



ORDINARY MEETING OF COUNCIL  
MINUTES

29 NOVEMBER 2022

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 29 NOVEMBER 2022 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 M Reymond

Cr V Tanti

Cr T Thomas

Officers:

R McKim, Chief Executive Officer

P Melling, Director of Development Services

F Norling, Director of Community and Culture

P Radalj, Director of Corporate and Commercial Services

C Lee, Director of Infrastructure Services

S Moulds, PA to the Chief Executive Officer  
L Pegler, Executive Support Secretary  
B Pearce, Manager Corporate Compliance and Safety  
C Edwards, Manager Project Delivery  
T Gray, Coordinator Communications  
J Kopplhuber, Communications Officer - Engagement  
J Felix, Project Administrator  
D Melling, Systems Administrator Officer

Others:

Members of Public: 1

Members of Press: 1

Apologies:

Cr RD Hall\* until leave is approved

Cr K Parker\* until leave is approved

Leave of Absence:

*\*Leave approved at No. 7. Applications for Leave of Absence*

**4 DISCLOSURE OF INTERESTS**

Cr J Critch declared a Financial Indirect interest in Item No. DS003 Proposed Renewal of Extractive Industry – Southgates as we [her family] are clients of Mid-West Sand Supplies.

Cr J Clune declared a Financial Indirect interest in Item No. DS003 Proposed Renewal of Extractive Industry – Southgates as he is a client of Mid-West Sand Supplies.

Cr J Clune declared a Financial Indirect interest in Item No. CCS741 Supply and Delivery of Irrigation Components, has he has conducted business with one of the suppliers.

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

There are no questions from previous meetings.

**6 PUBLIC QUESTION TIME**

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

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

*Public question time commenced at 5.02pm*

**Peter Nelson 17 Forrest Street, Geraldton [Representing Donor Families Australia]**Question

Does the Council intend to undertake much needed maintenance to the 'Donor Ball' located at Medalia Beach, which has not operated properly for over 12 months?

Response

The City has undertaken extensive works at the Donor Ball over several months due to impacts from tree root intrusion into the pressure pump balance tank. The tank has now been replaced and worked well for a short period however, ongoing adjustments and repairs to have the pump operating at the correct water pressure and volume continued to cause issues and intermittent operation. A new, more powerful pump is awaiting delivery and will be installed within the next three weeks to address this and the existing pump will be repurposed to another facility.

Summary of verbal supplementary question from Mr Nelson

Have had some discussion with Officers that work in the City who advised that there was some problem with the seal area of the ball. Is that the case?

Response

It is a pump issue. Concerns will be forwarded on to the Manager Operations who is overseeing the project and ask for this to be checked when they install the pump.

Question

If the Council is not willing to undertake maintenance work on the 'Donor Ball' is the Council willing to assist local volunteers to undertake maintenance work, on and in the area of the Donor Ball?

Response

Work on the Donor Ball is scheduled to be finished by 20 December 2022. Assistance from community volunteers is always appreciated by the City and may be able to be coordinated through consultation with the City's Manager Maintenance Operations and the City HR team.

Summary of verbal supplementary question from Mr Nelson

Nagle Catholic College have undertaken work there on two occasions in the last two months, and are willing to step forward and undertake maintenance work such as raking and cleaning of the area as an ongoing project, as community involvement/volunteering. Work has concluded this year, and will recommence early next year and they are willing to do that 8 months of year.

Response

The City must go through proper process to bring volunteers on board. There have been significant changes to the Work Health and Safety Legislation Act, that has changed the nature of volunteering, which has made it more onerous particularly from the City's perspective. Essentially volunteers have to be

treated as employees, therefore a process is required to be followed. Volunteers need to be inducted and trained.

Question

Is the Council willing to provide reticulation, native plants and mulch for the beautification of the area and also install proper access path for improved safe access from the ocean side of the Ball.

Response

Once the work to the pump work is complete it will be followed by some additional planting and mulching as weather conditions allow. Reticulation is present and operating at the site however, there is currently no plan to install an additional path.

Summary of verbal supplementary question from Mr Nelson

If you have a look at the area of what has become a pathway between the donor ball and that other path, shows that there is a need for a pathway. Also the supply of your equipment, understand what is being said in regards to HR / WHS requirements. The planting out of native plants and helping to tend those on an ongoing basis is something quite easy for Nagle Catholic College to undertake.

Response

In terms of the access, when the City undertook the foreshore project, there is some old concrete revetment mattress that has made it very difficult to plant that out, so it may look like an opening or gap that is attracting people. The City officer can have a look at that to maybe prevent that from happening, instead of spending more money on concrete. The City is happy to take an enquiry and look at the scope of what the volunteers want to get involved in, but it has to go through the HR process.

*The appropriate officer's details will be provided to Mr Nelson to follow up on the above.*

*Public question time concluded at 5.09pm*

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr N Colliver	14 December 2022	28 December 2022	27/9/2022

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

*If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes at 'Record of Attendance'.*

### EXECUTIVE RECOMMENDATION:

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

1. APPROVE Leave of Absence for:
  - a. Cr RD Hall\* for the period 29 November to 6 December 2022;
  - b. Cr K Parker\* for the period 29 November 2022; and
  - c. Cr M Reymond for the period 22 December 2022 to 6 January 2023.

*A further application for leave was received at the meeting.*

### COUNCIL DECISION

#### MOVED CR COLLIVER, SECONDED CR LIBRIZZI

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

1. APPROVE Leave of Absence for:
  - a. Cr RD Hall\* for the period 29 November to 6 December 2022;
  - b. Cr K Parker\* for the period 29 November 2022;
  - c. Cr M Reymond for the period 22 December 2022 to 6 January 2023; and
  - d. Cr S Keemink for the period 20 December 2022 to 20 December 2022.

### **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.*

*Cr RD Hall and Cr K Parker are now noted on approved Leave of Absence*

## 8 PETITIONS, DEPUTATIONS

Nil.

**9 CONFIRMATION OF MINUTES**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 25 October 2022, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR COLLIVER, SECONDED CR THOMAS**

**RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 25 October 2022, 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>
26 October 2022	Triple M Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
26 October 2022	Filming for Council Update Videos - Outcomes of Council Meetings	Mayor Shane Van Styn
26 October 2022	Geraldton Guardian Interview - Federal budget	Mayor Shane Van Styn
	Triple M Interview - Coral Princess - Cancellation of Visit	Mayor Shane Van Styn
26 October 2022	Batavia Brewing Pre-Opening	Mayor Shane Van Styn
27 October 2022	Community Nursery Open Day	Mayor Shane Van Styn
30 October 2022	Radio Mama Interview – Regular Update	Mayor Shane Van Styn
30 October 2022	Triple M - Rotary Club of Greater Geraldton – 31 <sup>st</sup> Annual Radio Auction	Mayor Shane Van Styn
30 October 2022	The Midwest Irish Club – Acknowledgement of Funding Event - Maintenance of Annex	Mayor Shane Van Styn
31 October 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
31 October 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
31 October 2022	Photo for Media Release - Outgoing Warden and Incoming Warden of HMAS Sydney II Memorial	Mayor Shane Van Styn
1 - 3 November 2022	2022 National Local Roads and Transport Congress	Mayor Shane Van Styn
2 November 2022	ABC Radio Interview – Qantas	Mayor Shane Van Styn
2 November 2022	Vocational Education and Training Delivered to Secondary School Students (VETDSS) Awards	Deputy Mayor Cr Jerry Clune
3 November 2022	Real Futures Open Day and Workforce Australia Transition to Work	Deputy Mayor Cr Jerry Clune
5 November 2022	Festival of Lights	Deputy Mayor Cr Jerry Clune
7 November 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
7 November 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
7 November 2022	Opening of Seniors Week Morning Melodies	Mayor Shane Van Styn
8 November 2022	Reconciliation Action Plan (RAP) Aboriginal Peak Body RAP Briefing	Mayor Shane Van Styn
8 November 2022	Passport to Employment	Mayor Shane Van Styn
9 November 2022	Filming for The Cheap Seats Wrap Up	Mayor Shane Van Styn
10 November 2022	Citizenship Ceremony	Mayor Shane Van Styn
10 November 2022	Mental Health Advisory Council – Meet and Greet	Mayor Shane Van Styn
11 November 2022	Mayor's Mystery Bus Tour 2022	Mayor Shane Van Styn
11 November 2022	Meeting with Shane Love MLA, Deputy Leader of the Opposition and Member for Moore - Matters in Common	Mayor Shane Van Styn
12 November 2022	Multicultural Concert hosted Midwest Multicultural Association	Deputy Mayor Cr Jerry Clune
12 November 2022	Mid West Chamber of Commerce and Industry (MWCCI) Business Excellence Awards	Deputy Mayor Cr Jerry Clune
14 November 2022	Lotterywest Grant Presentation - 2022-23 City of Greater Geraldton Events and Queens Park Theatre (QPT)	Mayor Shane Van Styn
14 November 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn

14 November 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
15 November 2022	Batavia Local Emergency Management Committee Meeting	Mayor Shane Van Styn
19 November 2022	HMAS Sydney Memorial Service	Mayor Shane Van Styn
20 November 2022	Tree Planting for the Queen Elizabeth II Jubilee - Wonthella Bushland Plaque Unveiling	Cr Steve Cooper
21 November 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
21 November 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
22 November 2022	Regional Capitals Australia (RCA) Annual General Meeting and RCA November Board Meeting	Mayor Shane Van Styn
22 November 2022	Triple M Radio Interview - Mullewa Hospital Developments	Mayor Shane Van Styn
22 November 2022	Agenda Forum	Mayor Shane Van Styn
25 November 2022	Filming for Community Grants Recipients Video	Mayor Shane Van Styn
25 November 2022	Geraldton Grammar School - Gym Grand Opening	Mayor Shane Van Styn
25 November 2022	All Ability Day	Cr Steve Cooper
25 November 2022	Triple M Interview Radio - Batavia Motor Inne Update	Mayor Shane Van Styn
26 November 2022	Photo for Media Release - CGG and Rio Tinto Memorandum of Understanding (MOU) for the Youth Vibrancy Officer Role	Mayor Shane Van Styn
26 November 2022	Mid West Sports Federation 50th Anniversary Mid West Sports Awards	Mayor Shane Van Styn
28 November 2022	Annual General Meeting of the Australian Coastal Councils Association Inc	Mayor Shane Van Styn
28 November 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
28 November 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
28 November 2022	Batavia Coast Marina 2 (BCM2) Steering Committee Meeting	Mayor Shane Van Styn
29 November 2022	Ordinary Meeting of Council	Mayor Shane Van Styn

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

**11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.

## 12 REPORTS OF COMMITTEES AND OFFICERS

### 12.1 REPORTS OF DEVELOPMENT SERVICES

DS001	SURRENDER – RESERVE 48852 - BOGLE WAY, SPALDING
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<b>AGENDA REFERENCE:</b>	<b>D-22-141922</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land and Property Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>1 November 2022</b>
<b>FILE REFERENCE:</b>	<b>A7947</b>
<b>ATTACHMENTS:</b>	<b>No</b>

#### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to surrender Crown Reserve 48852 being Lot 101 on Plan 12682 on Certificate of Title Volume LR3138, Folio 956 to the Department of Planning, Lands and Heritage to enable the amalgamation into Lot 55 (24) Bogle Way in accordance with the adopted Spalding Regional Renewal Project.

#### EXECUTIVE RECOMMENDATION:

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

1. APPROVE the surrender of Reserve 48852 to the Department of Planning, Lands and Heritage.

#### PROPOSER:

The proponent is the City of Greater Geraldton and the Department of Communities.

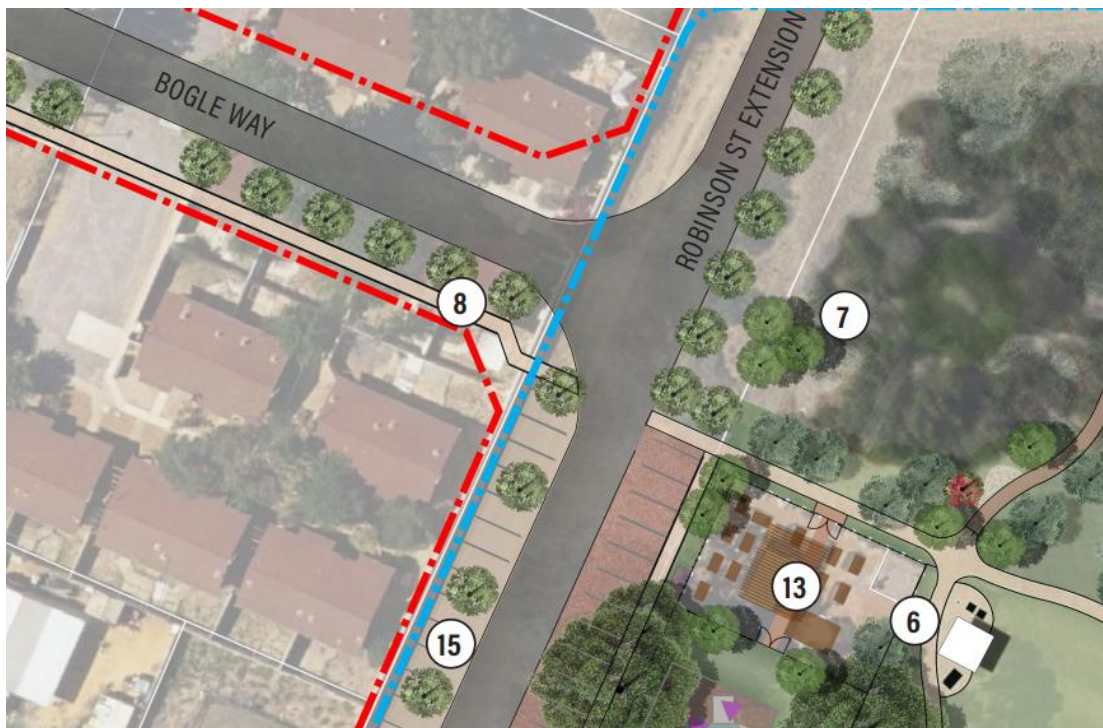
#### BACKGROUND:

Reserve 48852 being Lot 101 on Plan 12682, was vested in the former City of Geraldton by a Management Order (number J904215) on 6 September 2006 for the purpose of "Public Utilities Services". Prior to this the land had been a problematic pedestrian access way that created many anti-social issues for adjoining residents.

