Due Diligence and the relationships between a Person Conducting a Business or Undertaking (PCBU) and workers.

The City of Greater Geraldton (the City) currently engages 377 volunteers from across the community and the Act applies to the City in terms of the health and safety management of all volunteers.

The City has undertaken a process to understand the proposed changes, in particular as it relates to volunteers, and the requirements in addressing the gaps between current practice, systems and processes and the revised operating practices to meet the new legislation.

The purpose of this report is to seek Council approval of the Executive Recommendation to provide the additional resources required to appropriately provide City Volunteer work, health and safety management in accordance with the new legislation.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. MAKE provision in the FY2022-23 operating budget to meet the ongoing legislative requirements of the Act, and appropriately resource the management of all City volunteers;

2. DIRECT the CEO to undertake a review of the draft Consolidated Emergency Services Act and provide a submission as required on behalf of the City, and;
3. DIRECT the CEO to write to WALGA supporting their proposed Emergency Management Advocacy position provided in Confidential Attachment No. IS258B.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On 12 July 2017, the Premier announced that work would commence to develop modernised work health and safety (WHS) laws for Western Australia. Western Australia's Work Health and Safety Act 2020 was passed by Parliament on 3 November 2020 and assented to by the Governor on 10 November 2020. As of 31 March 2022, all Western Australian workplaces now come under this single Act, which will replace the Occupational Safety and Health Act 1984.

The new laws are largely based on the national model WHS Act used in other states and territories (except Victoria), so companies will have similar obligations and requirements across Australia.

A key change of the Act for employers, including Local Government, is a much broader understanding of the definition of a 'worker' which will extend to contractors, sub-contractors, and volunteers.

The City currently engages 377 volunteers from across the community, including 262 Bush Fire Brigade (BFB) volunteers across ten brigades, and 115 volunteers across the Art Gallery / Visitor Centre, Community Nursery, Library, QE II Senior centre, Mullewa and the Queens Park Theatre.

The City engaged Ernst and Young (EY) to provide independent, expert advice to assist the City with understanding the impacts, gaps, actions and estimated effort required to close the gaps between current volunteer management practices, and those that will be required in accordance with the new legislation.

Assessments were carried out via desktop analysis and interviews with a selection of key staff to review elements of the City's occupational safety and health (OSH) systems and processes in relation to the engagement of volunteers.

Advice received confirmed that the Act applies to the City in terms of the future, and ongoing, management of the health and safety of its volunteers.

Within the above context, the following summarises key information regarding 'the Act' for the purposes of further awareness and consideration relevant to the Executive Recommendation:

1. Positive Duties on ‘Officers’ (s27)

There is a greater focus on safety leadership by imposing positive duties on ‘Officers’ to proactively demonstrate due diligence in regards to the requirements of ‘the Act’.

An Officer is defined as a person who makes or participates in making decisions that affect the whole, or a substantial part, of the business or undertaking (s4A (3)).

An Officer must demonstrate high, yet attainable standards of due diligence. Specifically, this includes but is not limited to:

- Having processes in place to keep up to date on WHS matters;
- Knowing the hazards and risks associated with the business or undertaking;
- Allocating resources to eliminate or minimise risk as far as reasonably practicable;
- Ensuring timely response to incident and hazard reporting;
- Implementing processes to ensure compliance; and
- Actively monitoring and reviewing organisational WHS performance.

2. Person Conducting a Business or Undertaking (PCBU) (s19) and Worker (s28)

PCBU is a term used throughout WHS legislation to describe all forms of modern working arrangements. As well as an employer, a PCBU can be a:

- Corporation
- Association
- Partnership
- Sole trader
- Volunteer organisation that employs people to carry out work
- Local Government
- Independent school and
- Government department and authorities

PCBUs must meet their obligations to ensure the health and safety of their workers and others including visitors and volunteers. The term “worker” is also broader under the Act, and includes:

- An employee
- Contractors
- Subcontractors and casual workers
- Employee of a contractor or subcontractor
- Employee of a labour hire company
- Outworker (e.g. working from home)
- Apprentice or trainee
- Volunteer and
- Student on work experience

3. Increased Penalties (s30A to s33)

A gross negligence/industrial manslaughter penalty has been introduced in the Act. The previous maximum penalty for a company is \$2.7 million and has increased under the new Act to \$10 million. Penalties are just as detrimental for Officers under the new Act. Previously, a guilty industrial manslaughter charge could have resulted in a maximum fine of up to \$550,000 plus five years in prison.

Now that the new Act is in effect, penalties are up to a \$5 million fine and up to 20 years in prison.

