



ORDINARY MEETING OF COUNCIL

AGENDA

30 AUGUST 2022

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 30 AUGUST 2022 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

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

DISCLAIMER:

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

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr M Librizzi

4 DISCLOSURE OF INTERESTS

CEO R McKim declared a Financial Direct interest in Item No. CCS723 Annual CEO Performance Review 2021-22 as it is a review of his performance as Chief Executive Officer.

Mayor S Van Styn declared an Impartiality interest in Item No. CEO100 Code of Conduct Division 3 Complaint as he is the subject of the complaint.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

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

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

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

Councillor	From	To (inclusive)	Date Approved
Cr M Librizzi	3 August 2022	14 September 2022	25/01/2022
Cr K Parker	23 September 2022	10 October 2022	26/07/2022
Cr RD Hall	12 October 2022	26 October 2022	31/05/2022

**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 J Critch for the period 17 October to 23 October 2022; and
 - b. Cr J Critch for the period 30 October to 7 November 2022.

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 July 2022, as previously circulated, be adopted as a true and correct record of proceedings.

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

DATE	FUNCTION	REPRESENTATIVE
27 July 2022	Triple M Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
27 July 2022	Channel 9 Interview - Qantas Passengers Overnight Stay at the Airport	Mayor Shane Van Styn
27 July 2022	ABC Radio Interview - Geraldton Airport Plane Diversion	Mayor Shane Van Styn
27 July 2022	Batavia Coast Marina 2 (BCM@2) Steering Committee Meeting	Mayor Shane Van Styn
28 July 2022	Sky News Interview - Paul Murray Live from Rocks Laneway	Mayor Shane Van Styn
29 July 2022	Triple M Interview - Chapman River Estuary	Mayor Shane Van Styn
30 July 2022	Tourism WA Meeting - Matters in Common	Mayor Shane Van Styn
31 July 2022	Floral Fashionista by Helen Ansell	Mayor Shane Van Styn
1 August 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
1 August 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
2 August 2022	Triple M Interview – Wind on Water Festival (WoW Fest)	Mayor Shane Van Styn
2 August 2022	Introduction to new Australian Vanadium Limited (AVL) Project Manager	Mayor Shane Van Styn
2 August 2022	Youth Affairs Council of Western Australia - 2021 Midwest Youth Forum Report	Mayor Shane Van Styn
2 August 2022	Concept Forum	Mayor Shane Van Styn
3 August 2022	Geraldton Guardian Interview - Transparency in Tenders	Mayor Shane Van Styn
4 August 2022	Walkaway Museum – Progress Update from Committee Members	Mayor Shane Van Styn
4 August 2022	ABC Interview - Politician Dress Codes	Mayor Shane Van Styn
8 August 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
8 August 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
8 August 2022	ABC Interview - Railway Street - Safe Active Streets	Mayor Shane Van Styn
8 August 2022	Triple M Interview - Royal Life Saving WA's Talent Pool Program	Mayor Shane Van Styn
9 August 2022	ABC Interview - Railway Street Safe Active Streets and Horizon Sculpture	Mayor Shane Van Styn
9 August 2022	Triple M Interview - Horizon Sculpture – Return to Beresford Foreshore	Mayor Shane Van Styn
9 August 2022	City Video for National Tell a Joke Day on Tuesday 15 August 2022	Mayor Shane Van Styn
10 August 2022	Channel 7 Interview - Horizon Sculpture – Return to Beresford Foreshore	Mayor Shane Van Styn
10 August 2022	Channel 7 Interview - Railway Street - Safe Active Streets	Mayor Shane Van Styn
10 August 2022	Triple M Interview - Railway Street Safe Active	Mayor Shane Van Styn
12 August 2022	Blue Heelers / Lester Street – Developers proposed activation/tourism opportunities for these sites	Mayor Shane Van Styn
12 August 2022	Filming for Media Release - Railway Street Project - Safe Active Streets with Local Students	Mayor Shane Van Styn

