



ORDINARY MEETING OF COUNCIL

AGENDA

28 FEBRUARY 2023

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CITY OF GREATER GERALDTON**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 28 FEBRUARY 2023 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE****A G E N D A****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:

Leave of Absence:

4 DISCLOSURE OF INTERESTS

Cr M Librizzi declared a Financial Indirect interest in Item No. IS279 RFT 2223 13 Chapman Valley Road Reconstruction and Culverts SLK 3.6 to SLK 3.7 as one of the tenderers is a client of the Council Member.

Cr M Librizzi declared a Financial Indirect interest in Item No. IS280 RFT 2223 07 Recreation Ground Sports Lighting Renewal as he is a sponsor of the Railways Football Club.

Cr J Clune declared an Impartiality interest in Item No. IS281 RFT 2223 15 Spalding Regional Renewal Project as family members work for a tenderer.

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 M Librizzi	29 March 2023	6 April 2023	31/01/2023
Cr J Critch	21 June 2023	4 July 2023	31/01/2023

Any new leave requests will be published in the final agenda.

**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. Cr RD Hall for the period 16 March to 11 April 2023; and
 - b. Cr J Critch for the period 21 March to 24 March 2023.

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 31 January 2023, 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
1 February 2023	Triple M Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
1 February 2023	Filming for Council Update Videos - Outcomes of Council Meetings	Mayor Shane Van Styn
1 February 2023	The Rotary Club of Greater Geraldton Meeting - Guest Speaker	Mayor Shane Van Styn
3 February 2023	Regional Sounds Event – Celebrating Original Live Music	Mayor Shane Van Styn
3 February 2023	Geraldton Regional Art Gallery (GRAG) Exhibition Opening - Ink in the Lines - The Visitors	Deputy Mayor Cr Jerry Clune
5 February 2023	Radio Mama Interview – Regular Update	Mayor Shane Van Styn
5 February 2023	Geraldton Community Cabinet with The Hon Mark McGowan MLA, Premier of Western Australia	Mayor Shane Van Styn
5 February 2023	Geraldton Amateur Basketball Association (GABA) Stadium Redevelopment Opening	Mayor Shane Van Styn
5 February 2023	Sundowner Event with Lara Dalton MLA, Member for Geraldton; the Mid West Hydrogen Technology Cluster (MWH2TC) and The Hon Mark McGowan MLA, Premier of Western Australia	Mayor Shane Van Styn
6 February 2023	Presentation to Cabinet and Meet and Greet Premier and Ministers	Mayor Shane Van Styn
6 February 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
6 February 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
7 February 2023	Concept Forum – via electronic attendance	Mayor Shane Van Styn
8 February 2023	Geraldton Guardian Interview – IGA Youth Ban	Mayor Shane Van Styn
10 February 2023	Australian Citizenship Ceremony	Mayor Shane Van Styn
13 February 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
13 February 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
13 February 2023	Regular Meeting between City of Greater Geraldton and Lara Dalton MLA, Member for Geraldton	Mayor Shane Van Styn
15 February 2023	Installation of Bishop of the Diocese of North West Australia	Mayor Shane Van Styn
17 February 2023	Tennis Amalgamation Discussions	Mayor Shane Van Styn
20 February 2023	GUC Lunch and Address by CQUniversity's Chancellor Graeme Innis AM	Mayor Shane Van Styn
20 February 2023	Channel 9 Interview – the Hon Anthony Albanese MP, Prime Minister and the Hon David Littleproud MP, Leader of the Nationals – regarding their visit to Western Australia	Mayor Shane Van Styn
20 February 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
20 February 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
21 February 2023	Agenda Forum	Mayor Shane Van Styn
22 February 2023	Batavia Local Emergency Management Committee Meeting (BLEMC)	Deputy Mayor Cr Jerry Clune
22 February 2023	Meeting with the Hon David Littleproud MP, Leader of the Nationals - Geraldton Fishermen's Co-Op	Mayor Shane Van Styn

22 February 2023	Meeting with the Hon David Littleproud MP, Leader of the Nationals - Dr K Pedlow and the Abrolhos Group	Mayor Shane Van Styn
22 February 2023	Lunch Meeting with David Littleproud Hon David Littleproud MP, Leader of the Nationals	Mayor Shane Van Styn
23 February 2023	Triple M Radio Interview - Qantas Flight Increases	Mayor Shane Van Styn
24 February 2023	Regional Capitals Alliance WA (RCAWA) Meeting – via electronic means	Mayor Shane Van Styn
27 February 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
27 February 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
28 February 2023	Mid West Hydrogen Forum	Mayor Shane Van Styn
28 February 2023	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 to represent the Mayor.

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT SERVICES

Nil.

12.2 REPORTS OF COMMUNITY AND CULTURE

Nil.

12.3 REPORTS OF CORPORATE SERVICES**CS020 COUNCIL POLICY 4.23 ELECTION SIGNS**

AGENDA REFERENCE:	D-23-010464
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	25 January 2023
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x1) Draft Council Policy 4.23 Election Signs (v4)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.23 Election Signs, Version 4. No changes to the intent of the policy have been made, only a minor amendment to clause 2.6.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.23 Election Signs, Version 4.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 4.23 Election Signs was first approved by Council on 27 June 2017 (Item No. CCS264) and reviewed on 27 August 2019 (Item No. CCS436) and 23 March 2021 (Item No. CCS580). The policy is due for biennial review by Council.

City Officers have reviewed the policy and do not suggest any changes to the principles of the policy as the policy adequately addresses the City's position, that the placement of election signage on the City of Greater Geraldton local government property, is prohibited.

