



ORDINARY MEETING OF COUNCIL
MINUTES

27 FEBRUARY 2024

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CITY OF GREATER GERALDTON**ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 27 FEBRUARY 2024 AT THE CONCLUSION OF THE
ANNUAL MEETING OF ELECTORS
CHAMBERS, CATHEDRAL AVENUE****MINUTES****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

The Presiding Member declared the meeting open at 5:19pm.

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:**

Mayor J Clune
Cr N Colliver
Cr S Cooper
Cr J Critch
Cr J Denton
Cr P Fiorenza
Cr A Horsman
Cr M Librizzi
Cr S Keemink
Cr K Parker
Cr V Tanti

Officers:

R McKim, Chief Executive Officer
R Hall, Director of Development Services
F Norling, Director of Community and Culture
K Smith, A/Director of Infrastructure Services
N Jane, Chief Financial Officer

M Wilson, Minute Secretary
L Pegler, A/PA to the Chief Executive Officer
B Pearce, Manager Corporate Compliance and Safety

Others:

Members of Public: 6
Members of Press: 0

Apologies:

P Radalj, Director Corporate Services
C Lee, Director Infrastructure Services

Leave of Absence:

Nil.

4 DISCLOSURE OF INTERESTS

Cr M Librizzi declared a Financial Indirect interest in Item No. CS107 RFT 2324 15 Supply, Installation and Maintenance of Stormwater Drainage Infrastructure as a tenderer is a client of the Council Members consultancy business.

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.

Public question time commenced at 5:21pm.

Sean Hickey, 21 Eastcott Way, Tarcoola Beach, WA

The Mayor reaffirmed with Sean Hickey whether he is aware of the deadline for submission of public questions for the Ordinary Meeting of Council.

Sean Hickey confirmed that the deadline for submission of public questions is 12:00pm on the Monday before the Ordinary Meeting of Council to which they will be presented.

Question

Will Council revisit CHRMAP, revisit all the policies and all their decision making, revisit the issue of south gates, revisit new enquiry and come up with something better than the existing CHRMAP?

Response

Thank you for your question Mr Hickey.

The Local Government does what is advised by the State Government. CHRMAP comes from State policy SPP2.6 which is currently being revised and once revised the Council will look at what we need to do.

Question

Pathway link- Willock Drive to Upton Way.

This path opens up the inequity of land use that prevails in this coastal location. This track/ pathway (starting at Willock Drive leads into the unresolved and inequitable, divisive situation where private landholders are making more than the most of their opportunity. Because the most (the public) are hemmed into a tight little space with rails defining the areas of use

Response

Thank you Mr Hickey.

That's more of a statement rather than a question. Your view on this pathway is very well known. This is question time, not statement time – we will again reiterate it's about making a question not a statement.

The Council here has heard your statement and your views and I don't think there's much more I can add.

Public question time concluded at 5:33pm.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr M Librizzi	15 March 2024	1 April 2024	31/10/2023
Cr K Parker	28 April 2024	5 May 2024	30/01/2024

**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 at 'Record of Attendance'.

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. Mayor J Clune for the period 28 February to 2 March 2024; and
 - b. Deputy Mayor Cr N Colliver for the period 20 March to 22 March 2024.

COUNCIL DECISION

MOVED CR CRITCH, SECONDED CR KEEMINK

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. **Mayor J Clune for the period 28 February to 2 March 2024;**
 - and**
 - b. **Deputy Mayor Cr N Colliver for the period 20 March to 22 March 2024.**

CARRIED 11/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 30 January 2024, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR LIBRIZZI, SECONDED CR COLLIVER

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 30 January 2024, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 11/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

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

DATE	FUNCTION	REPRESENTATIVE
31 January 2024	Triple M Radio Interview – Outcomes from Council Meeting	Mayor Jerry Clune
31 January 2024	Filming for Council Update Videos - Outcomes of Council Meetings 2024	Mayor Jerry Clune
31 January 2024	Triple M Radio Interview	Mayor Jerry Clune
1 February 2024	City of Greater Geraldton - Tour of the Belmont Hub	Mayor Jerry Clune
1 February 2024	Regional Art Gallery Funding - with Minister for Culture and the Arts the Hon David Templeman MLA	Mayor Jerry Clune
5 February 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
5 February 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
5 February 2024	Budget 2024-25 - pre meeting to Concept Forum	Mayor Jerry Clune
5 February 2024	Geraldton Turf Club – Request Assistance in Relation to Geraldton Gold Cup Meeting	Mayor Jerry Clune
6 February 2024	Photo's for Media Release - 5 Star Food Safety Award Winners	Mayor Jerry Clune
6 February 2024	Return-It Geraldton Relaunch	Cr Michael Librizzi
6 February 2024	Concept Forum	Mayor Jerry Clune
7 February 2024	Bringo Recreation Reserve	Mayor Jerry Clune
8 February 2024	Annual General Meeting for the Geraldton Soldiers, Sailors & Airmen Memorial Trust	Mayor Jerry Clune
8 February 2024	Officer Briefing - Memorabilia Display 1887 to 1966 Victoria District Hospital - Ex Victoria District Hospital Staff Association Inc	Mayor Jerry Clune
9 February 2024	Mid West Development Corporation (MWDC) Meeting	Mayor Jerry Clune
11 February 2024	Radio Mama Interview – Local Matters	Mayor Jerry Clune
12 February 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
12 February 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
12 February 2024	Triple M Radio Interview - City Advocates for Increased Art Gallery funding	Mayor Jerry Clune
13 February 2024	ABC Interview - City Advocates for Increased Art Gallery funding	Mayor Jerry Clune
13 February 2024	Meeting with WA Museum and the Museum of Geraldton – Proposals and Projects – via electronic means	Mayor Jerry Clune
13 February 2024	Department of Planning, Lands and Heritage - Kojarena Land Owner Query - Truck Stop Requirements - Geraldton Mt Magnet Road – via electronic means	Mayor Jerry Clune
15 February 2024	Mayoral Portrait	Mayor Jerry Clune
16 February 2024	Briefing on Upcoming Council Agenda Item	Mayor Jerry Clune
19 February 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
19 February 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
19 February 2024	Regular Meeting - City of Greater Geraldton with Local Members Sandra Carr MLC, Member for the Agricultural Region	Mayor Jerry Clune
20 February 2024	Agenda Forum	Mayor Jerry Clune