The Reserve is located between Lot 55 (24) and Lot 16 (22) Bogle Way, Spalding.

The City of Greater Geraldton has partnered with the Department of Communities to develop the Spalding Regional Renewal Project which was adopted by Council in November 2019. As part of this project, the State Government is investing approximately nine million dollars into the renewal of the Spalding locality which will include footpath upgrades, the refurbishment of public housing properties, and demolition of some of the older houses. It will also provide better connectivity by newly constructed roadways.

As part of the project, the Department of Communities has requested consent from Council to surrender Reserve 48852 to the Department of Planning, Lands and Heritage to enable the land to be amalgamated into Lot 55 (24) Bogle Way, Spalding. This will in turn enable the extension of Bogle Way into the newly created Robinson Street extension.



It is noted that encroachments currently exist from Lot 55 Bogle Way into the Reserve (see below).



A Dial Before You Dig Australia search confirmed there are no existing services that run through Reserve 48852.

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

Supporting the proposal will assist the Department of Communities and the City in the development of the Spalding Regional Renewal Project.

**Economy:**

There are no adverse economic impacts with this proposal.

**Environment:**

There are no adverse environmental impacts as encroachments from the adjacent lot already exist (undertaken to reduce anti-social behaviours).

**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 meeting held on 25 May 2021, Council resolved to conditionally surrender Reserve 30637 at the request of the Department of Planning, Lands and Heritage (DCS494).

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community or councillor consultation relating to the surrender of the reserve however a series of community workshops were undertaken in December 2018 and February 2019 to assist in the development of the Spalding Regional Renewal Project.

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

**REGIONAL OUTCOMES:**

The Spalding Regional Renewal Project is in line with the City's strategic community vision. The project identifies a "local centre" for Spalding located around the existing Mitchell Street Community Centre.

**RISK MANAGEMENT:**

There are no specific risks to the City associated with this proposal as the Reserve has never been used for its intended purpose.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City Officers.

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

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

- 1. APPROVE the surrender of Reserve 48852 to the Department of Planning, Lands and Heritage.**

**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.*

**DS002 COUNCIL POLICY 1.5 FORESHORE USE AND DEVELOPMENT**

<b>AGENDA REFERENCE:</b>	<b>D-22-143318</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land and Property Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>3 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0002</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) 1 x Confidential</b>
	<b>A. Comparison Table - Council Policy 1.5 Foreshore Use and Development (v4)</b>
	<b>B. Draft Council Policy 1.5 Foreshore Use and Development (v4)</b>
	<b>C. Confidential - Council Policy 1.5 Foreshore Use and Development - Submission</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of Council Policy 1.5 Foreshore Use and Development, version 4.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE Council Policy 1.5 Foreshore Use & Development, version 4.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Item No. DRS235 – *Final adoption of CP039 – Foreshore Use and Development Policy* was first approved by Council on 24 November 2015. Within the biennial review process this policy was subject to review and the policy was adopted by Council on 25 September 2018 and again on 28 July 2020. Version 3 of the policy incorporated the newly developed Beresford Foreshore. This policy is now due for biennial review.

The overall aim of this Policy is to provide an effective framework for the management of proposals for commercial business infrastructure development, recreational and other usages on the City's foreshore reserves in order to achieve:

- Activation of the foreshore recognising that while public open space is a high priority and should not be compromised, people want amenities and activities that enhance their experience of the foreshore.
- The effective use and management of the foreshore reserve resulting in a space that is people focused; not building focused and promotes active and passive recreation that promotes health and wellbeing.



- To enable opportunities for activities that respects the essence of the place and enables providers to offer services and facilities to the public to enhance their visit to the foreshore.
- Recognition, respect, celebration and inclusion of Yamatji cultural significance of the Geraldton foreshore.
- Recognise the role of the Foreshore as a vehicle for community expression.
- Open and transparent engagement and communication with stakeholders and the community on all significant matters relating to the foreshore.

Suggested changes to Council Policy 1.5 Foreshore Use and Development, version 4 can be reviewed on attachment A – Policy Comparison Table.

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

#### **Community:**

This policy provides a framework for consideration of the use and development of the Foreshore Reserves to improve the significant social wellbeing, and enhancement of facilities for the community. Cultural, heritage and indigenous components are also covered within the policy.

#### **Economy:**

The policy provides a framework for potential economic benefits on managed public foreshores.

#### **Environment:**

There are no adverse environmental impacts relating to this policy. All proposals for use or development are subject to statutory requirements.

#### **Leadership:**

The *Local Government Act 1995* requires that Councils establish good governance principles through the introduction of policies and guidelines.

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

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

### **RELEVANT PRECEDENTS:**

Council policies are reviewed and endorsed by Council on a regular basis. Council Policy 1.5 was first approved by Council on 24 November 2015, formerly Item No. CP039 (DRS235). Revision of the policy occurred on 25 September 2018 (Item No. DCS384) and 28 July 2020 (Item No. DCS459).

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

Councillors were consulted via a Briefing Note on 23 September 2022 and Concept Forum on 1 November 2022.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**2.7. Role of council**

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**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.
<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 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

**REGIONAL OUTCOMES:**

An attractive, vibrant and well managed foreshore has the potential to attract visitors to the region. This policy supports that objective. Its adoption will assist in dealing with requests that arise from time to time.

**RISK MANAGEMENT:**

Ensuring that the Council Policy Register is current and comprehensive supports the role of Council in the good government of the City of Greater Geraldton. Council Policy 1.5 Foreshore Use and Development, version 4 and its associated processes is wholly linked to mitigating the risk to City employees and the users or attendees at City facilities.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

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

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

1. **APPROVE Council Policy 1.5 Foreshore Use & Development, version 4.**

**CARRIED 10/0**

Time: 5:22 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

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

DS003	PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES
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<b>AGENDA REFERENCE:</b>	<b>D-22-145312</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>8 November 2022</b>
<b>FILE REFERENCE:</b>	<b>A65947</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>Southgate Dunes Management and Decommissioning Plan (2022 to 2027)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to renew, for a further five years, the current Extractive Industry (extraction of limesand) development approval on Lot 2453 Brand Highway, Cape Burney.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Schedule 2, Part 9, clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for five years;
2. INCLUDE condition 11 to the development approval stating:  
*"The landowner/proponent is responsible for ensuring that all waste and debris is stored and maintained appropriately on-site at all times and the waste and debris is removed on an as-needs basis, to the satisfaction of the local government";*
3. MODIFY conditions 2 and 3 to reference the *Southgate Dunes Management & Decommissioning Plan (2022 to 2027)* dated September 2022; and
4. REQUIRE any further renewal request to be referred to Council for its consideration.

Note: the proponent is reminded of the need for a current clearing permit for the term of the planning approval.

**PROPONENT:**

The proponent is Damien Wilson from Mid West Sand Supplies in conjunction with MP Rogers & Associates Pty Ltd. The owner of the lot is Bayform Holdings Pty Ltd.

**BACKGROUND:**

There is considerable background surrounding the extractive industry (extraction of limesand) at Lot 2453 Brand Highway, Cape Burney ("the land"). While sand extraction has been occurring on the land for around 30 years, the initial application for development approval subject to this request for renewal was approved in 2016.

The proponent is requesting no variation to the conditions and terms of the current approval, except for a renewal time period of five years (as opposed to the previous three year renewal).

A full summary of previous council approvals along with an outline of the application and on-site operations is provided below:

**Previous Council Approvals:**

The initial extractive industry application was approved by Council at the Special Council Meeting held on 13 September 2016 (Item No. DCS295 - PROPOSED EXTRACTIVE INDUSTRY - SOUTHGATES) subject to the following conditions:

1. *The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton.*
2. *Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 and subject to any modifications required as a consequence of any condition(s) of this approval.*
3. *The proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 as lodged with the local government. The proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Plan are implemented in full.*
4. *Prior to the commencement of the development a Transport Assessment is to be prepared and approved by the local government in consultation with Main Roads WA. The approved Transport Assessment is to be implemented in full prior to the commencement of the development.*
5. *The 'Southgates Dunes Access Road' is to remain open to the public and the portion of the road within Lot 2453 is to be maintained to the satisfaction of the local government.*
6. *The approved extraction area is to be clearly demarcated on-site to the approval of the local government and approved markers indicating the extent of the area are to remain in place for the duration of the operations.*
7. *This development approval is valid for a period of 12 months from the date of determination, after which the further renewal of the development approval by the local government is required annually. It is the responsibility of the proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals. As part of the annual renewal process the proponent is required to submit details regarding the extent of the extraction area, the amount of extracted material for the year and the AHD levels of the extraction area. Should there be any evidenced breaches of this development approval then the local government will not renew the development application and the development approval shall lapse.*
8. *Hours of operation shall be limited to 07:00am to 18:00pm Monday to Saturday with no operations on Sundays or public holidays, unless otherwise approved in writing by the local government.*
9. *No excavation is permitted below the 3m AHD level.*
10. *Limesand extraction is limited to an annual amount of 110,000m<sup>3</sup> and arrangements are to be made to the satisfaction of the local government to ensure compliance with this annual amount.*

Renewal of the extractive industry was approved by Council at the meeting held on 26 September 2017 (Item No. DCS346 - PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES) subject to the following conditions:

1. *GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 1 year;*
2. *MODIFY conditions 2 and 3 to reference the Southgates Dunes Management & Decommissioning Plan (Rev 3) dated August 2017; and*
3. *REQUIRE any further renewal request at the expiry of 1. above to be referred to Council for its consideration.*

A further renewal of the extractive industry was approved by Council at the meeting held on 25 September 2018 (Item No. DCS382 - PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES) subject to the following conditions:

1. *GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 1 year;*
2. *MODIFY conditions 2 and 3 to reference the Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018; and*
3. *REQUIRE any further renewal request at the expiry of 1. above to be referred to Council for its consideration.*

In 2019 the proponent applied for a number a variations to the initial approval being:

- Extending the existing approved excavation area by an additional 9ha (totalling 32ha);
- A 5 year renewal period; and
- Replacing the maximum annual volume limit of 110,000m<sup>3</sup> (168,000 tonnes) with an average yearly limit of 110,000m<sup>3</sup> (168,000 tonnes) over the 5 year approval period.

At the meeting held on 15 October 2019 (Item No. DCS423 – PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES) Council resolved:

Part A

1. *REFUSE the applicant's request for renewal of the extractive industry on Lot 2453 Brand Highway, Cape Burney which proposes to extend the sand extraction area, increase the renewal period to 5 years and change the annual limesand extraction limit to an average amount;*
2. *MAKES the determination for the following reasons:*
  1. *The application has failed to supply sufficient justified technical detail on the impact the extended extraction area would have on the estimated sediment feed volumes from the Northern dune into the littoral system. The City having concerns on the potential impacts thereto on the coastal areas to the north of the extraction area;*
  2. *The potential impacts of the extended extraction area and its subsequent finished levels on the adjoining Aboriginal Heritage Location (understood to be burial locations) are not quantified noting the highly mobile nature of the dune system in this area; and*

3. *The proposed extended extraction area interface with the adjoining Crown land areas were only addressed via a proposed 20 metre buffer area. The height variation between the two areas could exceed over 20 metres vertically creating potential hazards for users of the adjoining Crown land area.*

**Part B**

1. *GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 3 years;*
2. *MAKES the determination subject to the following conditions:*
  - a. *The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton;*
  - b. *Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018 and subject to any modifications required as a consequence of any condition(s) of this approval;*
  - c. *The proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018 as lodged with the local government. The proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Plan are implemented in full;*
  - d. *Prior to the commencement of the development a Transport Assessment is to be prepared and approved by the local government in consultation with Main Roads WA. The approved Transport Assessment is to be implemented in full prior to the commencement of the development;*
  - e. *The 'Southgates Dunes Access Road' is to remain open to the public and the portion of the road within Lot 2453 is to be maintained to the satisfaction of the local government;*
  - f. *The approved extraction area is to be clearly demarcated on-site to the approval of the local government and approved markers indicating the extent of the area are to remain in place for the duration of the operations;*
  - g. *This development approval is valid for a period of 3 years from the date of determination, after which the further renewal of the development approval by the Council is required. It is the responsibility of the proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals. As part of the renewal process the proponent is required to submit details regarding the extent of the extraction area, the amount of extracted material for the year and the AHD levels of the extraction area. Should there be any evidenced breaches of this development approval then the local government will not renew the development application and the development approval shall lapse;*
  - h. *Hours of operation shall be limited to 07:00am to 18:00pm Monday to Saturday with no operations on Sundays or public holidays, unless otherwise approved in writing by the local government;*
  - i. *No excavation is permitted below the 3m AHD level; and*
  - j. *Limesand extraction is limited to an annual amount of 110,000m<sup>3</sup> and arrangements are to be made to the satisfaction of the local government to ensure compliance with this annual amount.*

In 2020 the proponent applied to the City to vary the limesand extraction annual amount limit, allowing for any unused amount from the 2020 quota to be 'rolled over' and available during the 2021 calendar year. This variation was requested given the impacts of the Covid-19 pandemic on the farming industry. At the meeting held 22 September 2020 (Item No. DSC468 – PROPOSED VARIATION TO EXTRACTIVE INDUSTRY ANNUAL AMOUNT - SOUTHGATES), Council resolved to:

1. *AMEND condition 10 of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney (reference TP16/150) so that any unused portions of the annual 110,000m<sup>3</sup> limit for 2020 calendar year can be used during the 2021 calendar year only.*

**The Application:**

As highlighted above, sand extraction has been occurring from the land for around 30 years. Sand extraction operations have been limited to the northern portion of the land which is part of a wider area commonly referred to as 'Southgates dunes' (or 'Southgates'). The removal of sand is for a range of agricultural and industrial uses, with the volume of sand varying from year to year dictated by demand from farmers and other users.