Local Government Property is defined in the Local Law as:

Local Government Property means anything –

- (a) which belongs to or leased by the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (c) which is an otherwise unvested facility within section 3.53 of the Act;
- Except a street.

Officers recommend one minor amendment to policy clause 2.6 (highlighted in the draft policy) which relates to payment of a \$20 fee for the return of an election sign removed by the City. The amendment is suggested to recognise the annual movement in the City's Fees and Charges and the amendment would remove a reference to a \$20 fee and replace the wording with:

- 2.6 *The City will confiscate and retain signs until payment is made to the City for the retrieval of the sign as per the City's current year Fees and Charges.*

The Council would then have the option to adjust the \$20 fee, if required, within the annual schedule of Fees and Charges.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

The policy provides controls on the placement of election signage to prevent an unacceptable level of visual pollution.

Leadership:

The policy precludes the placement of electoral signs and public electoral material on or in local government property, during federal, state and local government elections, and clarifies the process for removal and return of unapproved signage.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.23 Election Signs, Version 3 was endorsed by Council on 23 March 2021 – Item No. CCS580.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

Any monitoring and management of signage is built into the City's operational costs.

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:

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:

No alternative options were considered by City Officers.

CS021	COUNCIL POLICY 4.30 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT
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AGENDA REFERENCE:	D-22-135541
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	8 February 2023
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2) A. Draft A - Council Policy 4.30 Code of Conduct Behaviour Complaints Management (Complaints Committee determination) B. Draft B - Council Policy 4.30 Code of Conduct Behaviour Complaints Management (Council determination)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council review and approval of new Council Policy 4.30 Code of Conduct Behaviour Complaints Management, and retirement of Council Policy 4.30 Complaints Handling, and the Complaints Handling Procedure for Council.

EXECUTIVE RECOMMENDATION:

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

1. RETIRE Council Policy 4.30 Complaints Handling Version 1 and the Complaints Handling Procedure for Council;
2. APPROVE Version 2 of Council Policy 4.30 Code of Conduct Behaviour Complaints Management, with complaints to go to a Behaviour Complaints Committee for determination (Attachment No. CS021A); and
3. UNDERTAKE the process to establish a Behaviour Complaints Committee operating under Delegated Authority.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 4.30 Complaints Handling and the Complaints Handling Procedure for Council were approved by Council on 25 May 2021 (Item No. CCS595) as required by the provisions of the *Local Government Act 1995* (the Act) amended, which came into operation on 3 February 2021 with the insertion of the following sections:

- Section 5.103 - *Model code of conduct for council members, committee members and candidates,*
- Section 5.104 - *Adoption of model code of conduct.*

Division 3 of the Model code of conduct sets out the requirements relating to the behaviour of council members, committee members and candidates, and clauses 11 to 15 provide the mechanisms for dealing with alleged breaches of these requirements.

Clause 15, '*other provisions about complaints*', states that the procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in Division 3.

On 21 April 2021, WALGA developed and published resources to assist local governments with Behaviour Complaints Management. The WALGA Policy Framework includes a template policy, Code of Conduct Behaviour Complaints Management incorporating provisions for the establishment of a Behaviour Complaints Committee, and templates for Committee Terms of Reference and a delegation from Council to the Committee.

The City's Complaints Handling Policy and Complaints Handling Procedure for Council were amended to incorporate aspects of the WALGA draft policy, prior to approval, however, do not include the provisions for a Behaviour Complaints Committee or a Complaint Assessor.

Following implementation of Council Policy 4.30 Complaints Handling, and the Complaints Handling Procedure, the City obtained advice from the City's lawyers and WALGA with regard to Behaviour Complaint Management.

The advice included suggestions that the City's Complaints Handling Policy would be improved if it were amended to incorporate information on the appointment and role of a Complaint Assessor who would assist in the assessment of complaint and the preparation of a complaint report.

It was also suggested that the City may choose to consider the creation of a Behaviour Complaint Committee, with the intent of minimising potential conflicts of interest and apprehended bias. The Committee would be established as a Committee of Council with delegated authority, in accordance with section 5.16 of the Act, to manage complaints received under Division 3 of the City's adopted Code of Conduct.

Accordingly, the existing policy 4.30 Complaints Handling, and the Complaints Handling Procedure have been reviewed, with reference to the Complaints Management framework. Proposed amendments are suggested which include provisions for a Complaints Committee and Complaint Assessor.

As the proposed amendments alter the policy content of the existing policy significantly it is suggested that rather than amend the existing policy and procedure, Council may choose to retire the current Complaints Handling Policy and Procedure, and consider endorsing the new policy, Code of Conduct Behaviour Complaints Management.

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 requirement of the *Local Government Act 1995* section 5.104 and the *Local Government (Model Code of Conduct) Regulations 2021* that local governments adopt a Code of Conduct incorporating the model code, which contains provisions for behaviour complaint management. The model code provides that the procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in Division 3 of the Code of Conduct.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.30 Complaints Handling was approved by Council on 25 May 2021 (Item No. CCS595).

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted by Briefing Note on 17 November 2022 and at the Concept Forum on 7 February 2023.

LEGISLATIVE/POLICY IMPLICATIONS:

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

Internally, dealing with complaints under this policy is a resource consuming process especially given the benign nature of the outcome. If independent advice is sourced and depending on the complexity of the complaints, the additional cost can be anywhere between \$5,000 to \$10,000.