21 February 2024	Regional Capitals Alliance WA (RCAWA) Delegation - Meeting with the Hon Hannah Beazley MLA, Minister for Local Government	Mayor Jerry Clune
21 February 2024	RCAWA Delegation Meeting with Libby Mettam MLA, Leader of the WA Liberal Party	Mayor Jerry Clune
21 February 2024	RCAWA Meeting - Perth	Mayor Jerry Clune
22 February 2024	Monthly Mullewa Meeting	Mayor Jerry Clune
22 February 2024	Batavia Local Emergency Management Committee (BLEMC) Meeting	Mayor Jerry Clune
22 February 2024	Batavia Coast Marina Stage 2 (BCM2) Steering Group Meeting	Mayor Jerry Clune
22 February 2024	Geraldton Regional Art Gallery (GRAG) Exhibition Opening Night – Dancer and Some Like it Hot	Mayor Jerry Clune
26 February 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
26 February 2024	WA Local Government Association (WALGA) Northern Country Zone - via electronic means	Mayor Jerry Clune
26 February 2024	Meeting with Shane Love MLA, Leader of the Opposition, Leader of the Nationals WA, Member for Moore – Local Matters and Priorities	Mayor Jerry Clune
27 February 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
27 February 2024	Plaque Exchange - Inaugural Cruise Ship Visit - Brilliance of the Seas	Mayor Jerry Clune
27 February 2024	Meeting with BP - Geraldton Export-Scale Renewable Investment (GERI) Project	Mayor Jerry Clune
27 February 2024	Annual Meeting of Electors	Mayor Jerry Clune
27 February 2024	Ordinary Meeting of Council	Mayor Jerry Clune

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 to represent the Mayor.

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil
Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT SERVICES

DS027	LEASE – SAIL INN CAFÉ – PORTION OF LOT 817 MARINE TERRACE, GERALDTON
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AGENDA REFERENCE:	D-24-016353
AUTHOR:	G Wilkinson, Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	4 February 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to lease 304m² of Lot 817 Marine Terrace, Geraldton to Mr Paul Foster trading as Sail Inn Snack Bar.

EXECUTIVE RECOMMENDATION:

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

1. GIVE public notice of the intent to lease 304m² of Lot 817 Marine Terrace, Geraldton for the purpose of a commercial café to Paul Foster trading as Sail Inn Snack Bar;
2. MAKE the determination subject to:
 - a. Advertising notice period of 14 days inviting public submissions; and
 - b. Consent from the Minister for Lands.
3. SET the proposed conditions as:
 - a. Enter a five (5) year lease agreement to commence on the date of execution, with a further term option of five (5) years at the sole discretion of the City;
 - b. Set the lease fee at \$54,239.40 per annum; and
 - c. Adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth.
4. ADVISE the Lessee that they are responsible for separately paying:
 - a. All applicable, rates, taxes, and utilities; and
 - b. All costs associated with:
 - i. The preparation, execution and registration of the lease; and
 - ii. All other costs associated with the lease.
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

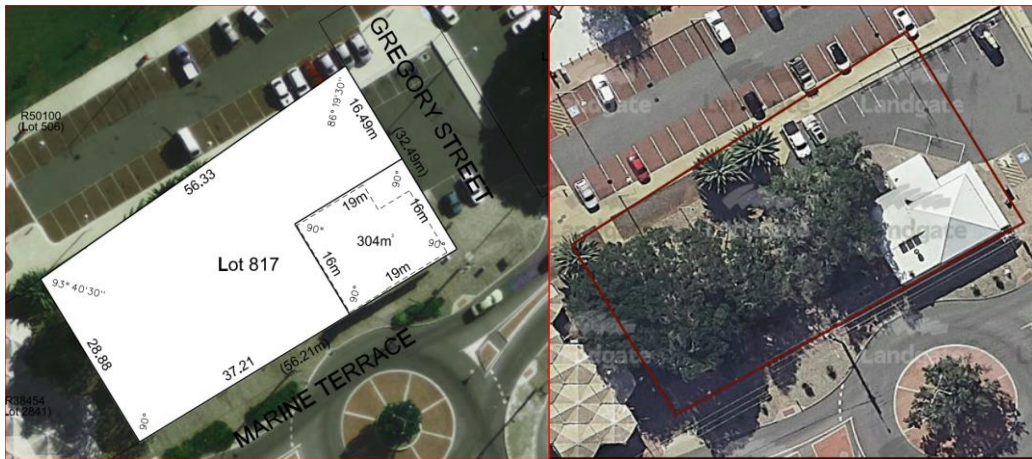
PROPONENT:

The proponent is Mr Paul Foster trading as the Sail Inn Snack Bar.

BACKGROUND:

The City owned café in the West End Foreshore precinct, known as the Sail Inn Snack Bar, is located on freehold land under a Municipal Endowment from the Crown on Lot 817 Marine Terrace, Geraldton. The business operating out of the café is owned and operated by Paul Foster who purchased the business in 2009. The Sail Inn Snack Bar is a café that operates seven days a week.

The site of the café on Lot 817 is shown below:



The lease has been operating under the holding over clause since July 2021 due to ongoing land tenure negotiations with the Department of Planning, Lands and Heritage (DPLH). Without a secure lease the lessee has advised that the long-term prospect of the business presents challenges related to stock investment and product continuity. The lessee has contacted the City to request a new lease which will provide the business with security, support operational planning and economic stability.

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

Income generated from the lease contributes to the City's revenue that supports community infrastructure, such as the Geraldton Foreshore in proximity to the café.

Economy:

Approving a new lease supports the local business economy by maintaining business activity in the City Precinct.

Environment:

The Sail Inn Snack Bar is an existing building so the environmental impact will not be affected.

Leadership:

As part of the formal statutory structure, a lease assists with the good governance and management of City land assets.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

On 15 October 2019 Council Item No. DCS424 resolved to enter a lease agreement with Thornells Group Pty Ltd for a café on the Geraldton foreshore (known as Kai Lani).

COMMUNITY/COUNCILLOR CONSULTATION:

The proponent has consulted with Councillors to advocate for a new lease. Should Council grant approval to enter a new lease agreement, local public notice of the intent to grant a lease will be advertised, inviting public submissions for a period of 14 days.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* details the process for disposing (in this case leasing) of property.

FINANCIAL AND RESOURCE IMPLICATIONS:

The current annual lease fee is \$54,239.40 per annum. An independent market rent assessment was conducted in October 2023 confirming the new lease fee will not increase. The new lease would be subject to annual CPI increases.

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.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

REGIONAL OUTCOMES:

Supporting small businesses along the Geraldton foreshore assists in activating the area and attracting tourism to the region.

RISK MANAGEMENT:

Not providing security through tenure of the building to the incumbent lessee could negatively affect continuity of products and service available to the community.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following option was considered by City Officers:

1. REJECT the lease proposal through private treaty and advertise expressions of interest.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR LIBRIZZI**

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

1. **GIVE** public notice of the intent to lease 304m² of Lot 817 Marine Terrace, Geraldton for the purpose of a commercial café to Paul Foster trading as Sail Inn Snack Bar;
2. **MAKE** the determination subject to:
 - a. Advertising notice period of 14 days inviting public submissions; and
 - b. Consent from the Minister for Lands.
3. **SET** the proposed conditions as:
 - a. Enter a five (5) year lease agreement to commence on the date of execution, with a further term option of five (5) years at the sole discretion of the City;
 - b. Set the lease fee at \$54,239.40 per annum; and
 - c. Adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth.
4. **ADVISE** the Lessee that they are responsible for separately paying:
 - a. All applicable, rates, taxes, and utilities; and
 - b. All costs associated with:
 - i. The preparation, execution and registration of the lease; and
 - ii. All other costs associated with the lease.
5. **REFER** the matter back to Council for final consideration if any objecting submissions are received.

