



ORDINARY MEETING OF COUNCIL  
MINUTES

28 MARCH 2023

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 28 MARCH 2023 AT 5.00PM**  
**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 5pm.

**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 S Van Styn

Cr J Clune

Cr N Colliver

Cr S Cooper

Cr J Critch

Cr M Librizzi

Cr S Keemink

Cr K Parker

Cr M Reymond

Cr V Tanti

Officers:

R McKim, Chief Executive Officer

P Melling, Director of Development Services

P Radalj, Director of Corporate Services

C Lee, Director of Infrastructure Services

F Norling, Director of Community and Culture  
S Moulds, PA to the Chief Executive Officer  
L Pegler, Executive Support Secretary  
T Gray, Coordinator Communications  
B Pearce, Manager Corporate Compliance and Safety  
C Edwards, Manager Project Delivery & Engineering  
M Adams, Manager Sport and Leisure  
J Felix, Coordinator Waste  
G Wilkinson, Coordinator Land and Leasing  
J Kopplhuber, Communications Officer - Engagement  
D Melling, Systems Administrator Officer

Others:

Members of Public: 20

Members of Press: 2

Apologies:

Nil.

Leave of Absence:

Cr R D Hall

Cr T Thomas

#### **4 DISCLOSURE OF INTERESTS**

Cr N Colliver declared an Impartiality interest in Item No. CC002 CSRFF 2023-24 February Small Grants Round – Geraldton Little Athletics Club Inc as she is a MWAS Board Member and MWAS have provided a letter of support, but this was never discussed at Board Level.

Cr M Librizzi declared a Financial Indirect interest in Item No. IS285 RFT 2223 20 Chapman Road Shared Path as two tenderers are clients of the elected 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 commenced at 5.01pm*

**Heather Beswick, 15 Reef Boulevard, Drummond Cove**

*Question related to NM34 Point Moore Beach Vehicle Access*

Question

If the City of Geraldton councillors vote to re open the Point Moore gates to vehicular traffic what will they implement to protect the migratory wading birds (birds who visit our shores seasonally after travelling approximately 12,000 kms and on arrival are half their body weight) that have returned to the beach, local Osprey family utilise the beach for bathing and other local bird species such as Pied Oyster Catchers, plovers, pelicans, cormorants, silver gulls, pacific gulls and mammal species (i.e. Australian Sea lions) that have returned to the beach in large numbers since gate closures? (simple intermittent opening and closing to allow vehicle access to the beach is not the answer as this is a fragile and easily disturbed environment and a fantastic asset to the City of Geraldton)

Response

The Councillors have listened to your question and your concerns regarding the migratory and local birdlife. The Councillors will consider your concerns when deliberating this matter.

Question

If the City of Greater Geraldton councillors vote to re open the beach to vehicular traffic at Point Moore what general protection is going to be provided to general community and visitor foot traffic on the beach, inclusive of people fishing, kite and / or wind surfing, surfing, diving, family groups with children and dogs and elderly people. (Surely allowing vehicles along the beach will compromise public and community safety on the beach area and surrounds).

Response

The motion before Council seeks to reopen the gates and allow people the opportunity to demonstrate reasonable behaviour. The City has the role of trying to facilitate the needs of various sections of the community and, if successful, this motion will reinstate the beach to its previous scenario of being a shared space that relies on all beach users to show mutual respect to each other.

Question

If the City of Geraldton councillors vote to re open the beach to vehicular traffic at Point Moore what protection will be implemented to prevent further degradation of these dune areas and surrounding environment?

(Surely allowing vehicles along the beach can only contribute to this ongoing degradation)?

Response

The City, during development of its Coastal Hazard Risk Mitigation Adaptation Plan (CHRMAP) adopted a managed retreat approach at Pt Moore and incorporated this provision into the Pt Moore cottage leases and recent discussions with the Geraldton Volunteer Marine Rescue group. That said, to try and slow down the rate of erosion, the city

regularly applies for grants to undertake coastal rehabilitation activities along all its foreshore areas. For example, we are currently installing brushing at Point Moore and sand groynes at Sunset Beach. As part of next year's capital works budget, the council will also consider funding to reinstate the dune protection fencing lost during the last erosion cycle.

**Susan Britt, Champion Bay Surf Life Saving Club – Arnold Road, Waggrakine**

Question

Can the Council please advise when the last survey of Geraldton/Greenough, or City of Greater Geraldton residents was undertaken to determine their aspirations for the Geraldton Foreshore? Specifically regarding a Surf Life Saving Facility to support the activities of the Champion Bay SLSC

Response

At the January 2023 Council meeting a suggested direction was given to the Club President that the first step in the process should be to present the clubs preferred design and location to a Council Concept forum and seek councillor feedback. This would then give the club guidance to move forward with the submission of a formal proposal for Council consideration on the Geraldton Foreshore.

Question

In reference to the open ended storm water drain at Champion Beach, and concerns raised by CBSLSC with the CEO on the 9th January 2023. The Mayor's comments in the Geraldton Guardian 17th January 2023 "CGG are currently designing a one-way stormwater drainage outlet and hope to have it installed in the near future", as we are now nearing the end of March 2023 is there any likelihood that the City will address this safety concern in the near future?

Response

The unit (a duck bill non-return) is on order and expected to be delivered mid April 2023. Installation of the unit is anticipated to be complete by end of April 2023, subject to delivery on time.

Question

If the City is unable to maintain the beach access matting in front of the yacht club, is it open to a proposal from Champion Bay SLSC in regards to maintenance, that will see it fit for purpose, and remaining in place over the full 12 month period?

Response

The accessible beach matting on Town Beach is supplied and maintained by the City over the summer months in addition to the matting on Champion Beach year round which is owned by Access To Leisure And Sport (ATLAS) and maintained by Champion Bay Surf Life Saving Club (CBSLSC) in an MOU between them.

The City is happy to consult with the community and the local Disability Interagency group in regard to interest in a potential extension of this, whilst acknowledging that when demand is lower outside the summer

period this matting is made available for outdoor events, such as Anzac Day and International Day for People with a Disability, to provide enhanced access for those with mobility issues, seniors and families.

**Aaron Horsman, 213 Lester Avenue, Geraldton**

Question

Can the Council provide an up to date figure for the amount of ratepayers money currently spent on subsidised flights to Karratha and what is the breakdown of Individual applicants versus businesses that are using the scheme?

Response

Zero – There are no flights between Geraldton and Karratha.

Question

Can the Council provide a transparent list of disclosure of all and any Councillors and council employees that have businesses or family involved in businesses that have benefited financially from the scheme since its inception? and will the council please table that list publicly now?

Response

There are none.

As per Council Policy 4.21 and Australian Accounting Standards, Key Management Personnel (Councillors/Senior Management) are required to annually identify and disclose related parties and transactions.

Question

Due to the current substantial rise in E scooter accidents and injuries being experienced across the state, as reported in multiple news outlets, most recent accident was noted that involved a head injury. Can the council provide a figure regarding local accidents and injuries involving beam scooter users, that the council approved as a safe and positive development for the Council area? Does the council still consider the scheme going forward as a safe exercise in regards to other ratepayer funded pedestrian pathways and road areas, and will the Council do a revised risk assessment in light of the recent rise in anti social activity and accidents and injuries?

Response

Beam does collect data based on reported incidents to them but in terms of hospital data it has been advised that data is not currently available or captured. Beam advised they are engaging with the WA Department of Health to look at ways incident data can be captured. Council determined that this service would be initially granted under a trial period to assess the community and economic value including associated risks. This will undergo a final assessment by Council to determine any future extension to the service beyond the trial period, which ends January 2024.

Summary of supplementary verbal question from Mr Horsman

This is not a licenced vehicle, as I throw it to Council as it is on the Council pathways etc. Someone has to be accountable for what is happening. The local police force is strained with other business. There is a huge



grey area in the state and across the country, so the concern is where is it going to fall? Someone will continually ride into someone on bike paths/footpaths.

Response

This is no different to push bikes, which are not regulated. We have collisions with people on push bikes. The City, as part of their trial process, required that the operators have an appropriate level of insurance in place to cover themselves, third parties and public liability insurance. But of course, at all times, the right of roads and the laws that are a part of that, noting the incident you have quoted in your questions, occurred on a road, which is governed by the Western Australian Police. Council has no authority to go around issuing traffic infringements and the like on a public road network.

Summary of supplementary verbal question from Mr Horsman

In regard to underage users, it says that they can't be used by underage users, but I continually see large groups of underage users on the verge, which is a Council issue.

Response

It is not. The Regulations and State Regulations about usage of e-scooters is governed by State Law.

**Gordon Anderson, 45 Sydney Street, Mount Tarcoola**

*Question related to NM34 Point Moore Beach Vehicle Access*

Question

The Off Road Vehicles Act 1978 is administered by DLGSC allows the use of vehicles at Explosives (Point Moore), Pages Beach, Separation Point, Francis St Carpark, Drummonds Cove, and Cape Burney.

I personally have been an avid user for over 50 years. In all that time, the only angst I have seen, is in the last 2 years with a few Point Moore residents angry with vehicles on the beach. We have had a few Council votes on shutting the beaches off and putting gates on, yet the gates are still there and closed by default. This was meant to be a temporary measure. Every time I have gone to Council, I cannot get anyone to agree to open the gates. They have been shut for over six months now. When will they open?

Response

In regard to when the gates will open, that will be decision of Council when they deliberate item no. NM34 this evening. The gates have been put there as a temporary measure to try and buy some time due to the erosion that has been caused, to allow the natural coastal process to reinstate themselves and to put the sand that was there back to where it was. Council may decide to open them as per the Mayor's motion, or whether or not to leave it for another winter period and reassess the beach condition at that point, that will be decision made this evening.

Question

I am concerned as we have already had Council votes on this. I petitioned the Council back in 2021 and there was a motion to temporarily close the beaches for 18 months. Apart from the phoning the Councillors and sending an e-mail, that was voted against almost unanimously, there was only one vote to actually close the beach. Council put out a statement saying that they analysed community input, and Council said it was going to be a balanced approach. I have been down there today. There is about 46 metres from the dunes down to the water when it is high tide, plenty of sand there. Why aren't the gates open now?

Response

This will be determined by Council tonight.

**Mr Sean Hickey, PO Box 2966, Geraldton WA 6530**

*Question related to NM34 Point Moore Beach Vehicle Access*

Question

What data and practical analysis have Council undertaken over the period of 'gate closure', at the Point Moore location, that has led to a greater understanding of erosion and replenishment and renewal - a study of how nature reacts over time?

Response

Since the gates have been up, the City's environmental officers have been doing regular surveys, be that with typical survey measurements or photos surveys etc. So the City is building record of what has occurred while the gates have been closed.

Question

What source of funding allowed Council to close off easy access to this special coastal area and what is the purpose of the funding. Is it to protect the area and allow for revitalisation of this section of coast and keep its sustainability, for the long term ?

Response

At the strategic level direction I would direct you again to the CHRMAP Study, which is on the City's website. It shows what we think will happen in the long term. In regard to the Point Moore location, the City has adopted a managed retreat process, so we do a little bit down there with brushing and have put the gates in etc. It has several outcomes that we hope for. One is to prolong the life and also try and manage the safety of the and to balance the various needs of the community.

*Summary of supplementary verbal question from Mr Hickey*

So in short the natural process hasn't been the purpose of the funding, in other words, we are not interested in the natural process, we are only here for band aiding it up with more interventions.

Response

The natural process is what the CHRMAP report is all about. It indicates that the area is eroding and without substantial intervention, which the City can't afford, that area will continue to retreat.

Question

Changing values within a community need to be acknowledged. How this comes about is immaterial. However, it is fair to say that along our coast we have seen vast damage and loss of natural coastal areas - this is of course attributed to climate change in the loudest voice. But we know where we have built our material assets - roads, parks, buildings and more causes us great loss and inconvenience. We have of course been alerted to the coastal damage that is attributed to Port and Harbour development - this has been substantial as we now know. How will Council take up this challenge of controlling the loss and damage of natural coastal areas if it doesn't control and limit, perhaps stop, the access these vehicles have?

Response

The CHRMAP has been undertaken. Council has agreed to what measures it will take and at which locations. With respect to 4WD access to this part of our foreshore, Council will determine that tonight.

**Kevin Bradley, 10 Gorgon Rd, Sunset Beach**

*Question related to NM34 Point Moore Beach Vehicle Access*

Question

Use Point Moore regularly – if they do decide to close the gates at point Moore, I understand the 4WD access. There has been surfing fraternity that has been surfing at Explosives for over 50 years. You see them park on the road, walk from that gate all the way down to Explosives, carrying big boards etc. If Council do decide to close the gates and keep people off the beach, I understand that, but for the surfing community, can the Explosives track be maintained down to the beach head and put the gate down there so people access the beach and don't have to park on the road. There is no proper access for them to park. They are having to walk at least 200 metres carrying surf boards and stuff. Cars are left exposed up on the road. If they do decide to close it, can that road be opened up and closed down where the people go surfing?

Response

Officers will certainly look at that, can't promise it, but it can be investigated.

**Geoff Barrett, 278 Chapman Road, Geraldton**

*Question related to NM34 Point Moore Beach Vehicle Access*

Question

As this will affect the wider community, has any polling been carried out by the Council on closing the gate, on what the community thinks of this issue. Rarely see people being troublesome or difficult down there in their vehicles.

Response

This is a paper presented by the Mayor, so at this point there has been no broader consultation.

*Public question time concluded at 5.30pm*

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr R D Hall	16 March 2023	11 April 2023	28/2/2023
Cr T Thomas	27 March 2023	31 March 2023	28/2/2023
Cr M Librizzi	29 March 2023	6 April 2023	31/01/2023
Cr J Critch	21 June 2023	4 July 2023	31/01/2023

*\*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 M Reymond for the period 18 April to 18 May 2023; and
  - b. Cr K Parker for the period 7 July to 21 August 2023.

### COUNCIL DECISION

#### MOVED CR COLLIVER, 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. **Cr M Reymond for the period 18 April to 18 May 2023; and**
  - b. **Cr K Parker for the period 7 July to 21 August 2023.**

### **CARRIED 10/0**

*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 28 February 2023, 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 28 February 2023, as previously circulated, be adopted as a true and correct record of proceedings.**

**CARRIED 10/0**

*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 his representative*

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
1 March 2023	Triple M Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
1 March 2023	Filming for Council Update Videos - Outcomes of Council Meetings	Mayor Shane Van Styn
1 March 2023	Rotary WA (RWADE) Driver Education Photo for Media Release	Deputy Mayor Cr Jerry Clune
4 March 2023	Golden Dragon Luo Dance Show	Mayor Shane Van Styn
5 March 2023	Coral Princess "Plaque" Exchange for Inaugural Visit	Mayor Shane Van Styn
7 March 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
7 March 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
7 March 2023	Regional Capitals Australia Board Meeting – via electronic means	Mayor Shane Van Styn
7 March 2023	Concept Forum	Mayor Shane Van Styn
8 March 2023	Women's Wellness Centre Formal Opening Event	Mayor Shane Van Styn
10 March 2023	Australian Citizenship Ceremony	Mayor Shane Van Styn
10 March 2023	Rotary WA Driver Education (RWADE) Presentation Awards	Mayor Shane Van Styn
11 March 2023	Geraldton Regional Cricket Board (GRCB) Doug Hogue Medal Count & The Men & Women's Awards Night	Mayor Shane Van Styn
13 March 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
13 March 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
14 March 2023	ABC Radio Interview – Point Moore Gates	Mayor Shane Van Styn
14 March 2023	ABC Radio Interview – Power Outages	Mayor Shane Van Styn
14 March 2023	Audit Committee Meeting	Mayor Shane Van Styn
14 March 2023	Geraldton Guardian Interview – Power Outage	Mayor Shane Van Styn
14 March 2023	Central Regional TAFE - Graduation Ceremony	Mayor Shane Van Styn
16 March 2023	Meeting with Batavia Coast Trimmers	Mayor Shane Van Styn
17 March 2023	Channel 7 Interview – Powers Outages	Mayor Shane Van Styn
17 March 2023	Channel 9 Interview – Powers Outages	Mayor Shane Van Styn
17 March 2023	Dongara Marine - Official Opening with Hon Rita Saffioti Minister for Transport; Planning; and Ports	Deputy Mayor Cr Jerry Clune
18 March 2023	Harmony Festival	Mayor Shane Van Styn
19 March 2023	Geraldton Marine Rescue - Sandbagging	Mayor Shane Van Styn
19 March 2023	Radio Mama – Regular Interview	Mayor Shane Van Styn
20 March 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
20 March 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
20 March 2023	Rangeway Utakarra Karloo Progress Association (RUKPA) Meeting	Cr N Colliver
21 March 2023	NBN Update to Council - Mullewa	Mayor Shane Van Styn
21 March 2023	Agenda Forum - Mullewa	Mayor Shane Van Styn
22 March 2023	SCA Radio Interview - Ongoing Power Outages	Mayor Shane Van Styn
22 March 2023	Introduction - New Commanding Officer of HMAS Stalwart	Mayor Shane Van Styn
23 March 2023	Central Regional TAFE - Graduation Ceremony	Mayor Shane Van Styn

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23 March 2023	Channel 7 Interview – Power Outages and Future Demand	Mayor Shane Van Styn
24 March 2023	Official Launch Fenix-Newhaul's Kickstart Training Academy and Simulator	Mayor Shane Van Styn
24 March 2023	Art on the Move / Firefly Mode Artwork Launch	Mayor Shane Van Styn
24 March 2023	GRAG Exhibition Stitched and Bound/ Peregrinations of a Citizen Botanist	Mayor Shane Van Styn
24 March 2023	Chapman Valley Northampton Cricket Club (CVNCA) Awards Night	Mayor Shane Van Styn
27 March 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
27 March 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
27 March 2023	Photo for Media Release - Smart BBQ	Mayor Shane Van Styn
27 March 2023	Triple M Radio Interview - Best 30 Cities to Live in Australia Blog	Mayor Shane Van Styn
28 March 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

DS007	PROPOSED ROAD DEDICATION – LOT 100 ON DIAGRAM 24610 – REILLY ROAD, WONTHELLA
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<b>AGENDA REFERENCE:</b>	<b>D-23-031687</b>
<b>AUTHOR:</b>	<b>K Elder, Coordinator Strategic Planning</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>7 March 2023</b>
<b>FILE REFERENCE:</b>	<b>A9948</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Diagram 24610 - Lot 100 Reilly Road, Wonthella</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to dedicate Lot 100 on Diagram 24610 located at the northern end of Reilly Road, Wonthella, as a public road.