In accordance with conditions, extraction is limited to an annual amount of 110,000m<sup>3</sup> (being 168,000 tonnes) within the approved extraction area of approximately 23 hectares.

Annual volumes of limesand previously extracted have been:

- 2017 97,124.18m<sup>3</sup>
- 2018 76,726.79m<sup>3</sup>
- 2019 108,205.22m<sup>3</sup>
- 2020 52,204.57m<sup>3</sup>
- 2021 79,281.70m<sup>3</sup>
- 2022 (to October) 87,325.80m<sup>3</sup>

As part of the renewal request, the proponent has completed an updated *Southgate Dunes Management & Decommissioning Plan (2022 to 2027)* which is included as Attachment A.

As part of updating this plan and in accordance with condition 7 of the approval, the proponent engaged a local surveyor in September 2022 to complete a drone survey and capture the height levels of the extraction area. The major contours from this investigation has been overlaid on the extraction plan which is included within Appendix A of the *Southgate Dunes Management & Decommissioning Plan (2022 to 2027)*.

The survey data will assist the proponent in targeting areas of high elevation to ensure that no extraction occurs below 3m Australia Height Datum (AHD) in accordance with condition 9 of the approval. The proponent therefore intends to focus their extraction efforts in the eastern to north-eastern extent of the extraction area.



In requesting this renewal the proponent proposes no change to the current approved extraction area and no variation to the yearly extraction limit of 110,000m<sup>3</sup> (being 168,000 tonnes).

In order to seek ongoing certainty regarding the operations at the site and given they have complied with and demonstrate on-going compliance with all conditions of the approval the proponent request Council to consider a five year renewal period.

**The Operations:**

Sand is extracted from a number of dune faces using bulldozers and front end loaders. The dune face is generally flattened by the bulldozer with the loader working at the base. If the sand is clean the loaders are able to place the sand directly into waiting road trains with the aid of loading ramps that have been set up on site. If there are no waiting road trains, the sand is stockpiled near the loading ramps.

It is predicted that around 50 to 60 road trains may enter and leave the site each day during the peak export season from January to March. Outside of this peak season, up to 20 road trains may enter and leave the site each day.

Sand is to be extracted above the +3m AHD contour across the site. This maximum excavation depth ties in with the approximate level of the vegetation on the western side of the lot. In reality, excavation is likely to remain higher than +3m AHD on the eastern flank given the level of the surrounding land.

Southgates dunes is a highly mobile dune system, moving to the north at approximately 10m/yr. The sand dunes are expected to continue to move into the proposed extraction area for the foreseeable future and therefore stabilisation of the dune is not feasible. Any attempts at stabilisation and revegetation of the extraction area would likely be unsuccessful, as the on-going passage of the dune fronts would cover any stabilised or revegetated areas.

Rehabilitation and decommissioning works will therefore aim to return the extraction site to a natural dune state at the end of the works. The following actions are proposed for the decommissioning of the extraction site:

- Very high or unstable excavation faces will be battered and flattened off to reduce potential collapse. It should be noted that steep dune faces are likely to form naturally due to wind forces over time and this process currently occurs naturally;
- All of the screened debris and vegetation will be removed from the site and disposed of at an appropriate landfill site; and
- All facilities and equipment will be removed from site at the end of the works.

The proponent has suggested that the continued sand extraction would have a number of benefits to the local community and to the City of Greater Geraldton as follows:

- Economic benefit with direct employment of 10 employees and indirect employment of around 100 other people from truck drivers to farm hands;
- Improved soil conditions on farms which have the lime sands applied;
- Reduced management of wind blown sand onto Brand Highway and the Southgates Dunes access road; and
- The expanded sand extraction area will provide the Mid West region with a low cost source of lime sands into the future.

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

### **Community:**

#### Recreational value:

Whilst the recreational value of the dunes is acknowledged, it must be noted that this application is over freehold land and not public crown reserve land. The vast majority of the dune formation at present is contained in the Unallocated Crown Land (UCL) to the south and will remain.

#### Interface with public and safety:

The access road to the beach is on private freehold land and is not a public road. The owner and proponent have continued to allow for continued public access and have maintained the access road, with no reported safety incidents to the City.

Inspectors of the Mine Safety Branch (MSB) of the Department of Mines and Petroleum inspected the site on 18 March 2016 and identified issues that required corrective action. The MSB have confirmed that the matters have been addressed and the operations are required to comply with the *Mines Safety and Inspection Regulations 1995*.

#### Traffic:

In response to condition 4 of the approval a Traffic Impact Assessment was submitted to Main Roads WA. The Southgates Access Road was required to be sealed for a distance of 30m, 8m in width with the sealed edge widened to accommodate for turning truck movements. These works were undertaken by the proponent and approved by Main Roads WA in December 2016.

#### Noise:

The Extractive Industry local planning policy allows for working hours from 7:00am to 6:00pm six days per week (Monday to Saturday). The proponent has, and will continue to operate within those hours.

A number of residents are located within 25m of Brand Highway. Noises from this major highway are reasonably expected to be louder than the sand mining operations some 120 to 400m away. In addition, traditional reversing alarms have been removed from the loaders to reduce noise levels emanating from site.

In any event, the operations are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

**Cultural heritage:**

A Registered Aboriginal Heritage site (ID 5287 Southgates Burial Site) is located in the centre of the land. No excavation is proposed within this area and in any event the site is protected under section 17 of the *Aboriginal Heritage Act 1972*, whereby a person who excavates, destroys, damages or in any way alters an Aboriginal site commits an offence.

The *Aboriginal Cultural Heritage Act 2021* came into operation on 22 December 2021 however a transitional period is currently in place. During this transitional period the relevant sections of the *Aboriginal Heritage Act 1972* continue to apply. As yet it is unknown as to any potential matters that may be raised during the implementation of the Act in relation to the registered site.

**Economy:**

There is an economic benefit of limesand to the agricultural industry.

The Department of Mines and Petroleum have stated that the Southgate dune is a large long-term, high quality limesand resource supplying agricultural lime to the Mid-West agricultural areas.

**Environment:****'Southgates dunes' coastal sediment supply:**

The land was previously subject to an amendment to the Scheme to rezone the land for urban development. As part of the amendment process the land was subject to a full environmental review under the *Environmental Protection Act 1986*. This involved a full coastal processes analysis into the movement of the Southgates dunes and its contribution to the coastal sediment supply.

Specialist coastal engineers, M P Rogers and Associates Pty Ltd (MRA), completed a study of the dunes as part of the environmental review process. The report shows extracting sand from the northern front of the dune system is considered to have very little or no impact on the sand feed into the coastal system.

**'Southgates dunes' movement:**

The Southgates dunes system is essentially a large mobile sand sheet that is migrating in a northerly direction through the action of the prevailing southerly winds. Analysis of rectified aerial photography suggests that the northern edge of the dunes moved approximately 100m between 2001 and 2010. This is a rate of approximately 10m/yr to the north.

The dune front to the east and west of the existing extraction area has continued to move to the north covering parts of the dune access road (significant quantities of sand are being encountered by the contractor in clearing this access on an ongoing basis). The central portion of the northern dune face, influenced by the sand extraction, has been slowed in recent years (2010 to 2015). Without this extraction it is highly likely that the dune front would be further north than its current position.

The dune front is highly likely to continue moving to the north unless sand is removed. Without sand extraction in the north-east corner of the dunes, windblown sand impacts on the Brand Highway, residential properties and the northern freehold owned Lot 1945 is expected. Significant volumes of windblown sand can occur up to approximately 100m north of the dune (with detectable levels of windblown material recorded several hundred metres from the dune front).

The adverse impacts of windblown material are therefore likely to be experienced well before the dune front actually reached Brand Highway or adjacent residential properties.

**Vegetation:**

There are adjacent areas of regionally significant vegetation to the east and north of the land. The sand extraction focuses on the removal of mobile dune sands while not impacting on adjacent vegetation.

A simple review of aerial photography shows that the dunes smother vegetation as it migrates to the north. Given the height of the northern dune front and the rate of movement, the vegetation is completely covered over by the dune and subsequently dies. New vegetation does not get a chance to establish in the highly mobile areas and can only establish on the southern edge of the dune, as the mobile sand dune moves north.

This dead vegetation needs a permit to be cleared and in August 2016 the Department of Environment Regulation issued a permit which was valid until September 2021. This permit has been recently extended to September 2026 and an updated copy of the permit has been included within *the Southgate Dunes Management & Decommissioning Plan (2022 to 2027)*.

**Leadership:**

Prior approvals granted in 2016, 2017 and 2018 were on a yearly basis. This was primarily due to the land being subject to a scheme amendment to rezone the land for urban development however that amendment was refused by the Minister for Planning in June 2018.

Given the resolution of this outstanding zoning issue and to seek some certainty regarding the operations, in 2019 the proponent applied for a five year approval in which a three year renewal was granted.

The proponent continues to seek ongoing certainty regarding the operations at the site. Given they have complied with and demonstrate on-going compliance with all conditions of the approval they have again requested Council to consider issuing a renewal for 5 years until 2027.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council at its meeting held on 22 March 2016 (Item No. DRS254 – TOWN PLANNING SCHEME NO. 1A – AMENDMENT NO. 4 – SOUTHGATES DUNES, CAPE BURNEY) considered the Scheme amendment over the area and as part of those deliberations resolved to:

- 1. Direct the CEO to ensure that all conditions of the extractive industries permit issued in the area known as Southgates have been met, in particular as they relate to the volume of material removed annually and initiate a full review of the mining operations.*

At the Special Council Meeting held on 13 September 2016 (Item No. DCS295 – PROPOSED EXTRACTIVE INDUSTRY - SOUTHGATES) Council approved the extractive industry subject to a number of conditions. Annual renewals of the approval were granted by Council at its meetings held on 26 September 2017 (Item No. DCS346 - PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES) and 25 September 2018 (Item No. DCS382 - PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES).

In 2019 the proponent proposed to make a number of changes to the original approval being; extending the approved extraction area, a five year renewal period and an average yearly limit over the five year period. At the Ordinary Council Meeting held 15 October 2019 (Item No. DCS423 – PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY - SOUTHGATES) Council resolved to refuse the requested variations and instead renewed the existing extractive industry with a three year renewal period.

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no Community/Councillor consultation however the original application went through an extensive consultation process.

Since re-commencement of the operations in December 2016, the City received two formal reports from the public during 2017. One requested the operations cease as it was ‘a bad thing for Geraldton’ and the second querying if the City was going to clear the Southgates Road down to the beach as it was getting boggy.

During 2018 a further two formal reports from the public were received. One was unsubstantiated claim that the mining was causing excessive dust in Mount Tarcoola and another claim that the operations were being conducted outside of the approved area. This was investigated by City officers and found to be incorrect.

In early 2020 a member of the public queried the location of the aboriginal heritage site and requested information on the extraction activities as they were concerned there may be potential impacts occurring. Following the provision of this information no further complaints were submitted in relation to this matter.

In early 2021 concerns were raised regarding the safety of the beach access on Southgates Road. Investigations found that this area was on private property outside of the area required by the proponent to keep clear.

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

#### **Local Planning Scheme 1:**

The land is a 'Local Scheme Reserve' for the purpose of 'Environmental Conservation' under the Scheme. The objective of this reserve is *to identify and protect areas of biodiversity and conservation value*. Uses for local reserves may be approved where it is determined that they are in accordance with the objective of the reserve.

Land immediately to the north of Lot 2453 contains areas of regionally significant vegetation and has been identified in the City's Local Biodiversity Strategy as having high conservation values. If the dune was left 'unchecked' it would smother this land. Therefore by managing the movement of the mobile dune it is considered that the activity is protecting areas of biodiversity and conservation value.

Of note is that the land is designated as a 'Development Investigation Area' under the Local Planning Strategy (refer to 'Regional Outcomes' section of this report). It could therefore be reasonably argued that the ultimate purpose intended for the reserve is not purely for environmental conservation.

It should also be noted that the extraction area is only over a relatively small portion of the much larger Southgates dune.

Given the above, and the particulars of this extractive industry application, it is considered that the use is in accordance with the local reserve objective.

#### **Extractive Industry local planning policy:**

The objectives of this policy are:

- To set out the matters which are to be taken into account when considering applications for an extractive industry;
- To detail the specific requirements and minimum standards for the establishment of an extractive industry; and

- To ensure extractive industry occurs with minimal detriment to the local amenity and environment, and in a manner which allows for future use and development consistent with long-term planning intentions for the area.