CARRIED 11/0

Time: 5:40 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

DS028 LICENCES – SURF SCHOOL COMMERCIAL ACTIVITY ON CROWN RESERVES

AGENDA REFERENCE:	D-24-016911
AUTHOR:	G Wilkinson, Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	8 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3)
	A. Fees and Charges – Proposed Amendments
	B. Map Locations – A Glassy Day
	C. Map Locations – Midwest Surf School

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to:

- Issue two separate licences to occupy portions of various Crown Reserves under the care and control of the City of Greater Geraldton. One licence is for 'Midwest Surf School' and the other for 'A Glassy Day' surf school; and
- Amend the Property Services section of the City of Greater Geraldton 2023-24 Fees and Charges schedule to include the licence costs.

Activating the City's recreational Crown Reserves encourages community engagement in Geraldton's lifestyle. Administering commercial activities on Crown Reserves, through a licence, will ensure all legislative requirements are met, while providing support to local small businesses.

EXECUTIVE RECOMMENDATION:Part A

That Council by Simple Majority pursuant to Section 18 of the *Land Administration Act 1997* RESOLVES to:

1. GRANT a licence to Midwest Surf School for portions of the following reserves:
 - a. R5660 Beresford, R20127 Bluff Point, R20995 Cape Burney, R50100 Geraldton, R20195 Mahomets Flats, R41198 Sunset Beach, R42292 / R39738 Tarcoola Beach and R2562 / R29729 West End.
2. GRANT a licence to A Glassy Day Surf School for portions of the following reserves:
 - a. R27529 Beachlands, R42069 / R5660 Beresford, R20127 Bluff Point, R24420 / R20995 Cape Burney, R40581 Drummond Cove, R50100 Geraldton, R45523 Glenfield, R20195 / R31671 Mahomets Flats, R41198 / R27322 Sunset Beach, R39738 / R34973 / R42292 Tarcoola Beach and R2562 / R29729 West End.
3. MAKE the determination subject to consent from the Minister for Lands;
4. SET the proposed conditions for each licence as:
 - a. Term to be set at 18 months to commence on 29 February 2024; and

- b. Commence the licence fee at \$500 per annum inclusive of GST.

Part B

That Council by Absolute Majority pursuant to Section 6.2 of the *Local Government Act 1995* RESOLVES to:

1. AMEND the 2023-24 Schedule of Fees and Charges as outlined in Attachment No. DS028A 'Fees and Charges Schedule Amendments 2023-24' in accordance with section 6.16(3)(b) of the *Local Government Act 1995*; and
2. GIVE local public notice of the amendment.

PROPONENT:

The proponents are 'Midwest Surf School' and 'A Glassy Day'.

BACKGROUND:

Midwest Surf School and A Glassy Day offer surf coaching to Geraldton residents and visitors. The coaching sessions are conducted on Crown Reserves under the care and control of the City of Greater Geraldton (the City), and unallocated Crown land (UCL) under the control of the Department of Planning, Lands and Heritage (DPLH). Both businesses are required to seek consent from DPLH for any activity on UCL.

Access to several locations has been requested to suit student skills, experience and changing environmental conditions. The requested licences are aligned with the purposes of the Crown Reserves identified in Attachment No's DS028B-C. To date, the City has considered commercial activity on Crown Reserves through the development application process, via the Planning section of the City Growth department. Both surf schools have submitted applications to support the continuation of their businesses, with their current licence due to expire 28 February 2024.

An internal policy review was undertaken within the Development Services directorate and several continuous improvement opportunities were identified to ensure compliance with legislation. As a result, the local planning policy, Commercial Tourism Activity on Crown Land, is intended to be retired from the planning policy framework. The revised approach considers that the process to issue a licence for commercial activities on Crown Reserves, to be more appropriately administered through the Land and Leasing section of the Property Services team.

To support the future management of Commercial Activity on Crown Land, a policy will be drafted in accordance with the *Land Administration Act 1997* and presented to Council for consideration in the near future. Given that the current surf school licences expire 28 February 2024 and to ensure compliance with legislative requirements, the City seeks to support their continuity by granting a licence for 18 months to each business for portions of the following reserves:

Midwest Surf School

R5660 Beresford, R20127 Bluff Point, R20995 Cape Burney, R50100 Geraldton, R20195 Mahomets Flats, R41198 Sunset Beach, R42292 / R39738 Tarcoola Beach and R2562 / R29729 West End.

A Glassy Day Surf School

R27529 Beachlands, R42069 / R5660 Beresford, R20127 Bluff Point, R24420 / R20995 Cape Burney, R40581 Drummond Cove, R50100 Geraldton, R45523 Glenfield, R20195 / R31671 Mahomets Flats, R41198 / R27322 Sunset Beach, R39738 / R34973 / R42292 Tarcoola Beach and R2562 / R29729 West End.

As determined by the existing planning policy, the surf schools currently pay a \$500 per annum licence fee, plus a development application fee of \$882. Newspaper advertising at cost is also charged. Changing the process to administrate licences for commercial activity on Crown land through the property services team will require an amendment of the 2023/24 schedule of fees and charges to reflect a licence fee of \$500 per annum (consistent with other licence fees), newspaper advertising at cost and a licence administration fee of \$216. These changes will effectively reduce the cost to the licensee by approximately \$325 over the term of an 18 month licence.

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

There are benefits realised by the community through participation in structured recreational activities. The surf schools provide opportunities for individuals to engage in being active and connecting with like-minded individuals.

Economy:

Supporting local small business contributes to an improved economy by increasing consumer activity.

Environment:

The activities conducted by these businesses have not historically resulted in any negative impacts on the environment.

Leadership:

Active management of commercial activity on Crown reserves demonstrates good governance and reinforces accountable leadership to support local business growth.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

On 19 December 2023 Council Item No. DS025 resolved to grant a licence to Ultimate Water Sports on the Geraldton foreshore reserve.

COMMUNITY/COUNCILLOR CONSULTATION:

Request for comment from the Department of Planning, Lands and Heritage, Yamatji Land & Sea Council, Midwest Ports, Geraldton Volunteer Marine Rescue, Geraldton Surf Life Saving Club and Drummond Cove Progress Association has been sought with no objecting submissions received.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* details the process for disposing (in this case licencing) of property.

Section 18 of the *Land Administration Act 1997* details the requirement to seek consent from the Minister for Lands for all Crown land transactions.

FINANCIAL AND RESOURCE IMPLICATIONS:

Income generated from the licence fee contributes to the City's revenue base which supports funding the management of Crown reserves for the community to use.