#### **EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 56 of the *Land Administration Act 1997* RESOLVES to:

1. REQUEST the Minister for Lands to dedicate the whole of Lot 100 on Diagram 24610, Wonthella as public road; and
2. INDEMNIFY the Minister for Lands against any claims for compensation.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The City has been contacted by the Department of Planning, Lands and Heritage (“the Department”) with regard to an anomaly relating to Lot 100 on Diagram 24610 which is located at the northern end of Reilly Road, Wonthella.

Lot 100 is currently in private freehold ownership however it contains a constructed portion of Reilly Road which provides access to Lots 40-43 Reilly Road, Wonthella. An aerial image including lot details and cadastral boundaries is included overleaf.



Lot 100 was originally created by a subdivision that occurred around 1957. At the time, there was no mechanism to automatically cede and dedicate the land as road. It was therefore kept in the private ownership of Jean Lillian Long who is now deceased. A representative of the public trustee for the deceased landowner has contacted the Department requesting that the anomaly be resolved.

Lot 100 is approximately 30m wide, 40m long and 1,200m<sup>2</sup> in area. There are two power poles located within the lot along with other public utility access points. The road has been constructed and maintained to the City's satisfaction. This portion of road provides the only means of legal access to the dwellings located on Lots 41, 42 and 43 and the City's drainage sump located on Lot 40. The size and configuration of Lot 100 along with its reference on the attached Diagram 24610, indicates a clear intent for the lot to form a public road reserve.

The public has had uninterrupted use of Lot 100 as a road for in excess of 10 years. The City's aerial photography shows the lots being used as a public road dating back to 2001.

There is provision within Section 56 (1) c the *Land Administration Act 1997* for a local government to request the Minister dedicate land as road where the land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years. In order to do so, Section 56(4) requires the local government to indemnify the Minister against any claim for compensation.

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

#### **Community:**

There are no adverse community impacts as the request to dedicate the lot as public road formalises the road reserve for use by the community.

#### **Economy:**

There are no adverse economic impacts.

#### **Environment:**

There are no adverse environmental impacts.

#### **Leadership:**

The request to dedicate the lot as public road ensures that the City's road network and service agency infrastructure are appropriately protected.

#### *Disclosure of Interest:*

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

### **RELEVANT PRECEDENTS:**

The City has a number of previous precedents of road dedications and road widening reports approved by Council in various locations.

Most recently, Council at its meeting held on 27 April 2021 (Item No. DCS489 Proposed Road Dedication – Lot 51 on Plan 6515 Corner Dean Street and George Road, Beresford) resolved to approve the dedication of a privately owned lot on the corner of Dean Street and George Road, Beresford to public road.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

The Department of Planning, Lands and Heritage have advised that advertising to adjoining landowners was not required for this dedication therefore there has been no community/councillor consultation.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 56 of the *Land Administration Act 1997* provides for the dedication of public roads and states that:

*If in the district of a local government –*

- a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*

- b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
- i. *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
  - ii. *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or
- c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

Given that the City can confirm that the public have had uninterrupted use of the land for more than 10 years, the City has the ability to request the Minister to dedicate the land as public road.

Section 56 of the *Land Administration Act 1997* also requires the Local Government to indemnify the Minister against any claim for compensation for the costs and expenses reasonably incurred by the Minister in considering and granting the request.

#### **FINANCIAL AND RESOURCE IMPLICATIONS:**

The finalisation of the dedication process will only require the lodgement of a road dedication document at Landgate. The Department has confirmed there will be no fees associated with the preparation and lodgement of this document.

#### **INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.

#### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

#### **RISK MANAGEMENT:**

The dedication would formalise the use of the lot as a public road and formally protect any public utilities (such as power, water, sewer and telecommunications).

The *Land Administration Act 1997* allows a local government to request the dedication of a lot that has been used uninterrupted by the public as a road for not less than 10 years.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

As Lot 100 has had uninterrupted use by the public as a road for no less than 10 years, the option to not support the proposed dedication to a public road is not recommended. Furthermore, the dedication will formalise and protect the use of the lot as a public road and formally protect public utilities.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter.

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

**That Council by Simple Majority pursuant to Section 56 of the *Land Administration Act 1997* RESOLVES to:**

- 1. REQUEST the Minister for Lands to dedicate the whole of Lot 100 on Diagram 24610, Wonthella as public road; and**
- 2. INDEMNIFY the Minister for Lands against any claims for compensation.**

**CARRIED 10/0**

*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.*

DS008	REMOVAL OF MULLEWA WARD EXEMPTIONS UNDER THE BUILDING REGULATIONS 2012
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<b>AGENDA REFERENCE:</b>	<b>D-23-027727</b>
<b>AUTHOR:</b>	<b>A Searle, Coordinator Development Compliance</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>8 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Map – Mullewa Ward other than townsites</b>

**EXECUTIVE SUMMARY:**

The Building Regulations 2012 currently provide regulatory exemptions for the former Mullewa Ward area other than townsites within the City of Greater Geraldton.

The exemptions currently in place mean that no building permit is required to construct any class 10 buildings (i.e., patios, pergolas, sheds and swimming pools) or maintain swimming pool barriers to Australian Standards (AS 1926.1).

The former Mullewa Ward was abolished on 9 April 2019. An unintended consequence was that the Building Regulations 2012 give reference to exemptions for the Mullewa Ward other than townsites. In summary the ward does not exist, but the Building Regulations 2012 still reference the Mullewa Ward.

The purpose of this report is to seek Council's resolution to address the anomaly as per the recommendations from the Department of Mines, Industry Regulation and Safety (DMIRS).

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to *Schedules 4 and 5 of the Building Regulations 2012* RESOLVES to:

1. INITIATE the process outlined by Department of Mines, Industry Regulation and Safety to adjust the aforementioned *Schedule 4 and Schedule 5 of the Building Regulations 2012*;
2. DIRECT the CEO to initiate action for progressing to consultation with the affected landholders as outlined by Department of Mines, Industry Regulation and Safety; and
3. NOTE that retrospective approvals for building permits will not apply and only new build applications will be required after the expiration of the transition period.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Building Regulations 2012 exemptions are as follows:

Under Schedule 4, permits are required throughout the City of Greater Geraldton except they are not required for building work on Class 10 building or incidental structures for the Mullewa Ward other than townsites.

Class 10 buildings include (10a) non-habitable building including a private garage, carport, shed or the like; (10b) a structure that is a fence, mast, antenna, retaining wall or free-standing wall or swimming pool or the like; (10c) private bushfire shelter.

Under *Schedule 5*, private swimming pools are to adhere to the *Building Regulations 2012* requirements of having a pool barrier installed that is compliant to the Australian Standards (AS 1926.1) and regular inspections be conducted by the local government district. The City of Greater Geraldton applies these requirements to the “*Whole district except the Mullewa Ward that are not townsites*”.

**Council Resolution – 25 August 2020**

Council at its meeting held 25 August 2020 resolved the following exemptions under the *Building Regulations 2012* – Abolishment of The Mullewa Ward:

1. *ADVISE the Department of Mines Industry Regulation and Safety that it supports the option to remove the current exemptions for the Greater Geraldton local government district as prescribed in Schedule 5 of the Building Regulations 2012;*
2. *ADVISE the Department of Mines Industry Regulation and Safety that it supports the option to retain the current exemptions for the Greater Geraldton local government district as prescribed in Schedule 4 of the Building Regulations 2012; and*
3. *DIRECT the CEO to bring Part 2 above (Schedule 4) back for Council consideration within 12 months.*

In the above resolution, council resolves in Part 1 to advise the Department of Mines, Industry Regulation and Safety (DMIRS) support of removing private swimming pool exemptions so the whole local government district is required to have a compliant pool barrier installed and regular inspections take place.

Part 2 is to advise DMIRS of the support in retaining the exemptions so that the Mullewa Ward other than townsites are not required to obtain building permits for Class 10 building or incidental structures including swimming pools. Part 3 directs the CEO to bring the building permit exemptions back to the Council for consideration within 12 months.

**DMIRS Requirements – Response to amend**

The below DMIRS excerpt states the requirements to further progress with the removal of Schedule 5 exemptions (and retention of Schedule 4):

1. *The City has determined an appropriate transition period for the implementation of the changes. Building and Energy consider that the transition period should be effected by the City prior to any changes to the Regulations taking effect (the Regulations may be drafted to take effect on a predetermined agreed date). Please advise Building and Energy of the City's desired transitional period.*
2. *The City has undertaken comprehensive stakeholder consultation with affected residents on the proposals and proposed transition period. Previous experience with other local governments suggest lack of consultation can lead to significant backlash. Consultation with all affected stakeholders is a mandatory requirement under Department of Treasury's (Treasury) Regulatory Impact Assessment (RIA) process for any proposal which increases the regulatory burden*
3. *The City, at its Council meeting, has considered the feedback from affected ratepayers.*

*Confirmation of the above, with formal request to amend the Regulations accordingly, should be provided in writing with signature of the City's Chief Executive Officer.*

The letter to the Executive Director of Building and Energy needs to include the date of the full Council resolution and proposed transition period.

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

There are approximately 20 landholders within the Mullewa Ward that currently have private swimming pools and may be affected by the removal of the Schedule 5 exemptions.

Furthermore, there are approximately 390 electors within the whole of the Mullewa Ward. Those electors that are situated outside of townsites may also be affected by the removal of the Schedule 4 exemptions.

The requirements placed on the affected landholders with private swimming pools consist of:

- a) Ensuring a compliant barrier is installed.
- b) Enduring mandatory 4 yearly barrier inspections.
- c) Additional costs to rates for mandatory inspections.

The requirement placed on the affected landholders within the regional areas of the former Mullewa Ward consist of:

- a) Need to submit applications for building permits.
- b) Additional costs for fees associated with the building permit assessment.



**Economy:**

There are likely to be impacts on the affected landholders due to fees in lodging building permits and extra costs within rates for the mandatory barrier inspections.

In addition, the City will also incur extra costs to attend mandatory barrier inspections through vehicle use and officer attendance requirements.

**Environment:**

There are no adverse environmental impacts other than the minor addition to added vehicle use for inspections.

**Governance:**

There will be governance impacts throughout the consultation and transition process, for example:

- Management of the consultation process;
- Ensuring all affected landholders are notified via letter, email, public noticeboard and local media;
- Preparing documentation and information on the additional legislative requirements that landholders will be required to follow;
- Providing open communication to answer any questions from the affected landholders; and
- Receiving and recording all feedback from landholders for Council consideration after the consultation period.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were briefed on this item at the Concept Forum on 7 March 2023. The conflict created within the Building Regulations exemptions regarding the Mullewa Ward abolition was discussed and it was highlighted the intention of bringing the Greater Geraldton's local government district into a uniformed alignment.

There has been no community consultation to date, but consultation is a mandatory requirement under the Department of Treasury's Regulatory Impact Assessment process for any increases on regulatory burdens on affected landowners.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The *Building Regulations 2012* stipulates the following:

***Schedule 4 – Building work that does not require building permit***

1. *Areas where building permit not required for certain work*

<b>Local government district</b>	<b>Area where building work permit not required for building work for Class 10 building or incidental structure</b>
Greater Geraldton	Mullewa Ward other than townsites

**Schedule 5 – Areas of State where Part 8 Division 2 applies**

<b>Local government district</b>	<b>Areas of State where Part 8 Division 2 applies</b>
Greater Geraldton	Whole district except areas in Mullewa Ward that are not townsites

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There will be the need for additional resourcing as DMIRS and the Department of Treasury require that landholders affected by extra financial costs (when removing the exemptions), go through a comprehensive consultation period.

Furthermore, DMIRS also requires the City to receive all feedback and provide this information to the Council for their consideration during a Council Meeting. This will require City officers to manage the feedback received from the affected landholders and ensure that it is provided to the Council so that an informed decision is made on a suitable transition period.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.4	Community safety, health and well-being is paramount.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community wellbeing.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.5	A culture of safety, innovation and embracing change.

**REGIONAL OUTCOMES:**

The current exemptions create different regulations for landholders to adhere to depending on where they are located. Once the comprehensive consultation and transition periods have been finalised, there will no longer be different rules for different landholders within the City of Greater Geraldton.

Removing the exemptions will create a uniform set of rules, whereby all landholders within the local government district with a private swimming pool or spa will need to ensure an Australian Standard pool barrier is installed and maintained. Additionally, all class of buildings will require building permits prior to construction.

**RISK MANAGEMENT:**

There have been no discernible issues with the current exemptions given the low number of stakeholders affected. These risks would only be lowered further with the regular inspections of swimming pool barriers and all buildings being assessed by the City.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers prior to the Concept Forum Meeting held on 7 March 2023:

Move forward with the council resolution made on 25 August 2020 to remove the *Schedule 5* exemptions for swimming pool barriers and maintain the *Schedule 4* exemptions for building permits.

As per DMIRS response, this consideration will still require a process for transition, consultation and feedback discussions be completed by the City.

Should this be adopted, it would also be recommended to enquire with DMIRS on adjusting the *Schedule 4* exemptions that currently refer to the “*Mullewa Ward other than townsites*” to “area that was the Mullewa Ward immediately before 19 April 2019 other than townsites”. This would ensure that any future legal standings within the district area are not compromised.

It should be noted that adopting this option would still see building permit exemptions in place over the local government district including the requirement to submit applications for swimming pools. This would make it difficult for the City to monitor any new swimming pools and ensure they have barrier inspections booked accordingly.

Additionally, should the exemptions be abolished in the future, an additional consultation and feedback period would likely be required along with the associated costs and resources.

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

**That Council by Simple Majority pursuant to *Schedules 4 and 5 of the Building Regulations 2012* RESOLVES to:**

- 1. INITIATE the process outlined by Department of Mines, Industry Regulation and Safety to adjust the aforementioned *Schedule 4 and Schedule 5 of the Building Regulations 2012*;**
- 2. DIRECT the CEO to initiate action for progressing to consultation with the affected landholders as outlined by Department of Mines, Industry Regulation and Safety; and**
- 3. NOTE that retrospective approvals for building permits will not apply and only new build applications will be required after the expiration of the transition period.**

**CARRIED 10/0**

*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.*

DS011	LEASE – GERALDTON JUNIOR AND SENIOR MOTOCROSS CLUB INC.
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<b>AGENDA REFERENCE:</b>	<b>D-23-031697</b>
<b>AUTHOR:</b>	<b>G Wilkinson, A/Coordinator Land &amp; Leasing</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>8 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>
	<b>A. Club Letter of Request</b>
	<b>B. Proposed Lease Area Diagram</b>
	<b>C. Meru Waste Disposal Facility Masterplan</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to enter into a new lease agreement with the Geraldton Junior and Senior Motocross Club Inc. (the Club) over a portion of 61 Landfill Lane, Meru being Lot 2268 on Deposited Plan 250829, noting that the land has been held aside for the expansion of the Meru Landfill Facility in line with the Meru Master Plan. The Club has been operating for over 15 years and is requesting a new lease at the expiry of their current lease on 9 December 2024.