4. Easier to convict a Company 'Officer' of Industrial Manslaughter (s30A)

To convict an Officer under the previous industrial manslaughter legislation, a prosecutor had to firstly convict the company of gross negligence. History shows that companies go into liquidation following a serious incident or fatality leaving no pathway for convicting an Officer. Under the new Act, the requirement to firstly convict the company has been removed leaving individual Officers to face prosecution in the event of a serious incident.

5. Changes to Insurance (s272A)

Under the previous Act, an Officer's insurance could cover legal fees and penalties. Under the new Act, insurance can still cover legal fees, but it cannot cover penalties, therefore company Officers and PCBUs cannot take out insurance to cover fines for breaches and are individually liable to pay.

Under the new Act, the City is a PCBU and its senior leadership team are considered 'Officers'. Hence, the City, as an entity, has a primary duty of care to ensure, so far as reasonably practicable, the health and safety of (s19 (1));

- a. Workers (including volunteers) engaged, or caused to be engaged, by the PCBU; and
- b. Workers whose activities in carrying out work are influenced or directed by the PCBU while the workers are at work in the business or undertaking.

City Officers, essentially those in key decision-making roles, have to exercise due diligence per the items listed above under the positive duties section.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

Community volunteers provide a crucial support network across a number of City services that would not be available without them. The City has 284 full time equivalent staff plus approximately 61 casual staff. In addition, the City currently engages with 377 volunteers in a range of support roles and functions. The City has detailed, documented OSH processes and systems in place and has identified risks and put controls in place in relation to managing and exercising its OSH obligations for full-time staff, and to some extent, this extends to volunteers.

Subject to Council resolution of the Executive Recommendation, the City will be in a position to provide the required level of management support to all City volunteers in accordance with the Act.

Economy:

City volunteers associated with venues such as the HMAS Sydney II memorial and the Queens Park Theatre provide a valuable service that contributes to the local economy in attracting and supporting visitors to the region. Failure to support the Executive Recommendation may see a reduction in the number of community volunteers willing to support the City, which may have an impact on the viability of some services.

Environment:

The engagement and management of City volunteers is undertaken via two pathways, one for BFB volunteers, and a separate process for all other volunteers. Depending on the pathway depends on the level of assessment undertaken on a volunteer's suitability to perform the role and the level of OSH oversight provided.

Based on the information gathered during the review by EY, an assessment was made between the current state of the City's OSH management system and practices that identified eight (8) key gaps required to be addressed in order for the City to demonstrate it is meeting its primary duty of care as a PCBU.

The final stage of the assessment confirmed actions and provided an estimate of the additional effort required to implement the recommendations subsequently closing the gaps. Using data sets and information provided by the City, as well as drawing on industry practice, the estimate of effort has been calculated at up to an additional 3.5 FTEs, two additional field support vehicles, and firefighting pods.

Leadership:

Under the new Act, PCBUs, such as the City, will have a number of obligations on its Officers to ensure the health and safety of 'workers' (**which includes volunteers**) and that the health and safety of persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

Disclosure of Interest:

The Officers involved in the preparation of the report assessed if a conflict may exist concerning the report's development i.e. they are deemed Officers under WHS Act. However, the nature of the report is thought to not represent a conflict, as WHS and its ongoing management is core business for the City and all businesses in WA.

RELEVANT PRECEDENTS:

Harmonised safety legislation (WHS) has been implemented in all States and territories with the exception of Victoria. An important distinction however in Western Australian (WA) context, is that WA is the sole state where local governments are responsible for bushfire emergency response and management.

The City has provided ongoing reports to the Council Audit Committee on the impacts of the Act on City operations as follows:

- a. AC091 Work Health and Safety Bill Update;
- b. AC108 Work Health and Safety Update; and
- c. AC116 Internal Audit Safety Management Systems Improvement Action Plan Update.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been significant community/Councillor consultation via Council Concept Forum meetings and Council Bush Fire Advisory Committee Meetings.

Director Infrastructure Services and Mayor Van Styn met with the Minister of Emergency Services, Hon Stephen Dawson, and the DFES Commissioner Darren Klemm in Geraldton on 10 March 2022. WHS and its associated implications on Local Government were discussed and the City received verbal advice that:

- The forthcoming draft Consolidated Emergency Management Act would likely be made available for public consultation in late 2022;
- There is currently no formal mechanism for an LG to request the transfer of BFB Volunteer management to DFES. However the new Act is expected to contain such a transfer mechanism, but details are unavailable as yet; and
- There is no funding being made available to LG's to assist with additional resourcing necessary to meet the requirements of the Act.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications should Council provide support of the Executive Recommendation. However, a failure to support the recommendation, and in particular, not provide the required level of resourcing, will expose both City Officers and volunteers to unacceptable levels of workplace health and safety risk and personal liability under the Act.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are financial and resource implications associated with addressing the eight identified gaps required to meet the legislative requirements of the Act inappropriately resourcing the management of City volunteers.