The submitted application has provided sufficient information relevant to the particulars of the site and the operations proposed.

In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

It is considered that the application is consistent with the primary objective of the policy which is *“to ensure extractive industry occurs with minimal detriment to the local amenity and environment, and in a manner which allows for future use and development consistent with long-term planning intentions for the area.”*

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

There are no financial or resource implications, however should Council refuse the application and the proponent seeks a review of the decision, a further cost is likely to be imposed on the City through its involvement in the State Administrative Tribunal process.

There is no planning process framework available to seek either a royalty payment or charge a road use fee for this application. The land is held in freehold title and the adjacent road (Brand Highway) is under the care and control of Main Roads WA not the City. Main Roads have their own processes to deal with haulage operations.

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

<b>Strategic Direction:</b> <b>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 2.1	Local business is empowered and supported.
Outcome 2.5	Our competitive advantages are built upon and our business success is celebrated.
<b>Strategic Direction:</b> <b>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.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.

**REGIONAL OUTCOMES:****Local Planning Strategy:**

This Strategy represents the land use planning response to the City's strategic community vision. It guides long-term land use planning and provides the rationale for land use and development controls.

The land has been identified in the Strategy within 'Development Investigation Area 8 (Cape Burney)'. The Strategy considers the ultimate land uses may include urban, a district centre with community and public purposes subject to future rezoning and/or structure planning.

With regard to the coast, one of the key actions from the Strategy is to ensure land use decision making is based on the best available science regarding coastal processes. This has been previously provided by the proponent via the *Southgate Dunes Sediment Feed Analysis* report.

**RISK MANAGEMENT:**

By not approving the application the proponent may seek a review of the decision from the State Administrative Tribunal.

Given the mobile nature of the dune system, failure to adequately manage the mobility of the dune could result in an increased risk to public safety of Brand Highway road users and nearby residents.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Southgates dunes are a highly mobile dune system, moving to the north at approximately 10m/yr. The sand dunes are expected to continue to move into the proposed extraction area for the foreseeable future thereby creating a risk for surrounding residents and the Brand Highway.

It is considered that the application is consistent with the primary objective of the Extractive Industry local planning policy which is *"to ensure extractive industry occurs with minimal detriment to the local amenity and environment, and in a manner which allows for future use and development consistent with long-term planning intentions for the area."*

The proponent has demonstrated compliance with all the conditions of the current development approval including road and safety upgrades. They have provided monthly reports to City staff and maintained the public road access to the beach. The proponent has undertaken a detailed aerial survey to capture the height levels within the extraction area which will allow target extraction in areas of high elevation to ensure no extraction occurs below the minimum thresholds.

The renewal proposes no changes to the current operations however the proponent has requested that Council consider a five year renewal period.

Given the above, a five year renewal is recommended and the option to refuse the application is not supported.



The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event the proponent is required to gain an annual renewal of the application.

Council has the option to renew the application for a lesser period than the five years as requested by the proponent or alternatively delegate future renewals (either yearly or some other time period) to City Officers.

*Cr J Critch declared a Financial Indirect interest in Item No. DS003 Proposed Renewal of Extractive Industry – Southgates as we [her family] are clients of Mid West Sand Supplies and left Chambers at 5.23pm.*

*Cr J Clune declared a Financial Indirect interest in Item No. DS003 Proposed Renewal of Extractive Industry – Southgates as he is a client of Mid West Sand Supplies and left Chambers at 5.23pm.*

*During the debate, the Mayor foreshadowed an alternative motion that Council refuse the application for an extractive industry on Lot 2453 Brand Highway, Cape Burney, should the motion be lost.*

*During the debate, Cr Librizzi requested an amendment to the motion to change the 5 year period to 3 years to match it with the State's clearing permit.*

#### **MOTION**

##### **MOVED CR THOMAS, SECONDED CR REYMOND**

***That Council by Simple Majority pursuant to Schedule 2, Part 9, clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to:***

- 1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for five years;***
- 2. INCLUDE condition 11 to the development approval stating:  
“The landowner/proponent is responsible for ensuring that all waste and debris is stored and maintained appropriately on-site at all times and the waste and debris is removed on an as-needs basis, to the satisfaction of the local government”;***
- 3. MODIFY conditions 2 and 3 to reference the Southgate Dunes Management & Decommissioning Plan (2022 to 2027) dated September 2022; and***
- 4. REQUIRE any further renewal request to be referred to Council for its consideration.***

*Note:* *This Motion is not the final decision of Council.  
Council considered the amendment to the motion.*

**AMENDMENT TO MOTION****MOVED CR LIBRIZZI, SECONDED CR COLLIVER**

**That Council amend the motion to the change the 5 year period to 3 years.**

**CARRIED 7/1**

Time: 5:39 PM

Not Voted: 4

No Votes: 1

Yes Votes: 7

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

*As the amendment was endorsed, the approval period was changed to three years to the substantive motion.*

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

**That Council by Simple Majority pursuant to Schedule 2, Part 9, clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:**

- 1. GRANT** renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for three years;
- 2. INCLUDE** condition 11 to the development approval stating:  
*"The landowner/proponent is responsible for ensuring that all waste and debris is stored and maintained appropriately on-site at all times and the waste and debris is removed on an as-needs basis, to the satisfaction of the local government";*
- 3. MODIFY** conditions 2 and 3 to reference the *Southgate Dunes Management & Decommissioning Plan (2022 to 2027)* dated September 2022; and
- 4. REQUIRE** any further renewal request to be referred to Council for its consideration.

**CARRIED 7/1**

Time: 5:42 PM

Not Voted: 4

No Votes: 1

Yes Votes: 7

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

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**  
That Council grant the renewal of the development approval for 3 years,  
to match the State's clearing permit.

*Cr J Critch and Cr J Clune returned to Chambers at 5.42pm.*

**DS005 CONTINUATION OF CITY MANAGEMENT – THE BOWERBIRD**

<b>AGENDA REFERENCE:</b>	<b>D-22-146078</b>
<b>AUTHOR:</b>	<b>F Block, Coordinator Waste Recovery and Engagement</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>7 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-008</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval for the City to continue managing the Bowerbird Reuse Shop post 30 June 2023. Council approved Item No. DCS490 on 27 April 2021, for the City to undertake the management of the Reuse Shop for a two-year period with the condition of exploring social enterprise opportunities to undertake management beyond this period.

The City has informally examined the social enterprise option for management. It was found that the capacity and financial risk/viability was a key factor in the previous lack of interest in operating the Reuse Shop. Not for Profit/Social Enterprise organisations are re-evaluating their current operations due to the State/Federal Government changes on various funding models.

The City is also progressing with a number of major changes at the Meru Waste facility that will impact on the scale and scope of operations over the next couple of years, adding a further level of uncertainty for social enterprise organisations.

The City management of the Reuse Shop has seen a significant increase in sales and items diverted from landfill. A part of the Meru Waste Disposal Facility redevelopment includes the expansions of the Bowerbird. The expansion is predicted to increase sales and diversion even further.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.2 of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the City to continue the in-house management and operations of the Bowerbird Reuse shop.

**PROPOSER:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

At the Ordinary Council meeting held on 27 April 2021, Council approved and authorised a trading undertaking for the Reuse Shop management for a two year period with the condition that officers explore the opportunities for social enterprise to undertake the management after this period.

On 1 July 2021 the City took over managing the Bowerbird (formerly known as the Meru Tip Shop) from a local Not for Profit (NFP) organisation. The facility was closed for approximately two months for refurbishment.

The NFP had been operating on a three day a week basis and indicated in 2020 that it was struggling to make the service viable and would not be able to continue operating past their contracted term of October 2020. The City advertised an expression of interest (EOI) in early September 2020. Only one expression was received, that being the previous NFP organisation, which was rejected by the City due it not representing value for money for the required subsidy.

When Council considered the City taking on the responsibility of managing the Reuse Shop in April 2021, the associated report proposed a two year period during which time the City officers were to explore opportunities to transfer management to an external social enterprise.

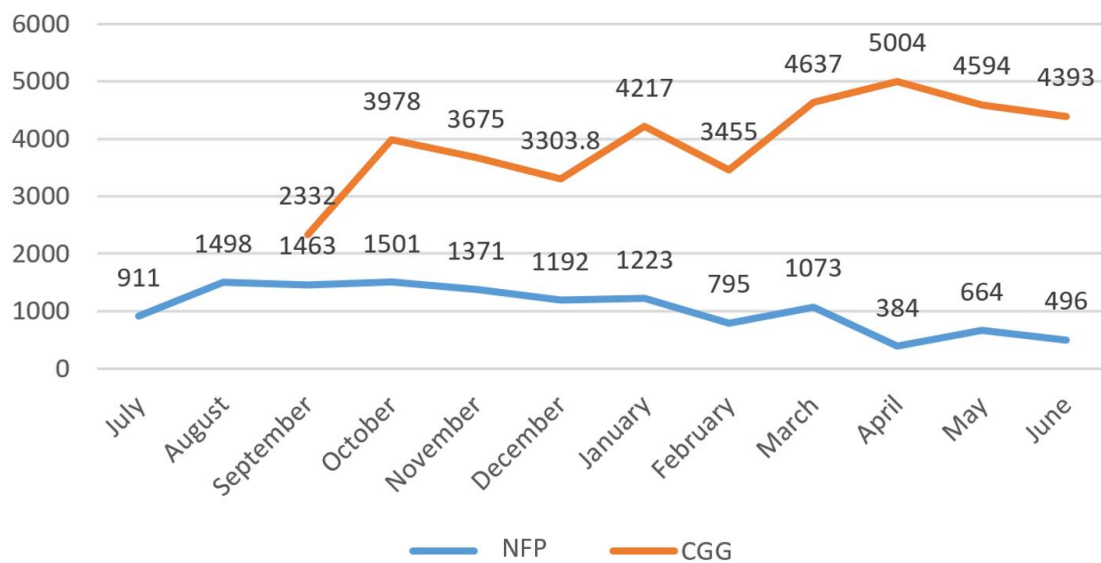
Over the last 14 months of direct management of the Reuse Shop, a number of factors/issues have come to light demonstrating that the current model would be difficult to achieve and may not deliver the best community or environmental outcomes if managed by a social enterprise. Such factors considered include the benefit of Bowerbird operations being supported by the large internal structure of local government, with resources such as ICT, Governance and Risk, Finance and HR. Additionally, the capacity to operate more days of the week through a professionally staffed model has seen significant increases in both landfill diversion and income generation.

There is also ongoing concern about the resource capacity and expertise of local service provider organisations and social enterprises, which are limited in number locally to be able to deliver this type of operation.

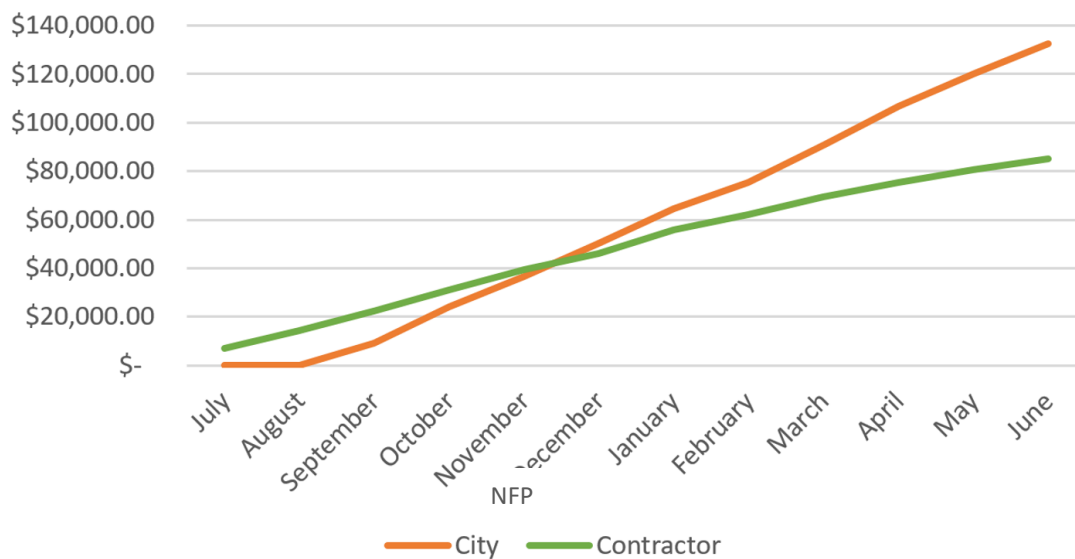
As an example, it has recently been reported that Activ Foundation, Western Australia's largest disability service provider, was to close its large scale industrial worksites mainly due to changes in direction of Government funding. A last minute injection of extra funding prevented the close, but only for another 12 months. In these tighter financial times social enterprises, such as those that have the potential to operate the Bowerbird, could be in a similar position to Activ if not now, in the near future.

As of 31 October 2022, the Bowerbird has served over 21,110 customers, diverted over 60,238 items from landfill and generated \$196,000 in sales. To illustrate the difference between the NFP operations and the current City operations, in the month of March 2020, the NFP diverted 1,287 items from landfill generating \$4,307 in sales. Under the current City management, in March of 2022, it diverted 4,637 items from landfill and generated \$15,296 in sales.

### Diversion Rates City 21/22 VS NFP 18/19



### Sales City 21/22 VS NFP 18/19



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

#### Community:

There are no adverse community impacts, rather the reverse. The Bowerbird provides the community the opportunity to recycle their unwanted goods while at the same time reducing the amount of items going to landfill. The Bowerbird also provides for those of low-socioeconomic status, a place to purchase items at low affordable cost. Once the management future of the Bowerbird is secure more diversion programs will be introduced.