14 August 2022	Geraldton Combined Equestrian Club (GCEC) Dressage Championships 2022	Deputy Mayor Cr Jerry Clune
15 August 2022	75th Indian Independence Day Worldwide Celebrations	Mayor Shane Van Styn
15 August 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
15 August 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
16 August 2022	Meeting with Hon Melissa Price MP, Member for Durack – Matters in Common	Mayor Shane Van Styn
17 August 2022	Batavia Local Emergency Management Committee Meeting	Deputy Mayor Cr Jerry Clune
18 August 2022	Vietnam Veterans Service	Cr Robert Hall
18 - 19 August 2022	Regional Capitals Alliance (RCAWA) Meeting and Strategic Planning Workshop (2 day event) - Perth	Mayor Shane Van Styn
19 August 2022	ABC Interview – Weekly Wrap-Up	Mayor Shane Van Styn
22 August 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
22 August 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
22 August 2022	Triple M Interview – Christmas on the Terrace	Mayor Shane Van Styn
23 August 2022	Triple M Phone Interview – FOGO	Mayor Shane Van Styn
23 August 2022	Channel 10 Interview – The Cheap Seats	Mayor Shane Van Styn
23 August 2022	Launch of New Mullewa Entrance Mural	Deputy Mayor Cr Jerry Clune
23 August 2022	Agenda Forum – Mullewa	Mayor Shane Van Styn
25 August 2022	Mayor's Prayer Breakfast	Mayor Shane Van Styn
25 August 2022	Opening of Outback Bloom – Mullewa's Wildflower Festival	Cr Jennifer Critch
25 August 2022	Triple M Phone Interview - Chapman Road Activation Evaluation Survey	Mayor Shane Van Styn
25 August 2022	Channel 7 Interview – CCTV in Beresford	Mayor Shane Van Styn
25 August 2022	Geraldton Guardian Interview - Chapman Road Activation Evaluation Survey	Mayor Shane Van Styn
27 August 2022	88 th Mullewa Agricultural Show	Cr Robert Hall
28 August 2022	Moonyoonooka Horse and Pony Club - Awards Ceremony	Deputy Mayor Cr Jerry Clune
29 August 2022	Citizenship Ceremony	Mayor Shane Van Styn
29 August 2022	Regional Development Assessment Panel - Lot 1921 (No. 79) Northwest Coastal Highway, Geraldton	Mayor Shane Van Styn
29 August 2022	Mayor / CEO Regular Catch up	Mayor Shane Van Styn
29 August 2022	Marketing & Media Regular Catch up	Mayor Shane Van Styn
30 August 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

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS533 DRAFT COUNCIL POLICY 1.10 QUEENS PARK THEATRE FEATURE LIGHTING

AGENDA REFERENCE:	D-22-093641
AUTHOR:	S Mahoney, Coordinator Events and Venues
EXECUTIVE:	F Norling, Acting Director Community Services
DATE OF REPORT:	4 August 2022
FILE REFERENCE:	GO/14/0008
ATTACHMENTS:	Yes (x1) Draft Council Policy 1.10 Queens Park Theatre Feature Lighting

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the Draft Council Policy 1.10 Queens Park Theatre Feature Lighting.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Draft Council Policy 1.10 Queens Park Theatre Feature Lighting and accompanying Appendix 1 Annual Queens Park Theatre Feature Lighting Calendar.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

As a result of a lighting upgrade project delivered at Queens Park Theatre (QPT) funded through the 2021-2022 Capital Works Program, the system and infrastructure now allows for enhanced coloured feature lighting of the façade, both in regard to the number of colours and the configuration that can be programmed (e.g. recently displayed Ukraine flag in blue and yellow).

The City already lights the external façade on a number of significant dates throughout the year, some of which are determined by the City and others requested by community. These occasions include commemorative and celebratory dates of state/national or international significance, in addition to community awareness campaigns.

In anticipation of increased community requests and demand for feature lighting of QPT, a policy has been developed to guide consideration and decision making for appropriate lighting of the venue.

The key principles that are proposed to be applied to the feature lighting of QPT, either by the City or as a result of approved community requests, will be for dates that are:

- Recognised within the state of Western Australia; or
- Of significance to Perth and Western Australia; or
- Recognised nationally or internationally.