Annually \$180,000-\$200,000 subject to final determined resourcing levels.

The above costings are based upon the following estimated additional resourcing requirements.

One (1) Emergency Services Officer

The purpose of this position will be to assist with the management of the City's Bush Fire Brigades, Fire Control Officers and associated resources. This role will assist in maintaining Emergency Management plans, arrangements and operational readiness including training and developing Incident Management capabilities within Council and volunteers.

One (1) Volunteer Support Administrator

The purpose of this role will be responsible for the provision of volunteer administrative support in order to maintain and support the organisation in the recruitment, on boarding and management of all volunteers. This position will also be responsible for ensuring that we offer all City volunteers a rewarding, varied and enjoyable volunteering experience.

One (1) additional support vehicle

Embedding the above two positions into the City's organisational structure will add and as stated above, an estimated \$200,000 into annual operating costs. The addition of a vehicle will form part of capital expenditure in year one (1) of the LTFP and future year's replacement costs will be per the Fleet Replacement Program.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.5	An integrated emergency and land management approach.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are potential negative impacts on regional outcomes associated with WHS legislation. The requirements for all City Volunteers (now considered employees) to attend inductions, training and adhere to various policies such as Fitness for Work may become overly onerous on a volunteer's time. In particular, this may have long term impacts on the appetite for Volunteers to register to become, or remain, Bush Fire Brigade members potentially impacting the safety of the community.

RISK MANAGEMENT:

The Executive Recommendation is considered to address the requirements of the Act when it comes into effect by providing sufficient resources to safely manage the health and wellbeing of City volunteers and legislative risk to Officers.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following option was considered by City Officers:

Transition of Brigades to DFES Management

Subsequent to numerous conversations and meetings with representatives from DFES, WALGA and LGIS, the following key information has been obtained:

1. There is currently no formally recognised process in place for Local Government's (LG's)'s to request transition of the management of the Bush Fire Brigade (BFB) Volunteers to the Department of Fire and Emergency Services (DFES).
2. There is a possibility for LG's to formally request a transfer of the management of the BFB's to the DFES Commissioner however, it is currently DFES position that the BFB's must want the transfer to occur. In regards to the City, this is likely to require unanimous agreement by all 10 of the City BFB's if this request was to be favourably considered.
3. DFES have advised that they do not have the resources available to take on the management of LG BFB's.
4. The City have been advised by WALGA that DFES are currently working on new Emergency Services legislation with a draft for public comment expected mid-year 2022. Officers understand that the new "Consolidated Emergency Services Act" will include a formal mechanism for LG's to request the transfer of management of BFB's to DFES however details of the proposed mechanism are not yet available.
5. WALGA advised that they would be meeting with Murray Carter, Executive Director, Rural Fire Division, from DFES in the near future to discuss the pressing need for joint communications to the LG sector in this regard.

Based on the above there may be an option for Council to consider transitioning management of BFB volunteers in the medium to long term subject to brigade agreement and the 'Consolidated Emergency Services Act' containing the required mechanism.

As the WHS Legislation came into effect on 31 March 2022, Officers do not support this as an alternative option for consideration in the short term.

12.4 REPORTS OF OFFICE THE CEO

Nil.

12.5 REPORTS TO BE RECEIVED**RR36 REPORTS TO BE RECEIVED - APRIL**

AGENDA REFERENCE:	D-22-044120
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	14 April 2022
FILE REFERENCE:	GO/6/0012-008
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. DCSD181 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CEO094 - WALGA State Council Agenda – 4 May 2022
	C. Confidential - CCS685 - List of Accounts Paid Under Delegation March 2022

EXECUTIVE SUMMARY:

The purpose of this report is to receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Development Services:
 - i. DCSD181 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Office of the CEO:
 - i. CEO094 - WALGA State Council Agenda – 4 May 2022.

PART B

That Council by Simple Majority, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS685 – Confidential Report – List of Accounts Paid Under Delegation March 2022.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Reports to be received by Council at each Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****16 MEETING CLOSED TO PUBLIC**

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

Livestreaming will be turned off if required.

CCS686 RFT 2122 14 PUMP SERVICING & MAINTENANCE

AGENDA REFERENCE:	D-22-040801
AUTHOR:	C Bryant, Coordinator Procurement K Smith, Manager Maintenance Operations
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	4 April 2022
FILE REFERENCE:	FM/25/0253
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2122 14 Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2122 14 Pump Servicing & Maintenance separable portions to the preferred tenderer.