**EXECUTIVE RECOMMENDATION:**

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

1. ENTER into a new land lease agreement for a portion of Lot 2268, Landfill Lane, Meru, with the Geraldton Junior and Senior Motocross Club Inc.;
2. SET the conditions as follows:
  - a. Enter a ten (10) year lease term with one further term option of five (5) years at the sole discretion of Council;
  - b. Commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
  - c. Commence the lease on 10 December 2024;
  - d. The City may terminate the lease with 12 months' written notice should the land be required pursuant to the Meru Master Plan;
  - e. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution from the Council to determine the consequences of this inaction;
3. ADVISE the lessee:
  - a. They are responsible for separately paying:
    - i. All building and other relevant insurances;
    - ii. Applicable rates, taxes, and other utilities;
  - b. The Club should investigate alternate locations for their activities as the site will be required due to the City's anticipated expansion for landfill purposes, and the lease will end in the future; and

- c. The Club will make no land improvements without the City's written approval.

**PROPONENT:**

The proponent is the Geraldton Junior and Senior Motocross Club Inc.

**BACKGROUND:**

The Meru Waste Disposal Facility (Meru Landfill) is a landfill site located at 61 Landfill Lane, Narngulu, approximately 10km from the Geraldton CBD. The premises consists of the following:

- Five (5) waste cells with segregation by waste type;
- A liquid waste treatment facility, including two (2) evaporation ponds;
- A stock-truck washdown bay and evaporation pond;
- A transfer station, including waste oil tanks;
- A household hazardous goods shed;
- Green waste mulching area;
- Scrap metal area;
- Tyres area;
- Concrete & demolition material area; and
- Recycling Centre (the Bowerbird).

The Meru Waste Management Facility (Meru) is a Class III landfill. Meru's waste cells are designed according to the Department of Water and Environmental Regulation (DWER) approved standard. Pursuant to Part V of the Environmental Protection Act 1986, the site is prescribed under the following categories:

- Category 61 – Liquid Waste Facility;
- Category 67A – Compost manufacturing and Soil Blending;
- Category 64 – Class II or Class III Putrescible Landfill site; and
- Category 57 – Used Tyre Storage (general).

In 2019, the City invested in constructing a new cell, at a cost of \$4.9m, known as Cell 5. Based on a business-as-usual model, the life expectancy for Cell 5 is eight (8) years. It commenced operations in November 2022, with the estimated closure at the end of 2030. The City anticipates construction of Cell 6 in 2028/2029.

Knowing significant upgrades were required, the City developed a master plan in 2021 (see Attachment No. DS011C). Along with various investigations and reports to Council, the master plan allowed Officers to proceed with more detailed planning for multiple elements, including a new transfer station.

These investigations give Officers more confidence to recommend a further lease term for the Geraldton Junior and Senior Motocross Club Inc. The location of the Club is on the southwest corner of the land parcel held aside for the expansion of the Meru Landfill Facility in line with the Meru Master Plan.

The land is not required in the immediate future, however the site will ultimately become further landfill cells.

Discussions with the City's Waste Team have determined that current usage expectations mean that the land should not be required within the next 10 to 15 years.

The recommendation is that Council offer the Club a new 10 year lease with an option for a further 5 years at the sole discretion of the Council. It is also recommended that the lease include the following conditions:

- that the City ultimately requires the lease area for landfill purposes;
- the Club should investigate alternate locations for their future activities as the site will be required for landfill purposes and the lease will end;
- the Club is to make no improvements without the City's written approval; and
- the Club may be required to vacate the site with 12 months' notice should the area be needed for landfill purposes earlier than the expiration of the proposed lease term.

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

### **Community:**

Approving a further lease on the area will allow a community sporting activity to continue, which is in keeping with the City's Community Strategic Plan.

### **Economy:**

Sporting Clubs are an integral part of our economic and social fabric providing benefits to the local community. They have a role in working with the City and community to encourage and host sporting activities and events that are known to have economic benefits to the City and the broader region.

### **Environment:**

There are no adverse environmental impacts as the Club is already established on the land.

### **Leadership:**

Sufficient information has been provided to allow the Council to determine this matter with no adverse leadership implications.

### ***Disclosure of Interest:***

No Officer involved in preparing this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

The City leases freehold and crown land to sporting and community groups. The Club has used the site for over 15 years through leases with the former Shire of Greenough and the City. The current lease with the Club commenced on 10 December 2019 for a five year term.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

Regulation 30 of *Local Government Functions and General Regulations* describe dispositions of property excluded from Section 3.58 of the *Local Government Act 1995* for recreational, sporting, and other like natured organisations.

Pursuant to Section 136 of the *Planning and Development Act 2005*, a portion of a freehold lot can be leased for up to 20 years.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Lease fees will be in accordance with the City of Greater Geraldton Schedule of Fees and Charges for Sporting and Community Groups, reviewed annually.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy, thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community wellbeing.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There is a risk that the land in question would be required before the lease term concludes. The proposed inclusion of a 12-month notice clause adequately deals with this risk.

Like many other sporting endeavours, there is a risk of injury whilst participating in Motocross. Terms of the lease include the requirement to obtain all relevant insurances and indemnify the City of any liability.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Alternative options open to the Council include not offering the Club a new lease or offering the Club a new lease with alternative terms and conditions.



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

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

1. ENTER into a new land lease agreement for a portion of Lot 2268, Landfill Lane, Meru, with the Geraldton Junior and Senior Motocross Club Inc.;
2. SET the conditions as follows:
  - a. Enter a ten (10) year lease term with one further term option of five (5) years at the sole discretion of Council;
  - b. Commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
  - c. Commence the lease on 10 December 2024;
  - d. The City may terminate the lease with 12 months' written notice should the land be required pursuant to the Meru Master Plan;
  - e. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution from the Council to determine the consequences of this inaction;
3. ADVISE the lessee:
  - a. They are responsible for separately paying:
    - i. All building and other relevant insurances;
    - ii. Applicable rates, taxes, and other utilities;
  - b. The Club should investigate alternate locations for their activities as the site will be required due to the City's anticipated expansion for landfill purposes, and the lease will end in the future; and
  - c. The Club will make no land improvements without the City's written approval.

**CARRIED 10/0**

Time: 5:41 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

DS012	LEASE – PORTION OF LOT 1 LOVERS LANE, MULLEWA - VOCUS GROUP LIMITED
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<b>AGENDA REFERENCE:</b>	<b>D-23-031707</b>
<b>AUTHOR:</b>	<b>G Wilkinson, A/Coordinator Land &amp; Leasing</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>8 March 2023</b>
<b>FILE REFERENCE:</b>	<b>A1472</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Proposed Facility Location Report</b> <b>B. Proposed Facility Design</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to enter into a lease agreement for a portion of Lot 1 Lovers Lane, Mullewa for the construction of a Telecommunications Facility.

**EXECUTIVE RECOMMENDATION:**

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

1. GIVE local public notice of the intent to grant a lease for approximately 230m<sup>2</sup> to Vocus Group Limited for a portion of Lot 1 Lovers Lane, Mullewa for a telecommunications facility;
2. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;
3. SET the proposed conditions as:
  - a. Enter a 10 year lease agreement with a further term option of 10 years at the sole discretion of Council;
  - b. Commence the lease fee at \$5,000 excluding GST per annum;
  - c. Adjust the lease fee by 3% annually as at the commencement date of the lease;
  - d. Commence the lease on 1 June 2023;
4. ADVISE the lessee they are responsible for separately paying:
  - a. All applicable rates, taxes and insurance;
  - b. All costs associated with:
    - i. The preparation and execution of the lease;
    - ii. The survey plan; and
5. REFER the matter back to Council for final consideration should any objecting submissions be received.

**PROPONENT:**

The proponent is Vocus Group Limited (Vocus).

**BACKGROUND:**

Lot 1, on Diagram 60307, Lovers Lane, Mullewa is owned freehold in fee simple by the City of Greater Geraldton. The identified land portion is located adjacent to the CSIRO communications hut on the southwest corner of the parcel (see Attachment No. DS012A). The proposed location of the lease needs to be in

proximity to the current fibre optic pit located at the CSIRO facility, as it is the intended connection point for Vocus.

Established in 2008, Vocus are a licensed telecommunications carrier that owns and operates an extensive national and international optic fibre network throughout Australia, the Indo Pacific region and beyond. As a critical infrastructure provider to federal, state, territory, and local governments, Vocus is crucial in providing secure digital connectivity Australia-wide and offers Australian-based customer support.

The City received a proposal from Vocus requesting a long-term lease for a portion of Lot 1 Lovers Lane, Mullewa. The purpose of the lease is to support the expansion of the Vocus digital network within Western Australia. Importantly, this facility will form part of Project Horizon which is a new optic fibre backbone that links Perth via Mullewa to Port Hedland. There is also a related project (Project Highclere) to supply international optic fibre to Singapore.

The proposal includes building and maintaining a telecommunications facility within a contained unit. The facility is a controlled environmental vault (CEV) and will house the telecommunication equipment required to run the Vocus network. The dimension of the requested area to be fenced is 12m x 15m, with the entire lease area approximately 230m<sup>2</sup>, including access off Lovers Lane to the site.

The following components are required to facilitate the installation and ongoing operation of the CEV:

- The compound fence surrounding the lease area for security;
- 24/7 access to the site for technicians and contractors to carry out maintenance and operations of the network;
- Access to mains single-phase power to operate the site; and
- Access for site personnel to the CEV location from Lovers Lane.

Vocus has confirmed that they will be responsible for the costs associated with the following:

- All infrastructure to build and service the CEV, including but not limited to fencing and power;
- Capped legal fees for preparation and execution of the lease;
- Survey costs;
- Administrative costs for statutory approvals; and
- Any land clearing required for access and the site.

A detailed survey will determine the site's layout and the lease's exact dimensions.

The City has received a lease fee offer of \$5,000 excluding GST per annum with a 3% increase annually across the lease term.

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

Vocus is one of Australia's specialist fibre and network solution providers.

The link via Mullewa is part of Vocus' Project Horizon which is closing the gap between Australia's capital cities/regions for digital connectivity. This will be the first competitive fibre backbone between Perth and Port Hedland. Its application will allow internet providers an increased opportunity for connectivity.

Additionally, as the founders of the Telco Together Foundation in 2011, the organisation unites technology companies in support of several charities focussing on mental health, homelessness, refugees, and indigenous communities.

**Economy:**

The use of a small portion of the City's land in Mullewa will have broad benefits for all internet users. The company links with AARNET who the City accesses fibre connections for its Mullewa facilities.

**Environment:**

The land identified comprises sparsely populated small shrubs, and any clearing required will contribute to minimal environmental impact. Vocus actively engage in managing their social and environmental impact. To offset the global carbon emissions from data centres, Vocus has set a target to achieve net zero emissions across their operations in 2025.

**Leadership:**

There are no adverse leadership impacts.

***Disclosure of Interest:***

No Officer involved in preparing this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

The City has historically entered into formal lease agreements with telecommunication institutions such as Telstra for hosting their infrastructure.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation regarding this proposal.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

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The City has received a lease fee offer of \$5,000 excluding GST per annum with a 3% increase annually across the lease term.

The proponent is responsible for all costs associated with the infrastructure, any required land clearing, preparation and execution of the lease agreement and a survey plan.

#### **INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage are recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy, thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

#### **REGIONAL OUTCOMES:**

Installing telecommunication infrastructure in regional areas improves digital connectivity, enhances communication opportunities, and provides a service to the broader population. The City recognises the benefit to the Greater Geraldton region through increasing connectivity and networking.

#### **RISK MANAGEMENT:**

There are no risks identified with this proposal.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City Officers.

#### **COUNCIL DECISION**

##### **MOVED CR CRITCH, SECONDED CR LIBRIZZI**

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

- 1. GIVE local public notice of the intent to grant a lease for approximately 230m<sup>2</sup> to Vocus Group Limited for a portion of Lot 1 Lovers Lane, Mullewa for a telecommunications facility;**
- 2. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;**
- 3. SET the proposed conditions as:**
  - a. Enter a 10 year lease agreement with a further term option of 10 years at the sole discretion of Council;**
  - b. Commence the lease fee at \$5,000 excluding GST per annum;**
  - c. Adjust the lease fee by 3% annually as at the commencement date of the lease;**
  - d. Commence the lease on 1 June 2023;**
- 4. ADVISE the lessee they are responsible for separately paying:**

- a. All applicable rates, taxes and insurance;
  - b. All costs associated with:
    - i. The preparation and execution of the lease;
    - ii. The survey plan; and
5. REFER the matter back to Council for final consideration should any objecting submissions be received.

**CARRIED 10/0**

*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.*

**12.2 REPORTS OF COMMUNITY AND CULTURE**

CC001	CSRFF 2023-24 FEBRUARY SMALL GRANTS ROUND – WONTHELLA BOWLING CLUB INC
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<b>AGENDA REFERENCE:</b>	<b>D-23-028046</b>
<b>AUTHOR:</b>	<b>J Prow, Sport and Leisure Planner</b>
<b>EXECUTIVE:</b>	<b>F Norling, Director Community and Culture</b>
<b>DATE OF REPORT:</b>	<b>1 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GS/1/0012</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) 2 x Confidential</b>
	<b>A. CSRFF Small Grant Application</b>
	<b>B. Confidential – Letter of Support</b>
	<b>C. Confidential – Quotes</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council support for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant Application from Wonthella Bowling Club Inc. (The Club).

The Club is seeking \$79,523 excluding GST. The proposed project is for the replacement of the third existing turf green with synthetic grass, including laser grade sub-base levelling, stabilised free draining base, limestone ditch with galvanised steel plinths walls and one (1) metre wide synthetic grass surrounds. The total project cost is \$238,570 excluding GST.

The City of Greater Geraldton received two (2) applications for this round of CSRFF Small Grants.

**EXECUTIVE RECOMMENDATION:**

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

1. SUPPORT the Wonthella Bowling Club Inc CSRFF Small Grant application for \$79,523 excluding GST;
2. MAKE provision for consideration in the FY2023-24 Annual Budget of an allocation of \$79,523 for this project subject to a successful State Government funding outcome of this application; and
3. ADVISE the Wonthella Bowling Club Inc that any shortfall for the project is the Club's responsibility to fund.

**PROPONENT:**

The proponent is the Wonthella Bowling Club Inc.

**BACKGROUND:**

The State Government, through the Department of Local Government, Sport and Cultural Industries (DLGSC), administers multiple funding programs. These programs provide financial assistance to community groups and Local Government to develop basic, sustainable infrastructure for sport and recreation. The aim is to increase physical activity participation in sport and recreation and ensure the rational development of quality, well-designed and well-utilised facilities.

The majority of CSRFF grants are offered based on a one-third funding contribution from the applicant sporting body, one-third funded by the Western Australian Government (CSRFF) and one-third funded by Local Government. The CSRFF Small Grants are opened twice yearly in February and July and close on the last day in March and August respectively.

The Club has been at its current location since 1964 and has seen many upgrades and renewals in its time to meet their growing needs. In 2019, as part of the Club's strategic plan, the Club converted its first green from turf to synthetic, followed by a second green in 2021.

**APPLICATION SUMMARY: Wonthella Bowling Club Inc.**

The Club application is seeking funds to replace an existing turf green with synthetic grass. This will include:

- laser grade sub-base levelling;
- stabilised free draining base;
- limestone ditch with galvanised steel plinths walls; and
- one (1) metre wide synthetic grass surrounds.

The total project expenditure quoted is \$238,570 excluding GST, with the Wonthella Bowling Club requesting a one-third (1/3) contribution of \$79,523 excluding GST, from the City of Greater Geraldton. The Club have established a subcommittee that propose to oversee and project manage the installation of the synthetic green if funding is received.

The installation of a synthetic surface will assist increasing participation through heightened accessibility when the weather would otherwise prevent play. It will significantly reduce the cost of maintaining the green and reduce water use and fertilisation.

The Club applied for this funding in the CSRFF 2022-23 August CSRFF Small Grants Round (refer to Item No. IS262 – Ordinary Meeting of Council on 30 August 2022). Council supported the funding application however subsequently received advice from the Minister for Sport and Recreation that the application was determined as unsuccessful.



## COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

### Community:

The Club consists of a strong volunteer community, the majority of whom are either senior citizens or retired community members. The Club is a hub for its members to actively participate as valued members of the community. The Club currently has 275 members, with the membership growing by 5% each calendar year over the last three (3) years.

### Economy:

The installation of synthetic greens provides high quality surfaces that places the Club favourably in regard to eligibility to host State competitions. This type of facility has a flow on effect to sports-based tourism revenue opportunities.

### Environment:

The synthetic playing surface can be utilised year-round with minimal maintenance, reducing labour intensive turf maintenance costs for the Club and assisting in making the Club more sustainable into the future. It will also reduce water, fertiliser and chemical usage, considerably reducing its environmental impact.