In addition to a City calendar of significant dates for lighting of QPT, booking requests will be accepted from charitable and non-profit organisations promoting a significant event or appeal. The policy addresses how community requests will be managed and an associated PROMAPP process will guide necessary actions.

Bookings will not be accepted that relate to commercial advertising purposes or from individuals for their own purposes.

Booking requests will be on a first come, first served basis and may be booked for one night or for a maximum five nights.

Key points included in the policy are:

- Council reserves the right for use of its assets during a booked period;
- Council reserves the right to cancel any lighting bookings at their discretion;
- Dates may be blocked out due to maintenance;
- Dates may be precluded where it may be considered to be a clash with a QPT event;
- A new application is required for each event/awareness campaign and can be submitted up to twelve months in advance;
- Organisations with approved bookings may be asked to relinquish dates to allow for other bookings;
- Approval granted is a one-off approval, with a new application required for subsequent events or campaigns; and
- Approval and lighting of QPT in response to a community request shall be free of charge.

The proposed annual calendar for lighting QPT (as per Appendix 1 of the draft Council Policy - Queens Park Theatre Feature Lighting) indicates that there are generally two to three dates for lighting on a monthly basis, with six dates being the most and occurring only once in the calendar year. The calendar is based on current QPT lighting events and requests in the calendar year 2022. Into the future, the annual calendar and ad hoc community requests will be approved by CEO and managed by QPT.

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

There are no adverse community impacts. Use of feature lighting of QPT to promote significant dates potentially enhances the public spaces and fosters connection, inclusion and pride in place by the community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Internal consultation has occurred with the Events & Venues team in developing the draft policy and annual calendar and in particular, the QPT team who have historically fielded community requests for feature lighting.

Other local governments, including City of Perth, were also consulted in regards to any guidelines or policies for external feature lighting to inform the development of this policy.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no statutory/regulatory or policy compliance issues associated with implementation of the recommended course of action.

FINANCIAL AND RESOURCE IMPLICATIONS:

Events & Venues Technical Officers based in the QPT have responsibility for programming of the lighting, which has been effectively managed to date within workload and existing resources.

The cost associated with lighting QPT is incorporated into operational budgets and would apply regardless of any community requests due to the promotional and security benefits of regularly lighting the QPT facade.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.

Outcome 1.3	Pride in place and a sense of belonging is commonplace.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.1	Meaningful customer experiences created for the people we serve.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Risks in regard to the external feature lighting of QPT have been significantly minimised with the installation of new lighting infrastructure to replace and enhance ageing light fittings. Work Health and Safety (WHS) considerations in regards to external lighting of QPT have been addressed with the installation of new fully functional lighting and a system that enables programming and use to be managed remotely.

Refusal of requests by the community to light QPT in colours commemorating significant dates may be perceived as lacking in responsiveness to community interest and support for sense of belonging. The enhanced capability to light QPT resulting from the completed Capital Works project may also be viewed positively as maximising Council's investment.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

An alternative could be to not activate the feature lighting at QPT to commemorate significant dates or support community awareness campaigns. This is not considered appropriate due to the positive community feedback resulting from lighting on such occasions, and the installation of a system that has the capacity to meet community expectations.

Another alternative could be to only light QPT for City-determined dates and not accept community requests. Due to the capacity of the system and the number of available dates for lighting throughout the year, the proposed preferred approach is to accept such requests, thereby demonstrating the City's support for the community by approving display of feature lighting and optimising the opportunity to showcase QPT and raise its profile.

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS712 ANNUAL REVIEW OF DELEGATIONS**

AGENDA REFERENCE:	D-22-080002
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	27 July 2022
FILE REFERENCE:	GO/19/0009
ATTACHMENTS:	Yes (x1) Draft Delegation Register 2022-2023

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council review of delegations, and approval for delegations to the Chief Executive Officer and other employees as recorded in the Delegation Register 2022-2023 version 1.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.42 and 5.46 of the *Local Government Act 1995* and provisions of other legislation as included in the Delegation Register RESOLVES to:

1. ENDORSE the review of delegations in accordance with section 5.46 of the *Local Government Act 1995*; and
2. DELEGATE to the Chief Executive Officer and other employees the exercise of local government powers and the discharge of local government duties as recorded in the Delegation Register 2022-2023 version 1.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* (the Act) prescribes that Council may delegate its powers or duties to the Chief Executive Officer (CEO). Section 5.43 outlines the limitations on such delegations. Delegation to the CEO is also prescribed within other legislation.