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:

The objective of the proposed new Policy, 4.30 Code of Conduct Behaviour Complaints Management, is to minimise both actual and perceived bias due to conflict of interests. The recommended processes (within the policy) minimise Council involvement, and remove opportunities for conflicts to arise, through the use of external parties.

The establishment of a Complaints Committee, with delegated authority that can only be exercised in the absence of Council Members who are parties to the complaint, addresses the potential for a clear apprehension of bias by the presence and participation of Council Members directly involved in a complaint. This would be incompatible with the principles of procedural fairness.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Alternative Option

1. RETIRE Council Policy 4.30 Complaints Handling Version 1 and the Complaints Handling Procedure for Council; and
2. APPROVE Version 2 of Council Policy 4.30 Code of Conduct Behaviour Complaints Management, with complaints to be referred to Council for determination (Attachment No. CS021B).

CS022	RATES EXEMPTION APPLICATIONS – COMMUNITY HOUSING LIMITED
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AGENDA REFERENCE:	D-23-016635
AUTHOR:	S Russell, Coordinator Rates
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	1 February 2023
FILE REFERENCE:	RV/4/0003-003
ATTACHMENTS:	Yes (x4) 1 x Confidential
	A. Confidential - All properties with lease details and uses
	B. Community Housing Constitution
	C. Notice of endorsement for Charity Tax Concessions
	D. Australian Charities and Not-for-profits Commission Certificate

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council consideration to approve eight (8) and reject seven (7) applications for rates exemptions received from Community Housing Limited based on the land use listed in Confidential Attachment No. CS022A.

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 on the properties listed below for Community Housing Limited, on the basis that the properties are being used exclusively for a charitable purpose:
 - a. A20435 – Unit 1/111 Gertrude Street, Geraldton;
 - b. A30556 – Unit 2/31 Stroud Street, Beachlands;
 - c. A30601 – 37 Gertrude Street, Geraldton;
 - d. A30558 – 54 Waldeck Street, Geraldton;
 - e. A30557 – 146A Fraser Street, Beachlands;
 - f. A30560 – 15A Challener Street, Rangeway;
 - g. A20176 – Units 1-8, 73 Waverley Street, Mount Tarcoola;
 - h. A30559 – 8B Lawley Street, Spalding;
2. EXEMPTION to take effect from the date applications were received being 17 January 2023;
3. REJECT a rates exemption on the properties listed below for Community Housing Limited, on the basis that the properties are not being used exclusively for a charitable purpose:
 - a. A71232 – 22 Brockagh Drive, Utakarra;
 - b. A71225 – 31 Brockagh Drive, Utakarra;
 - c. A12394 – 28 Bennett Street, Spalding;
 - d. A16667 – 81 Scott Road, Rangeway;
 - e. A12393 – 26A and B Bennett Street, Spalding;
 - f. A15842 – 30 and 32 Wells Street, Geraldton; and
 - g. A12391 – 3 Heal Close, Spalding.

PROPONENT:

The proponent is Community Housing Limited.

BACKGROUND:

The City has received 15 applications for rates exemption under section 6.26(2)(g) of the *Local Government Act 1995*, being land used exclusively for charitable purposes. A number of these properties are freehold tenure in the name of Community Housing Limited with others being leased from the Housing Authority of WA for a peppercorn lease to be sublet to specific target groups such as:

- People with disabilities referred by either the Disability Services Commission or the Mental Health Commission Independent Living Program.
- People referred under the Department of Justice Prisoner Reintegration Program.
- People on low to middle incomes on the Housing Authority General Joint Wait List.

On the basis of this, it has been evaluated that eight (8) of these properties have met the requirement of section 6.26(2)(g) of the *Local Government Act 1995* as land used exclusively for a charitable purpose. It is considered that disability housing, accommodation for released offenders and the aged are uses which are considered a charitable purpose and is a purpose beneficial to the public.

The land use of the remaining seven (7) applications for rates exemption is to provide social housing for people on low to middle incomes on the Housing Authority General Joint Wait List.

The recommendation to reject these applications was based on an inquiry by the Local Government Advisory Board into the operation of the provisions of the *Local Government Act 1995* relating to rating of land used for charitable purposes which addressed Community Housing in Section 6.1.3.4.

The types of community housing provided was grouped into three (3) categories being Crisis Accommodation, Disability Housing and Other Housing. It was considered crisis accommodation and disability housing should be rate exempt. However, given that people on low to moderate incomes who own their own homes are required to pay rates, it would be unfair that Community Housing provided to people in similar financial circumstances should be exempted from being rated. For equity and fairness, it is considered these properties are not used for a charitable purpose and should be rated.

As per the Lease Agreements, the use of these properties has not changed, and the City can only assume that this is an administrative oversight from Community Housing causing the catalyst for exemption applications.

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.

RELEVANT PRECEDENTS:

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

Council has previously granted a rates exemption to Community Housing Limited on properties which are being used for crisis accommodation, disability housing and accommodation for the aged. The most recent approval being Item No. CCS729 at the Ordinary Meeting of Council on 25 October 2022.

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 sum of the annual rates for the eight (8) properties being recommended for approval for the 2022-23 financial year is \$26,560. The amount for the exempt period from 17 January 2023 to 30 June 2023 to be refunded would be \$12,006.

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

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 on the eight (8) properties whose land use can be deemed charitable 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 Community Housing Limited is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

CS023 STATEMENT OF FINANCIAL ACTIVITY TO 31 JANUARY 2023

AGENDA REFERENCE:	D-23-019976
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	10 February 2023
FILE REFERENCE:	FM/17/0011
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 January 2023

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 January 2023.