Once the Bowerbird has expanded, this will enable the introduction of more onsite community activities such as bike repair, repair cafe and the like.

It is also intended to provide people living with disabilities the opportunity to work with the Bowerbird team.

**Economy:**

There are no adverse economic impacts. The Bowerbird, while generating income for the City, is also providing employment for three local community members. This employment is currently on a casual basis. These locals would secure permanent part time employment with the City if Council supports the executive recommendation.

**Environment:**

There are no adverse environmental impacts. As mentioned previously in this Council report, since taking over management of the facility, over 60,000 items have been diverted from landfill assisting in reducing the impact on the environment.

**Leadership:**

Regional Reuse Shops are typically operated on a similar Local Government managed model to the Bowerbird and are considered successful. Metropolitan Reuse Shops management models do include a number of the facilities managed through not for profit organisations. It is noted that those facilities do have a larger catchment/ population to sustain them along with other financial imperatives related to the Metropolitan Waste Levy.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

At the Ordinary Council meeting held on 27 April 2021, Council approved and authorised a trading undertaking for the Reuse Shop management for a two year period with the condition that officers explore the opportunities for social enterprise to undertake the management after this period.

**COMMUNITY/COUNCILLOR CONSULTATION:**

No formal community consultation has taken place but the site has a guest book with many compliments and comments regarding the staff and management of the facility which support the continuation of City run operations.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The City ran the Tip Shop 6 days a week over 11 months (took over operations August 2021) during the 2021-22 financial year. The net cost to the City to do so was \$75,952. The 2022-23 budgeted net cost to the City is \$81,940. This is the cash result in order to make a comparison with cash cost of having an external organisation run the Shop. The City forecasts similar budget requirements for future years which would be reviewed as part of the annual budget process.

Based on the above information the cash cost to the City has been approximately halved by running the operation internally.

The relocation of the processing shed as part of the overall Meru landfill redevelopment, will provide the Bowerbird with another 62% undercover floor space. Potentially this will mean diverting thousands more items from landfill which are currently being turned away due to a lack of appropriate storage space, therefore contributing to reducing Meru's carbon footprint and the City's goal of net zero. This also justifies retaining the operation in house whilst these works are underway, and operation of Bowerbird could alternatively be reviewed at the conclusion of the works.

The 2020-21 financial year cost for externally running the Reuse Shop and recycling was \$156,000. The City advertised an expression of interest in early September 2020 for the management of the Reuse Shop and retail area on the basis of 5 days a week operation. One response was received from a local NFP organisation for a lump sum figure of \$169,854 per annum (ex GST).

The below table summarises the cost to operate the Reuse Shop. Note the table does not include corporate overheads in order to compare against the contractor model. The Reuse Shop does not have any overheads applied but has an approximate 4% activity distribution applied based on FTE and operating costs.

	<b>2021/2022 Actuals (Operations Commenced August 2021)</b>	<b>2022/2023 Budget</b>
<b>Fees &amp; Charges</b>	\$124,829	\$150,000
<b>Operating Expenditure</b>	\$200,781	\$231,940
<b>NET Cost</b>	\$75,952	\$81,940

#### **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 2.4	A desirable place to live, work, play, study, invest and visit
<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>



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Outcome 4.1	Meaningful customer experiences created for the people we serve.
Outcome 4.2	Decision making is ethical, informed and inclusive.

**REGIONAL OUTCOMES:**

The Bowerbird is used by many in the community including those outside the City of Greater Geraldton boundaries.

**RISK MANAGEMENT:**

The City has enhanced its reputation as an environmentally conscious local government through directly managing the Bowerbird and promoting recycling and re-use to minimise landfill. There is a reputational risk of damage should the City cease to be seen to be playing this role.

From a community perspective, an additional benefit of the City operating the Bowerbird has been to provide an affordable source of goods for those in need through its price setting. Should management of the Bowerbird be transferred to an external body, the power to set or influence pricing for goods would be reduced or removed thereby potentially impacting negatively on community.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The alternative would be to outsource the Bowerbird operations to a social enterprise but as mentioned earlier in this item, the sole EOI received in 2020 was rejected due to value for money.

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

**That Council by Simple Majority pursuant to Section 5.2 of the *Local Government Act 1995* RESOLVES to:**

- 1. APPROVE the City to continue the in-house management and operations of the Bowerbird Reuse shop.**

**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**

Nil.

**12.3 REPORTS OF CORPORATE AND COMMERCIAL SERVICES****CCS736 COUNCIL POLICY 4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

<b>AGENDA REFERENCE:</b>	<b>D-22-134142</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>18 October 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/19/0008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Draft Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates (v2)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council review and approval of Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 2. This policy is separate to Council Policy 4.30 Complaints Handling which is currently being reviewed and is listed for discussion at the February 2023 Concept Forum.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 2.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates (the Code of Conduct) was approved by Council on 23 March 2021 (Item No. CCS578).

Subsequently on 7 February 2022, following an internal audit of the City's Fraud and Corruption Control Plan (FCCP), audit report findings included a recommendation that the City consider implementing the proposed better practice area as noted below:

*'...further processes can be implemented to communicate the City's commitment to high ethical standards and zero tolerance of fraud corruption including:*

- *The Code of Conduct(s) updated to reference fraud and corruption including the FCCP;*

The City therefore committed to updating the Code of Conduct prior to March 2023.

Accordingly, a new clause - 15A Fraud Control, has been added to the draft Code of Conduct, version 2, for Council consideration.

In accordance with the provisions of the *Local Government Act 1995*, the additional clause 15A Fraud Control has been added to division 3 of the Code of Conduct:

- Section 5.104(3) - a local government may include in the adopted code of conduct requirements in addition to those referred to in Division (3) - requirements relating to behaviour.
- Section 5.104(4) - a local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(a) - general principles to guide behaviour (Division 2) - or the rules of conduct (Division 4).

## **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:**

Updates to the Code of Conduct have been recommended following an audit of the City's Fraud and Corruption Control Plan. The inclusion of references to fraud and corruption, including the FCCP are required '*...to communicate the City's commitment to high ethical standards and zero tolerance of fraud corruption...*'

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

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

## **RELEVANT PRECEDENTS:**

Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 1, was approved by Council on 23 March 2021 (Item No. CCS578).

## **COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were consulted by Briefing Note on 18 October 2022 for a two (2) week consultation period ending on 7 November 2022.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

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

### ***2.7. Role of council***

#### ***(1) The council -***

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

- (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.

### **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:**

Updating the Code of Conduct to include clause 15A Fraud Control, satisfies a finding from the internal audit of the Fraud and Corruption Control Plan, by communication of the City's commitment to high ethical standards and zero tolerance of fraud corruption.

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

The following options were considered by City Officers:

The Council may choose to consider alternative amendments to the policy, this is a matter for the Council.

### **COUNCIL DECISION**

#### **MOVED CR REYMOND, SECONDED CR LIBRIZZI**

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

- 1. APPROVE Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 2.**

#### **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.*

**CCS737 REPRESENTATION REVIEW - LOCAL GOVERNMENT REFORM**

<b>AGENDA REFERENCE:</b>	<b>D-22-141197</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>1 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/4/0001-002</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Draft Discussion Paper Representation Review</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to initiate a Representation Review to determine the specific changes to the structure of the Council for the 2023 and 2025 Ordinary Elections, under the provisions of the *Local Government Act 1995* reform proposals.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Schedule 2.2 of the *Local Government Act 1995* RESOLVES to:

1. INITIATE a review of the City of Greater Geraldton's representation in accordance with Schedule 2.2 of the *Local Government Act 1995*;
2. GIVE local public notice of the intention to carry out a review of representation and invite submissions as required by clause 7(1) of Schedule 2.2; and
3. ENDORSE the Discussion Paper detailed as Attachment No. CCS737 for the purposes of public consultation.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

On 20 September 2022 the City received a letter from the Hon John Carey MLA, Minister for Housing; Lands; Homelessness and Local Government (the Minister), regarding a package of reforms to the *Local Government Act 1995* (the Act). As part of the reforms, to strengthen democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected mayors and presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

Legislation to give effect to the changes is expected to be introduced into Parliament in early 2023.

The Department of Local Government, Sport and Cultural Industries (the Department) have completed an initial review and the City of Greater Geraldton (the City) has been identified as needing to make changes to councillor representation to align with the new reforms. The reform proposals require that a local government with a population of between 5,000 and 75,000 will have five to nine councillors (including the mayor/ president).

On 25 October 2022, (Item No. CCS733) Council approved the Voluntary Pathway for the election transition arrangements, to reduce the number of council members under the Local Government reform proposals.

The Voluntary Pathway requires the City to complete a representation review under Schedule 2.2. of the Act that will result in a recommendation for the Minister's Reform Proposals.

The representation review process includes a six (6) week public submission period, with subsequent Council consideration and a decision. The Minister requires the review outcome to be provided to the Local Government Advisory Board by 14 February 2023. Hence the City will need to resolve its position on the number of Councillors at its January 2023 meeting where the results of consultation will be presented (by absolute majority).

In this process, the City may enable the changes to be implemented over the 2023 and 2025 Elections.

The City previously conducted a review of Wards and Representation in 2018 - 2019. The outcome of the review was the abolition of the Ward system, the City retained a directly elected mayor, and the number of offices of councillor were reduced to twelve.

### **Details**

The purpose of this review is to evaluate the City's current arrangements for representation, twelve councillors and a directly elected mayor, and consider other options for representation as required by the tiered limits below:

- Between 5,000 and 75,000 – five to nine councillors (including the mayor/ president)

The City is a Band 1 local government with a population of approximately 40,000.

The Department has issued guidelines to assist with representation reviews. The guidelines suggest that it is helpful to develop a range of alternatives to the current system of representation so that all options can be considered. Whilst the Council may have a preferred option, the public notice must not limit the possible responses and suggestions from the community. The options are subject to discussion and feedback, and to this end a draft discussion paper to assist with community consultation is attached - Attachment No. CCS737.

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

The final decision on this matter will determine the number of Councillors representing the City of Greater Geraldton community.

**Economy:**

There are no adverse economic impacts.

**Environment:**

There are no adverse environmental impacts.

**Leadership:**

The City is required to comply with the provisions of the Act and the reform proposals. The Council has approved the Voluntary Pathway for the election transition arrangements and is therefore required to initiate a representation review which must be finalised prior to 14 February 2023 to coincide with the 2023 Ordinary Election of Council.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

A *Wards and Representation Review* was initiated on 4 April 2018 (Item No. CCS326).

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were consulted at a Concept Forum on 1 November 2022.

**LEGISLATIVE/POLICY IMPLICATIONS:**

*Local Government Act 1995* – Schedule 2.2 sets out the requirements for reviews of wards and representation.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The number of council members impacts on the City's budget in terms of allowances and associated costs.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction:</b> <b>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 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.



**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

The City is required by the provisions of the *Local Government Act 1995* reform proposals, to undertake a representation review, to review councillor numbers. This is required as the City has approved the implementation of changes through the Volunteer Reform pathway. Should the review not be undertaken or finalised by 14 February 2023 the number of offices of councillor will be set on the reform proposals, and all positions of councillor will be declared vacant at the 2023 election.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following alternative option was considered by City Officers:

Council may decide not to initiate a representation review. If a review is not initiated for completion by 14 February 2023, the provisions of the Amendment Act will provide for the Reform Election Pathway to apply. This is a matter for Council.

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

That Council by Simple Majority pursuant to Schedule 2.2 of the *Local Government Act 1995* RESOLVES to:

1. **INITIATE** a review of the City of Greater Geraldton's representation in accordance with Schedule 2.2 of the *Local Government Act 1995*;
2. **GIVE** local public notice of the intention to carry out a review of representation and invite submissions as required by clause 7(1) of Schedule 2.2; and
3. **ENDORSE** the Discussion Paper detailed as Attachment No. CCS737 for the purposes of public consultation.

**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.*

**CCS738 STATEMENT OF FINANCIAL ACTIVITY TO 31 OCTOBER 2022**

<b>AGENDA REFERENCE:</b>	<b>D-22-145866</b>
<b>AUTHOR:</b>	<b>J McLean, Senior Management Accountant/Analyst</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>7 November 2022</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0011</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>Monthly Management Report for period ended 31 October 2022</b>

**EXECUTIVE SUMMARY:**

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

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

**EXECUTIVE RECOMMENDATION:**

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

1. RECEIVE the monthly financial statement of activity for the period ending 31 October 2022, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

Operating Income	\$	296,671	0.5%	over YTD Budget	☑
Operating Expenditure	\$	483,721	1.5%	under YTD Budget	☑
Net Operating	\$	780,392	2.4%	over YTD Budget	☑
Capital Expenditure	\$	70,550	0.5%	over YTD Budget	☒
Capital Revenue	\$	281,837	28.0%	over YTD Budget	☑

Cash at Bank – Municipal	\$	41,373,321
Cash at Bank – Reserve	\$	39,276,435

Total Funds Invested	\$	80,073,367
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Current Rates Collected to October 2022	73.95%
Current Rates Collected to October 2021	75.76%
Rates Arrears Collected to October 2022	24.83%
Rates Arrears Collected to October 2021	27.78%

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 October financials show a YTD positive variance of \$780,392 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 THOMAS, SECONDED CR LIBRIZZI**

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

- 1. RECEIVE the monthly financial statement of activity for the period ending 31 October 2022, 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****IS274 CHAPMAN ROAD CBD ACTIVATION PILOT PROJECT REVIEW**

<b>AGENDA REFERENCE:</b>	<b>D-22-148560</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>22 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Chapman Road CBD Activation Pilot Project Review and Recommendations Report</b>
	<b>B. Chapman Road Pilot Project Phase 2 Overall Concept Plan</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval for the next stage of the Chapman Road Activation CBD Pilot project. Phase 2 of the trial will see the incorporation of the 'next steps' recommended in the pilot project evaluation as a precursor to full implementation as part of the CBD revitalisation plan.