At least once every financial year delegations are to be reviewed by the delegator (Council) under Section 5.46(2) of the Act. Council last reviewed its delegations on 24 August 2021 (Item No. CCS623) therefore a formal review is required.

Local Government Act 1995:***5.42 Delegation of some powers and duties to the CEO***

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under-*
 - (a) *this Act other than those referred to in Section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute Majority required*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

5.46 Register of, and records relevant to, delegations to CEO and employees

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

In accordance with the above, City Officers have undertaken an administrative review of the Delegation Register and prepared the draft Delegation Register 2022-2023 version 1 (Attachment No. CCS712).

Below are suggested amendments which have been incorporated in the draft register 2022-2023 (v1).

Food Act 2008**6.1.1 Appoint Authorised and Designated Officers**

This delegation is for the appointment of authorised and designated officers for the purposes of specified provisions of the *Food Act 2008*. Additional information has been included in the delegation functions section and conditions on delegation, and sections of the *Food Act 2008* have been specified per employee delegation.

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

Without the ability to delegate to the CEO and other employees Council would be required to process all delegation related decisions, this may reduce efficiency and impede the ability to deliver effective services to the Community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Council is required by the provisions of the *Local Government Act 1995* to review the delegations made under Division 4, once every financial year.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Delegations were reviewed and the Delegation Register 2021-2022 was adopted by the Council on 24 August 2021 (Item No. CCS623 – Annual Review of Delegations to the Chief Executive Officer).

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors will be provided with the draft register during the Council Agenda review process.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 5.42(1) of the *Local Government Act 1995* (the Act) provides that:

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute Majority required

Section 5.43(a) to 5.43(i) of the Act provide limitations on the powers and duties a local government can delegate to its CEO.

Section 5.46 prescribes that delegations made under Division 4 of the Act are to be reviewed annually by the delegator.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Council can decide not to delegate some of its powers to the CEO and other employees, however there is risk that without delegation there will be a significant impact on the efficient and effective delivery of services. If all decisions where the power is vested in the Council required a decision of the Council, a delay in the delivery of services would become apparent - particularly as Council only meets once a month. This would also create a significant amount of additional work for both Elected Members and City Officers.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may determine not to endorse the Delegation Register 2022-2023 version 1, this is a matter for Council. However, Council are required by section 5.46 of *Local Government Act 1995* to review the delegations made under Division 4 of the Act at least once every financial year.

CCS713 GERALDTON AIRPORT LEASE – PORTION HANGAR 117 – BUMBLER AVIATION PTY LTD

AGENDA REFERENCE:	D-22-092510
AUTHOR:	A Gartner, Airport Administration Supervisor
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	20 July 2022
FILE REFERENCE:	PM/6/0006-004
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to enter into a lease agreement with Bumbler Aviation Pty Ltd for portion of Hangar 117 at Geraldton Airport.

EXECUTIVE RECOMMENDATION:

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

1. ENTER into a lease agreement with Bumbler Aviation Pty Ltd for approximately 436m² of the Geraldton Airport building known as Hangar 117;
2. SET the conditions as follows:
 - a. Enter into a three (3) year lease agreement with two further term options of one year (1+1);
 - b. Commence the lease on 1 July 2022;
 - c. Set the lease fee at \$21,800 (excluding GST) per annum;
 - d. Adjust the lease fee annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
 - e. Conduct a current market valuation prior to each further term option to establish the lease fee;
3. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;
4. ADVISE the lessee they are responsible for separately paying:
 - a. All applicable rates, taxes and other utilities;
 - b. All other costs associated with the lease; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

PROPONENT:

The proponent is Bumbler Aviation Pty Ltd.

BACKGROUND:

Bumbler Aviation is a local aerial spraying business based at the Geraldton Airport servicing the farming industry by offering aerial agricultural spraying services.