The contract is to run for a period of two years for delivery of budgeted pump servicing and maintenance services.

The initial contract will be in place from 1 July 2022 to 30 June 2024 with the option for a one year extension, exercisable at the discretion of the Principal.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. AWARD the contract RFT 2122 14 Pump Servicing & Maintenance separable portions to the preferred tenderer; and
2. RECORD the estimated annual contract value in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The tender RFT 2122 14 Pump Servicing & Maintenance (RFT) was advertised in The West Australian on 26 February 2022, in the Geraldton Guardian on 25 February 2022, and the City's TenderLink e-Tendering Portal. The RFT closed on 21 March 2022.

Eight suppliers registered to receive copies of the tender and two submissions were received. The tender assessment was undertaken by a panel of five Officers with three voting and two non-voting. The recommended tenderer has an operation based locally.

The RFT has a two year duration commencing from the date of award and has a one year extension option at the absolute discretion of the City. The City has adopted a two year supply contract period for a variety of goods and services used in the maintenance programs.

There has previously been multiple short term minor contracts via Request for Quote (RFQ) in place for pump servicing and maintenance. The latest being VP250367 Pump Servicing and Maintenance 2021-2022 utilised by Maintenance Operations and VP224680 Goods and Services for Pumps and Equipment Requirements at Meru Landfill. Requirements for aquatic facilities and any other ad hoc requirements have previously been individually quoted as needed.

It was identified that having all of the City's pump servicing and maintenance requirements tendered as two separable portions will provide internal administration efficiencies and the provision of services using agreed rates.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Well maintained pumps support the community by enabling public open spaces to be irrigated, aquatic facilities to run efficiently and meet health standards, storm water to be managed, and Meru landfill site to run efficiently.

Economy:

Award of this tender will result in City funds flowing into the local economy through the employment of local community members such as labourers, apprentices, electricians, and customer facing staff, supporting local businesses.

A two year supply contract also allows Maintenance Operations, City Precinct, Sports and Leisure, and Waste teams to carry out pump servicing and maintenance from proven accredited suppliers with planned costs.

Environment:

All proposed pump servicing and maintenance works will be undertaken with care for the environment in mind. Environmental controls are implemented as part of the individual maintenance programs.

Well maintained and fit for purpose pumps and pump control systems ensure efficient use of water resources for irrigation and the safe and effective management of water through stormwater systems and the City's aquatic facilities.

Leadership:

Successful tenderers are required to provide a comprehensive Safety Management Plan with works monitored by the City through Key Performance Indicator (KPI) checklists and safety management audits.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

As detailed above these specific services have not been previously tendered. However, there is City precedents for procurement processes approaching tender threshold to be assessed and issued as public requests for tender. Such an example is the recent RFT 2021 22 Supply of Plumbing Maintenance Services.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of two year supply contracts for essential services. Consultation relating to these activities takes place when Council confirms the annual budget for such essential services.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act 1995 and City's Procurement policy CP4.9 were observed when preparing and recommending the award of this tender. Safe work methods and environmental management in line with legislative requirements will be observed as part of the delivery of the contract.

FINANCIAL AND RESOURCE IMPLICATIONS:

The approximate expenditure on pump servicing and maintenance is \$450,000 (excluding GST) per annum for both separable portions A and B combined. Assuming all extension periods are exercised, the estimated total contract value over three years is \$1,350,000 (excluding GST). These funds are sourced from the Maintenance Operations, Sports and Leisure, and Environmental Health and Waste operational budgets.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.

REGIONAL OUTCOMES:

To facilitate well maintained pumps to support the comfort and safety of the community by enabling public open spaces to be irrigated, aquatic facilities to run efficiently and safely, storm water to be managed, and Meru landfill site to run efficiently.

RISK MANAGEMENT:

The services carried out under this contract will ensure well maintained pumps that support public open spaces, aquatic facilities, storm water management, and Meru landfill site, reducing the likelihood of accidents or injury caused to members of the public and property. In addition the successful tenderer shall have documented management plans in place to ensure the safety and protection of workers and the community in relation to this service.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

This RFT was called to ensure compliance with the legislative procurement requirements of the Local Government Act 1995. The following alternatives were considered in the procurement planning phase prior to calling this tender:

1. Continue to conduct yearly Requests for Quotation and create short term minor contracts for pump servicing and maintenance for Maintenance Operations, and a separate one for Meru Landfill site, and continue to individually quote for all other ad hoc and aquatic facility pump servicing and maintenance requirements. This option is not supported due to the volume of administrative effort this would require, and the potential to have higher costs through many smaller purchases.