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 1.8	Active living and recreation is encouraged.
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.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

REGIONAL OUTCOMES:

By expanding the diversity of recreational activities on offer in the community, tourism growth through increased available opportunities for visitors can be anticipated.

RISK MANAGEMENT:

Supporting the proposed change to the current process and administrating commercial activity on Crown land through the Property Services team will support a consistent approach to the management of Crown land under the care and control of the City. Approving this recommendation will ensure legislative compliance is addressed.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. EXTEND the licence issued through the current process within the planning section of the City Growth branch; or

2. PROCESS a new development application through the current process within the planning section of the City Growth branch.

The Mayor moved an amendment to the Executive Recommendation, to licence A Glassy Day Surf School and Midwest Surf School for all of the same locations.

COUNCIL DECISION

MOVED MAYOR, SECONDED CR COOPER

Part A

That Council by Simple Majority pursuant to Section 18 of the *Land Administration Act 1997* RESOLVES to:

1. **GRANT** a licence to A Glassy Day Surf School and a licence to Midwest Surf School for portions of the following reserves:
 - a. R27529 Beachlands, R42069 / R5660 Beresford, R20127 Bluff Point, R24420 / R20995 Cape Burney, R40581 Drummond Cove, R50100 Geraldton, R45523 Glenfield, R20195 / R31671 Mahomets Flats, R41198 / R27322 Sunset Beach, R39738 / R34973 / R42292 Tarcoola Beach and R2562 / R29729 West End.
2. **MAKE** the determination subject to consent from the Minister for Lands;
3. **SET** the proposed conditions for each licence as:
 - a. Term to be set at 18 months to commence on 29 February 2024; and
 - b. Commence the licence fee at \$500 per annum inclusive of GST.

Part B

That Council by Absolute Majority pursuant to Section 6.2 of the *Local Government Act 1995* RESOLVES to:

1. **AMEND** the 2023-24 Schedule of Fees and Charges as outlined in Attachment No. DS028A 'Fees and Charges Schedule Amendments 2023-24' in accordance with section 6.16(3)(b) of the *Local Government Act 1995*; and
2. **GIVE** local public notice of the amendment.

CARRIED 11/0

Time: 5:41 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: To provide equitable licence areas to both A Glassy Day Surf School and Midwest Surf School.

12.2 REPORTS OF COMMUNITY AND CULTURE - Nil

Nil.

12.3 REPORTS OF CORPORATE SERVICES

CS097	COMPLIANCE AUDIT RETURN 2023
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AGENDA REFERENCE:	D-24-013357
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	1 February 2024
FILE REFERENCE:	RM/6/0020
ATTACHMENTS:	Yes (x1) Greater Geraldton Compliance Audit Return 2023

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the Compliance Audit Return (CAR) 2023 as required under the provisions of regulation 14 of the *Local Government (Audit) Regulations 1996*.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 7.13(1) of the *Local Government Act 1995* and Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* RESOLVES to:

1. RECEIVE the Audit Committee report on the Compliance Audit Return for the period 1 January 2023 to 31 December 2023;
2. ADOPT the Compliance Audit Return for the period 1 January 2023 to 31 December 2023; and
3. NOTE that the Compliance Audit Return for the period 1 January 2023 to 31 December 2023 will be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

In accordance with section 7.13(1) of the *Local Government Act 1995* (the Act) and regulation 14 and 15 of the *Local Government (Audit) Regulations 1996* (the regulations), a local government authority is required to carry out a compliance audit for the period 1 January to 31 December each year and prepare a Compliance Audit Return in a form approved by the Minister.

City Officers undertook the Compliance Audit during the period 8 January 2024 to 23 January 2024, in accordance with the questionnaire provided by the Department of Local Government, Sport and Cultural Industries. The City reported compliance in all matters included in the audit - Finance, Disclosures of Interest, Delegations, Commercial Enterprises and Property, Elections, and Tenders for Goods and Services.

Where a compliance requirement was found to have altered during the period, the consideration for an ongoing service contract increased over time and exceeded the consideration in regulation 11(1), the City immediately issued a request for tender, in accordance with the regulations. Therefore, there was no non-compliance identified in the Audit.

Pursuant to regulation 14(3A) of the regulations:

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

The CAR 2023 was submitted to the Audit Committee Meeting on 23 January 2024 (Report AC142), for the Committee to review and subsequently report the results of the review to Council.

The Audit Committee resolved to:

1. *REVIEW the results of the Compliance Audit Return 2023.*
2. *REPORT to Council the results of the Audit Committee review of the Compliance Audit Return 2023, at the Ordinary Meeting of Council on 27 February 2024.*

The Minutes of the Audit Committee Meeting 23 January 2024 are attached in Report to be Received No. CS102.

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:

It is a legislative requirement under the provisions of the *Local Government (Audit) Regulations 1996* regulation 14(3) that the Audit Committee report to Council the results of their review of the Compliance Audit Return. The CAR is to be presented to Council at a meeting of the Council and adopted by the Council.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The Compliance Audit Return 2022 was adopted by the Council on 28 March 2023 (Item No. CS028).

COMMUNITY/COUNCILLOR CONSULTATION:

The CAR was submitted to the Audit Committee Meeting on 23 January 2024 for the Audit Committee to review the results.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 7.13 of the *Local Government Act 1995* and regulation 13 and 14 of the *Local Government (Audit) Regulations 1996*.

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 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Local governments are legislatively required to carry out a compliance audit for the period 1 January to 31 December each year and prepare a return in the form approved by the Minister. The return must be reviewed by the Audit Committee, and the Committee is required to report to the Council the results of the review. Council must adopt the CAR and submit to the Department CEO by the 31 March following the period to which the return relates. Compliance with these provisions mitigates the risk of regulatory non-compliance.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR LIBRIZZI, SECONDED CR COLLIVER**

That Council by Simple Majority pursuant to Section 7.13(1) of the *Local Government Act 1995* and Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* RESOLVES to:

1. **RECEIVE** the Audit Committee report on the Compliance Audit Return for the period 1 January 2023 to 31 December 2023;
2. **ADOPT** the Compliance Audit Return for the period 1 January 2023 to 31 December 2023; and
3. **NOTE** that the Compliance Audit Return for the period 1 January 2023 to 31 December 2023 will be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

CARRIED 11/0

Time: 5:43 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

CS098	COUNCIL POLICY 4.12 INDEPENDENT COMMITTEE MEMBER FEES AND REIMBURSEMENTS
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AGENDA REFERENCE:	D-24-017141
AUTHOR:	N Jane, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	7 February 2024
FILE REFERENCE:	GO/14/0002
ATTACHMENTS:	Yes (x1) A. Draft Council Policy 4.12 Independent Committee Member Fees and Reimbursements (v1) B. Committee Book Extract 2023

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of a new Council Policy 4.12 Independent Committee Member Fees and Reimbursements.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 1; and
2. REQUEST a review of this policy in 12 months.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The *Local Government Amendment Act 2023* requires Council to enact a policy that determines if independent committee members are to receive meeting fees and reimbursement of expenses per the Salaries and Allowances Tribunal annual determination.