Bumbler Aviation currently occupy portion of the City owned building known as Hangar 117. The temporary agreement expired in April 2022 and has remained on the holding over clause pending discussion and negotiation of a formal lease arrangement.

Hangar 117 was constructed in 2009 as a purpose built aviation maintenance hangar previously leased by a local aircraft-engineering firm. The lessee surrendered the lease in 2018 and the hangar facility has effectively remained unoccupied, except for part utilisation of the available space for short-term accommodation of aircrafts.

An Expression of Interest (EOI) for the leasing of Hangar 117 was invited by a 14 day advertisement, which closed on the 14 June 2021.

The EOI was evaluated and found HAVMEC Pty Ltd a suitable proponent for the hangar lease.

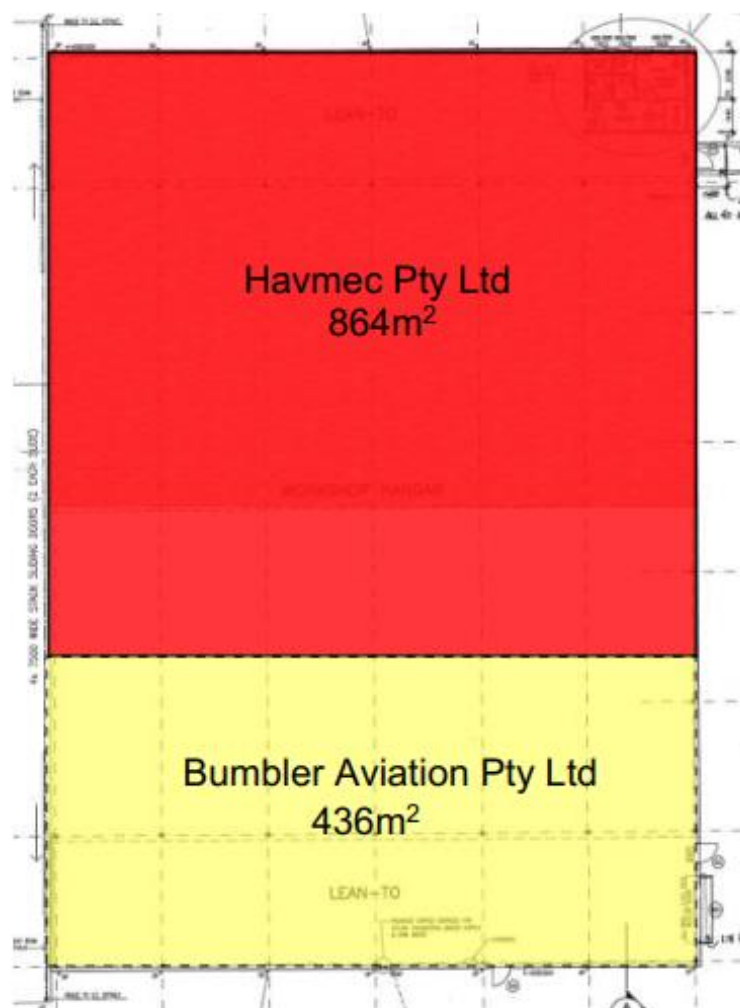
HAVMEC Pty Ltd subsequently provided two annual lease fee offers for Council's consideration:

- Offer 1 based on a *Floor Space Occupied* percentage. Basically, for whatever floor space % occupied this would be applied against the total market rental value i.e. *Market Rental* (\$65,000) x *Floor Space Occupied* % (50%) = \$32,500 per annum. It has been determined that if and once floor space occupied reaches 80% or above by the lessee, shared or multiple utilisation of the facility would not be feasible.
- Offer 2 is based on a set amount of \$50,000 per annum over the initial five (5) year term of the lease agreement, which represents a 23% discount on the Market Rental Value of \$65,000 per annum.

On 27 July 2021, Council resolved to enter into a five (5) year lease agreement with HAVMEC Pty Ltd for 50% floor space occupancy of Hangar 117, with the option to increase the percentage of floor space occupied to 80% or above (Item No. CCS616).