IS256 RFQ VP282767 SUPPLY OF CONSTRUCTION GRADER	
AGENDA REFERENCE:	D-22-033615
AUTHOR:	K Smith, Manager Maintenance Operations
EXECUTIVE:	C Lee Director Infrastructure Services
DATE OF REPORT:	17 March 2022
FILE REFERENCE:	PS/1/0004
ATTACHMENTS:	Yes (x1) Confidential Confidential - Mullewa Grader Evaluation Report 2022

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award Request for Quotation (RFQ) VP282767 FLE155001 Supply of One Construction Grader to the preferred tenderer.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the *Local Government Act 1995* RESOLVES to:

1. AWARD RFQ VP282767 FLE155001 Supply of Construction Grader to the preferred supplier; and
2. RECORD the purchase price in the Minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFQ VP282767 FLE155001 Supply of Construction Grader was posted for e-Quote via Vendor Panel on 21 December 2021 and closed on 21 January 2022. Five WALGA Preferred Suppliers were notified of the request in accordance with Council Policy (CP) 4.9 Procurement of Goods and Services, Clause 3.8.2.

Three submissions were received from the following suppliers:

1. Westrac – Caterpillar 150
2. Komatsu – GD655-7
3. AFGRI – John Deere 670 GP and John Deere 620GP

All submissions were deemed compliant and progressed for evaluation.

All tenderer companies operate local offices in Geraldton and can provide service and parts support.

E-quote Documents Provided to Suppliers:

- a. A copy of the e-Quote via WALGA Request for Quotation Reference Number VP282767.

- b. A copy of the Detailed Specification for the replacement of the construction grader was supplied.
- c. Fleet services evaluation criteria for the purchase of plant and equipment.

The RFQ assessment was undertaken by a panel of seven (7) Officers with five (5) voting and two (2) non-voting.

The City currently operates graders similar to each of the models proposed and therefore has a very good understanding of cost and performance over time. The grader that is being replaced through this RFQ process is a Caterpillar 140 model, which has been in service for over ten years and completed 12,500 hours of work without any major maintenance issues, breakdowns, or performance concerns.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

A well maintained and fit for purpose road network is essential to the community and the purchase of this grader is central to providing a well maintained network.

Economy:

Award of this tender will result in City funds flowing into the local economy through the employment of local community members such as salespersons, servicing and spare parts supply. The local economy is partially dependent on a safe and reliable road network for transporting goods and services which is supported through road maintenance operations.

Environment:

All proposed road maintenance works are undertaken with the care of the environment in mind. Environmental controls are implemented as part of road maintenance programs.

Leadership:

There are no Leadership concerns with the awarding of this E-Quote.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The City has previously purchased graders and heavy plant through similar e-Quote processes as part of the annual Plant Replacement Program.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of the procurement e-Quotes. Consultation relating to these activities takes place when Council confirms the annual budget for the Plant Replacement Program.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Act 1995* and City's Procurement policy CP4.9 were observed when preparing and recommending the award of this tender. Safe work methods and environmental management in line with legislative requirements will be observed as part of the road maintenance program.

FINANCIAL AND RESOURCE IMPLICATIONS:

The budget for the purchase of a new construction grader is \$500,000. The estimated disposal value of the current grader is \$200k at auction.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.

REGIONAL OUTCOMES:

To assist with the provision of a well maintained and fit for purpose road network that supports the transport requirements of the region.

RISK MANAGEMENT:

The maintenance of the City's road network in a safe condition for the transport of people, goods and services is enhanced through the renewal of Plant and Equipment for the purpose of maintaining the network. A plant risk assessment and safe operating procedures are implemented with the operation of this plant item.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered.

DCS522 CONFIDENTIAL ITEM – LAND ACQUISITION, WONTHELLA (Public Version)
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AGENDA REFERENCE:	D-22-042691
AUTHOR:	B Robartson, Manager Land and Regulatory Services / F Norling, A/Director Community Services
EXECUTIVE:	P Melling, Director Development Services/ F Norling, A/Director Community Services
DATE OF REPORT:	6 April 2022
FILE REFERENCE:	A18218
ATTACHMENTS:	Yes (x1) Confidential Confidential - Land Acquisition, Wonthella

This item has been provided to Council under separate cover.

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *will* need to be closed to the public, as confidential discussion is required.

17 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

Attachments and Reports to be Received are available on the City of Greater Geraldton website at: <https://www.cgq.wa.gov.au/council-meetings/>