An independent committee member is a committee member who is not a Council Member or an employee of the local government, who has been formally appointed by a Council decision. Any other attendees or observers are not covered by the policy and would not be eligible for meeting attendance fees or reimbursements.

At the first meeting after a Council committee is re-established, the committee is required to review the Terms of Reference of the committee, including membership of external organisations and community representatives, if applicable. Expressions of interest from community member representatives are sought if required.

A committee is to have as its members, persons appointed by Council Resolution to be members of the committee, in accordance with section 5.10 of the *Local Government Act 1995* (the Act). If formally appointed by Council as a committee member, the independent committee member would become eligible to receive meeting fees and reimbursements as determined by this policy.

There are currently 10 committees of Council with a total of four independent members that have been appointed at this time, noting that further appointments will occur as committees re-form. Details of the current committees and independent committee members are outlined in Attachment No. CS098B. The number of independent committee members will be determined as part of the review of each committee's Terms of Reference.

Fees, allowances, reimbursements, and benefits for Council Members are addressed through Council Policy 4.31.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The establishment of committees allows the views of community members to be heard on key focus areas.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The Council is demonstrating leadership and good governance by developing this new policy.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council regularly considers new and reviewed policies for approval.

- Item No. CS010 – New Council Policy 4.31 Council Member Fees, Allowances, Reimbursements and Benefits was endorsed by Council on 31 January 2023 – the objective of this policy is to provide a clear outline of the entitlements available to a Council Member.
- Item No. CEO116 – Council Policy 4.4 Operation of Advisory Committees (version 4) was endorsed by Council on 30 January 2024 – the objective of this policy is to provide the basis on which all new committees of the Council will be appointed.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted via a Briefing Note on 25 January 2024 and provided with a draft copy of the policy. Discussion was held at the Council Concept Forum on Tuesday 6 February 2024.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Amendment Act 2023* provides for independent committee members to receive meeting fees and reimbursement of prescribed expenses if Council makes that determination. An independent committee member is a committee member who is not Council Member or an employee of the local government.

5.100 Fees paid and expenses reimbursed to committee members

- (1) *In this section —*
 - committee member** means a person who is a committee member but who is neither a council member nor an employee;
 - determined** means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7BAA.
- (2) *A committee member who attends a meeting of the committee is entitled to be paid —*
 - (a) *the fee determined for attending a committee meeting; or*
 - (b) *if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.*
- (3) *A committee member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*
 - (a) *the fee determined for attending a meeting of that type; or*
 - (b) *if the local government has set a fee within the range determined for meetings of that type — that fee.*
- (4) *Subsection (5) applies if a committee member incurs —*
 - (a) *an expense that is of a kind prescribed as being an expense to be reimbursed by all local governments; or*
 - (b) *an expense —*
 - (i) *that is of a kind prescribed as being an expense which may be approved by any local government for reimbursement by the local government; and*
 - (ii) *which has been approved by the local government for reimbursement.*
- (5) *The committee member must be reimbursed for the expense —*
 - (a) *if the extent of reimbursement for the expense has been determined — to that extent; or*
 - (b) *if the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement — to that extent.*
- (6) *If an expense is of a kind that may be approved by a local government for reimbursement, the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (5) if the local government has approved reimbursement of the expense in a particular case.*
- (7) *A local government cannot make any payment to, or reimburse an expense of, a person who is a committee member in that person's capacity as*

committee member unless the payment or reimbursement is in accordance with this section.

[Section 5.100 inserted: No. 11 of 2023 s. 80.]

The Salaries and Allowance Tribunal (SAT) made a variation to the Local Government Chief Executive Officers and Elected Members Determination issued on 6 April 2023 to provide for meeting fees for independent committee members. The variation sets the thresholds for the payment of meeting fees for independent committee members. The City are a Band 1 council, and therefore the prescribed meeting fees per meeting are a minimum of \$0 and maximum of \$415.

From 1 January 2024, local governments can make payments to independent committee members for attendance at meetings in accordance with SAT’s determination. This is the date that section 80 of the *Local Government Amendment Act 2023* came into effect.

Council Policy 4.4 Operation of Advisory Committees applies to all committees established by Council, and provides detail on the creation of and membership of a committee, and the convening and conduct of a meeting.

FINANCIAL AND RESOURCE IMPLICATIONS:

As this is the inaugural committee member fees and reimbursements policy, Officers are recommending a policy that is simple and easy to understand and administer. If Council adopts the draft policy, an independent committee member simply would complete “one-off” paperwork and the City’s Finance team will make the required payment by reviewing the committee attendance record. If an independent committee member would prefer not to be paid (such as a sitting State Government worker), they can simply choose not to complete the required paperwork. With simplicity still in mind, Officers are not proposing payment of travel expenses and child care allowances initially, simply a flat rate attendance fee. Officers also selected the proposed attendance fee of \$200 as it roughly sits in the middle of the Salaries and Allowances Tribunal determination. Officers are recommending a review of the policy in 12 months rather than the normal two years so that the Council can implement any learnings.

If Council endorse both the proposed policy and remuneration level, the possible cost scenario based on the total number of potential Council appointed committee members and frequency of meetings could be in the range of \$30,000 per annum.

A significant amount of Officer time is committed to preparing for and administering Committees.

INTEGRATED PLANNING LINKS:

<p>Strategic Direction: Community</p>	<p>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</p>
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Outcome 1.6	Community capacity, innovation and leadership is encouraged.
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 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Ensuring that the Council Policy Register is current and comprehensive supports the role of Council in the effective government of the City.

This policy seeks to determine the committee meeting attendance fees and reimbursements for independent committee members as allowed in section 5.100 of the *Local Government Act 1995*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

- Option 1: The meeting fee be set at the maximum for all independent committee members.
- Option 2: The meeting fee be set at the minimum (zero) for all independent committee members.
- Option 3: Reimbursement of travel and childcare expenses be provided in accordance with remuneration rates set under Council Policy 4.31.
- Option 4: Independent committee members who hold the office by virtue of the position they hold not be eligible for meeting attendance fees or reimbursement of expenses.

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

1. APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 1, *but with the following changes:*
 - a. to be determined by Council;
2. MAKE the determination based on the following reason/s:
 - a. to be determined by Council; and
3. REQUEST a review of this policy in 6 months.