Bumbler Aviation Pty Ltd and HAVMEC Pty Ltd have negotiated and agreed to take 100% occupancy of Hangar 117. The proposed portions are 1/3 Bumbler Aviation Pty Ltd (436m²) and 2/3 HAVMEC Pty Ltd (864m²) respectively. Per and under previous Council resolution, City Officers will also amend the existing HAVMEC Pty Ltd floor space from 1/2 to 2/3 as denoted above.

The below diagram shows the proposed lease areas of Hangar 117:



COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Income generated from the proposed disposal of property (lease) forms part and contributes to the City's general revenue base, which is applied to providing whole of community services.

Economy:

Supporting the local aviation sector and its recovery from the impacts of COVID-19.

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:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes. At the Ordinary Meeting of Council on 27 July 2021, Council resolved to enter into a new lease agreement with HAVMEC Pty Ltd – Trading as Harrington Aviation Services, for Hangar 1117 – Item No. CCS616.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council grant approval to enter into a lease agreement with Bumbler Aviation Pty Ltd, public submissions will be invited for a period of 14 days pursuant to section 3.58 of the *Local Government Act 1995*.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* (as amended) –
Disposing of Property

- (1) *In this section –*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- ...
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
(a) *it gives local public notice of the proposed disposition –*
(i) *describing the property concerned; and*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*
(a) *the names of all other parties concerned; and*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition –*
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL AND RESOURCE IMPLICATIONS:

A current market valuation was conducted in accordance with section 3.58(4)(c) of the *Local Government Act 1995*, which determined the rate to be \$50 per square metre (excluding GST and outgoings). Hangar 117 is the largest of its kind of facility at the airport with a floor space of 1300 square metres.

The full market rental has been determined at \$65,000 (excluding GST) per annum. Based on the proponent request, for Council to initially consider a part occupancy offer of 1/3 of the hangar's floor space, the commencement lease fee is proposed to be set at \$21,800 (excluding GST) which is exclusive of applicable rates and taxes and adjusted annually in line with utilisation and CPI.

The proponent is also responsible for other costs associated with the preparation and issue of the lease agreement.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
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:

There are no specific risks to the City regarding this proposal to enter into the lease.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The other option for consideration by Council is to not approve the lease and decline all proposals as submitted. This is not recommended as all proposals have the potential to increase reactivation of the airport and encourage an industry specific service.

CCS714 RATES EXEMPTION APPLICATION – HELPINGMINDS LIMITED

AGENDA REFERENCE:	D-22-096879
AUTHOR:	S Russell, Coordinator Rates
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	22 July 2022
FILE REFERENCE:	RV/4/0003-003
ATTACHMENTS:	Yes (x4)
	A. Statutory Declaration
	B. Australian Charities and Not-for-profits Certificate
	C. Constitution of HelpingMinds Limited
	D. Aerial Map of existing rateable property assessment

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to grant a rates exemption to HelpingMinds Limited, based on the charitable land use of Rates Assessment Number A11762 being part Lot 73 (76-80) Forrest Street, Geraldton. HelpingMinds Limited are currently leasing one of the two buildings on Lot 73, commencing 1 August 2021 for a period of two years. As per the terms of the lease, HelpingMinds Limited will be responsible for the rates and charges.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE a rates exemption to HelpingMinds Limited on the leased area of part Lot 73 (76-80) Forrest Street, Geraldton, on the basis that the property is being used exclusively for a charitable purpose; and
2. APPROVE the exemption to take effect from the date of application being 10 May 2022, and to remain in force for the duration of the current use of the property.

PROPONENT:

The proponent is HelpingMinds Limited.

BACKGROUND:

HelpingMinds Limited is a non-government not-for-profit organisation and is a registered charity with the Australian Charities and Not-for-profits Commission (Attachment No. CCS714B), which provides counselling and support services free of charge to carers of people with mental health challenges.

HelpingMinds Limited have a lease for one of the two buildings on Lot 73. The lease is for a period of two years from 1 August 2021. As per the terms of the lease HelpingMinds Limited are responsible for the rates and charges.