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 ending 31 January 2023, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of January 2023 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	\$	90,520	0.1%	over YTD Budget	☑
Operating Expenditure	\$	386,870	0.7%	under YTD Budget	☑
Net Operating	\$	477,391	2.9%	over YTD Budget	☑
Capital Expenditure	\$	117,621	0.5%	over YTD Budget	☒
Capital Revenue	\$	8,872	0.3%	over YTD Budget	☑

Cash at Bank – Municipal	\$	33,443,986
Cash at Bank – Reserve	\$	39,276,435

Total Funds Invested	\$	71,907,888
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Current Rates Collected to January 2023	85.65%
Current Rates Collected to January 2022	85.99%

Rates Arrears Collected to January 2023	35.42%
Rates Arrears Collected to January 2022	40.65%

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 January financials show a YTD positive variance of \$477,391 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:

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.

12.4 REPORTS OF INFRASTRUCTURE SERVICES**IS278 RFP 2223 16 BULK VERGE SIDE WASTE COLLECTION**

AGENDA REFERENCE:	D-23-018742
AUTHOR:	M Dufour, Manager Climate, Environment and Waste
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	28 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Minute Extract - DCS528 Bulk Verge Side Collection – 31 May 2022

EXECUTIVE SUMMARY:

On 31 May 2022 Council resolved to endorse Item No. DCS528 Bulk Verge Side Collection, approving the undertaking of a bulk verge side collection service in FY2022-23

Accordingly, City Officers prepared Request for Proposal (RFP) 2223 16 Bulk Verge Side Waste Collection inviting proposals from suitably qualified, experienced, and resourced contractors for the verge side collection of both residential green waste and bulk hard waste.

As no formal submissions were received in response to the advertised RFP, the purpose of this report is to seek Council approval to retender for the annual planned bulk verge side collection, to be completed continuously across both FY2022-23 and FY2023-24 between the months of April 2023 and September 2023.

EXECUTIVE RECOMMENDATION:

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

1. DIRECT the CEO to retender for bulk verge side collection services, to be undertaken continuously across FY2022-23 and FY2023-24, between the months of April 2023 and September 2023.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFP 2223 16 was advertised in The West Australian on 7 December 2022 and in the Geraldton Guardian on 9 December 2022. The RFP was also advertised on the City's TenderLink e-Tendering Portal with the RFP closing on 11 January 2023.

Seven suppliers registered to receive copies of the RFP and no submissions were received.

Subsequent to the closure of the RFP, the City was directly approached by a small private contractor (the contractor) in late January 2023, investigating opportunities for a consortium they were leading, to negotiate the development of a proposal for the bulk verge side collection service.

To date, the contractor has provided an indicative cost estimate of more than the available budget allocated to undertake the work, over a six-month timeframe. However, this cost is an estimate only, given that the actual quantity of waste to be collected is unknown. Actual costs may be subject to significant increases given the timeframe that has elapsed since the previous collection.

Concurrently, City Officers developed a cost estimate as an option for the City to undertake the bulk verge side collection using internal resources through the City's Maintenance and Operations Branch. Cost estimates were developed based on utilising two (2) full-time crews (approximately 20 Officers) that may be able to complete the task in approximately six to eight weeks, subject to the actual volumes required to be collected.

Indicative internal cost estimates are more favourable (subject to actual volumes) however, the diversion of internal resources to this task will result in some capital works and maintenance program activities being delayed. Additionally, undertaking this task internally will also require customer and administration support.

Based upon the lack of market interest in the City RFP, the potential impacts associated with both the possibility of significant additional costs and delay and disruption implications to City Maintenance and Operations, it is recommended that bulk verge side collection services are considered across future financial years, to allow for sufficient budget when market conditions may have improved.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

A community survey undertaken in August 2020 revealed that of the 750 respondents, 93% advised that waste issues should be a priority for the City with comments indicating there is strong support for the return of annual bulk verge side collection.

Economy:

The RFP was separated into green waste and bulk hard waste streams to attract small local businesses with separate economic opportunities in addition to the traditional large waste services providers.

Environment:

The State Waste Avoidance and Resource Recovery Strategy 2030 has a material recovery target of 55% for major Regional Centres by 2025. The previous skip-bin program provided no opportunity for waste separation, with all waste from this scheme being landfilled. The City's Strategic Waste Management and Recycling Action Plan 2020-2030 recommended a review of the skip bin program. A bulk verge side collection provides for the separation of waste streams improving the City's material recovery target.

Leadership:

City Officers have acted promptly to the unfortunate lack of submissions to RFP 2213 16 Bulk Verge Side Collection through the investigation of alternative options to complete this service.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council determined Item No. DCS528 Bulk Verge Side Collection on 31 May 2022 to:

1. *APPROVE the reintroduction of Annual Bulk Verge Side Collection for all residents with a regular kerbside bin service; and*
2. *LIST for Budget and Long Term Financial Plan consideration, the estimated amount of \$650,000 per annum.*

COMMUNITY/COUNCILLOR CONSULTATION:

The City undertook a community survey in August 2020. This informed the development of the City of Greater Geraldton Strategic Waste Management and Recycling Action Plan which has been adopted by Council. Councillors have been informed of the bulk verge side collection through Concept Forum in February 2022 and Council Item No. DCS528 Bulk Verge Side Collection on 31 May 2022.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Western Australia Waste Avoidance and Resource Recovery (WARR) Act 2007* promotes waste avoidance and recovery. The Western Australia State Waste Avoidance and Resource Recovery Strategy 2030 embed waste avoidance and recovery targets for Local Government authorities.