COUNCIL DECISION**MOVED CR LIBRIZZI, SECONDED CR KEEMINK**

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

1. APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 1; and
2. REQUEST a review of this policy in 12 months.

CARRIED 11/0

Time: 5:45 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

CS099	COUNCIL POLICY 4.29 ATTENDANCE AT EVENTS
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AGENDA REFERENCE:	D-24-001511
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	1 February 2024
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2) A. Draft Council Policy 4.29 Attendance at Events (v3) B. Operational Guidelines - Attendance at events policy

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for Council Policy 4.29 Attendance at Events, version 3.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.90A of the *Local Government Act 1995* RESOLVES to:

1. APPROVE Council Policy 4.29 Attendance at Events, version 3.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The provisions of section 5.90A require a local government to prepare and adopt a policy for attendance at events to deal with matters relating to the attendance of council members and the Chief Executive Officer (CEO) at events. The Department of Local Government, Sport and Cultural Industries has published an operational guideline 'Attendance at events policy' to assist local governments with the content of the policy. On 28 April 2020, Council approved Council Policy 4.29 Attendance at Events (Item No. CCS481). The policy was reviewed on 22 February 2022 (Item No. CCS673) and is now due for biennial review.

No changes to the intent of the policy are suggested, only an administrative change, the title of the Department Corporate and Commercial Services has been amended to the Department Corporate Services.

The pre-approved events list has also been updated to include additional community events, to which councillors are invited. The changes are highlighted on the draft policy.

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

A review of Council Policy 4.29 Attendance at Events ensures that all relevant community and business events, for which participation of Council Members and the CEO are requested, are included in the policy. Approval of events, for the purposes of this policy, enables Council Member and CEO engagement with electors, business and government representatives, and members of the community.

Economy:

The policy provides a framework for the consideration and acceptance of invitations to events and clarifies who will pay for tickets and the cost of attendance.

Environment:

There are no adverse environmental impacts.

Leadership:

Review of the policy ensures compliance with the provisions of the *Local Government Act 1995* section 5.90A and provides transparency about the attendance at events by Council Members and the CEO.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.29 Attendance at Events version 2 was approved by the Council on 22 February 2022 (Item No. CCS673).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

This policy is presented to comply with the *Local Government Act 1995, section 2.7, section 5.62 and section 5.90A* and deals with Councillors and CEO needing to declare an interest at Council meetings, having attended certain events. Nothing in this policy negates the need for Councillors and CEO to declare any gifts in the City's gift register.

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 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Ensuring that the Council Policy Register is current and comprehensive supports the role of the Council in the good government of the City of Greater Geraldton.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by City Officers as the requirement for the Council to consider and approve an attendance at events policy is mandatory and biennial reviews are required by the Council.

COUNCIL DECISION**MOVED CR COOPER, SECONDED CR LIBRIZZI**

That Council by Absolute Majority pursuant to Section 5.90A of the *Local Government Act 1995* RESOLVES to:

1. APPROVE Council Policy 4.29 Attendance at Events, version 3.

CARRIED 11/0

Time: 5:47 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

CS100	WRITE OFF OUTSTANDING DEBT – VIRGIN AUSTRALIA REGIONAL AIRLINES
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AGENDA REFERENCE:	D-24-016060
AUTHOR:	T Machukera, Financial Accountant
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	1 February 2024
FILE REFERENCE:	FM/9/0024
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to write-off the outstanding debt for Virgin Australia Regional Airlines amounting to \$90,329.17.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.12(1)(c) of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the write-off of the outstanding debt for Virgin Australia Regional Airlines, amounting to \$90,329.17.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

Virgin Australia was placed under voluntary administration on 20 April 2020 due to operational challenges brought about by COVID-19. At the time of being placed under administration, the airline owed the City a total of \$96,371.67 made up of:

- Lease fees of \$4,245.32; and
- Passenger and landing fees of \$92,126.35.

The outstanding debt accrued between January 2020 and May 2020.

The Virgin Australia liquidation was finalised after several court challenges and a final dividend was paid on 14 December 2023, bringing the total received from Virgin to \$6,042.50 (6.27c in the dollar). After receipt of the final dividend, the balance of \$90,329.17 cannot be recovered.

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

Income from lease fees, passenger and landing fees are part of Council's general revenue base that goes towards funding the diverse range of services and programs and associated infrastructure provided by the City.

Economy:

There were significant adverse economic impacts across Australia from the COVID-19 pandemic and the collapse of Virgin Australia, however there are no economic impacts in relation to the write-off of the outstanding debt to the City.

Environment:

There are no adverse environmental impacts.

Leadership:

The debt is irrecoverable due to the liquidation of the company, therefore needs to be written off.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council have previously approved the write-off of debts where there is minimal chance of recovering the debt (Item No. CS090 – Write Off Outstanding Debt – Pindan Projects on 30 January 2024).

COMMUNITY/COUNCILLOR CONSULTATION:

The 2019-20 Audited Financial Statements (page 69) disclosed that a doubtful debt provision was being made to account for a potential write-off dependent on the outcome of liquidation proceedings.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.12(1)(c) of the *Local Government Act 1995*

6.12. Power to defer, grant discounts, waive, or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount, or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

Council Policy 4.22 Fraud Control, Write-Off Debts, Waive Fees and Charges:

2.4 Any writing off of debts over \$ 10,000 must be approved by Council.

FINANCIAL AND RESOURCE IMPLICATIONS:

The value of the debt to be written off is \$90,329.17. A provision for doubtful debts was made in the 2019-20 financial statements.

INTEGRATED PLANNING LINKS:

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

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no specific risks related to this write-off.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

As the company was under administration and has been liquidated, there are no alternative options to recover the debt.

COUNCIL DECISION**MOVED CR LIBRIZZI, SECONDED CR COLLIVER**

That Council by Simple Majority pursuant to Section 6.12(1)(c) of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the write-off of the outstanding debt for Virgin Australia Regional Airlines, amounting to \$90,329.17.

CARRIED 11/0

Time: 5:49 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

CS101 STATEMENT OF FINANCIAL ACTIVITY AND STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 31 JANUARY 2024

AGENDA REFERENCE:	D-24-019748
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	12 February 2024
FILE REFERENCE:	FM/17/0013
ATTACHMENTS:	Yes (x1)
	Monthly Management Report for period ended 31 January 2024

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City’s finances to 31 January 2024.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* RESOLVES to:

1. RECEIVE the monthly Statement of Financial Activity for the period ended 31 January 2024, as attached; and
2. RECEIVE the monthly Statement of Financial Position as at 31 January 2024, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial performance and position at the end of January 2024 is detailed in the attached report and summarised as follows, the variances between Year-to-Date (YTD) budgeted forecasts and actuals:

Operating Income	\$	2,348,301	3.2%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	291,255	0.5%	over YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	2,057,046	9.6%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	6,781,198	22.6%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	1,301,693	21.0%	under YTD Budget	<input checked="" type="checkbox"/>
Cash at Bank – Municipal	\$	10,865,551			
Total Funds Invested	\$	59,431,690			

Current Rates Collected to January 2024	85.58%
Current Rates Collected to January 2023	85.65%
Rates Arrears Collected to January 2024	40.37%
Rates Arrears Collected to January 2023	35.42%

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 performance presented in the January financials show a YTD positive variance of \$2,057,046 in the net operating surplus/(deficit) result.