### Leadership:

The assessment and prioritisation of applications by Local Government is an essential element of the CSRFF Small Grant Application process. Following endorsement by Council, this application will be forwarded to the DLGSC for formal assessment. The outcome of CSRFF Small Grants Applications is expected to be announced in December 2023.

Two (2) applications have been received for the CSRFF Small Grant Round as detailed in this report and prioritised in the table below.

The applications were assessed by a minimum of two (2) City Officers and a member of the Mid-West Sports Federation with relevant experience in projects, finance and sport.

### Priority Ranking Table

Ranking	Applicant	Project	Rating	City Contribution	Total Project Cost
1	Wonthella Bowling Club Inc	Replace turf green with synthetic.	A	\$79,523 (excl. GST)	\$238,570 (excl. GST)
2	Geraldton Little Athletics Club Inc	New Long & Triple Jump Runway Facility	A	\$18,590 (excl. GST)	\$55,771 (excl. GST)

**SCORING DETAILS**

FORM TYPE	AVERAGE SCORE
Application Evaluation Form	85
Selection Criteria	87.5
<b>TOTAL</b>	<b>172.5</b>

**OVERALL PROJECT RATING**

<b>A</b>	Supported – Well planned and needed by the municipality Proceed to council	<input checked="" type="checkbox"/> 200 – 150
<b>B</b>	Project has merit – More planning or justification required Progress with City Officers	<input type="checkbox"/> 149 – 100
<b>C</b>	Not Recommended – Project is not eligible Recommend further work before being considered in the next round	<input type="checkbox"/> 100 & Below

*Disclosure of Interest:*

As per Regulation 19AA and 19AD of the Local Government (Administration) Regulations 1996 and Operational Policy OP054 Employee Code of Conduct, Mark Adams, Manager Sport and Leisure has disclosed an impartiality interest due to being a member of the Wonthella Bowling Club Inc.

The Officer Disclosure of Impartiality Interest form has been completed.

**RELEVANT PRECEDENTS:**

The City of Greater Geraldton is actively focused on renewals, preventative maintenance, and asset management with an emphasis on safety and compliance.

Council has previously supported the Club with funding applications as follows:

- Item No. IS262 CSRFF Small Grant – Wonthella Bowling Club Inc – 30 August 2022 (unsuccessful at State level);
- Item No. IS169 CSRFF Small Grant – Wonthella Bowling Club Inc. – 27 February 2018 – \$66,500, turf replacement, and;
- Item No. CCS551 - Self-Supporting Loan Wonthella Bowling Club Inc– 24 November 2020 –\$200,000, synthetic bowling green installation.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Club delegates have met and discussed their project with Officers from the City and the DLGSC Midwest Regional Manager.

**LEGISLATIVE/POLICY IMPLICATIONS:**

City Officers can confirm that the Club application meets the CSRFF guidelines.

Council Policy 1.8 Community Funding Programs provides the following guidelines (extract 6):

6. *CSRFF Funding: The City will accept applications as part of the CSRFF program and process applications in line with the Department of Local Government, Sport and Cultural Industries guidelines. Each eligible application will be assessed by the City administration. Recommendations and priority listings will be presented to Council for consideration.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The City makes available \$100,000 in the budget for CSRFF Small Grants/Club Night Lights Program Applications annually. There are currently no projects approved in the 2023-24 funding round. Should this application be successful there would be remaining an available balance of \$20,476 for further CSRFF 2023-24 applications.

The below projects have been approved in the previous 2022-23 funding rounds:

Applicant	Project	City Contribution
Geraldton Softball Club	Renew its current floodlighting luminaires with energy efficient LED floodlights	\$29,419 (excl. GST)
Geraldton Bowling Club	Upgrade floodlighting on two bowling greens. The installation includes energy efficient LED technology, replacement poles and upgraded fixtures and wiring	\$42,750 (excl. GST)
Spalding Horse and Pony Club	Construct storage shed	\$7,218 (excl. GST)
<b>Total</b>		<b>\$79,387 (excl. GST)</b>

The below projects have been submitted to council for the 2023-24 funding rounds:

Applicant	Project	City Contribution
Geraldton Little Athletics Club Inc	Install new runway	\$18,590 (excl. GST)
Wonthella Bowling Club Inc	Replacement of a third existing turf green with synthetic grass	\$79,523 (excl. GST)
<b>Total</b>		<b>\$98,113 (excl. GST)</b>

Council has approved \$243,588 (excl. GST) CSRFF Large Grant for the Rover's Football Club to be included in the 2023-24 budget (refer IS266 September 2022 Ordinary Council Meeting), which was successful in receiving funding from the Department for a proposed clubroom upgrade.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
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.
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.

**REGIONAL OUTCOMES:**

As the regional capital for the Mid-West region, many of the City's facilities play a role in regional amenity. Strong local facilities allow country residents to participate in sporting events and activities without having to travel outside the region.

The installation of a third synthetic green will mean the Wonthella Bowling Club Inc is in an advantageous position to host major events including the Interleague and Interzone Round Robin competitions (where bowlers from across WA represent their local competitions) and attract more participants to competitions such as Community Corporate Bowls.

**RISK MANAGEMENT:**

The installation of a synthetic turf green significantly reduces the day-to-day maintenance costs for the club; however, there are ongoing minor maintenance requirements and a need to replace the synthetic surface at the end of its life. Synthetic turf has a useful life expectancy of 15 years.

The Club has provided financial records that indicate adequate funds are being set aside each year for this purpose within the synthetic greens maintenance and replacement plan account.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

- NOT SUPPORT the Wonthella Bowling Club Inc's CSRFF Small Grant application for \$79,523 excluding GST.
- SUPPORT the Wonthella Bowling Club Inc's CSRFF Small Grant application in principle, with no financial contribution from the City. This would require Club to pay two-thirds (2/3) of the total project (\$159,046 excluding GST), with the DLGSC contributing one-third (1/3) (\$79,523 excluding GST).

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

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

1. **SUPPORT** the Wonthella Bowling Club Inc CSRFF Small Grant application for \$79,523 excluding GST;
2. **MAKE** provision for consideration in the FY2023-24 Annual Budget of an allocation of \$79,523 for this project subject to a successful State Government funding outcome of this application; and
3. **ADVISE** the Wonthella Bowling Club Inc that any shortfall for the project is the Club's responsibility to fund.

**CARRIED 10/0**

Time: 5:45 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

CC002	CSRFF 2023-24 FEBRUARY SMALL GRANTS ROUND – GERALDTON LITTLE ATHLETICS CLUB INC
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<b>AGENDA REFERENCE:</b>	<b>D-23-028015</b>
<b>AUTHOR:</b>	<b>M Adams, Manager Sport and Leisure</b>
<b>EXECUTIVE:</b>	<b>F Norling, Director Community and Culture</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GS/1/0012</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) 2 x Confidential</b>
	<b>A. CSRFF Small Grant Application Form Geraldton Little Athletics Club</b>
	<b>B. Confidential – Letters of Support</b>
	<b>C. Confidential – Quotes and Warranty</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council support for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant Application from Geraldton Little Athletics Club Inc. (The Club).

The Club is seeking \$18,590 excluding GST. The proposed project is for the removal and disposal of the existing long jump and triple jump runway and installation of a new concrete runway with a single density rubber overlay as per World Athletics Track and Field facilities standards along with a built up jump pit and sand. The total project cost is \$55,771 excluding GST.

The City of Greater Geraldton received two (2) applications for this round of CSRFF Small Grants.

*Cr N Colliver declared an Impartiality interest in Item No. CC002 CSRFF 2023-24 February Small Grants Round – Geraldton Little Athletics Club Inc as she is a MWAS Board Member and MWAS have provided a letter of support, but this was never discussed at Board Level.*

**EXECUTIVE RECOMMENDATION:**

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

1. SUPPORT the Geraldton Little Athletics Club Inc CSRFF Small Grant application for \$18,590 excluding GST;
2. MAKE provision for consideration in the FY2023-24 Annual Budget of an amount of \$18,590 for this project subject to a successful State Government funding outcome of this application; and
3. ADVISE the Geraldton Little Athletics Club Inc that any shortfall for the project is the Club's responsibility to fund.

**PROPONENT:**

The proponent is the Geraldton Little Athletics Club Inc.

**BACKGROUND:**

The State Government, through the Department of Local Government, Sport and Cultural Industries (DLGSC), administers multiple funding programs. These programs provide financial assistance to community groups and Local Government to develop basic, sustainable infrastructure for sport and recreation. The aim is to increase physical activity participation in sport and recreation and ensure the rational development of quality, well-designed and well-utilised facilities.

The majority of CSRFF grants are offered based on a one-third (1/3) funding contribution from the applicant sporting body, one-third (1/3) funded by the Western Australian Government (CSRFF) and one-third (1/3) funded by Local Government. The CSRFF Small Grants are opened twice yearly in February and July and close on the last day in March and August respectively.

The Club was originally located at the Recreation Ground in the mid 1950's and operated only as an informal senior (or open) athletics club in Geraldton.

The Club was officially formed in 1978 and affiliated with Little Athletics WA. Once Geraldton Little Athletics was formed, athletics was relocated to its current location in Wonthella with its first shed built with the help of Geraldton Apex Club.

**APPLICATION SUMMARY: Geraldton Little Athletics Club Inc.**

The Club's application is seeking funds for the removal and disposal of the existing long jump and triple jump runway and installation of a new concrete runway with a single density rubber overlay as per World Athletics Track and Field facilities standards along with a built up jump pit and sand. The current runway is 18 years old. This will include:

- Removal and disposal of existing concrete and rubber runway;
- Installation of new concrete and rubber runway;
- Excavation and installation of new concrete and rubber junior runway; and
- Additional concrete footing installed around junior jump pit.

The total project expenditure quoted is \$55,771 excluding GST, with the Geraldton Little Athletics Club requesting a one-third (1/3) contribution of \$18,590 excluding GST, from the City of Greater Geraldton. The Club has established a subcommittee that propose to oversee and project manage the installation of the long jump and triple jump runways if funding is received.

The installation of a replacement runway and jump pit will assist increased participation through increasing the availability of a track for all ages that meets current standards. It will reduce significantly the cost for athletes who have to travel to metropolitan venues to utilise a track that meets competition standards.

The proposed project delivers the capacity to host major events including the recently announced country championships in January 2024. The championship has the potential for upwards of 750 visitors to the Midwest region during the event, with visitors from across WA. As part of the award of the championships to the Geraldton Little Athletics Club Inc, Athletics West requires the upgrade of the jump pit to be completed in full, or risk the championships being relocated to another regional venue.

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

### **Community:**

The Club consists of a strong volunteer community, the majority of whom are parents of current athletes, past athletes and accredited coaches. The Club is a hub for its members to actively participate as valued members of the community. The Club currently has 135 members, with membership growing by 20% in the past calendar year post Covid and 10% from 2020/2021 prior to Covid.

### **Economy:**

The removal and disposal of the existing long jump and triple jump runway and installation of a new concrete runway with a single density rubber overlay as per World Athletics Track and Field facilities standards along with a built-up jump pit and sand will provide a high quality surface that puts the Club in a position to be eligible for State competitions. This type of facility has a flow on effect to substantial sports-based tourism revenue opportunities.

### **Environment:**

The running surface can be utilised year-round with minimal maintenance and will assist in making the club more sustainable for the future. The new jump block work pit will reduce the amount of sand shift through the season therefore reducing the need for truck access over adjacent grassed areas to provide sand to top up the pit.

### **Leadership:**

The assessment and prioritisation of applications by Local Government is an essential element of the CSRFF Small Grant Application process. Following endorsement by Council, this application will be forwarded to the DLGSC for formal assessment. The outcome of CSRFF Small Grants Applications is expected to be announced in December 2023.

Two (2) applications have been received for the CSRFF Small Grant Round as detailed in this report and prioritised in the following table below.

The applications were assessed by a minimum of two (2) City Officers and a member of the Mid-West Sports Federation with relevant experience in projects, finance and sport.



**Priority Ranking Table**

Ranking	Applicant	Project	Rating	City Contribution	Total Project Cost
1	Wonthella Bowling Club Inc	Replace turf green with synthetic.	A	\$79,523 (excl. GST)	\$238,570 (excl. GST)
2	Geraldton Little Athletics Club Inc	New Long & Triple Jump Runway Facility	A	\$18,590 (excl. GST)	\$55,771 (excl. GST)

**SCORING DETAILS**

FORM TYPE	AVERAGE SCORE
Application Evaluation Form	75.75
Selection Criteria	88
<b>TOTAL</b>	<b>163.75</b>

**OVERALL PROJECT RATING**

<b>A</b>	Supported – Well planned and needed by the municipality Proceed to council	<input checked="" type="checkbox"/> 200 – 150
<b>B</b>	Project has merit – More planning or justification required Progress with City Officers	<input type="checkbox"/> 149 – 100
<b>C</b>	Not Recommended – Project is not eligible Recommend further work before being considered in the next round	<input type="checkbox"/> 100 & Below

**RELEVANT PRECEDENTS:**

The City of Greater Geraldton is actively focused on renewals, preventative maintenance, and asset management with an emphasis on safety and compliance.

Council has previously supported other local sporting clubs with funding applications for similar projects as follows:

- Item No. IS262 CSRFF Small Grant – Wonthella Bowling Club Inc – 30 August 2022 (unsuccessful at State level);
- Item No. IS169 CSRFF Small Grant – Wonthella Bowling Club Inc. – 27 February 2018 – \$66,500, turf replacement,;
- Geraldton Pistol Club – Fencing 2021-22;
- Geraldton Clay Target Club Storage Shed 2021-22;
- Geraldton Yacht Club – Storage Upgrade 2020-21; and
- Moonyoonooka Horse and Pony Club – Surface Upgrade 2020-21.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Club delegates have met and discussed their project with Officers from the City and the DLGSC Midwest Regional Manager.

**LEGISLATIVE/POLICY IMPLICATIONS:**

City Officers can confirm that the Club application meets the CSRFF guidelines.

Council Policy 1.8 Community Funding Programs provides the following guidelines (extract 6):

7. *CSRFF Funding: The City will accept applications as part of the CSRFF program and process applications in line with the Department of Local Government, Sport and Cultural Industries guidelines. Each eligible application will be assessed by the City administration. Recommendations and priority listings will be presented to Council for consideration.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The City makes available \$100,000 in the budget for CSRFF Small Grants/Club Night Lights Program Applications annually. There are currently no projects approved for the 2023-24 funding round. Should this application be successful, there would be a remaining available balance of \$81,410 for further CSRFF 2023-24 applications.

The below projects have been approved in the previous 2022-23 funding rounds:

Applicant	Project	City Contribution
Geraldton Softball Club	Renew its current floodlighting luminaires with energy efficient LED floodlights.	\$29,419 (excl. GST)
Geraldton Bowling Club	Upgrade floodlighting on two bowling greens. The installation includes energy efficient LED technology, replacement poles and upgraded fixtures and wiring	\$42,750 (excl. GST)
Spalding Horse and Pony Club	Construct storage shed	\$7,218 (excl. GST)
<b>Total</b>		<b>\$79,387 (excl. GST)</b>

The below projects have been submitted for the 2023-24 funding rounds:

Applicant	Project	City Contribution
Geraldton Little Athletics Club Inc	Install new runway	\$18,590 (excl. GST)
Wonthella Bowling Club Inc	Replacement of a third existing turf green with synthetic grass	\$79,523 (excl. GST)
<b>Total</b>		<b>\$98,113 (excl. GST)</b>

The City has approved \$243,588 (excl. GST) CSRFF Large Grant for the Rover's Football Club to be included in the 2023-24 budget (refer IS266 September 2022 ordinary Council Meeting), which has been successful in receiving funding from the Department.

#### **INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
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.
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

#### **REGIONAL OUTCOMES:**

As the regional capital for the Mid-West region, many of the City's facilities play a role in regional amenity. Strong local facilities allow country residents to participate in sporting events and activities without having to travel outside the region.

The installation of a new long jump and triple jump runway and jump pit will result in the Geraldton Little Athletics Club being in an advantageous position to host major events including the 2024 Country Championships and attract more participants to be compete in athletics.

#### **RISK MANAGEMENT:**

The installation of a new long jump and triple jump runway and jump pit will reduce the ongoing minor maintenance requirements as the existing runway has reached its end of life. The concrete and rubber runway has a useful life expectancy of 15 years.

The Club has provided financial records that indicate adequate funds are being set aside each year for this purpose within the runway maintenance and replacement plan account.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

- NOT SUPPORT the Geraldton Little Athletics Club's CSRFF Small Grant application for \$18,590 excluding GST.
- SUPPORT the Geraldton Little Athletics Club's CSRFF Small Grant application in principle, with no financial contribution from the City. This would require Club to pay two-thirds (2/3) of the total project (\$37,180 excluding GST), with the DLGSC contributing one-third (1/3) (\$18,590 excluding GST).