FINANCIAL AND RESOURCE IMPLICATIONS:

Current estimates and pricing are indicating that the annual allocated budget amount is likely insufficient to complete the collection service in one financial year. Of particular concern is that the actual volume of waste that will be required to be collected across the entire project area is unknown, and potentially significant, given the timeframe that has elapsed since the previous collection in 2014.

Undertaking the collection services internally by City Officers and equipment is feasible and possibly cost effective however, it has significant impacts on existing works programs and extensive administration requirements.

The Executive Recommendation, subject to Council approval and a successful tender process, proposes to carry out the project in one exercise across two financial years, doubling the available budget and with minimal impact to City Officers and resources.

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.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.1	Meaningful customer experiences created for the people we serve.

REGIONAL OUTCOMES:

The bulk verge side collection service would positively contribute to the Midwest Region's waste avoidance and recovery target.

RISK MANAGEMENT:

There are various risks associated with an undertaking of this size and nature. Some of the risks would include:

- Reputational risk from residents who: do not agree with the adopted scheme; do not like waste on the verges; are not satisfied with the service provided.
- Financial risk if the program proves to be more expensive than estimated.
- Work Health and Safety risks associated with traffic managing the bulk verge side collection service.
- Environmental risks such as hazardous waste being placed on verges.
- Existing City work schedules may be impacted with some road sealing and parks renewal works being contracted out or deferred to the next financial year.

A detailed risk assessment would be undertaken to mitigate the risks and impacts on other City works programs. A community engagement plan will be developed to educate and inform the community on the types and volumes of waste that can be collected, along with the environmental benefits of the collection service.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

- Not undertake a bulk verge side collection service. This is contrary to the determination of Council Item No. DCS528 Bulk Verge Side Collection. As a result, this option is not recommended.
- Defer the FY2022-23 bulk verge side collection service. Carry forward the allocated budget to FY2023-24 and readvertise the Request for Proposal. This will defer the service by one year however, there is an opportunity to pool the two annual budgets. This is still contrary to the determination of Council Item No. DCS528 Bulk Verge Side Collection. As a result, this option is not recommended.

12.5 REPORTS OF OFFICE THE CEO

Nil.

12.6 REPORTS TO BE RECEIVED**RR46 REPORTS TO BE RECEIVED - FEBRUARY**

AGENDA REFERENCE:	D-23-021208
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	17 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. DSDD004 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CS024 - 2022-23 Corporate Business Plan - Second Quarter Report
	C. CEO104 - WALGA State Council Agenda – 1 March 2023
	D. Confidential – CS025 - List of Accounts Paid Under Delegation - January 2023

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. DSDD004 - Delegated Determinations and Subdivision Applications for Planning Approval;
 - b. Reports – Corporate Services:
 - i. CS024 - 2022-23 Corporate Business Plan - Second Quarter Report; and
 - c. Reports – Office of the CEO:
 - i. CEO104 - WALGA State Council Agenda – 1 March 2023.

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 Services:
 - i. CS025 – Confidential Report – List of Accounts Paid Under Delegation - January 2023.

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 Leadership	Direction:	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 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.

CS026 RFT 2122 13 TRAFFIC MANAGEMENT SERVICES
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AGENDA REFERENCE:	D-23-016663
AUTHOR:	C Bryant, Coordinator Procurement B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate Services C Lee, Director of Infrastructure Services
DATE OF REPORT:	10 January 2023
FILE REFERENCE:	FM/25/0252
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2122 13 Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2122 13 Traffic Management Services to the preferred tenderer.

The contract is to run for a period of two years for supply and delivery of budgeted traffic management services.

The initial contract will be in place from 6 April 2023 to 5 April 2025 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 13 Traffic Management Services 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 13 Traffic Management Services (RFT) was advertised in The West Australian on 12 November 2022, in the Geraldton Guardian on 11 November 2022, and the City's TenderLink e-Tendering Portal. The RFT closed on 12 December 2022.

Eight suppliers registered to receive copies of the tender and four submissions were received.

All four submissions received progressed through to the qualitative/price evaluation on the basis that all compliance criteria had been met or not deemed non-conforming.

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 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 a two year contract for Provision of Traffic Management Services RFT 16 1920 – Item No. IS208, 24 March 2020.

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

Quality traffic management supports the community by providing a safe environment for all users of City assets including road users, pedestrians, cyclists, and workers.

Economy:

Award of this tender will result in City funds flowing into the local economy through the employment of local community members and supporting local businesses for supply requirements.

A two year supply contract also allows the City to engage traffic management services from proven contractors with planned costs.

Environment:

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:

Council has previously awarded a two year services contract RFT 16 1920 Traffic Management Services, Item No. IS208, 24 March 2020. The initial contract was in place from 6 April 2020 to 5 April 2022, with an extension approved until 5 April 2023.

Council also previously awarded a RFT 10 1617 Traffic Management Services, Item No. IS150, 27 June 2017.

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 Traffic Management Services is \$1,500,000 (excluding GST) per annum. Assuming all extension periods are exercised, the estimated total contract value over three years is \$4,500,000 (excluding GST). These funds are sourced from the Maintenance Operations budget.

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:

This provision of quality traffic management services assists vehicles and people moving through the City of Greater Geraldton and throughout the region via a safe and sustainable transport network which enhances the comfort and enjoyment of the community.

RISK MANAGEMENT:

The successful tenderer shall have documented management plans in place to ensure the safety and protection of workers and the community in relation to the supply of these services.

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 individual and specific traffic management services requirements. 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 only one local supplier available on the WALGA Preferred Suppliers Panel for these services. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.