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 and statement of financial position. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Council 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, reporting on the revenue and expenditure as set out in the adopted annual budget.

Regulation 35 of *the Local Government (Financial Management) Regulations 1996* also requires the local government to prepare a statement of financial position as at the last day of the previous month.

A statement of financial activity, statement of financial position 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 statements relate.

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:

The 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.

COUNCIL DECISION

MOVED CR COOPER, SECONDED CR COLLIVER

That Council by Simple Majority pursuant to Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* RESOLVES to:

1. **RECEIVE** the monthly Statement of Financial Activity for the period ended 31 January 2024, as attached; and
2. **RECEIVE** the monthly Statement of Financial Position as at 31 January 2024, as attached.

CARRIED 11/0

Time: 5:51 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

12.4 REPORTS OF INFRASTRUCTURE SERVICES - Nil

Nil.

12.5 REPORTS OF OFFICE THE CEO – Nil
Nil.

12.6 REPORTS TO BE RECEIVED**RR56 REPORTS TO BE RECEIVED – JANUARY**

AGENDA REFERENCE:	D-24-020374
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	16 February 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x6)
	A. DSDD013 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CS102 - Audit Committee Meeting Minutes – 23 January 2024
	C. CS103 – 2023-24 Corporate Business Plan – Second Quarter Report
	D. CEO118 - WALGA State Council Agenda – 6 March 2024
	E. CS104 – List of Accounts Paid Under Delegation – January 2024
	F. CS105 - List of Payments by Employees via Purchasing Cards – January 2024

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. DSDD013 - Delegated Determinations and Subdivision Applications for Planning Approval.
 - b. Reports – Corporate Services:
 - i. CS102 - Audit Committee Meeting Minutes – 23 January 2024;
 - ii. CS103 – 2023-24 Corporate Business Plan – Second Quarter Report; and
 - c. Reports – Office of the CEO:
 - i. CEO118 - WALGA State Council Agenda – 6 March 2024.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS104 – List of Accounts Paid Under Delegation – January 2024; and
 - ii. CS105 - List of Payments by Employees via Purchasing Cards – January 2024.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

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 Leadership	Direction:	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.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR LIBRIZZI****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. DSDD013 - Delegated Determinations and Subdivision Applications for Planning Approval.
 - b. Reports – Corporate Services:
 - i. CS102 - Audit Committee Meeting Minutes – 23 January 2024;
 - ii. CS103 – 2023-24 Corporate Business Plan – Second Quarter Report; and
 - c. Reports – Office of the CEO:
 - i. CEO118 - WALGA State Council Agenda – 6 March 2024.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS104 – List of Accounts Paid Under Delegation – January 2024; and

**ii. CS105 - List of Payments by Employees via Purchasing Cards
– January 2024.**

CARRIED 11/0

Time: 5:52 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

16 MEETING CLOSED TO PUBLIC

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

Confidential discussion was not required.

CS106	RFT 2324 12 SUPPLY, INSTALL, REPAIR AND MAINTAIN FENCING AND BOLLARDS
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AGENDA REFERENCE:	D-24-014109
AUTHOR:	C Bryant, Coordinator Procurement, B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	22 January 2024
FILE REFERENCE:	FM/25/0298
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2324 12 Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2324 12 Supply, Install, Repair & Maintain Fencing & Bollards to the preferred tenderer.

The contract is to run for a period of two years for delivery of budgeted fencing renewals and repair works.

The initial contract will be in place from 9 April 2024 to 8 April 2026 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 2324 12 Supply, Install, Repair and Maintain Fencing and Bollards to the preferred tenderer; and
2. RECORD the estimated annual contract value in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The tender RFT 2324 12 Supply, Install, Repair & Maintain Fencing & Bollards (RFT) was advertised in the West Australian on 11 November 2023, in the Geraldton Guardian on 10 November 2023, and the City's TenderLink e-Tendering Portal. The RFT closed on 11 December 2023.

Ten suppliers registered to receive copies of the tender and one submission was received. The tender assessment was undertaken by a panel of five Officers with three voting and two non-voting.

The RFT has a two-year duration commencing from 9 April 2024 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 a two-year contract for Supply, Install, Repair & Maintain Fencing & Bollards RFT 2021 16 (Item No. CCS576).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Well maintained fencing and bollards reduces the likelihood of accidents or injury caused to members of the public and property.

Economy:

Awarding this tender will result in City funds flowing into the local economy through the employment of local community members such as labourers, truck drivers, traffic controllers, and supporting local businesses.

A two-year services contract also allows the City to carry out fence and bollard replacement and repair works from proven suppliers with planned costs.

Environment:

All proposed fence and bollard replacement and repair works will be undertaken with care for the environment in mind. Environmental controls are implemented as part of the individual maintenance programs. Tenderers were asked to provide evidence of environmentally sustainable practices in their tender submission.

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:

The City has previously awarded a two-year supply contract RFT 2021 16 Supply, Install, Repair & Maintain Fencing & Bollards (Item No. CCS576). The initial contract was in place from 9 April 2021 to 8 April 2023, with an extension to contract approved until 8 April 2024.

The City also awarded a two-year services contract RFT 15 1718 Fence Installation, Repair and Maintenance Services (Item No. IS170). The initial contract was in place from 9 April 2018 to 8 April 2020, with an extension to contract approved until 8 April 2021.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of the 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 Council Policy 4.9 Procurement of Goods and Services 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 the supply, installation, repair and maintenance of fencing and bollards is \$772,425 (excluding GST) per annum (including traffic management). Assuming all extension periods are exercised, the estimated total contract value over three years is \$2,317,275 (excluding GST). Any cost movement will be accounted for, and adjustments will be made in both Annual Budgets and the Long Term Financial Plan (LTFP).

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 1.4	Community safety, health and well-being is paramount.
Outcome 1.8	Active living and recreation is encouraged.
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.

REGIONAL OUTCOMES:

Awarding this tender will facilitate well maintained fencing and bollards throughout the City of Greater Geraldton which enhances the comfort and safety of the community.

RISK MANAGEMENT:

The works carried out under this contract will allow the fencing and bollards throughout the City to be maintained at their optimal standard, reducing accidents and risk of injury to members of the public and property. In addition, the successful tenderer as detailed above 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:

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. Call for individual quotations and tenders for specific fence and bollard replacement and repair works. This option is not supported and was discounted due to the volume of administrative effort required, and the potential to have higher costs through multiple small purchases.
2. Use the WALGA Preferred Suppliers Panel. Currently there are no local suppliers available on the WALGA Preferred Suppliers Panel. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.

COUNCIL DECISION**MOVED CR LIBRIZZI, SECONDED CR COLLIVER**

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

1. **AWARD** the contract RFT 2324 12 Supply, Install, Repair and Maintain Fencing and Bollards to Batavia Fencing; and
2. **RECORD** the estimated annual contract value in the minutes being \$772,425 excluding GST.