*Cr N Colliver declared an Impartiality interest in Item No. CC002 CSRFF 2023-24 February Small Grants Round – Geraldton Little Athletics Club Inc as she is a MWAS Board Member and MWAS have provided a letter of support, but this was never discussed at Board Level and remained in Chambers during the debate.*

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

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

1. **SUPPORT the Geraldton Little Athletics Club Inc CSRFF Small Grant application for \$18,590 excluding GST;**
2. **MAKE provision for consideration in the FY2023-24 Annual Budget of an amount of \$18,590 for this project subject to a successful State Government funding outcome of this application; and**
3. **ADVISE the Geraldton Little Athletics Club Inc that any shortfall for the project is the Club's responsibility to fund.**

**CARRIED 10/0**

Time: 5:46 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

CC003	CITY OF GREATER GERALDTON HERITAGE STRATEGY 2023-2028
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<b>AGENDA REFERENCE:</b>	<b>D-23-030139</b>
<b>AUTHOR:</b>	<b>T Cornish, Manager Libraries, Heritage, and Gallery</b>
<b>EXECUTIVE:</b>	<b>F Norling, Director Community and Culture</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Final Draft CGG Heritage Strategy 2023-2028</b>
	<b>B. Final Progress Report, CGG Heritage Strategy 2017-2022</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council endorsement of the draft City of Greater Geraldton Heritage Strategy 2023-2028.

**EXECUTIVE RECOMMENDATION:**

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

1. ADOPT the draft City of Greater Geraldton Heritage Strategy 2023-2028.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 25 July 2017 [Item No. DCS336], the City of Greater Geraldton resolved the following:

1. *ADVERTISE the Draft Heritage Strategy, with the intent to seek community feedback through advertising it for a period of 30 days and inviting submissions within this period;*
2. *ADOPT for final approval the Strategy should no objections be received during the advertising period; and*
3. *REQUIRE a further report to be presented to Council should there be any objections received during the advertising period.*

No objecting comments were received during the advertising period and consequently the Heritage Strategy 2017-2022 was adopted. The Strategy recommended a full review of the document should be undertaken every five (5) years.

The City's Heritage Strategy has now been updated to provide an outline for heritage activities by the City for the next five (5) years (for the period 2023-2028). The Strategy considered existing policy and activities, as well as the current economic climate and available resources. The actions both support the continuation of existing activities, as well as making recommendations to promote heritage (Historic, Natural and Aboriginal) within the City and enhance the role of heritage in related fields, such as tourism and community engagement. The Strategy sets goals and actions for Library and Heritage staff, as well as other relevant City departments and Officers.

A Final Progress Report detailing outcomes achieved via the CGG Heritage Strategy 2017-2022 is included as Attachment No. CC003B Heritage Strategy Final Progress Report 2017-2022.

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

### **Community:**

The City has a strong sense of place and history and is proud to make heritage an important part of its broader mission to enhance and celebrate its diverse community. Heritage is defined as "*something inherited from the past and valued enough today to leave for future generations*", (National Trust of Australia). The social significance placed on a landscape, a building, a site, object, or collection plays an important role in heritage. Heritage interpretation is about sharing memories and experiences. It respects the connections between people and place and involves partnerships between a broad range of stakeholders.

### **Economy:**

Heritage tourism is a growing area which plays a significant role in attracting visitation, especially to regional areas. The Heritage Strategy underpins activities which may inject new money into the local economy, funding new events and attractions, while helping diversify the local economy, supporting small social enterprises, such as community museums and local guides. Heritage promotes the active preservation and protection of important local resources and allows local Aboriginal groups and other communities to define and tell their own stories.

### **Environment:**

Heritage encompasses the natural environment and therefore plays a significant role in the interpretation and appreciation of natural and cultural landscapes. By raising awareness of significant natural resources, attitudes may be changed and appropriate behaviour encouraged.

### **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:**

At the Ordinary Meeting of Council held on 25 July 2017 [DCS336], the City of Greater Geraldton resolved the following:

1. *ADVERTISE the Draft Heritage Strategy, with the intent to seek community feedback through advertising it for a period of 30 days and inviting submissions within this period;*
2. *ADOPT for final approval the Strategy should no objections be received during the advertising period; and*
3. *REQUIRE a further report to be presented to Council should there be any objections received during the advertising period.*

**COMMUNITY/COUNCILLOR CONSULTATION:**

The review of the CGG Heritage Strategy 2017-2022 was first included on the agenda of the Heritage Advisory Committee (HAC) Meeting held 10 March 2022. An action from the meeting was for all members of the HAC to review the Strategy and submit their comments for compilation and discussion at the next HAC Meeting.

The review was next tabled at the HAC Meeting, 9 June 2022, where lengthy discussion was undertaken with a view on priorities and resources to hand.

At the HAC Meeting held 8 September 2022 the action was for all feedback to be incorporated into a new draft document, CGG Heritage Strategy 2023-2028.

At the HAC Meeting held 8 December 2022 the new Strategy document was presented to the meeting. The refreshed design included all feedback previously submitted by the HAC, along with photographs from the Local History Collection.

Final input from the HAC on the Strategy document was sought by 13 January 2023, with the final version of the draft document circulated to the Chair (Cr Clune) and all members of HAC on the 19 January 2023.

The draft Strategy was presented to EMT on 25 January 2023 and endorsed for community consultation. The community consultation period ran from 31 January – 6 March 2023, with no objecting comments received.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The City's Heritage Strategy aligns with the overall aims of Council Policy CP1.3 Heritage which seeks to highlight the importance of heritage to the identity and character of the City, while providing guidance for the protection, conservation and enhancement of the City's identified places of cultural heritage significance. The Strategy has no statutory role.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Many of the aims and objectives of the Strategy are already incorporated into operational functions of the City. All projects will be assessed against the Strategy and presented as part of the annual budget process.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.3	Pride in place and a sense of belonging is commonplace.
Outcome 1.7	Reconciliation between Indigenous and non-Indigenous communities is supported.
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.

**REGIONAL OUTCOMES:**

The City has an opportunity to contribute significantly to the historical record of the Midwest region, preserving important stories, images and artefacts which bind us together as a community and provide an understanding of the past from which can be built the foundation for future generations.

**RISK MANAGEMENT:**

If the revised Heritage Strategy is not adopted, there is a risk that outcomes and aspirations articulated in the Strategic Community Plan 2031 will not be achieved. The Strategy will assist the City to determine priorities and ensure efficient use of resources for heritage over the next five years.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no other options considered by City Officers.

**COUNCIL DECISION****MOVED CR CLUNE, SECONDED CR REYMOND**

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

- ADOPT the draft City of Greater Geraldton Heritage Strategy 2023-2028.**

**CARRIED 10/0**

Time: 5:49 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>



<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

**CC004 LA FIAMMA SPORTING CLUB BUILDING REPAIRS**

<b>AGENDA REFERENCE:</b>	<b>D-23-030720</b>
<b>AUTHOR:</b>	<b>M Adams, Manager Sport and Leisure</b>
<b>EXECUTIVE:</b>	<b>F Norling, Director Community and Culture</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) 1 x Confidential</b>
	<b>A. Response Letter – La Fiamma Sporting Club 8 March 2022</b>
	<b>B. Confidential – La Fiamma Building Repairs Quote</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to provide a financial contribution to La Fiamma Sporting Club for the purpose of building rectification works to resolve a long-standing issue of identified building damage.

**EXECUTIVE RECOMMENDATION:**

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

1. AUTHORISE the reallocation of employment budgeted operating expenditure to other expenditure (contributions) in the amount of \$139,871 (incl. GST) in the 2022-23 Operating Budget to La Fiamma Sporting Club as a financial contribution to the required repair works on the building premises at their venue in Eighth Street, Wonthella, on the basis that:
  - a. The quotation received, as requested, is deemed appropriate for the required repair works;
  - b. La Fiamma Sporting Club signs a Deed of Release with the City that releases the City from any further claims by the Club in regard to water damage to the premises; and
  - c. La Fiamma Sporting Club be advised that any shortfall for the project is the Club's responsibility to fund.

**PROPONENT:**

The proponent is the La Fiamma Sporting Club.

**BACKGROUND:**

The La Fiamma Sporting Club (the Club) is located on Eighth Street, Wonthella. The Club was founded in 1959 and around 1990 the current building was designed and constructed. The Club is the premier soccer club in Geraldton. Their club house is located behind the basketball stadium. The building is split level cavity brick with approximately 2m of soil placed directly against its rear wall.

The Club has a peppercorn lease with the City that requires the club to undertake all building maintenance activities. Originally, the Club's lease covered the main soccer oval and associated irrigation and tower lighting. In 2017, the City undertook a comprehensive electric audit of all the sporting tower lights in the City of Greater Geraldton. Subsequent conversations with La Fiamma revealed that they were not in a position to undertake the required maintenance on the tower lights. As a gesture of good will, the City changed the lease to only cover the building footprint and subsequently undertook the required repairs on the tower lights. The new lease the Club signed had the same requirements - a peppercorn lease in exchange for the Club having responsibility for maintaining the building.

For many years, the Club has claimed that the City's sprinklers on the Little Athletics' oval contributed to the brick damage at the rear of the building. In this location, the bricks are spalling. Officers have countered with advice that placing soil directly against bricks is not a good design and regardless of the sprinklers, the bricks will fail.

Officers would like to resolve this legacy issue and maintain its good relationship with the Club and hence this item has been presented to Council to resolve the matter. Knowing how involved the community and Council are in sporting activities, Officers believe it would be a beneficial outcome for both parties to reach resolution on the matter.

This matter was discussed at a Council Concept Forum in February 2022, with a suggestion that Council consider it appropriate to provide financial assistance for repairs to the building subject to the Club providing a detailed cost quotation for the repairs and signing a deed of release whereby the Club would not make any further claims against the City for water damage to the premises.

Officers subsequently wrote to the Club advising them of the outcome of the Concept Forum discussion on 8 March 2022 (Attachment No. CC004A Response Letter La Fiamma Sporting Club – 8 March 2022).

The Club has now provided a quote for the building repairs and agreed to sign a Deed of Release. (Confidential Attachment No. CC004B La Fiamma Building Repairs Quote). Officers are currently preparing the Deed with assistance from the City's external legal advisors.

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

### **Community:**

A financial contribution to the Club to undertake rectification works to the building will see resolution of a long-standing issue between a local sporting group and the City.

### **Economy:**

There are no adverse economic impacts.

**Environment:**

There are no adverse environmental impacts.

**Leadership:**

In providing financial support to the Club to undertake rectification works to their premises the City is demonstrating leadership in resolving local issues to the benefit of the community.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

Whilst there don't appear to be any relevant precedents in regard to resolving long standing issues with local groups about responsibility for building damage and upgrade works, there are many precedents of Council approving allocation of financial contribution to Sporting Club building upgrades through the annual Community Sport and Recreation Facilities Fund (CSRFF) program conducted by Department of Local Government, Sport and Culture (DLGSC). Council have supported the following successful CSRFF Annual/Forward Planning Grants:

- Item No. IS266 – Rovers Football Club – 27 September 2022 - \$730,763 upgrade change of change rooms;
- Item No. IS262 Wonthella Bowling Club Replacement Turf Green \$68,200 - 30 August 2022;
- Item No. IS228 Geraldton Hockey Association – renewal of pitch surfaces - \$840,000 (excluding GST) 08 February 2021; and
- Item No. CCS551 - Self-Supporting Loan Wonthella Bowling Club – 24 November 2020 –\$200,000, synthetic bowling green installation.

**COMMUNITY/COUNCILLOR CONSULTATION:**

This matter was discussed at Concept Forum in February 2022, with a suggestion that Council consider it appropriate to provide financial assistance for repairs to the building subject to the Club providing a detailed cost quotation for the repairs and signing a deed of release whereby the Club would not make any further claims against the City for water damage to the premises.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The quotation received from the Club for the repairs is \$139,871 incl. GST. Officers are recommending that these funds be sourced from the current operational budget to resolve the matter. As previously discussed at Council, there are savings in employment costs due to recruitment difficulties. Sourcing the funds from this existing budget allocation would mean the work could proceed quickly and there would be no change to the budget bottom line.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
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.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.</b>
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:**

A financial contribution to the Club to provide the capacity to complete the building rectification works will minimise the risk of increased damage to the structure and enhance the longevity of the building for use by the Club and local community sport.

In making this recommendation, Officers are aware of concern in regard to the risk of precedent of financially supporting what could reasonably be considered to be a community group's lease obligation, however considered the nature of this matter as a somewhat unique and historically complex circumstance.

The requirement for the Club to sign a Deed of Release in regard to the matter also addresses a risk of the Club seeking further support from Council on this issue.

If Council adopts the Officer recommendation, Officers would establish a payment plan with the Club to ensure the works were completed prior to the final payment being made.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following alternative options were considered by City Officers:

- As part of the 2023-24 Annual Budget deliberations, make provision for the required funds to be incorporated into operating expenditure. This was not considered to be the preferred option as it further delays resolution and may result in increased costs for the works.

- No financial contribution be made to the Club to undertake the building rectification works – this would result in the matter being further prolonged, presenting a continuing impasse between the City and the Club and has an additional risk of further damage due to non-repair.

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

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

1. **AUTHORISE the reallocation of employment budgeted operating expenditure to other expenditure (contributions) in the amount of \$139,871 (incl. GST) in the 2022-23 Operating Budget to La Fiamma Sporting Club as a financial contribution to the required repair works on the building premises at their venue in Eighth Street, Wonthella, on the basis that:**
  - a. **The quotation received, as requested, is deemed appropriate for the required repair works;**
  - b. **La Fiamma Sporting Club signs a Deed of Release with the City that releases the City from any further claims by the Club in regard to water damage to the premises; and**
  - c. **La Fiamma Sporting Club be advised that any shortfall for the project is the Club's responsibility to fund.**

**CARRIED BY ABSOLUTE MAJORITY 9/1**

Time: 5:54 PM

Not Voted: 2

No Votes: 1

Yes Votes: 9

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

### 12.3 REPORTS OF CORPORATE SERVICES

CS027	ORDINARY COUNCIL ELECTION 2023
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<b>AGENDA REFERENCE:</b>	<b>D-23-019045</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>9 February 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/8/0007 - 002</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Cost Estimate from the Western Australian Electoral Commission</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's approval to appoint the Western Australian Electoral Commission (WAEC) to conduct the 2023 ordinary elections by postal vote.

#### **EXECUTIVE RECOMMENDATION:**

##### Part A

That Council by Absolute Majority pursuant to Section 4.20(4) and 4.61(2) of the *Local Government Act 1995* RESOLVES to:

1. DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and
2. DECIDE, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

##### Part B

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

1. APPROVE the Australia Post Priority Service for the lodgement of election packages.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The local government ordinary elections are to be held on Saturday 21 October 2023 and the terms of six (6) positions of offices of council and the office of Mayor will end on this date.

Following the review of representation in 2022-23 a submission was made to the Local Government Advisory Board on 6 February 2023 proposing that an order be made under section 2.18(3) of the *Local Government Act 1995* to reduce the number of elected members from twelve (12) and a directly elected mayor to eight (8) and a directly elected mayor, over two elections as follows:

- a. 2023 ordinary election – reduce from twelve (12) to ten (10) councillors and a directly elected mayor (council of eleven); and
- b. 2025 ordinary election – reduce from ten (10) to eight (8) councillors and a directly elected mayor (council of nine).

Should the Minister approve the City's proposal, the vacancies at the 2023 ordinary election will be:

- Four vacancies for the office of councillor – four-year term – expiring in October 2027
- One vacancy for the office of Mayor – four-year term – expiring in October 2027

#### WA Electoral Commission

On 9 February 2023, the City received a letter from the Western Australian Electoral Commissioner (Attachment No. CS027), agreeing to be responsible for the City of Greater Geraldton ordinary elections in 2023, providing that the City wishes to have the election undertaken by the Western Australian Electoral Commission (WAEC) as a postal election.

A resolution of Council is required for the WAEC to undertake the election, and the Commissioner has requested that the Council consider the matter at the March 2023 meeting.

The Electoral Commissioner has provided an estimate based on five (5) vacancies and advised an increase in costs from their 2021 ordinary election costs. These include increases arising from inflation in recent years affecting salaries for Returning Officers and other staff, printing, and packaging costs as well as the increase in postage announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation, and legal efforts.