IS279	RFT 2223 13 CHAPMAN VALLEY ROAD RECONSTRUCTION AND CULVERTS SLK 3.6 to SLK 3.7
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AGENDA REFERENCE:	D-23-018709
AUTHOR:	C Edwards, Manager Project Delivery and Engineering
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	28 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Confidential RFT 2223 13 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 2223 13 Chapman Valley Road Reconstruction and Culvert Works SLK 3.6 to SLK 3.7 to the preferred tenderer.

Cr M Librizzi declared a Financial Indirect interest in Item No. IS279 RFT 2223 13 Chapman Valley Road Reconstruction and Culverts SLK 3.6 to SLK 3.7 as one of the tenderers is a client of the Council Member.

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 2223 13 Chapman Valley Road Reconstruction and Culvert Works – SLK 3.6 to SLK 3.70 to the preferred tenderer; and
2. RECORD the contract price in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The section of Chapman Valley Road SLK 3.60 to SLK 3.70 has been identified for renewal. This section of the road also includes four existing circular culverts that require replacement due to their age and condition. The adjacent road sections require reconstruction for road users' continued safety. The City was successful in obtaining Regional Road Group (RRG) and Local Roads and Community Infrastructure Program (LRCIP) Phase 3 funding for the project.

The RFT was advertised in The West Australian on 24 December 2022 and in the Geraldton Guardian on 23 December 2022. The RFT was also advertised on the City's Tender Link e-Tendering Portal.

Fifteen suppliers registered to receive copies of the tender and two submissions were received. The tender assessment was undertaken by a panel of four Officers, consisting of three with voting rights and the mandatory compliance representation without.

One of the tenderers is a local supplier and therefore Council Policy 4.11 Regional Price Preference was applied to their submission.

Both submissions were deemed compliant and progressed for assessment against the following qualitative and price criteria:

- (a) Price (50%)
- (b) Key resources and experience including personnel, plant and availability (30%)
- (c) Demonstrated understanding including the ability to undertake and complete the works within the time period specified (20%)

The above selection criteria were adopted to ensure the most advantageous tenderer was selected.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The provision of a well-maintained road network including culverts and floodways enables overland stormwater flow to be safely directed along a specified route to ensure the safe passage of vehicles and pedestrians over waterways. Well maintained road networks also reduce the likelihood of accidents or damage to vehicles, minimising impact on general road users and businesses that rely on them and contributes to safer roads for commuters. Sustained road networks contribute significantly to the community's social well-being, allowing community members to undertake commercial and social activities.

Economy:

Awarding this tender will result in City funds flowing into the local economy through the employment of local community members such as traffic controllers, contractors and suppliers.

Environment:

All works contained within the scope for the 2223 13 Chapman Valley Road Reconstruction and Culvert Works project will be undertaken with environmental controls implemented as part of the contract.

Leadership:

Council approval of the Executive Recommendation will ensure works align with the objectives of Council Policy 4.5 Asset Management.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City has successfully completed previous Grant Funded Projects such as:

- 21/22 LRCIP Funded RFT 2122 3 Culvert Renewals- Awarded to Neo Civil.
- 21/22 RRG Funded Roads Package which was awarded to Centrals Earthmoving Pty Ltd.

- Red Dust Holdings were engaged to complete RFT 2021 03 Goulds Road Rehabilitation and RFT 2021 04 Walkaway Nangetty Road Reseal and Shoulder Widening.

COMMUNITY/COUNCILLOR CONSULTATION:

No community consultation has been undertaken for this project. Chapman Valley Road Reconstruction and Culvert Works is part of the RRG Funded Projects which form part of the annual road renewals and are identified from the Roads 2030 Regional Strategies for Significant Local Government Roads. Community consultation will occur as part of the Project Management when works commence. Councillors were consulted at the August 2021 Concept Forum regarding the application of the Local Roads and Community Infrastructure Program Phase 3 grant funding to the renewal of culverts.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to Section 2.7 of the *Local Government Act 1995* the role of Council includes 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 financial or resource implications with the total approved and endorsed budget being sufficient to complete the works as planned.

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 2.2	Efficient and accessible intrastate and interstate connectivity.
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:

Maintaining a functional and safe road and drainage/floodway network through the City of Greater Geraldton enhances the comfort and safety of the community and road users.

RISK MANAGEMENT:

The successful tenderer will be engaged under an AS4000 General Conditions of Contract providing industry standard mechanisms for managing risk during construction.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

IS280	RFT 2223 07 RECREATION GROUND SPORTS LIGHTING RENEWAL
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AGENDA REFERENCE:	D-23-018331
AUTHOR:	C Edwards, Manager Project Delivery and Engineering
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	28 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Confidential
	RFT 2223 07 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of the Executive Recommendation for RFT 2223 07 Recreation Ground Sports Lighting Renewal.

Cr M Librizzi declared a Financial Indirect interest in Item No. IS280 RFT 2223 07 Recreation Ground Sports Lighting Renewal as he is a sponsor of the Railways Football Club.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. REJECT the tender for RFT 2223 Recreation Ground Sports Lighting Renewal based on value for money;
2. APPROVE the FY2022-23 \$500,000 Recreation Ground Sports Lighting Renewal to be carried over to FY2023-24; and
3. DIRECT the CEO to apply for a 2023-24 CSRFF Annual and Forward Planning grant for work to commence in the FY2023-24 if successful.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

As part of the Asset Renewal Program, the sports lighting at the Recreation Ground was nominated for 100 Lux renewal in FY2022-23 in accordance with Operational Policy No. 58 Sports Tower Lighting Infrastructure - City Managed Sports Grounds. A budget of \$500,000 was allocated to the project.