CARRIED 11/0

Time: 5:54 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

CS107	RFT 2324 15 SUPPLY, INSTALLATION AND MAINTENANCE OF STORMWATER DRAINAGE INFRASTRUCTURE
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AGENDA REFERENCE:	D-24-014107
AUTHOR:	C Bryant, Coordinator Procurement, B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	22 January 2024
FILE REFERENCE:	FM/25/0301
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2324 15 Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2324 15 Supply, Installation & Maintenance of Stormwater Drainage Infrastructure to the preferred tenderer.

The contract is to run for a period of two years for delivery of budgeted stormwater drainage renewals and repair works.

The initial contract will be in place from 1 May 2024 to 30 April 2026 with the option for a one-year extension exercisable at the discretion of the Principal.

Cr M Librizzi declared a Financial Indirect interest in Item No. CS107 RFT 2324 15 Supply, Installation And Maintenance Of Stormwater Drainage Infrastructure as a tenderer is a client of the Council Members consultancy business.

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 2324 15 Supply, Installation and Maintenance of Stormwater Drainage Infrastructure 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 2324 15 Supply, Installation & Maintenance of Stormwater Drainage Infrastructure (RFT) was advertised in the West Australian on 11 November 2023, in the Geraldton Guardian on 10 November 2023, and the City's TenderLink e-Tendering Portal. The RFT closed on 11 December 2023.

Twenty-four suppliers registered to receive copies of the tender and one submission was received. The tender assessment was undertaken by a panel of five Officers with three voting and two non-voting.

The RFT has a two-year duration commencing from 1 May 2024 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 a two-year contract for Supply, Install & Maintain Stormwater Drainage Infrastructure RFT 2021 18 (Item No. CCS585).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Well maintained stormwater drainage infrastructure reduces the likelihood of accidents or injury caused to members of the public and property.

Economy:

Awarding this tender will result in City funds flowing into the local economy through the employment of local community members such as labourers, truck drivers, traffic controllers, and supporting local businesses.

A two-year supply contract also allows the City to carry out stormwater drainage maintenance and repair works from proven suppliers with planned costs.

Environment:

All proposed stormwater drainage infrastructure works will be undertaken with care for the environment in mind. Environmental controls are implemented as part of the individual maintenance programs. Tenderers were asked to provide evidence of environmentally sustainable practice in their tender submission.

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:

The City has previously awarded a two-year supply contract RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure (Item No. CCS585). The initial contract was in place from 1 May 2021 to 30 April 2023, with an extension to contract approved until 30 April 2024.

The City also awarded a two-year services contract RFT 02 1718 Installation, Removal and Replacement of Stormwater Drainage (Item No. IS172). The initial contract was in place from 1 May 2018 to 30 April 2020, with an extension to contract approved until 30 April 2021.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of the 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 Council Policy 4.9 Procurement of Goods and Services 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 the supply, installation and maintenance of stormwater drainage infrastructure is \$727,888 (excluding GST) per annum (including traffic management). Assuming all extension periods are exercised, the estimated total contract value over three years is \$2,183,664 (excluding GST). Any cost movement will be accounted for, and adjustments will be made in both Annual Budgets and the Long Term Financial Plan (LTFP).

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.

REGIONAL OUTCOMES:

Awarding this tender will facilitate well maintained stormwater drainage infrastructure throughout the City of Greater Geraldton which enhances the comfort and safety of the community.

RISK MANAGEMENT:

The works carried out under this contract will allow the stormwater drainage infrastructure throughout the City to be maintained at their optimal standard, reducing accidents and risk of injury to members of the public and property. In addition, the successful tenderer as detailed above 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:

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. Call for individual quotations and tenders for specific stormwater drainage infrastructure works. This option is not supported and was discounted due to the volume of administrative effort required, and the potential to have higher costs through multiple small purchases.
2. Use the WALGA Preferred Suppliers Panel. Currently there is a local supplier available on the WALGA Preferred Suppliers Panel. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.

Cr M Librizzi declared a Financial Indirect interest in Item No. CS107 RFT 2324 15 Supply, Installation And Maintenance Of Stormwater Drainage Infrastructure as a tenderer is a client of the Council Members consultancy business and left Council Chambers at 5:54pm.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR COOPER**

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

1. **AWARD** the contract RFT 2324 15 Supply, Installation and Maintenance of Stormwater Drainage Infrastructure to Redcat Holdings Pty Ltd; and
2. **RECORD** the estimated annual contract value in the minutes being \$727,888 excluding GST.

CARRIED 10/0

Time: 5:55 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	NOT PRESENT
Cr. Parker	YES
Cr. Tanti	YES

Cr M Librizzi returned to Council Chambers at 5:55pm.

PROCEDURAL MOTION**MOVED MAYOR, SECONDED CR COLLIVER**

That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the *Local Government Act 1995* and section 5.2(1) of Meeting Procedures Local Law, that the attachments to the following reports are confidential as they contain information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting.

CARRIED 11/0

Time: 5:56 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

The public left Chambers at 5:56pm.

Livestreaming was turned off.

DS029	CONFIDENTIAL – ECONOMIC DEVELOPMENT AND INVESTMENT ATTRACTION (Public Version)
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AGENDA REFERENCE:	D-24-016349
AUTHOR:	R Hall, Director Development Services
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	7 February 2024
FILE REFERENCE:	GO/6/0013-002
ATTACHMENTS	Yes (x2) 1x Confidential
	A. Council Policy 2.5 - Economic Development and Investment Attraction
	B. Confidential – Site Plan

Item No. DS029 remains confidential. The Council decision only is available for the public record.

This 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.

As Item No. DS029 was considered and determined by Council behind closed doors, only the Council Decision is available for public record.

COUNCIL DECISION

MOVED CR FIORENZA, SECONDED CR KEEMINK

That Council by Absolute Majority pursuant to Section 6.8 of the *Local Government Act 1995* and per *Council Policy 2.5 Economic Development and Investment Attraction* RESOLVES to:

- 1. APPROVE a one-off incentive/concession in the form of a 100% discount of the development related charge being the cash-in-lieu for car parking requirement for Lots 150-151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton – Approved Mixed Use Development, valid for a period of 2 years (\$384,000);**
- 2. NOT APPROVE any further incentive/concession to the Developer for this project in any form;**
- 3. AUTHORISE and APPROVE a new budget transfer of \$576,000 to the Parking Land Reserve in recognition of the not claimed twenty-four (24) bay cash in lieu revenue; and**
- 4. AUTHORISE the CEO to negotiate and finalise this matter with the Developer.**

CARRIED 11/0

Time: 6:10 PM

Not Voted: 0

No Votes: 0

Yes Votes: 11

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Tanti	YES

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 6:11pm.

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.cgg.wa.gov.au/council-meetings/>