**EXECUTIVE RECOMMENDATION:**

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

1. NOTE the Chapman Road CBD Activation Pilot Project Pilot Review and Recommendations Report;
2. APPROVE the implementation of the Chapman Road Tactical Treatment (Phase 2);
3. MAKE provision in the 2022-23 Mid Year Budget Review for implementation; and
4. CONSIDER provision in the 2023-24 budget for the permanent improvements.

**PROPOSER:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In 2021, the City partnered with the RAC to undertake a Pilot Project intended to test the activation of a section of Chapman Road between Durlacher Street and Cathedral Avenue and examine how reconfiguring traffic could affect traffic flow in the CBD. The 12-month long Chapman Road CBD Activation Pilot Project began on 24 September 2021.

The primary goals of the project were to test the reduction of the street width to one lane each way, to reduce traffic speed, improve the pedestrian and cyclist experience, enhance movement networks, increase streetscape amenity including outdoor dining options and create a more shaded and comfortable pedestrian environment that could increase tourist and resident visitation to the area.

The plan was developed by a Working Party comprised of 18 local business operators and property owners, community group members, youth representatives, Main Roads WA (MRWA) and other interested individuals.

The activation of Chapman Road utilised low-cost temporary materials including non-permanent paint to reclaim parts of the road for pedestrians and installed tree planters, a parklet, benches, artworks, and a 'Critter Trail' interactive art journey to add vibrancy to an area previously void of any street appeal.



BEFORE



AFTER

In August 2022, consultants Village Well (formerly Design Jam) undertook an evaluation of the Pilot Project which investigated to what extent any of the project objectives were met and developed recommendations regarding the future of Chapman Road and activation projects in the CBD.

The following project objectives were achieved:

1. Reduction in average vehicle speed down from 47.5km per hour to 33km per hour.
2. Demonstration of improved public amenity through street trees, seating, public art and shade. 22m<sup>2</sup> shade added to the street via trees and parklet. Five benches were installed along the road with seating also in the parklet. Six murals and 19 planter boxes featuring artwork on four sides.
3. A measured increase in visitors and dwell times in the area and an increase in cyclist traffic noting that the numbers may be inflated as a result of the timing of coming out of COVID restrictions.
4. Formalisation of two lanes of two-way traffic had little to no impact on traffic congestion in the CBD although the transition from two lanes to one in front of the Art Gallery did result in some congestion at peak drive times.

The following changes to the street were less successful:

1. The 'snaked' traffic lane geometry requested by Main Roads WA. Although effective in slowing down traffic as intended, drivers, in general, did not like it and did not always stay within the designated lanes.

2. The transition from two lanes to one lane in front of the Geraldton Regional Art Gallery (GRAG) resulted in some congestion during peak drive times. This was exaggerated as the planned right turn-only lane heading south from Chapman Road onto Durlacher Street was not approved by Main Roads WA and implemented as part of the trial.
3. Pedestrian Safety. Community feedback mentioned the lack of physical barriers, i.e., water-filled road barriers or barrier kerbing, between the reclaimed road and traffic lanes left them feeling unsafe as planter boxes alone did not create the desired effect. The Business owners and workers surveyed showed similar sentiments with 43% of the respondents thinking Chapman Road is now less safe.

The evaluation report makes a total of 13 recommendations regarding what the City could do to improve the chances for success of this tactical urbanism project including five recommendations proposed to be implemented as part of a second trial.

Due to the volume of traffic utilising this section of Chapman Road, the proposed community-led approach to tactical urbanism recommended in the consultant report is impractical. The efficiency with which the project is required to be implemented, by using experienced professional contractors, will minimise the exposure of the general public to this potentially unsafe environment, and minimise the amount of disruption caused to the community and businesses in the area.

The design and approval by MRWA for the second trial will take approximately two months to complete. The recommended changes that are proposed to be tested on Chapman Road for the extension of the trial are as follows:

1. Straightening the two lanes of two-way traffic by removing the snaked geometry but retain the 30km/h speed limit;
2. Retaining the expanded pedestrian zone;
3. Provide on-street parking to improve access and encourage visitation to the existing businesses or provide dedicated cycle lanes each way (there is currently insufficient room to accommodate both cycle lanes and parking for vehicles; it is possible for cyclists to be accommodated in the vehicle lane at the posted 30km/h speed limit);
4. Using physical boundaries (i.e. trees in planter boxes) to better delineate between pedestrian and car spaces to improve pedestrian safety; and
5. Adjusting the merging/demerging sections to the street to improve driver safety and reduce congestion.

At completion of the second trial, the City proposes to review and update the City of Greater Geraldton City Centre Revitalisation Plan to include positive outcomes of both trials.

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

The trialling of one lane each way appears to have been a success in reducing traffic speed despite the negative feedback regarding the snaking road geometry from the community. Although there was a slight increase in congestion during peak drive times, which may be attributable to the increase in traffic along this stretch of road since the trial began, no notable increase in congestion on other streets in the area that drivers may be using to avoid the activated section of Chapman Road was reported.

The murals and planter boxes featuring art works by local artists and students have been very popular and added vibrancy to the streetscape which included two major events, the Critter Trail program and the Midwest Art Prize. These will be retained for the proposed trial extension.

**Economy:**

Retaining one lane each way on this section of Chapman Road and incorporating on street parking will improve public amenity to the area. This will be further enhanced by retaining the street tree planters and installing seating in new locations. This should encourage visitation to existing businesses and attract new businesses and/or investment.

**Environment:**

The planter boxes will be reused for the purpose of the second trial between Durlacher Street and Cathedral Avenue. This will help reduce urban heat, increase the tree canopy in the CBD and assist with offsetting emissions and the goal towards carbon neutrality for City operations by 2030. Similarly, the public seating will be reused in different locations to suit the new layout.

Where possible, tactical urbanism is intended to be a low-cost method to trial the revised road layout proposed in the Geraldton City Centre Revitalisation Plan. This approach eliminates waste where physical elements of the infrastructure can be reused or repurposed for the project.

**Leadership:**

The Chapman Road CBD Activation Pilot Project Review and Recommendations Report highlights the positive impact the trial had on slowing down traffic and increasing pedestrians in the area. However the City realises that Community aspirations regarding the experience were not always met. As per 4.1 of the Strategic Community Plan, the City would like the community to have a positive experience when utilising Chapman Road. The proposed changes are aligned with the community feedback and the additional 12-months trial will allow for further information to be collated prior to implementing permanent changes.

Trial changes and improvements to streetscapes in the CBD by utilising low-cost temporary materials and measures is a highly cost effective way to test key elements in the Council endorsed Geraldton City Centre Revitalisation Plan.



The evaluation of how these temporary changes benefitted or impacted the community helps the City gain a better understanding of community attitudes and behaviours. This ensures when decisions are made to make permanent changes only the ideas that worked well are implemented and the ones that didn't are discarded. This informed decision-making demonstrates good leadership and fiscal responsibility.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Completion of the initial Chapman Road CBD Activation Pilot Project.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Chapman Road Activation Action Plan was developed by a Working Party comprising of 18 local business operators and property owners, community group members, youth, MRWA and other interested individuals. Their work was informed by a community place making survey that was conducted in early 2021 and their draft action plan was reviewed by the community at a drop-in information session.

The pilot project evaluation included surveying the Working Party members, City staff who implemented the project and local business owners/workers. Community feedback over the course of the trial was reviewed. Councillors were informed through briefing notes and a concept forum presentation of the draft action plan.

Consultation has been held with MRWA in regards to the proposed plan for a second trial. Feedback received from MRWA is that the trial can be extended as proposed, including retaining the current 30km/hr speed limit, provided consideration is given in the design to creating safe zones for occupants to exit or enter cars parked in parking bays.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The following Council Policies support the implementation of changes to this section of Chapman Road including 2.5 Economic Development and Investment Policy and 1.7 Geraldton City Centre Vibrancy Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A budget of \$100,000 will be required to undertake the redesign of the two-lane road to MRWA approval omitting the snaked geometry, removal of the existing painted surfaces, reinstatement of a painted road alignment adding on-street parking to improve amenity and reduce traffic and to review the City of Greater Geraldton City Centre Revitalisation Plan. The City has the required resources to undertake the design, procurement and delivery of the project. The installation works will be outsourced to the City's annual supply 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 1.1	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
<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.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.
<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:**

Geraldton is aspiring to better fulfil the role as the region's capital and recognises the city centre's important role to not only be a strong heart for Greater Geraldton, but to also service the broader Midwest region and become a leader in this area. Revitalisation of the CBD means delivering projects that can help to address existing issues and challenges and harness opportunities. The extension of the trial will continue to provide improved amenity that enhances the City's CBD. The project budget will be expended almost entirely with local contractors and suppliers.

**RISK MANAGEMENT:**

Throughout the trial period, this project has generated a lot of attention, both positive and negative, within the Geraldton community. Although the trial evaluation results were largely positive, the community and stakeholder feedback demonstrates strong resistance towards some parts of the project, particularly the snaking road alignment.

By proceeding with a trial extension, the City will demonstrate to the community that their feedback has been taken into account. To mitigate the risk of failing to meet community expectation, the City will engage in robust communication with the community regarding the positive aspects of the results of the first trial evaluation, and what changes are proposed for the second trial that mitigate the negative aspects.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following option was considered by City Officers:

Council could choose to revert Chapman Road to its original configuration. However, this option is not supported, as it does not align with the City of Greater Geraldton CBD Revitalisation Plan. Removal of the Pilot Project would also leave the community with the perception that the trial was a failure when the evaluation results indicate that there were a number of positive outcomes.

*Cr Reymond moved the Executive Recommendation with amendment to include a new Item 5 to approach Main Roads to seek to temporarily disable the signalised pedestrian crossing.*

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**

1. *The crossing slows vehicles and causes them to bank up.*
2. *The 30kph speed environment negates the need for the crossing.*
3. *Signalised pedestrian crossings are not required on other local streets with similar configurations.*

*During the debate, the Mayor moved an amendment to remove Item 5 from the motion.*

**MOTION****MOVED CR REYMOND, SECONDED CR COLLIVER**

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

1. ***NOTE the Chapman Road CBD Activation Pilot Project Pilot Review and Recommendations Report;***
2. ***APPROVE the implementation of the Chapman Road Tactical Treatment (Stage 2);***
3. ***MAKE provision in the 2022-23 Mid Year Budget Review for implementation;***
4. ***CONSIDER provision in the 2023-24 budget for the permanent improvements; and***
5. ***APPROACH Main Roads seeking approval to temporarily disable the signalised pedestrian crossing between Sterlings and Penny Lane Arcade for the duration of the Stage 2 trial.***

Note: *This Motion is not the final decision of Council.  
Council considered the amendment to the motion.*

**AMENDMENT TO MOTION****MOVED MAYOR, SECONDED CR KEEMINK**

That Council remove Item no.5 from the motion.

**CARRIED 8/2**

Time: 6:04 PM

Not Voted: 2

No Votes: 2

Yes Votes: 8

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

*As the amendment to the motion was carried, Item no.5 was removed from the substantive motion.*

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

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

1. NOTE the Chapman Road CBD Activation Pilot Project Pilot Review and Recommendations Report;
2. APPROVE the implementation of the Chapman Road Tactical Treatment (Stage 2);
3. MAKE provision in the 2022-23 Mid Year Budget Review for implementation; and
4. CONSIDER provision in the 2023-24 budget for the permanent improvements.

**CARRIED 10/0**

Time: 6:08 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES

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

**12.5 REPORTS OF OFFICE THE CEO**

Nil.

**12.6 REPORTS TO BE RECEIVED****RR43      REPORTS TO BE RECEIVED – NOVEMBER 2022**

<b>AGENDA REFERENCE:</b>	<b>D-22-151155</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>18/11/2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4) 1 x Confidential</b>
	<b>A. DSDD001 - Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. CCS739 – 2022-23 Corporate Business Plan - Quarter One Reporting</b>
	<b>C. CEO103 - WALGA State Council Agenda – 7 December 2022</b>
	<b>D. Confidential Report – CCS740 List of Accounts Paid Under Delegation - October 2022</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. DSDD001 - Delegated Determinations and Subdivision Applications for Planning Approval;
  - b. Reports – Corporate and Commercial Services:
    - i. CCS739 – 2022-23 Corporate Business Plan - Quarter One Reporting; and
  - c. Reports – Office of the CEO:
    - i. CEO103 - WALGA State Council Agenda – 7 December 2022.

**PART B**

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

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS740 – Confidential Report – List of Accounts Paid Under Delegation - October 2022.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

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

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

There are no adverse community impacts.

**Economy:**

There are no adverse economic impacts.

**Environment:**

There are no adverse environmental impacts.

**Leadership:**

There are no adverse leadership impacts.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.



**INTEGRATED PLANNING LINKS:**

<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.