At the request of the Railways Football Club, it was agreed to also include an option in the tender documentation to allow an upgrade to 150 Lux sports lighting in the future.

A Pre-Tender Estimate was prepared by the specialist lighting consultant responsible for the design of the Recreation Ground sports lighting towers. \$480,000 excluding GST was the estimated cost for 100 Lux lighting, and an additional estimate of \$60,000 excluding GST to add the infrastructure needed to be able to upgrade to 150 Lux lighting in the future if required.

The City advertised a Request for Tender RFT 2223 07 for the renewal of the Recreation Ground Sports Lighting on 18 November 2022. The tender closed on 23 December 2022. Fifteen suppliers registered to receive copies of the tender and one submission was received. The tender assessment was undertaken by a panel of four Officers, consisting of three with voting rights and the mandatory compliance representation without.

The submission was deemed compliant and progressed for assessment against the following qualitative and price criteria:

- a) Relevant Experience and Key Resources – 30%
- b) Methodology and program – 20%
- c) Price – 50%

The above selection criteria were adopted to ensure the most advantageous tenderer was selected.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Geraldton Recreation Ground has existing sports lighting that is currently functional. A delay in the renewal and upgrade of the oval sports lighting until the project works for the lighting can be successfully procured will therefore not negatively impact users of the facility. The delay in the procurement of the sports lighting will also allow the installation of the lighting to be completed outside of the peak usage period of the oval during the winter months, reducing the impact on the users.

Economy:

A delay in procuring and delivering the Recreation Ground sports lighting should result in competitive tendering and a better value for money outcome for the City. A successful Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning grant application under the Club Night Lights Projects program could also reduce the overall cost of the project.

Environment:

There are no environmental impacts associated with the Executive Recommendation.

Leadership:

The Executive Recommendation is in accordance with the *Local Government Act 1995* Section 6.8 and *Local Government (Functions and General) Regulations 1996* Section 18(5) enables the rejection of tenders. Council Delegation 1.1.15(4) Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options, enables rejection of tenders.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council held in February 2021, Council resolved to reject the tender in Item No. IS226 RFT 2021 27 Cathedral Avenue and Sanford Street Roundabout Construction to seek better value for money for the City.

COMMUNITY/COUNCILLOR CONSULTATION:

Consultation has been conducted as per the Recreation Ground Sports Lighting Renewal Project Stakeholder - Community Engagement Strategy.

Further consultation has been undertaken with Council at the recent Concept Forum Meeting undertaken Tuesday 7 February 2023 where further discussion was held in relation to an Executive Recommendation.

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:

The City received one tender submission for the project and a review of the submission pricing was undertaken by the City's tender evaluation panel. The quoted price significantly exceeded the opinion of probable costs (OPC) provided by City's specialist consulting engineers. The review concluded that the submission failed to provide value for money at this time. The evaluation panel recommended that the tender be rejected on this basis.

The Recreation Ground Sports Lighting Renewal Project has a FY2022-23 budget of \$500,000 with the Executive Recommendation being to carry forward the funding to FY2023-24 so that the project can be re-issued for tender.

A successful application in the 2023-24 round of the CSRFF Annual and Forward Planning grant scheme under the Club Night Lights Program will provide assistance to the City of one third of the cost of the new Recreation Ground Sports Lighting Towers. The City will be required to fund two thirds of the cost of the new lights.

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 3.1	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.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce.

REGIONAL OUTCOMES:

There are no impacts on regional outcomes. The impact of the delay in the renewal of the sports lighting will be mitigated by the use of the existing sports lighting at the Recreation Ground until the project works can be successfully procured and delivered.

RISK MANAGEMENT:

The rejection of the tender eliminates cost, contract and safety risk to the City at this time.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Option 1

1. AUTHORISE the reallocation of 2022-23 Capital Program Report budget line item 200 *Sporting Lease Facility Emergent Sum* as additional budget; and
2. AWARD the contract RFT 2223 Recreation Ground Sports Lighting Renewal to the preferred tenderer.

Option 2

Reject the tender and retender the project. This option was not supported as it forgoes any opportunity to apply for grant funding support.

IS281	RFT 2223 15 SPALDING REGIONAL RENEWAL PROJECT
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AGENDA REFERENCE:	D-23-018749
AUTHOR:	C Edwards, Manager Project Delivery and Engineering
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	28 February 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Confidential
	RFT 2223 15 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 2223 15 Spalding Regional Renewal Project to the preferred tenderers.

Cr J Clune declared an Impartiality interest in Item No. IS281 RFT 2223 15 Spalding Regional Renewal Project as family members work for a tenderer.

EXECUTIVE RECOMMENDATION:**Part A**

That Council by Simple Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. ENDORSE the outcome of the evaluation panel's assessment in relation to RFT 2223 15 Spalding Regional Renewal Project;
2. RECORD the names of the preferred tenderers and the tendered sums; and
3. DELEGATE to the CEO the authority to enter into negotiations with the preferred tenderers to value manage, to the extent necessary in terms of their Schedule of Rates tender submissions, to reduce the contract value to within the amount of the available funds.

Part B

That Council by Absolute Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. AUTHORISE expenditure in the amount of \$5,104,535 in the 2022-23 financial year towards the Spalding Renewal Project as per the current funding agreement with the Department of Communities and City of Greater Geraldton budgeted contribution.