General advice received from the WAEC in relation to postal elections is as follows:

*By making the Electoral Commissioner responsible for these elections, the local governments concerned ensure that elections are conducted independently and with impartiality.*

*As voting is non-compulsory, electors are not required to attend and therefore, historically, response rates on In-Person voting have been low.*



*The Electoral Commissioner is responsible for conducting all local government postal elections in Western Australia and can also conduct voting in person elections on request under the Local Government Act 1995.*

*Whilst the Commission does conduct some voting in-person elections, they are only local governments that have a large number of electors living in remote communities with a spasmodic and reduced mail service that make postal elections not viable, such as the Shires of Broome, Derby-West Kimberley & Halls Creek.*

*Postal elections are more convenient for many electors and typically result in a higher rate of voter participation than in person ballots.*

### Optional Preferential Voting

On 20 September 2022, the Minister for Housing; Lands; Homelessness; Local Government, advised that optional preferential voting will be introduced for the 2023 ordinary election as part of the Local Government Reform package.

The Department of Local Government, Sport, and Cultural Industries (the Department) has since advised that a Local Government Amendment Act will be made prior to the 2023 election to introduce optional preferential voting. The Department has recommended that local governments engage the WAEC to conduct the 2023 election due to the additional complexity of the voting and count process.

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

### **Community:**

The Community have previously participated in a postal election for the ordinary election of council in 2019 and 2021. Elector participation in 2019 was 34.98% against a state average of 29.1%, and in 2021 was 27.69% against a state average 30.2%.

### **Economy:**

There are no adverse economic impacts from the WAEC running a Local Government Election as a postal election. The WAEC is required by *the Local Government Act 1995* to conduct local government elections on a full cost recovery basis and the WAEC make every endeavour to keep future costs to a minimum.

### **Environment:**

There are no adverse environmental impacts.

### **Leadership:**

The WAEC City of Greater Geraldton Election Report for the ordinary election in 2021 reported compliance with *Local Government Act 1995* and *Local Government Election (Regulations)1997*, including provisions for the appointment of a Returning Officer, Statutory Advertising, Electoral rolls, Nominations, Issue and Counting of Votes and Declaration of the Poll.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council previously appointed the WAEC to conduct the 2021 ordinary election as a postal election (23 February 2021 – Item No. CCS566, Ordinary Council Election 2021).

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

*Local Government Act 1995* - Section 4.20(4) and 4.61(2).

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The WAEC has advised that their estimate to undertake the 2023 postal elections will be approximately \$158,000 including GST with an additional \$6,150 if the Australia Post Priority Service is selected for lodgement of election packages.

An additional amount of \$6,000 will be set aside to cover any local advertising and promotion, hire costs and staff costs relating to election day/night. This will be budgeted for in the 2023-24 financial year.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
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:**

Should the WAEC be appointed to conduct the 2023 ordinary election, the Commission will be responsible for the management of the risk of non-compliance with the *Local Government Act 1995* and the *Local Government Act (Elections) Regulations 1997* in relation to:

- The performance of duties by the Returning Officer (WAEC appointed);
- Nomination process;
- Issuing of Electoral rolls;
- Issue and collection of ballot papers;
- Statutory advertising; and
- Reporting to the Minister.

Any residual risk to the City will be mitigated through staff training, online systems, and the support of the Returning Officer, provided through the WAEC. Additional assistance, guidelines and support are also available through the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by Officers as previous Council decisions to appoint the WAEC to conduct a postal election have proven effective. The Department of Local Government, Sport and Cultural Industries has recommended that local governments appoint the Western Australian Electoral Commissioner to conduct the ordinary election in 2023 due to additional complexity of optional preferential voting, given that the WAEC has specialist expertise in conducting elections and CountWA software for vote counting.

**COUNCIL DECISION**

**MOVED CR TANTI, SECONDED CR CRITCH**

**Part A**

That Council by Absolute Majority pursuant to Section 4.20(4) and 4.61(2) of the *Local Government Act 1995* RESOLVES to:

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

**Part B**

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

1. **APPROVE** the Australia Post Priority Service for the lodgement of election packages.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

*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.*

**CS028 COMPLIANCE AUDIT RETURN 2022**

<b>AGENDA REFERENCE:</b>	<b>D-23-026767</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>3 March 2023</b>
<b>FILE REFERENCE:</b>	<b>RM/6/0020</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Compliance Audit Return 2022</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's adoption of the Compliance Audit Return (CAR) 2022 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 2022 to 31 December 2022;
2. ADOPT the Compliance Audit Return 2022 for the period 1 January 2022 to 31 December 2022; and
3. NOTE that the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 will be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**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.

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 2022 was submitted to the Audit Committee Meeting on 14 March 2023 (Report AC130), 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 2022.
2. *REPORT* to Council the results of the Audit Committee review of the Compliance Audit Return 2022, at the Ordinary Meeting of Council on 28 March 2023.

The Minutes of the Audit Committee Meeting 14 March 2023 are attached in Report to be Received No. CS030.

## **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 2021 was adopted by the Council on 29 March 2022 (Item No. CCS677).

## **COMMUNITY/COUNCILLOR CONSULTATION:**

The CAR was submitted to the Audit Committee Meeting on 14 March 2023 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:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
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 REYMOND, 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 2022 to 31 December 2022;
2. ADOPT the Compliance Audit Return 2022 for the period 1 January 2022 to 31 December 2022; and
3. NOTE that the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 will be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

**CARRIED 10/0**

Time: 5:56 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>

<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

**CS029 STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2023**

<b>AGENDA REFERENCE:</b>	<b>D-23-031659</b>
<b>AUTHOR:</b>	<b>J McLean, Senior Management Accountant/Analyst</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>7 March 2023</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0011</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Monthly Management Report for period ended 28 February 2023</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 28 February 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 28 February 2023, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of February 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	\$	48,988	0.1%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	445,154	0.7%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	494,142	3.5%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	29,729	0.1%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	6,713	0.2%	over YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$	33,108,505
Cash at Bank – Reserve	\$	39,276,434

Total Funds Invested	\$	70,858,544
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Current Rates Collected to February 2023	89.41%
Current Rates Collected to February 2022	89.45%
Rates Arrears Collected to February 2023	38.68%
Rates Arrears Collected to February 2022	44.57%

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 February financials show a YTD positive variance of \$494,142 in the net operating surplus/(deficit) result (this takes into account commitments).

### **COMMUNITY, ECONOMY, ENVIRONMENTAL 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:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
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 LIBRIZZI, SECONDED CR COLLIVER**

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 28 February 2023, as attached.**

**CARRIED 10/0**

*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.*

## 12.4 REPORTS OF INFRASTRUCTURE SERVICES

IS282 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM ROUND 4 (LRCIP4) GRANT FUNDING PROJECT NOMINATIONS
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<b>AGENDA REFERENCE:</b>	<b>D-23-030893</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery and Engineering</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>No</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to allocate the forthcoming Local Roads and Community Infrastructure Program Round 4 (LRCIP 4) grant funding to continue undertaking the Major Culverts Replacement Program.

### EXECUTIVE RECOMMENDATION:

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

1. APPROVE allocation of Local Roads and Community Infrastructure Program Round 4 (LRCIP 4) grant funding to a Major Culverts Replacement Program.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The LRCIP program is a Federal Government program that supports Local Councils to deliver priority local road and community infrastructure projects across Australia. The current Federal Government committed an additional \$250 million to Phase 4 of the LRCIP program, on top of the previously announced \$500 million – taking the total Australian Government commitment to the program to \$3.25 billion.

Under LRCIP4, the City of Greater Geraldton has been allocated \$1,323,252 which can be accessed from July 2023, with projects to be delivered by June 2025. Council making an early decision on the use of these funds will enable Officers to be well prepared to deliver the program within the required timeframes.

Under the LRCIP1 program, the City received \$1.3 million and used the funding to deliver a significant footpath program.

Under the LRCIP2 program, the City received \$1.9 million and used the funding to deliver a significant footpath and road renewal program.

Under the LRCIP3 program, the City received \$2.6 million and commenced culvert replacements in accordance with the associated asset management plan. This saw the Giles Road culverts and the Byron Road culverts replaced. The remainder of these funds are being expended on the Chapman Valley Road renewal project in conjunction with Regional Road Group and City funds.

Officers are recommending the LRCIP4 funds are used to continue the culvert renewal program with the replacement of the Nubberoo Road culvert as designs have been completed and the project does not require an Aboriginal Cultural Heritage submission. Officers are now well-versed in the delivery of these projects, and capable contractors are currently available to undertake the work. This is critical in the current construction cycle.

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

#### **Community:**

Community safety and well-being are paramount with assets required to be constructed and maintained in accordance with Australian standards and codes in order to provide a safe and efficient road transport network.

#### **Economy:**

Council approval of the Executive Recommendation will see the expenditure of LRCIP 4 funding flowing into the local economy in keeping with the intention of the program.

#### **Environment:**

A number of the aging/failing culverts are now significantly inhibiting water flow and not performing as intended. Renewal of these assets will greatly improve performance and reduce localised scouring and ongoing maintenance requirements.

#### **Leadership:**

The proposed program of works aligns 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:**

Council previously approved:

- LRCIP 1 - \$1.3 million program for delivery of new footpaths infrastructure;
- LRCIP 2 - \$1.9 million program for delivery of new footpath infrastructure and road renewals; and
- LRCIP 3 - \$2.6 million program for delivery of stage 1 of the culvert replacement program (Giles Road, Byron Road North and Chapman Valley Road).

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/Councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The *Local Government Act 1995* and Council Policy 4.9 Procurement of Goods and Services will be observed during the project execution process. Occupational health, safety and environmental management of the project will be in line with legislative requirements and implemented during the delivery of the contract.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Funding for the project of \$1,323,252 excluding GST has been offered by the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The impact on the annual budget bottom line is zero, as the increase in capital expenditure is fully offset by LRCIP grant funding. The City is not required to co-contribute to the project. Officers have a current cost estimate for construction and anticipate the project will be completed within the available funding. However, any residual grant funds will be fully expended on a footpath project as per LRCIP Phases 1 and 2 should they become available.

Officers intend to deliver the project utilising in-house project management that will oversee the construction by suitably qualified and experienced contractors.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.4	Community safety, health and well-being is paramount.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.2	Efficient and accessible intrastate and interstate connectivity.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.

**REGIONAL OUTCOMES:**

The construction of appropriate community infrastructure further demonstrates the City's commitment to providing a high-quality, safe and well-managed road network to cater for businesses, residents and tourists.

**RISK MANAGEMENT:**

LRCIP4 funding is provided on a 'use it or lose it' basis and projects must be delivered within the required timeframe.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Council can determine to allocate the LRCIP4 funding to alternative capital works projects such as more footpaths, road renewals etc. The Executive Recommendation provides an excellent opportunity to capitalise on the available funding to deliver a program of works that is both unfunded and required.

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

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

1. **APPROVE** allocation of Local Roads and Community Infrastructure Program Round 4 (LRCIP 4) grant funding to a Major Culverts Replacement Program.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

Time: 5:57 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

**12.5 REPORTS OF OFFICE THE CEO**

Nil.

**12.6 REPORTS TO BE RECEIVED****RR47      REPORTS TO BE RECEIVED - MARCH**

<b>AGENDA REFERENCE:</b>	<b>D-23-021208</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>14 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) 1 x Confidential</b>
	<b>A. DSDD004 - Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. CS030 - City of Greater Geraldton Audit Committee Minutes – 14 March 2023</b>
	<b>C. Confidential - CS031 - List of Accounts Paid Under Delegation - February 2023</b>

**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. DSDD005 - Delegated Determinations and Subdivision Applications for Planning Approval; and
  - b. Reports – Corporate Services:
    - i. CS030 – City of Greater Geraldton Audit Committee Minutes – 14 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. CS031– Confidential Report – List of Accounts Paid Under Delegation - February 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:**

<b>Strategic Leadership</b>	<b>Direction:</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
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.

*Cr S Keemink left Chambers at 5.57pm.*

**COUNCIL DECISION****MOVED CR COLLIVER, SECONDED CR CRITCH****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. DSDD005 - Delegated Determinations and Subdivision Applications for Planning Approval; and**
  - b. Reports – Corporate Services:**
    - i. CS030 – City of Greater Geraldton Audit Committee Minutes – 14 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. CS031– Confidential Report – List of Accounts Paid Under Delegation - February 2023.**

**CARRIED 9/0**

*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.*

### 13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>NM34 POINT MOORE BEACH VEHICLE ACCESS</b>	
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<b>AGENDA REFERENCE:</b>	<b>D-23-034038</b>
<b>AUTHOR:</b>	<b>Mayor S Van Styn</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>15 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>ATTACHMENTS:</b>	<b>No</b>

#### **COUNCIL MEMBER COMMENT:**

The purpose of this motion is to debate whether or not the City should open the Point Moore access gates for the remainder of autumn and into winter, where the weather patterns allow, for safe access to the beach without risk to the dune system.

With the lower tides currently being experienced and some moderate beach regrowth an opportunity exists to trial opening the beach access gates in time for the April school holidays and easter break. The gates were installed on a temporary basis and as such we should explore chances to open them when conditions allow. There is strong support for returning vehicle access to Point Moore.

It is noted, there is also strong support to not open the gates, at any time in the future, and concerns over vegetation regrowth, the stabilization of dunes and birdlife remain and are as valid as ever.

Allowing people the opportunity to demonstrate responsible beach access behaviours, now that access has been denied for an extended period, will hopefully mean we see responsible beach access by 4WD users and is in keeping with the temporary / trial nature of the gates.

The City will retain the right to close the gates, should weather events occur that make the beach unsafe or wanton destruction to the dunes overly occur as a result of improper beach access use. With winter coming in a few months, it is likely the beach will be closed as a result of large high tides and associated weather, so at least a short window of enjoying access is proposed, particularly over the easter and school holiday period.

#### **PROPONENT:**

The proponent is Mayor Shane Van Styn.

#### **COUNCIL MEMBER RECOMMENDATION:**

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

1. DIRECT the CEO to immediately open the beach access gates at Point Moore to allow beach access to 4WD vehicles;

2. DIRECT the CEO to advise staff to close the gates when conditions are no longer safe for 4WD access or should significant dune damage occur as a result of poor driver behaviour; and
3. MAKE the determination on the following grounds:
  - a. The installation of the gates was always a temporary measure, to restrict access when beach conditions were unsafe to access and to allow some dune regeneration. The current beach area is sufficient to allow safe vehicle access without any risk to the dune system from appropriate driver behaviour.

**EXECUTIVE COMMENT:**

Officers thank the Mayor for his motion and would encourage the Council to leave the vehicle restriction to Pt Moore in place to give the Geraldton Volunteer Marine Rescue Building the best chance of surviving the current La Nina weather pattern which is forecast to dominate again this winter season. Volunteers will be out again over the weekend commencing 18 March 2023 placing sandbags to protect the building. Keeping the vehicles off the beach, especially while no fencing is in place (washed away by previous erosion) to guide which areas they access, is important and may leave Council open to criticism should the worst occur this coming winter.

There have been a number of decisions made by Council since 2021 to balance coastal erosion, vehicle access, social and environmental values at Point Moore. Some of these actions include brushing and fencing, installation of gates, community meetings, installation of signage, completion of the CHRMAP study, establishing a managed retreat process for the Geraldton Volunteer Marine Rescue.

A second year of La Nina climate patterns in 2022 resulted in the beaches at Point Moore suffering from major erosion of between 40-80m. This severe erosion resulted in the loss of all of the fencing and brushing works as the erosion reached the sand dunes. As a result, the City closed the beaches at Point Moore to vehicles due to the hazard posed by the erosion and loss of beach.

The City has also worked with the Department of Fire and Emergency Service (DFES) and the Geraldton Volunteer Marine Rescue (GVMR) during this time to provide temporary protection to the Marine Rescue building in light of the significant threat to the losing the building and associated infrastructure. Further protection efforts will occur over the weekend commencing 17 March 2023.

Since the gates have been installed and closed a number of things have happened:

1. In the absence of vehicular traffic sand has had the opportunity to build up at the front of the dunes and the natural beginnings of the next line of dunes are starting to present.

2. Vegetation has had the opportunity to re-establish at the front of the dunes on the sand build up – the next stage in the natural establishment of a dune and is most notable at the some of the vehicle entrances.
3. Areas, previously devoid of vegetation are self-regenerating – most notably at the northwest spit.

Subsequent to the closure, Officers implemented a monitoring program and between February 2022 and October 2022, 15m dune and over 40m over beach was lost in front of the Marine Rescue Geraldton building.

Recovery has started to occur in recent months with sand that was pushed around to Greys Beach during the peak of the second year of La Nina climate pattern returning. However, the beach has not re-established to the February 2022 widths. Some sections of beach are still impassable to vehicles, or only with vehicle-pedestrian conflict. Examples are at Explosives beach and the beach near the Osprey track.

Birdlife Midwest noted that Point Moore was being frequented more regularly by shorebirds for feeding and now for roosting. The birds have access to the whole beach habitat rather than the extremities of the sea wrack. There has been a noticeable decrease in the number of dogs which disturbed the shorebirds. These were brought by vehicle owners and let loose to follow the car. Mr Peter Russell, a birdlife photographer noted that migratory birds are resting in the area. They are not supportive of re-opening the beaches to vehicles.