**COUNCIL DECISION**

**MOVED CR COLLIVER, SECONDED CR THOMAS**

**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. DSDD001 - Delegated Determinations and Subdivision Applications for Planning Approval;**
  - b. Reports – Corporate and Commercial Services:**
    - i. CCS739 – 2022-23 Corporate Business Plan - Quarter One Reporting; and**
  - c. Reports – Office of the CEO:**
    - i. CEO103 - WALGA State Council Agenda – 7 December 2022.**

**PART B**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS740 – Confidential Report – List of Accounts Paid Under Delegation - October 2022.**

**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.*

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

#### NM29 MULLEWA HOSPITAL DELAYS

<b>AGENDA REFERENCE:</b>	<b>D-22-141797</b>
<b>AUTHOR:</b>	<b>Cr T Thomas, Cr J Critch</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>1 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>Council</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Media Releases – 18 March 2016 - 7 September 2021 - 11 May 2022</b>
	<b>B. Hansard Record – 12 November 2020</b>

#### COUNCIL MEMBER COMMENT:

The purpose of this report is to again highlight the lack of progress being made towards the renewal of the Mullewa Hospital and to request the Minister for Health; Mental Health, the Hon Amber-Jade Sanderson MLA, visits Mullewa to gain a better appreciation of the issues.

The saga of the Mullewa Hospital has become a further legacy project with no action occurring even though many promises and commitments have been made over many years. The Mullewa community is again concerned that the State has decided to cancel the project.

In 2016, The State announced the Southern Inland Health Initiative's \$500 million capital works program. The program included \$40 million to redevelop and reform four small hospitals in Cunderdin, Pingelly, Mullewa and Dongara to create contemporary fit-for-purpose health centres. With reference to the attached State media release of 18 March 2016 [Attachment No. NM29A]:

*Extensive refurbishments will convert Mullewa Health Service and the Dongara Eneabba Mingenew Health Service into contemporary primary health centres, creating fit-for-purpose health facilities for local communities.*

*"The new primary health centre model being introduced at Mullewa and Dongara will focus on delivering an extensive range of primary health services focused on the promotion of good health, the prevention and early detection of illness, and effective management of chronic disease," Dr Hames said.*

*"The primary health model offers a sustainable solution for delivering health services that meet the needs of the local community into the future."*

*Regional Development Minister Terry Redman said the new primary health centres would provide a greater range of services specific to the needs of local communities.*

*"These modern facilities will help ensure we can continue to attract and retain quality medical professionals into the Mid-West region," Mr Redman said.*

*"A robust health service will contribute towards a better quality of life and I am pleased Royalties for Regions is delivering tangible benefits to regional residents."*

*The next phase of the planning process is community consultation. Community members are invited to attend information sessions at 4.30pm on Wednesday March 30 at the Mullewa District Office and at 5pm on Thursday March 31 at The Ocean Room, Dongara Recreation Centre.*

The 'Fact File' associated with the release went on to state that construction was expected in 2017 (Attachment No. NM29A).

A second email in June 2016 indicated that the total budget had been reduced to \$300 million, but did state that the upgrade of the four small hospitals would continue (Attachment No. NM29A).

Attachment No. NM29B is a copy of a Hansard extract from 2020 (Thursday, 12 November 2020, p7900b-7902a Mr Shane Love; Mr Roger Cook). In this extract, the [then] Minister for Health indicated that tenders for the Mullewa hospital would be called in 2021 or 2022 which again has not occurred.

Recently, the State erected a project sign and released a media release providing an update on the project. However, with reference to the following photo, the sign disappeared and the degradation to the buildings continued.



Photos taken October 2022

A search of the State budget did not reveal a specific project budget listing for Mullewa Hospital which has again raised concerns in the community who do not understand the reason for the delay. The State advises of record surpluses and highlights all of the major projects occurring around the State and hence they do not understand why this project has not advanced after many years. One rumour is that the State has spent the full \$40million on the first three hospitals and hence no funds are now available for Mullewa.

In addition to the lack of physical progress, obtaining accurate and timely information on the project from the State Government has been extremely difficult and confusing. We have been told on several occasions over the years that the design was completed, the tender documents were completed and the project was ready to proceed only to see nothing happen. We have also been told that the budget is still available even though other rural hospital upgrades being completed out of the budget have come in over the estimate. The most recent advice is that the State has completed a 'streamlined business case' for the project, which does not make sense if the tender is ready to go.

The ineffectiveness of Federal and State health services in Mullewa is highlighted by the fact that the City of Greater Geraldton is funding the only General Practitioner (GP) in Mullewa. The City has to provide significant funding and resources to general practitioner so the GP remains in Mullewa (free accommodation, free clinic facilities, free vehicle, City supplied ICT hardware etc). It should be noted that this GP services the Mullewa Hospital. So if the Council had not spent rate payer funds to keep the GP in Mullewa, there would be very limited health care in the town. The Council also maintains the Mullewa runway and associated infrastructure so that the Royal Flying Doctor can service the area.

#### **EXECUTIVE COMMENT:**

The Executive support the Councillor Members' motion. Officers spend a reasonable amount of time seeking updates on the project and do receive questions and criticisms from the local community who believe the City should be doing more.

#### **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 2.3	The voice of the community is heard at regional, state and national forums.

<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 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

**COUNCIL MEMBER MOTION:**

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

1. DIRECT the Chief Executive Officer to write to the Minister for Health; Mental Health extending an invitation to her to visit Mullewa and discuss the project delays with Council Members and local residents. If the Minister is unable to visit, request a meeting in Perth with the Minister for Health; Mental Health and Cr T Thomas, Cr J Critch and the Chief Executive Officer;
2. MAKES the determination on the following grounds:
  - a. attempts to obtain project information from local Health representatives and local members has been difficult and confusing; and
  - b. the local community want to know if the project is going to proceed and if so, when and what services will it offer.

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

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

1. DIRECT the Chief Executive Officer to write to the Minister for Health; Mental Health extending an invitation to her to visit Mullewa and discuss the project delays with Council Members and local residents. If the Minister is unable to visit, request a meeting in Perth with the Minister for Health; Mental Health and Cr T Thomas, Cr J Critch and the Chief Executive Officer;
2. MAKES the determination on the following grounds:
  - a. attempts to obtain project information from local Health representatives and local members has been difficult and confusing; and
  - b. the local community want to know if the project is going to proceed and if so, when and what services will it offer.

**CARRIED 10/0**

Time: 6:18 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>NOT PRESENT</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

NM30	HOUTMAN ABROLHOS ISLANDS RESERVE MANAGEMENT PLAN 2022 - 2032
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<b>AGENDA REFERENCE:</b>	<b>D-22-154416</b>
<b>AUTHOR:</b>	<b>Cr V Tanti</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>24 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>Council</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Council Policy 2.3 Abrolhos Island Tourism</b>
	<b>B. CGG Submission - Houtman Abrolhos Islands Reserve Draft Management Plan 2022</b>

**COUNCIL MEMBER COMMENT:**

The Houtman Abrolhos Islands Reserve Management Plan 2022 - 2032 (the Plan) is a massive disappointment for those who understand mainstream tourism, a world-wide industry worth several trillion dollars, needs to be part of the future of the Islands and therefore part of our city and region's economic future. All the Plan offers, after nearly four years of gestation and comment, is basically a little more of what already exists which is limited and expensive visitation. The concept of permanent tourist accommodation and related facilities is barely mentioned, never prioritized and what little comment there is tends to be dismissive, for example: "New purpose-built commercial tourist accommodation will not be considered during the (10 year) life of the Plan."

It is vitally important that we strongly respond to the State Government in writing and further through the media so our reaction to the Plan's huge shortcomings with regard to mainstream tourism is on the public record. The Plan fails to address our aspirations as presented in our submission (March 2022) to the Draft Management Plan nor does it align with Council Policy 2.3.

**EXECUTIVE COMMENT:**

The Council's position on the Abrolhos Islands is articulated within Council's Policy 2.3 Abrolhos Islands Tourism. Section 3.1 of the policy states "The City will actively support development of Abrolhos Islands tourism by: Advocacy with Government for the development of Abrolhos Islands tourism". The Councillor's motion is in keeping with this policy.

**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 2.1	Local business is empowered and supported.
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
Outcome 2.5	Our competitive advantages are built upon and our business success is celebrated.
Outcome 2.6	A diverse and globally recognised regional capital.

**COUNCIL MEMBER MOTION:**

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

1. DIRECT the CEO to write to the Premier and relevant Ministers expressing the City's disappointment that:
  - a. the Houtman Abrolhos Islands Reserve Management Plan 2022 - 2032 (the Plan) offers almost no scope for the development of mainstream tourism by not allowing permanent tourist accommodation and associated facilities to be built on the Islands, nor does it consider allied aspects such as a longer and hardened airstrip on East Wallabi Island so it could be used by larger passenger aircraft or the ability of fast ferries to quickly and safely transport more visitors to the Islands;
  - b. makes no provision even for basic camp ground type accommodation and it rules out the entire Pelsaert group, being the closest group to the mainland;
  - c. that additional funding was not announced as part of the Plan's release to improve facilities on the islands;
2. DIRECT the CEO to provide this report and the letter to the Premier, to the West Australian newspaper and local media;
3. MAKES the determination on the following grounds:
  - a. the City was a major stakeholder in the preparation of the Plan but our main aspiration of mainstream tourism being advanced was not supported. In fact, the document shows it was barely explored;
  - b. the City contends mainstream tourism has huge potential to attract new business, investment and employment to Geraldton. While this is acknowledged in the Management Plan's Introduction: *"The Western Australian Government's vision is to provide a world-class sustainable tourism experience and create new jobs and opportunities in the Mid West region..."* the Plan completely fails to deliver in this regard; and
  - c. the Plan also states strategic intent of the Department of Primary Industries and Regional Development (DPIRD) is: *"committed to working collaboratively with our partner agencies and stakeholders.....to create enduring prosperity for all Western Australians by ensuring that primary industries and regions are key contributors for economic growth and diversification (and) job creation."* The Plan fails to meet that intent as it basically supports for more of what already exists – limited and expensive visitation to the Islands and does not truly encourage new investment and business opportunities.



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

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

1. **DIRECT** the CEO to write to the Premier and relevant Ministers expressing the City's disappointment that:
  - a. the Houtman Abrolhos Islands Reserve Management Plan 2022 - 2032 (the Plan) offers almost no scope for the development of mainstream tourism by not allowing permanent tourist accommodation and associated facilities to be built on the Islands, nor does it consider allied aspects such as a longer and hardened airstrip on East Wallabi Island so it could be used by larger passenger aircraft or the ability of fast ferries to quickly and safely transport more visitors to the Islands;
  - b. makes no provision even for basic camp ground type accommodation and it rules out the entire Pelsaert group, being the closest group to the mainland;
  - c. that additional funding was not announced as part of the Plan's release to improve facilities on the islands;
2. **DIRECT** the CEO to provide this report and the letter to the Premier, to the West Australian newspaper and local media;
3. **MAKES** the determination on the following grounds:
  - a. the City was a major stakeholder in the preparation of the Plan but our main aspiration of mainstream tourism being advanced was not supported. In fact, the document shows it was barely explored;
  - b. the City contends mainstream tourism has huge potential to attract new business, investment and employment to Geraldton. While this is acknowledged in the Management Plan's Introduction: "*The Western Australian Government's vision is to provide a world-class sustainable tourism experience and create new jobs and opportunities in the Mid West region...*" the Plan completely fails to deliver in this regard; and
  - c. the Plan also states strategic intent of the Department of Primary Industries and Regional Development (DPIRD) is: "*committed to working collaboratively with our partner agencies and stakeholders.....to create enduring prosperity for all Western Australians by ensuring that primary industries and regions are key contributors for economic growth and diversification (and) job creation.*" The Plan fails to meet that intent as it basically supports for more of what already exists – limited and expensive visitation to the Islands and does not truly encourage new investment and business opportunities.

**CARRIED 7/3**

Time: 6:39 PM

Not Voted: 2

No Votes: 3

Yes Votes: 7

<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>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>NOT PRESENT</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NO</b>

**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.

*Livestreaming will be turned off if required.*

<b>DS006 RFQ 2122 10 MIDWEST REGIONAL WASTE COLLECTION</b>
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<b>AGENDA REFERENCE:</b>	<b>D-22-146951</b>
<b>AUTHOR:</b>	<b>H Williamson, Coordinator Environmental Health and Waste</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development Services</b>
<b>DATE OF REPORT:</b>	<b>17 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - RFQ 2122 10 Request for Quote Evaluation Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award the Request for Quote RFQ 2122 10 Midwest Regional Group Waste Collection for the engagement of a Contractor to provide waste and recycling collection and processing services within the Midwest Local Government boundaries. The contract is recommended to run for a period of eight years plus two years for waste collection services.

**EXECUTIVE RECOMMENDATION:**

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

1. AWARD RFQ 2122 10 Midwest Regional Group Waste Collection to the preferred contractor for an eight years plus two years contract term; and
2. RECORD the estimated annual contract price in the minutes.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In 2015 the City joined with the Batavia Coast Region Local Governments consisting of Shire of Chapman Valley, Shire of Northampton and Shire of Irwin to tender for the Supply of Waste Disposal Goods and Undertake Various Services in Respect of Waste Collection and Disposal.

This contract included services such as the weekly general household collections, public litter bins, special event services, receptacle maintenance, removal and disposal of dead animals and transport of waste from Mullewa to Meru Waste Disposal Facility. The contract was awarded to Toxfree on 31 August 2015 for a seven year term which was to cease on 28 August 2022. During this contract, Toxfree merged with Cleanaway to be the City's current service provider.

In June 2021 the City engaged all Local Governments within the Midwest area to be involved in a larger regional collection contract model. The opportunity for expanding the contract was to seek to reduce the price for waste collection services across the Midwest due to achieving a better economy of scale.