Part C

That Council by Absolute Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. AUTHORISE expenditure in the 2022-23 financial year towards the Spalding Renewal Project to the corresponding amount. This is conditional and dependent on the receipt of additional funding from Lotterywest, grants and to provide pre-approval to accordingly adjust the project budget once the funding agreement is in place to the amount of funding received.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Spalding Regional Renewal Project is part of a \$20,000,000 regional renewal package announced by the State Government to support social housing revitalisation in suburban areas of Geraldton, Bunbury and Albany. The \$9,000,000 Spalding Regional Renewal Project will also include major refurbishments of older public housing properties to help meet growing demand, construction of footpaths throughout the suburb, upgrades to existing road infrastructure and general landscaping works to beautify the neighbourhood.

In January 2022, the City of Greater Geraldton (the City) entered into a Financial Assistance Agreement with the Department of Communities providing funding for the City to deliver:

- Construction of one road connection between Bogle Way and Mitchell Street
- Construction of one road extension at Sullivan Court
- Design of one road extension at Bogle Way
- Construction of one gravel footpath along Sullivan Court and Bogle way
- Construction of one gravel road between Broome Street and Mitchell Street
- Upgrades to AMC Park
- Demolition of one bus shelter

UDLA Pty Ltd were engaged to provide design consultancy services for the project based on a Participatory Design Approach holding numerous workshops with stakeholders and the community.

City Officers have met with Lotterywest to discuss their interest in the project. Based on a positive response, a funding application to support the AMC Park upgrades and associated community infrastructure was submitted. If successful, this will allow current project funding to be allocated to upgrades to the Mitchell Street Community Centre, identified as being required during the community consultation and workshop process. It is expected that the City will receive formal advice from Lotterywest in April 2023.

The RFT was advertised in The West Australian on 26 November 2022. The RFT was also advertised on the City's Tender Link e-Tendering Portal.

Three suppliers registered to receive copies of the tender and three submissions were received. The tender assessment was undertaken by a panel of four Officers, consisting of three with voting rights and the mandatory compliance representation without.

All of the tenderers are local suppliers and therefore Council Policy 4.11 Regional Price Preference was not applied to their submissions.

All three submissions were deemed compliant and progressed for assessment against the following qualitative and price criteria:

- a) Price (50%)
- b) Key Resources and Experience (20%)
- c) Aboriginal Content & Inclusion (10%)
- d) Demonstrated Understanding (20%)

The above selection criteria were adopted to ensure the most advantageous tenderer was selected.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The upgrade to the Community Centre and AMC Park will have a significant positive impact on the local community. It is currently used extensively by a variety of community groups and the proposed improvements will contribute to improving the health, well-being and social fabric of the community. The new roads will greatly improve the pedestrian, cycle and road network by opening the residential area to the popular community facility. The upgrades acknowledge the local community's history and culture, reflect their aspirations for the future of the area and will transform the heart of Spalding.

Economy:

Awarding this tender will result in a significant proportion of the project funding being spent in the local economy through the employment of local community members, businesses, contractors and suppliers including within the Aboriginal community.

Environment:

Appropriate environmental controls have been included within the scope of works for each contract and will be monitored by City Officers during the life of the contracts. The scope of the landscaping of the project also includes native planting and a bush tucker trail.

Leadership:

Council approval of the Executive Recommendation will ensure works align with the objectives of Council Policy 4.5 Asset Management.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

In Item No. IS236 Aquarena 50m Outdoor Pool Upgrade Construction, Council endorsed the outcome of the evaluation panel's assessment in relation to RFT 2021 29 Aquarena 50m Outdoor Pool Upgrade Construction and delegated to the CEO the authority to enter into negotiations with the preferred tenderer to value manage, to the extent necessary, to reduce the contract value to within the amount of the available funds.

COMMUNITY/COUNCILLOR CONSULTATION:

The City and landscape architects worked closely with a community reference group established for the project and made up of local residents, service providers, students and business operators over a series of workshops to develop a concept plan. The concept plan was presented to the wider community for feedback at a drop-in information session. The feedback received informed the final Master Plan for the AMC Park and Michell Street Community Centre. Councillors were invited to attend the workshops and information sessions. Councillors were consulted in a presentation by designers UDLA at a Concept Forum in March 2022 and in a Briefing Note issued in December 2022.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
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- (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:

The current budget in 2022-23 that includes Department of Communities funding and City contribution is \$5,104,535. Allowing for expenditure relating to other project related costs (design, project management), the currently available budget for construction is estimated to be \$4,624,200.

The combined value of the tenders exceeds the current available construction budget. However, the tenders were advertised on the basis of a Schedule of Rates which permits the City, through negotiation, to omit elements of the project and adjust the contract values to scale the project to suit the budget.

Should the City be successful in securing a Lotterywest grant, the elements of the project that were omitted as part of the value management exercise can be included in the project again by means of a variation. The grant will also provide the City with additional funding to further improve the facility.

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 2.2	Efficient and accessible intrastate and interstate connectivity.
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 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

The upgraded Community Centre and AMC Park, and the connectivity that the new road network, in conjunction with other Department of Communities initiatives in the area, is expected to improve the health and well-being of the Spalding community. This is likely to result in a reduction in regional healthcare costs, less need for community support services and a reduction in crime in the region.

RISK MANAGEMENT:

The City has employed competent and experienced designers to lead a robust community consultation process to ensure that the project meets the needs of the community. The designers have then prepared a detailed design that meets the needs of the community and the requirements of the necessary codes and standards, thereby mitigating risk to the City. The successful tenderer will be engaged under an AS4000 General Conditions of Contract providing industry standard mechanisms for managing risk during construction.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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