A conversation with two fisher people found that whilst initially annoyed at the closure, they were not that bothered by the short walk from parking their car to their chosen fishing spot.

It has been noted that seals/sealions have been observed at the Pt Moore beaches since the gate closure. There has also been a return of ghost crabs, coastal vegetation, and the general serenity of the place in the absence of vehicles has markedly improved. A reduction in the amount of rubbish encountered has also been noticed.

City Officers have discussed the proposed opening with DFES and GVMR who advised that they do not support the beaches being open at high tide due to drivers travelling on the foredune to avoid the water, and who both raised concerns that the proposed open period will experience significantly higher tides. Both groups agree that if the access gates could be opened at low tide only it would mitigate their concerns. However, the operational requirements to manage the gates on a daily basis, as and when dictated by the tide, is well outside of current operational resource capability.

It is noted that the Easter holiday period coincides with spring tides. Predicted high tides will reach over 1.0m for 14 of 20 days between the Easter period of 7 and 26 April, with the highest being 1.12m. This is approaching the highest astronomical tide of 1.2M. It is likely that the these tides will make access to the Point Moore beaches difficult especially is accompanied by any sort of swell event.

In conclusion, Officers believe the gates should remain closed at this time.

#### **INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.2	We are a community accountable for our actions.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.2	Regional leader in adapting to climate change.
Outcome 3.6	The natural environment is valued, protected and celebrated.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following option was considered by City Officers:

1. DIRECT the CEO to keep the Pt Moore Beach access gates closed until September 2023 when the major coastal erosion season ends and the fate of the Geraldton Marine Rescue Building is clearer;
2. MAKE the determination on the following grounds:
  - a. the La Nina climate pattern is in its third year. There is the potential that the winter storms and swells that occur from May to August will again cause severe erosion to Point Moore and continue to pose severe risk to the GVMR and its associated infrastructure;
  - b. there are large sections of the beach which are still not currently suitable for vehicles and beach users on foot to pass safely;
  - c. without the dune front fencing there is a high likelihood that vehicles will disturb, damage and destroy both new and existing vegetation in an effort to make areas accessible; and
  - d. opening the gates for a 'trial' period now, only for them to be closed after the first erosive storm event (potentially in May) has the potential to significantly set back the current beach repair which is occurring.

*Cr S Keemink returned to Chambers at 5.58pm.*

*During the debate, Cr V Tanti foreshadowed an alternative motion to direct the CEO to keep Point Moore Beach access gates closed until 31 March 2024, should the motion be lost.*

### **COUNCIL DECISION**

#### **MOVED MAYOR, SECONDED CR REYMOND**

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

- 1. DIRECT the CEO to immediately open the beach access gates at Point Moore to allow beach access to 4WD vehicles;**
- 2. DIRECT the CEO to advise staff to close the gates when conditions are no longer safe for 4WD access or should significant dune damage occur as a result of poor driver behaviour; and**
- 3. MAKE the determination on the following grounds:**
  - a. The installation of the gates was always a temporary measure, to restrict access when beach conditions were unsafe to access and to allow some dune regeneration. The current beach area is sufficient to allow safe vehicle access without any risk to the dune system from appropriate driver behaviour.**

#### **LOST 2/8**

Time: 6:21 PM

Not Voted: 2

No Votes: 8

Yes Votes: 2

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>NO</b>
<b>Cr. Cooper</b>	<b>NO</b>
<b>Cr. Critch</b>	<b>NO</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>NO</b>
<b>Cr. Librizzi</b>	<b>NO</b>
<b>Cr. Parker</b>	<b>NO</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

*As the motion was lost, Cr V Tanti's foreshadowed motion became the substantive motion.*

**MOTION**

**MOVED CR TANTI, SECONDED CR COOPER**

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

1. **DIRECT the CEO to keep Point Moore Beach access gates closed until 31 March 2024 to give Point Moore's beaches another summer of recovery with regard to sand accretion and vegetation regrowth following the likely loss of beach area over the coming winter;**
2. **MAKES the determination on the following grounds:**
  - a. **The La Nina climate pattern is in its third year. There is the potential that the winter storms and swells that occur from May to August will again cause severe erosion to Point Moore and continue to pose severe risk to the GVMR and its associated infrastructure;**
  - b. **there are large sections of the beach which are still not currently suitable for vehicles and beach users on foot to pass safely;**
  - c. **without the dune front fencing there is a high likelihood that vehicles will disturb, damage and destroy both new and existing vegetation in an effort to make areas accessible; and**
  - d. **opening the gates for a 'trial' period now, only for them to be closed after the first erosive storm event (potentially in May) has the potential to significantly set back the current beach repair which is occurring.**

Note: *This Motion is not the final decision of Council.*

*During the debate, Cr K Parker requested an amendment to the motion to move from a twelve month closure to a six month closure.*

*Council considered the amendment to the motion.*

**AMENDMENT TO MOTION**

**MOVED CR PARKER, SECONDED CR REYMOND**

**That the Point Moore Beach access gates closure moves from 12 months to six months, therefore closed until 30 September 2023.**

**LOST 3/7**

Time: 6:38 PM

Not Voted: 2

No Votes: 7

Yes Votes: 3

Name	Vote
Mayor Van Styn	YES
Cr. Clune	NO
Cr. Colliver	NO
Cr. Cooper	NO



<b>Cr. Critch</b>	<b>NO</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>NO</b>
<b>Cr. Librizzi</b>	<b>NO</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

*During the debate, Cr M Reymond requested an amendment to the motion to investigate the additional measures during the period of closure for dune protection and for the CEO to Investigate modifying the position of the gates at Explosives beach.*

*Council considered the amendment to the motion.*

**AMENDMENT TO MOTION LAPSED**

**MOVED CR REYMOND, SECONDED \_\_\_\_\_**

***That the CEO investigate the additional measures during the period of closure for dune protection and investigate modifying the position of the gates at Explosives beach.***

**LAPSED DUE TO NO SECONDER**

*As the amendments were lost and lapsed, Council returned to the substantive motion, as foreshadowed by Cr V Tanti.*

**COUNCIL DECISION**

**MOVED CR TANTI, SECONDED CR COOPER**

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

- 1. DIRECT the CEO to keep Point Moore Beach access gates closed until 31 March 2024 to give Point Moore's beaches another summer of recovery with regard to sand accretion and vegetation regrowth following the likely loss of beach area over the coming winter;**
- 2. MAKES the determination on the following grounds:**
  - a. The La Nina climate pattern is in its third year. There is the potential that the winter storms and swells that occur from May to August will again cause severe erosion to Point Moore and continue to pose severe risk to the GVMR and its associated infrastructure;**
  - b. there are large sections of the beach which are still not currently suitable for vehicles and beach users on foot to pass safely;**
  - c. without the dune front fencing there is a high likelihood that vehicles will disturb, damage and destroy both new and existing vegetation in an effort to make areas accessible; and**
  - d. opening the gates for a 'trial' period now, only for them to be closed after the first erosive storm event (potentially in May) has**

**the potential to significantly set back the current beach repair which is occurring.**

**LOST BY CASTING VOTE 5/6**

Time: 6:48 PM

Not Voted: 2

**No Votes: 5\***

**Yes Votes: 5\***

*\*As the vote was equally divided, the Mayor exercised his casting vote and declared the item lost.*

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>NO Casted a second vote*</b>
<b>Cr. Clune</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>NO</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>NO</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

*\*As Per Section 5.21(3) of the Local Government Act 1995: If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: That Council close the gates until 31 March 2024 to give Point Moore's beaches another summer of recovery with regard to sand accretion and vegetation regrowth following the likely loss of beach area over the coming winter.**

*As both motions were defeated, the Point Moore beach access gates will remain closed and be monitored by City Officers. Officers will determine when to open the gates, with a review likely to be in the Summer.*

**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 (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.

*No confidential discussion was required.*

IS283	RFT 2223 17 NANGETTY-WALKAWAY BRIDGE REPLACEMENT DESIGN
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<b>AGENDA REFERENCE:</b>	<b>D-23-031519</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery and Engineering</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - RFT 2223 17 Tender Evaluation Report</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 2223 17 Nangetty-Walkaway Bridge Replacement Design to the preferred tenderer.

### EXECUTIVE RECOMMENDATION:

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

1. AWARD the contract RFT 2223 17 Nangetty-Walkaway Bridge Replacement Design to the preferred tenderer; and
2. RECORD the contract price in the minutes.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The Nangetty-Walkaway Road Bridge was constructed circa 1963 and is located on an important route that services grain harvest, lime-sand, sand mining and other commodity freight operations providing an important linkage to the Geraldton Port via the Geraldton Mount Magnet Road.

In February 2021 Main Roads WA (MRWA) undertook a Level 3 Condition Inspection of the bridge which found that it needed significant repair, was no longer fit for purpose and was nearing the end of its useful life. The City investigated a number of short, medium and long-term solutions to mitigate further deterioration and renew the asset. Traffic management was introduced on the bridge to reduce vehicle speeds to limit further damage, and a decision was reached to proceed with the replacement of the bridge.

To this end, and in consultation with MRWA, the City engaged ARUP Consulting Engineers to prepare a 5% concept design and estimate of cost as a basis for a grant application to the Bridges Renewal Program (BRP). The BRP has been established to provide funding to State, Territory and Local Governments for the upgrade and replacement of bridges to enhance access for local communities and facilitate higher productivity vehicle access.

In March 2022, City Officers submitted a BRP grant application of \$4,539,307 to replace the Nangetty-Walkaway Bridge which was based on the 5% concept design. The concept design proposes to replace and upgrade the bridge by raising the bridge deck height by 0.5m to improve flood resilience, improving road safety through addressing vertical road geometry and substandard vehicle approaches and updating to meet current Australian design standards. The grant application was based on a maximum grant funding percentage of 56.50% of the cost, with a co-contribution by the City of \$3,501,268 for the remainder.

The grant milestones are as follows:

Milestone 1: Completion of Design – 30 September 2023

Milestone 2: Commencement of Construction – 30 September 2024

Milestone 3: Completion of Construction - 30 September 2025

Milestone 4: Acceptance of Post-Completion Report – 30 September 2025

In October 2022, Item No. IS268 Bridges Renewal Program Grant – Nangetty Walkaway Road Bridge was endorsed by Council. It resolved to authorise the signature of the grant agreement, approve an increase in the Capital Expenditure Budget of \$1,324,859 to undertake the investigation and design for the Nangetty-Walkaway Road Bridge Replacement Project and make provision in the FY2023-24 Annual Budget for the construction of the bridge.

RFT 2223 17 Nangetty-Walkaway Bridge Replacement Design is to procure a suitably qualified Engineering Consultant under an amended AS4122 General Conditions of Contract to undertake the necessary investigations, optioneering and to prepare the design and specifications for the replacement of the Nangetty-Walkaway Road Bridge with both conforming and non-conforming/alternative tenders accepted.

Tenderers were also required to price a detailed schedule of anticipated hours for site-based technical support during the construction phase of the project as part of their submission. It is intended that the consultants will provide the required quality control supervision and technical support on site during construction as the necessary experience in bridge construction is not available in-house.

The RFT was advertised in The Geraldton Guardian on 20 January 2023 and in The West Australian on 21 January 2023. The RFT was also advertised on the City's TenderLink e-Tendering Portal.

Forty-four suppliers registered to receive copies of the tender and five 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. A technical review of the submissions was provided by MRWA.

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

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

- (a) Price (50%)
- (b) Tenderer's Capability, Key Resources and Experience (50%)

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

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

### **Community:**

The design for the provision of a new bridge will ensure that this key transportation route that services grain harvest, lime-sand, sand mining and other commodity freight operations as well as the local community, will remain serviceable for many years to come. The proposed increased height of the bridge will also ensure that the impacts of flooding will be reduced in the future and the safe passage of vehicles and pedestrians over waterways will be maintained.

### **Economy:**

Awarding this tender will result in a portion of the project funding flowing into the local economy through the employment of local businesses such as traffic controllers, surveyors, accommodation hire etc. Renewal of the bridge will reduce the ongoing maintenance and traffic control requirements currently in place. Renewal of the bridge will also ensure that the transport link for the various industries using the route will be secured in the future.

### **Environment:**

All works contained within the scope for RFT 2223 17 Nangetty-Walkaway Bridge Replacement Design will be undertaken with environmental controls implemented as part of the contract. Liaison with the Department of Planning, Lands and Heritage (DPLH), Yamatji Southern Regional Corporation Ltd (YSRC) has commenced regarding Aboriginal Cultural Heritage approvals and Department of Water and Environmental Regulation (DWER) for river bed or river banks permits.

### **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:

- 2021-22 LRCIP Funded RFT 2122 3 Culvert Renewals- Awarded to Neo Civil
- 2021-22 RRG Funded Roads Package - Awarded to Central Earthmoving Pty Ltd
- RFT 2021 03 Goulds Road Rehabilitation and RFT 2021 04 Walkaway-Nangetty Road Reseal and Shoulder Widening – Awarded to Red Dust Holdings

**COMMUNITY/COUNCILLOR CONSULTATION:**

Affected community and businesses were consulted in a series of community consultation sessions in mid-2021 regarding the condition of the existing bridge and the possible management and remediation solutions available. They have since been advised that the City has been successful in obtaining grant funding to replace the bridge.

Council was consulted in a Briefing Note and Concept Forum in June 2021 regarding the condition of the existing Nangetty-Walkaway Road Bridge. Council was also consulted with Item No. IS268 Bridges Renewal Program Grant – Nangetty-Walkaway Road Bridge when they resolved to enter into an agreement with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for grant funding to replace the bridge.

**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:**

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.2	Efficient and accessible intrastate and interstate connectivity.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
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 local businesses, the community and road users.

**RISK MANAGEMENT:**

The replacement of the bridge mitigates the risk of further deterioration, ongoing maintenance, and the possible failure of the existing Nangetty-Walkaway Road Bridge. The successful Tenderer will be engaged under an AS4122 General Conditions of Contract for Consultants providing industry standard mechanisms for managing risk during the design process.

The City does not have staff with the appropriate bridge construction experience to supervise the works. By engaging the successful Tenderer to provide full time site supervision during the construction phase of the project, the City will mitigate any risks and ensure quality control is maintained. In addition, the City obtained an undertaking from MRWA, as a key project stakeholder, during a project inception meeting that they will be available for review and comment during design development by the consultant.

A key risk to the delivery of the project within the agreed timelines is Aboriginal Heritage Approval by the Minister Aboriginal Affairs. Accordingly, Officers commenced consultation with the Yamatji Southern Regional Corporation Ltd (YSRC) in November 2022, and a Heritage Survey has now been completed.

A Section 18 submission was drafted and submitted on 13 March 2023 to be heard at the 9 May Aboriginal Cultural Material Committee (ACMC) meeting. Once the submission is reviewed by ACMC with no objections, the application will then proceed to the Minister Aboriginal Affairs for consent to proceed. Based upon recent experience, this process can take a further two to three months which may impact the ability for designers to undertake the geotechnical investigation required for the design. If Aboriginal Cultural Heritage approvals delay the completion of the design by September 2023, a variation to delay the design completion grant funding milestone will have to be sought with Bridges Renewal Program. Other milestone dates are not anticipated to be impacted at this point.



**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

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

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

1. **AWARD** the contract RFT 2223 17 Nangetty-Walkaway Bridge Replacement Design to the preferred tenderer, being WGAWA Pty Ltd (Wallbridge Gilbert Aztec); and
2. **RECORD** the contract price in the minutes, being \$647,319.50 excluding GST.

**CARRIED 10/0**

Time: 6:50 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

IS284	RFT 2223 19 MERU WASTE FACILITY COMMUNITY TRANSFER STATION AND SITE POWER AND DATA
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<b>AGENDA REFERENCE:</b>	<b>D-23-032203</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery and Engineering</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - RFT 2223 19 Tender Evaluation Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of the Executive Recommendation for RFT 2223 19 Meru Waste Facility Community Transfer Station and Site Power and Data.

**EXECUTIVE RECOMMENDATION:**

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

1. AWARD the contract RFT 2223 19 – Meru Waste Facility Community Transfer Station and Site Power and Data to the preferred tenderer;
2. APPROVE a budget amendment to deliver the new transfer station (including fire emergency pumps and tanks) and upgrade site power and data infrastructure;
3. AUTHORISE any unauthorised expenditure and revenue:
  - a. Increase the capital expenditure budget by \$610,000;
  - b. Transfer a further \$610,000 from cash reserves (major initiatives reserve); and
4. RECORD the contract price in the minutes.

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In 2020, the City reviewed and adopted the Strategic Waste Management and Recycling Plan 2020-2030. The strategic document highlighted the need to develop a Meru Waste Disposal Facility Strategic Plan and construct a best practice regional resource recovery facility. The Department of Water and Environmental Regulations (DWER) issued a works approval for Transfer Station W6519/2021/1.