The ten Local Governments agreed to participate in developing a Regional Collection contract. The participating Local Governments are:

- City of Greater Geraldton
- Shire of Carnamah
- Shire of Chapman Valley
- Shire of Irwin
- Shire of Mingenew
- Shire of Morawa
- Shire of Northampton
- Shire of Perenjori
- Shire of Three Springs
- Shire of Yalgoo

Due to the large size of the group, the Western Australian Local Government Association (WALGA) offered its assistance in developing the group's Request for Quote (RFQ) documents. The contract development process provided the City an opportunity to consolidate smaller waste contracts and include additional services such as litter pickups and illegal waste dumping collection.

On 19 May 2022 the RFQ was sent to suitably qualified WALGA panel suppliers and advertised via the City's Vendor Panel eQuote portal. The RFQ was supplied to the WALGA Panel PSP007 Sub Category – 008 Landfill and Transfer Management Station Management and - 006 Waste Collection Services.

The specifications within the RFQ outlined waste collection services with a 7 or 10 year term including individual and group pricing options. During the advertising period, two waste management companies requested an extension of time. The advertising period was extended by a week and closed on the 16 June 2022.

At the closure of the RFQ, 11 suppliers registered to receive copies of the request to quote with 4 suppliers declining to quote. Two submissions were received and deemed fully compliant but only one progressed to assessment for the City of Greater Geraldton as one of the submitters only applied for three out of the ten Midwest Local Governments - Carnamah, Three Springs and Yalgoo.

Carnamah, Three Springs and Yalgoo have or plan to award the contract to the second submission as it was considered best value for money. Due to the significant cost increase and minimal number of services Mingenew, Morawa and Perenjori have either undertaken a separate request for quote process or decided on an in-house service.

The former Batavia Regional Local Governments – City of Greater Geraldton, Shire of Northampton, Shire of Chapman Valley and Shire of Irwin have or will be considering to award to the one compliant submission.

The submission is summarised as follows:

There was one submission for the City of Greater Geraldton but the supplier has demonstrated extensive experience across waste management collection services, ranging from small to large commercial contracts nationally with a significant number of regional contracts. The submission demonstrated the necessary competencies to complete the services in a safe and efficient manner.

The initial rates in the submission were significantly higher than the previous collection contract. Following discussions, the supplier revised the services and rates to provide a significant reduction in cost over the life of the contract. The life of the contract was also renegotiated to a recommended eight year plus two year contract term.

Due to the current market it was expected there would be an increase in cost of fuel and labour across all industries. After further review of the services and plant, the overall price was reduced when compared to the contract rates initially proposed.

In summary, the submission is best suited to meet the requested requirements at an acceptable price and therefore represents value for money.

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

Awarding this RFQ will result in the City providing an essential service to the community. The RFQ terms and conditions set out provide a quality, safe and meaningful customer experience for the community.

**Economy:**

Awarding this RFQ will provide employment within the City and surrounding Local Governments which would bring benefits for sustainable full time employment. The procurement of goods and services would also be sourced locally wherever possible to service the needs of the waste collection operations.

**Environment:**

The terms and conditions of RFQ 2122 10 Midwest Regional Group Waste Collection contain defined responsibilities for the contracted Waste Collection Manager to the conditions of compliance with all relevant safety and environmental legislation.

All waste collected within the City will be disposed of at the Meru Waste Disposal Facility that is licenced under the *Environmental Protection Act 1986 (WA)* - Licence Number L9127/2018/1.

**Leadership:**

The City has led the procurement of the waste collection services for the Midwest region. The City acted as a conduit to WALGA procurement officers assisting with developing the contract specifications and led the advertisement of the procurement of services for all involved Local Governments.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

Currently the City's waste collection services are managed through an outsourced arrangement with Cleanaway Pty Ltd under RFT 18 1415 - Supply of Waste Disposal Goods and Undertakings of Various Service in Respect of Waste Collection and Disposal.

Contract RFT 18 1415 was executed in August 2015 having a term of seven years and therefore expired on 28 August 2022, but was extended by agreement to 31 December 2022.

**COMMUNITY/COUNCILLOR CONSULTATION:**

A Confidential Briefing Note was provided to Councillors in July 2022 with the then status and overview of RFQ 2122 10 Midwest Regional Group Waste Collection.

At the 2 August 2022 Concept Forum, Councillors were provided an update on the RFQ 2122 10 Midwest Regional Group Waste Collection.

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

The Local Government Act and City's Procurement Policy were observed when preparing and recommending the award of this RFQ.

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

The current 2022-23 budget for the collection contract is \$1.65M, to accommodate the new contract rates the budget would require an additional \$300,000.

The initial submission rates were significantly higher than the previous collection contract. Following discussions, the supplier revised the services and rates to provide a significant reduction in cost over the life of the contract.

The City had anticipated an increase due to the current markets increased costs of fuel, labour and plant availability across the industry. After further review of the revised submission rates City Officers believe that the revised rates still offer the best value for money.

To consider best value for money the City completed an in house estimate for the services as outlined in the attached RFQ 2122 10 Request for Quote Evaluation. The in-house model compared to the contractor model would see a 48% increase of costs over the ten year period.

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

<b>Strategic Direction:</b> <b>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.
Outcome 3.7	Moving towards a circular economy.

#### **REGIONAL OUTCOMES:**

For the submission to be valid, the larger four of the Midwest Local Governments consisting of the Shire of Irwin, Shire of Northampton, Shire of Chapman Valley and the City of Greater Geraldton must agree to award the regional contract. The City's decision on awarding this RFQ will have significant impacts across the Midwest region in regard to waste management collection.

The City is currently the leader in waste management across the Midwest with the only class three landfill site for waste disposal. It is also the only Local Government with the resources to undertake waste minimisation programs under this contract which would then potentially filter out into the region.

**RISK MANAGEMENT:**

The RFQ assessment was undertaken by a panel of five people - four Officers from the City had voting rights and one without voting rights. An independent procurement Officer from WALGA was engaged to undertake development and prepare the RFQ specifications of contract and implementation of the WALGA Member General Contract Conditions for Waste Services.

The terms and conditions of the RFQ 2122 10 Midwest Regional Group Waste Collection will contain defined responsibilities for the contracted waste collection services. Arrangements under this new approved and executed contract will include similar terms and conditions that are currently in force to mitigate the risk of non-compliance by other parties operating services for the City.

An in-house model would require a significant lead time in order to gear up to take on the waste collection services without disruptions to the weekly residential kerbside waste collection. The industry is currently facing significant supply issues with a 12 to 18 month period for customised plant to be delivered. The current City structure would require additional resources with recruitment and on boarding taking a considerable amount of time to complete.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The City could decline the RFQ and elect to undertake a new RFQ process. This option was not supported as the City has a critical timeline to follow to ensure waste collection services are undertaken on a regular and continuing basis.

The City also considered an in house model for waste collection services but found the cost and time frame to gear up for these services would be significant therefore this option was not recommended.

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

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

- 1. AWARD RFQ 2122 10 Midwest Regional Group Waste Collection to the preferred contractor for an eight years plus two years contract term being Cleanaway Pty Ltd; and**
- 2. RECORD the estimated annual contract price in the minutes being \$1,914,386 excluding GST.**

**CARRIED 10/0**

Time: 6:41 PM

Not Voted: 2

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES



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

CCS741 RFT 2223 03 SUPPLY AND DELIVERY OF IRRIGATION COMPONENTS
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<b>AGENDA REFERENCE:</b>	<b>D-22-143777</b>
<b>AUTHOR:</b>	<b>C Bryant, Coordinator Procurement B Pearce, Manager Corporate Compliance and Safety</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>24 October 2022</b>
<b>FILE REFERENCE:</b>	<b>FM/25/0257</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential – RFT 2223 03 Evaluation Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award tender RFT 2223 03 Supply and Delivery of Irrigation Components to the preferred tenderer.

The contract is to run for a period of two years for supply and delivery of budgeted irrigation components.

The initial contract will be in place from 17 February 2023 to 16 February 2025 with the option for a one year extension exercisable at the discretion of the Principal.

**EXECUTIVE RECOMMENDATION:**

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

1. AWARD the contract RFT 2223 03 Supply and Delivery of Irrigation Components to the preferred tenderer; and
2. RECORD the estimated annual contract value in the minutes.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The tender RFT 2223 03 Supply and Delivery of Irrigation Components (RFT) was advertised in The West Australian on 30 July 2022, in the Geraldton Guardian on 29 July 2022, and the City's TenderLink e-Tendering Portal. The RFT closed on 19 September 2022.

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

Three of the four submissions received progressed through to the qualitative/price evaluation on the basis that all compliance criteria had been met or not deemed non-conforming. One tender submission received did not progress through to evaluation following the Tender Compliance & Risk Report, where it was identified as a non-compliant tender due to insufficient and incomplete tender response documentation that did not address the mandatory compliance criteria in the tender.

The tender assessment was undertaken by a panel of six Officers with three voting and three non-voting.

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

There has previously been a two year contract for Supply and Delivery of Irrigation Components RFT 12 1920.

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

### **Community:**

Well maintained irrigated public open spaces support the community by enabling public open spaces to be enjoyed.

### **Economy:**

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

A two year supply contract also allows the City to purchase irrigation components from proven suppliers with planned costs.

### **Environment:**

Tenderers were asked to provide evidence of environmentally sustainable practices in their tender submission.

### **Leadership:**

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

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

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

**RELEVANT PRECEDENTS:**

The Council has previously awarded a two year services contract RFT 12 1920 Supply and Delivery of Irrigation Components – Item No. IS201. The initial contract was in place from 17 February 2020 to 16 February 2022, with an extension approved until 16 February 2023.

**COMMUNITY/COUNCILLOR CONSULTATION:**

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

**LEGISLATIVE/POLICY IMPLICATIONS:**

The *Local Government Act 1995* and Council Policy 4.9 Procurement of Goods and Services were observed when preparing and recommending the award of this tender. Safe work methods and environmental management in line with legislative requirements will be observed as part of the delivery of the contract.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The approximate expenditure on Supply and Delivery of Irrigation Components is \$603,000 (excluding GST) per annum (traffic management not included or required). Assuming all extension periods are exercised, the estimated total contract value over three years is \$1,809,000 (excluding GST). These funds are sourced from the Maintenance Operations budget.

**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.
<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 2.1	Local business is empowered and supported.
<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:**

This contract will ensure well maintained irrigated public open spaces throughout the City of Greater Geraldton district, which enhances the comfort and enjoyment of the community.

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

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

1. Call for individual quotations and tenders for individual and specific supply requirements. This option is not supported and was discounted due to the volume of administrative effort required, and the potential to have higher costs through multiple small purchases.
2. Use the WALGA Preferred Suppliers Panel. Currently there is only one (1) local supplier available on the WALGA Preferred Suppliers Panel for these services. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.

The other alternative for consideration by Council is:

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

1. AWARD the contract RFT 2223 03 Supply and Delivery of Irrigation Components to Tenderer 1; and
2. RECORD the estimated annual contract value in the minutes.

*Cr J Clune declared a Financial Indirect interest in Item No. CCS741 Supply and Delivery of Irrigation Components, has he has conducted business with one of the suppliers and left Chambers at 6.41pm.*

**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 03 Supply and Delivery of Irrigation Components to the preferred tenderer being Great Northern Rural Services; and
2. RECORD the estimated annual contract value in the minutes being \$603,000 excluding GST.

**CARRIED 9/0**

Time: 6:43 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>NOT PRESENT</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>NOT PRESENT</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

*Cr Clune returned to Chambers at 6.44pm.*

*Confidential discussion was required for Item No. IS273, therefore Council determined to go behind closed doors.*

# **PROCEDURAL MOTION**

## **MOVED CR TANTI, SECONDED CR COLLIVER**

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

### **CARRIED 10/0**

Time: 6:45 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>NOT PRESENT</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

*The public left Chambers at 6.45pm.  
Livestreaming was turned off at 6.45pm.*

IS273	CONFIDENTIAL - AQUARENA 50M OUTDOOR POOL STORM DAMAGE (Public Version)
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<b>AGENDA REFERENCE:</b>	<b>D-22-110773</b>
<b>AUTHOR:</b>	<b>C Edwards, Manager Project Delivery</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>29 November 2022</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0013-002</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) 3 x Confidential</b>
	<b>A. Confidential - Airey Taylor Consulting Report</b>
	<b>B. Confidential – McLeods’ Legal Advice</b>
	<b>C. Confidential - Media Statement</b>

*Item No. IS273 was provided to Council under separate cover.*

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

*Item No. IS273 was considered and determined behind closed doors and the Council Decision only is available for the public record.*

#### **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. DIRECT the CEO to initiate Option 2 Repair Works;**
- 2. APPROVE the following proposed 2022-23 budget amendments and AUTHORISE any unauthorised expenditure and revenue:**
  - a. Increase to Capital Expenditure Budget of \$2,000,000 per Option 2 Repair Works;**
  - b. Increase transfer from Cash Reserves (Asset Renewal Reserve) of \$2,000,000;**
- 3. DIRECT the CEO to advance the City’s Insurance claim for damages to minimise the financial implications of the Executive recommendation; and**
- 4. APPROVE the release of the attached media statement to provide the community with the background to this matter.**

#### **CARRIED BY ABSOLUTE MAJORITY 9/1**

Time: 6:56 PM

Not Voted: 2

No Votes: 1

Yes Votes: 9

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES



<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>NO</b>
<b>Cr. Parker</b>	<b>NOT PRESENT</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

*Item No. IS273 remains confidential as it contains information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting, as per Section 5.23(2) of the Local Government Act 1995.*

**17 CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 6.57pm.

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

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