Council subsequently endorsed the Meru project as part of the City's Capital Works Program in FY2021-22, subject to a successful grant application with the Building Better Region Funding (BBRF).

In October 2021 the City was successful in obtaining BBRF Commonwealth grant funding of \$1,130,200 for the Meru project for the construction of:

1. A 20 bay waste transfer station and household hazardous waste shed.
2. An upgrade to the site-wide power and data system.
3. A new processing shed.
4. Alterations to the Bowerbird tip shop.
5. An upgrade to the weighbridge office including the addition of a new weighbridge in the outbound lane.

Design consultant Cardno (now Stantec) was engaged to prepare a master plan, tender documentation and pretender estimates for the Meru Waste Disposal Facility. The pretender estimates indicated that the full scope of the project could not be delivered for the available budget. A variation was sought from BBRF to reduce the scope of the construction of the waste transfer station including the fire protection system, and an upgrade of the site-wide power and data only, and this was granted.

Based on the consultant's pretender estimate, City Officers sought additional funding from Council for the project in Item No. IS275 Meru Waste Disposal Facility projects, which Council endorsed on 20 December 2022.

The City issued a Request for Tender to engage a suitably qualified contractor to construct a new community waste transfer station, upgrade the electrical and data infrastructure at the facility and install new fire pumps, tanks, ring main and hydrants at the Meru landfill facility.

The RFT was advertised in The West Australian on 5 January 2023 and the Geraldton Guardian on 6 January 2022. The RFT was also advertised on the City's TenderLink e-Tendering Portal on 7 January 2023. The Tender closed on the 22 February 2023.

29 suppliers registered to receive copies of the tender and three tender 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.

The submission was received and evaluated against the following key criteria:

1. Relevant experience, key resources, project program and methodology – 50%
2. Price – 50%

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

Since the award of the Building Better Regions Funding (BBRF) for the project, the City has been impacted by record inflationary cost and resourcing issues. Post-COVID stimulus funding and demand from the resources sector has resulted in projects experiencing increased costs in the order of 70% across the board. As a result, consultants have had difficulty predicting construction cost inflation rates and providing accurate pre-tender estimates in recent years.

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

### **Community:**

The Meru Waste Disposal Facility is visited 8,800 times every month on average by members of the public, local businesses and neighbouring Shires and is therefore a critically important community facility. The delivery of the new transfer station will provide a safer, more accessible facility for landfill users. Domestic users who would use the facility will be separated from commercial operators, which will improve safety, quality of service and overall experience for the community.

In the Community Voice survey conducted in 2020, recycling ranked second on a list of priorities the community said that the Council should be focusing on in the next three years and that Meru waste diversion infrastructure ranked number four in the new capital works prioritisation list. Council would respond positively to the needs of the community through the delivery of the new waste transfer station.

### **Economy:**

Awarding this tender to the preferred tenderer will result in a large proportion of City funds for the project flowing into the local economy through the employment of many local contractors and suppliers.

The community waste transfer station will also provide opportunities to divert waste from landfill to potential waste recovery opportunities thereby reducing the cost to the City in the future. The separation of waste and diversion from landfill provides many potential opportunities for the City to generate economic returns.

The Meru Waste Disposal Facility regularly suffers from power outages due to an unstable electrical system. The upgrade in the site-wide power reticulation will significantly reduce down-time and reduce the loss of revenue this causes the City.

### **Environment:**

Environmental performance of the site will be improved through increased resource recovery, a reduction in cross-contamination through the separation of waste, enhanced stormwater management on the site and a reduction in litter, dust and leachate generation.

The new transfer station focuses on waste separation and will allow for more recycling material to be processed for reuse, be diverted from landfill, and reduce emissions into the environment.

**Leadership:**

The Council-endorsed Strategic Waste Management and Recycling Plan 2020-2030 states that the community waste transfer station will be completed by 2023. By endorsing the Officer's recommendation, Council will be demonstrating leadership by providing the community with a contemporary waste diversion facility that meets the requirements of the Plan.

Leadership will also be demonstrated by Council through the provision of a new facility that dramatically improves the safety of the community that will use it.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

On 22 June 2022 Council resolved to endorse Item No. IS236 Aquarena 50m Outdoor Pool Upgrade Construction, the outcome of the evaluation panel's assessment in relation to RFT 2021 29 Aquarena 50m Outdoor Pool Upgrade Construction and endorsed additional budget funding for the project.

On 20 December 2022 Council resolved to endorse Item No. IS275 Meru Waste Disposal Facility Projects, demonstrating Council's commitment to the project by endorsing a budget amendment to deliver the new transfer station (including fire emergency pumps and tanks) and upgrade site power and data infrastructure.

**COMMUNITY/COUNCILLOR CONSULTATION:**

A community survey was undertaken to better understand the community's views on waste and recycling when the City of Greater Geraldton Strategic Waste Management Plan 2020-2030 was developed. The survey received 750 responses over a two-week period. The majority of the respondents (93%) said that waste was a priority action area for the City with 66% of the participants rating waste recovery and recycling as extremely important.

City Officers consulted with Councillors at the November 2022 Concept Forum and via a Confidential Briefing Note in October 2022.

In Item No. IS275 Meru Waste Disposal Facility Projects on 20 December 2022, Council were consulted regarding the need to progress the community waste transfer station and upgrade to the site power and data system and they endorsed the required budget amendment.

**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.*

The Meru Waste Disposal Facility is considered a licenced premise and is obligated to operate within this licence. All design and construction works will be required to follow the licence conditions and/or any other additional works approval required under the DWER requirements to accept and handle waste. The City currently has a works approval for the construction of the transfer station from DWER that will expire by August 2024 if construction has not started before then.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

At the December 2022 Council meeting, the budgeted allocation to undertake a revised scope of works was amended to \$6,714,194 for 2022-23. This revision was based on updated pre-tender estimates.

Based on the preferred tender price submission per evaluation report, to undertake the scope of works previously endorsed by Council and in consideration of the cost of design and project management works already undertaken and committed to date, the budget allocation for 2022-23 would be required to be revised to \$7,324,194.

Per tender evaluation, the funding composition to deliver the new transfer station, upgrade power supply and data infrastructure would be as follows:

**Table 2 Revised Project Budget Allocation 2022-23**

<b>Funding Source</b>	<b>2022-23 FY</b>
General Revenue	\$2,947,875
BBRF Grant	\$139,125
Unexpended Capital Cash Reserve	\$2,099,194
Asset Renewal Cash Reserve	\$248,000
Major Initiatives Cash Reserve	\$1,890,000
<b>Total</b>	<b>\$7,324,194</b>

The new movement in the Major Initiatives Cash Reserve which includes current actuals would be:

**Table 3 Major Initiatives Reserve 2022-23 Closing Balances**

<b>Movements</b>	<b>Current Budget</b>	<b>Revised Budget</b>
Opening Balance	\$8,191,405	\$8,191,405
Transfer to Reserve	\$1,000,000	\$1,000,000
Transfer from Reserve	(\$1,280,000)	(\$1,890,000)
<b>Closing Balance</b>	<b>\$7,911,405</b>	<b>\$7,301,405</b>

Due to the amount of cash-backed funds that the City currently carry in the above reserve, an additional allocation as proposed would not have any material impact on the City’s Long Term Financial Plan (LFTP) going forward.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.4	Community safety, health and well-being is paramount.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Outcome 3.6	The natural environment is valued, protected and celebrated.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.1	Meaningful customer experiences created for the people we serve.

**REGIONAL OUTCOMES:**

The Meru Waste Disposal Facility is the only Class III waste facility in the Midwest. It has been accepting waste from surrounding Councils for over 20 years.

In the past year, the City received 4,000 tonnes of waste from neighbouring Shires including Perenjori, Mingenew, Yalgoo, Chapman Valley, Northampton and Irwin.

The facility has been servicing the major industries in the region including mining, Mid West Ports Authority and agricultural business. The upgrade will provide a safer and more accessible facility to our residents and commercial users within the region.

**RISK MANAGEMENT:**

By proceeding with the construction of the waste transfer station at this time, the risk of the loss of the BBRF funding of \$1,130,200 will be mitigated. The potential risk of an increase in construction cost resulting from a delay to the project would also be eliminated by commencing now.

By proceeding with the construction of the new waste transfer station, the City eliminates the risk of the expiry by August 2024 of its works approval for the construction of the transfer station from DWER. Should the works approval expire, it will be necessary to reapply for a new works approval at which time it may be necessary to redesign the project to comply with the latest DWER regulations.

The City's five-year Waste Management and Recycling Plan was formulated to comply with the West Australian State Waste Strategy. The plan has been submitted to DWER and undertook to have the new waste transfer station completed by December 2023. By constructing the transfer station, the City eliminates the risk of non-compliance with our own plan and DWER requirements.

The number of users of the existing transfer station facility has been steadily increasing and it is no longer fit for purpose. The construction of the new waste transfer station and household hazardous waste shed will significantly reduce the considerable safety risk to the City and to the community by providing a purpose-built facility that is much safer to use and keeps the general public separated from commercial users of the facility.

By proceeding with the construction of the site fire pumps, tanks and hydrant system, which forms part of the scope of the project, the Department of Fire and Emergency Services' (DFES) ability to fight any fires that occur at the facility is dramatically improved. The installation of the fire system will bring the facility into compliance with DFES's requirements for a waste management facility.

The Meru Waste Disposal Facility regularly suffers from power outages due to an unstable electrical system. The upgrade in the site-wide power reticulation will significantly reduce this operational 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:**

City Officers have considered the following alternative options:

1. Reject all tenders and defer the project to a later financial year when additional budget can be allocated to the project, or when some elements of the project can be redesigned to reduce cost. This option was not considered due to the immediate community need for the facility, and it would compromise the design of the project for the future needs of the City. There is also the likelihood of higher tender pricing in the future, and the certain loss of the \$1,130,200 grant funding from BBRF.
2. Award the contract to the preferred tenderer and negotiate value engineering savings to the project. This option was not considered as it would compromise the design of the project and would require a further variation request to be sought from BBRF for the change in scope, the outcome of which is not known at this time and may cause the loss of grant funding of \$1,130,200.



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

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

1. **AWARD** the contract RFT 2223 19 – Meru Waste Facility Community Transfer Station and Site Power and Data to the preferred tenderer, being Crothers Construction Pty Ltd;
2. **APPROVE** a budget amendment to deliver the new transfer station (including fire emergency pumps and tanks) and upgrade site power and data infrastructure;
3. **AUTHORISE** any unauthorised expenditure and revenue:
  - a. Increase the capital expenditure budget by \$610,000;
  - b. Transfer a further \$610,000 from cash reserves (major initiatives reserve); and
4. **RECORD** the contract price in the minutes, being \$6,702,744,00 excluding GST.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

Time: 6:51 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>YES</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

**IS285 RFT 2223 20 CHAPMAN ROAD SHARED PATH CONSTRUCTION**

<b>AGENDA REFERENCE:</b>	<b>D-23-031689</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery and Engineering</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>28 March 2023</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0029</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - RFT 2223 20 Tender Evaluation Report</b>

**EXECUTIVE SUMMARY:**

In the lead up to the March 2021 State election, a number of promises to build new infrastructure projects were made that included a commitment to the Geraldton Cycling Network Expansion Project. Subsequent to the election, the City is now in a fortunate position to be able to progress the construction of the shared path along Chapman Road, connecting Drummond Cove to Sunset Beach. Funding is being provided through the Department of Transport's WA Bicycle Network grants program, which the City is very grateful to be receiving in order to deliver this important community infrastructure project.

The purpose of this report is to seek Council approval to award RFT 2223 20 Chapman Road Shared Path Construction works to the preferred tenderer.

*Cr M Librizzi declared a Financial Indirect interest in Item No. IS285 RFT 2223 20 Chapman Road Shared Path as two tenderers are clients of the elected 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 2223 20 Chapman Road Shared Path Construction to the preferred tenderer;
2. AUTHORISE the increase in the project budget to \$1.8 million per the variation to the current funding agreement with the Department of Transport and City of Greater Geraldton in the 2022-23 financial year; and
3. RECORD the contract price in the minutes.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Chapman Road shared path was initially identified as a priority project in the Geraldton 2050 Cycling Strategy. With the rollout of the State Government's WA Bicycle Network grants program, the City initially received funding through the Department of Transport (DOT) of \$1.4 million for the construction of the Chapman Road shared path. The funding was later increased to \$1.8 million after pretender estimates indicated that the initial funding was insufficient.

The 3,500m long, 3m wide asphalt path will connect to the existing shared path at Corallina Quays in Sunset Beach and run north along the west side of Chapman Road to connect to the existing path at the Glenfield Beach Drive roundabout.

The RFT was advertised in The West Australian on 28 January 2023 and in the Geraldton Guardian on 31 January 2023. The RFT was also advertised on the City's TenderLink e-Tendering Portal.

Eleven 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.

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

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

- (a) Price (50%)
- (b) Tenderer's experience, key resources and demonstrated understanding of how the project is to be delivered (50%)

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

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

### **Community:**

Shared paths improve the safety, accessibility, sustainability, and overall well-being of communities. Construction of the Chapman Road shared path will provide a safe travel corridor separated from motor vehicle traffic on Chapman Road and will also offer enhanced accessibility between communities. Due to its versatility, professional and recreational cyclists, pedestrians, riders, joggers and skaters will all share the same space.

Shared use paths provide desirable space for physical activity, which in turn results in health benefits to those in the locality using the pathway. Shared use paths connect people to jobs, schools, parks, grocery stores, and other transportation routes. This is especially important when considering the transportation needs of disadvantaged residents.

### **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. The cycling link between the northern suburbs and the City centre will make the City more attractive to tourists who are cycling enthusiasts which should increase tourism expenditure in the City.

**Environment:**

All works contained within the scope for the RFT 2223 20 Chapman Road Shared Path Construction will be undertaken with environmental controls implemented as part of the contract. By providing a safe shared pathway and completing the link between Glenfield Beach and the City, the community will be encouraged to cycle rather than drive their cars which may reduce CO2 emissions.

**Leadership:**

Council approval of the Executive Recommendation will ensure works align with the objectives of Council Policy 4.5 Asset Management and will deliver another phase of the Geraldton 2050 Cycling Strategy.

***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 DOT funded projects and shared paths:

- Glenfield Beach Drive shared path.
- Chapman Road shared path – Sail Boulevard to Corallina Quays.
- Railway Street Safe Active Street.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The City held consultations with the Geraldton Cycling Advocacy Group in May 2022. In the same month, the City held an information session/workshop with local residents. Both sessions provided meaningful feedback that was taken into consideration in the design phase. City Officers have engaged with the families who have erected a roadside memorial in the path alignment to community members killed in a car accident and have agreed to a mutually satisfactory outcome.

Councillors were consulted via a Briefing Note in April 2022 regarding the proposed engagement strategy for the project and verbally advised of project progress in subsequent Concept Forums.

**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 implications as a result of proceeding with this project. The proposed contract value with the preferred tenderer is within the available project budget. The City also has the available resources to manage the delivery of the project.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.2	Efficient and accessible intrastate and interstate connectivity.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

**REGIONAL OUTCOMES:**

Facilitation of the development and maintenance of a functional, safe and integrated shared path network will provide a facility that can be used by the greater community and cycling enthusiasts and will help promote tourism to the region. It is anticipated that the shared path will improve the health and well-being of its users.

**RISK MANAGEMENT:**

The risk to cyclists travelling between Glenfield Beach and Sunset Beach will be reduced by the construction of the new shared path by providing a safe alternative to cycling on the road network. The City engaged a competent civil design consultancy to prepare the design for the new shared path to ensure a long asset life and reduce maintenance costs to the City in the future. The successful tenderer will be engaged under an AS4000 General Conditions of Contract providing industry-standard mechanisms for managing risk to the City during construction.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

*Cr M Librizzi declared a Financial Indirect interest in Item No. IS285 RFT 2223 20 Chapman Road Shared Path as two tenderers are clients of the elected members consultancy business and left Chambers at 6.51pm.*

**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 2223 20 Chapman Road Shared Path Construction to the preferred tenderer, being Red Dust Enterprises Pty Ltd t/a Red Dust Holdings;
2. **AUTHORISE** the increase in the project budget to \$1.8 million per the variation to the current funding agreement with the Department of Transport and City of Greater Geraldton in the 2022-23 financial year; and
3. **RECORD** the contract price in the minutes, being \$1,346,018.10 excluding GST.

**CARRIED 9/0**

Time: 6:52 PM

Not Voted: 3

No Votes: 0

Yes Votes: 9

<b>Name</b>	<b>Vote</b>
<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Cooper</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Librizzi</b>	<b>NOT PRESENT</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NOT PRESENT</b>

*Cr M Librizzi returned to Chambers at 6.52pm.*

**17 CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 6.52pm.

**APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED**

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