The permitted use under the lease is office accommodation. HelpingMinds Limited will use the property as an office and consulting rooms, operating during normal business hours to undertake counselling and support services. These support services are free of charge to the family and friends of people living with mental health challenges. The free and confidential mental health services of HelpingMinds Limited include counselling and support groups for family and friends, early intervention programs for children and young people, assistance and support through the NDIS, mental health programs for schools and the community, and helping family and friends to understand their rights and have their voice heard.

The property is privately owned and is being rated; however, as a portion of land is now being leased and used for a charitable purpose with the Lessee being responsible for the payment of rates, Council may approve a rates exemption for the portion of land used for charitable purposes as per section 6.26 of the *Local Government Act 1995*.

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*

 (g) *land used exclusively for charitable purposes;*

The City periodically reviews properties previously classified as exempt to ensure that the use of land still qualifies as used for charitable purposes under section 6.26(2)(g) of the *Local Government Act 1995*.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

HelpingMinds Limited provide services to the community, assisting carers of mentally ill patients. The services provided include mental health programs for schools and the community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

The most recent Council approved rates exemption on the basis of charitable purposes was at the Ordinary Meeting of Council on 26 April 2022 – Item No. CCS683, Rates Exemption Application – Centacare Family Services.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

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

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

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

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

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

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

This portion of Lot 73 is currently being rated with the annual rates for the 2022-23 financial year being \$9,122. For the exempt period for the 2021-22 financial year, from 10 May 2022 to 30 June 2022, the amount to be refunded would be \$1,135.

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

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

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

CCS715 PROCUREMENT POLICY SUITE

AGENDA REFERENCE:	D-22-091321
AUTHOR:	B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	28 July 2022
FILE REFERENCE:	FM/16/0005
ATTACHMENTS:	Yes (x6) A. Draft Council Policy 4.9 Procurement of Goods and Services (v4) B. Comparison Table - Council Policy 4.9 C. Draft Council Policy 4.10 Procurement via Panel of Prequalified Suppliers (v4) D. Draft Council Policy 4.11 Regional Price Preference (v4) E. City of Greater Geraldton Code of Business Ethics (v3) F. Comparison Table - Code of Business Ethics

EXECUTIVE SUMMARY:

As part of the review cycle for Council Policies, the following suite of procurement related polices are being presented for Council approval:

- Council Policy 4.9 Procurement of Goods and Services version 4;
- Council Policy 4.10 Procurement via Panels of Prequalified Suppliers version 4;
- Council Policy 4.11 Regional Price Preference version 4; and
- The City of Greater Geraldton Code of Business Ethics version 3.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.9 Procurement of Goods and Services, version 4;
2. APPROVE Council Policy 4.10 Procurement via Panels of Prequalified Suppliers, version 4;
3. APPROVE Council Policy 4.11 Regional Price Preference, version 4; and
4. APPROVE the City of Greater Geraldton Code of Business Ethics, version 3.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policies 4.9 Procurement of Goods and Services, 4.10 Procurement of Panels of Prequalified Suppliers and 4.11 Regional Price Preference are long-standing policies which last were presented to Council on 25 August 2020, Item No. CCS522 - Procurement Policy Suite. These policies are now due for their biennial review, as defined within the Council Policy Manual.

The City of Greater Geraldton Code of Business Ethics was previously implemented following the operational policy process with Chief Executive Officer (CEO) approval. A code of business ethics has become a local government standard, which is commonly required to be provided as evidence of ethical procurement processes in audits. Noting the importance of procurement practices for local government, this document has been aligned with the established Council endorsed Procurement Policy suite and shall moving forward be presented to Council for review and approval.

Suggested revisions to Council Policy 4.9 Procurement of Goods and Services and the Code of Business Ethics are included on the attached comparison tables and draft policy, and summarised below.

Council Policy 4.9 Procurement of Goods and Services

- Update to purchasing threshold, this requires that planned requests for quotes should seek three quotes.
- Clarified request for quote clauses to align with recording processes and manager approval requirements.

City of Greater Geraldton Code of Business Ethics

- Update to safety clause to align with work health and safety.
- Inclusion of new clause as recommended by auditors detailing public interest disclosure reporting process.

No comparison tables are provided for Council Policies 4.10 and 4.11 as there are no proposed amendments

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

The updated policies collectively seek to ensure that the City supports locally sourced goods and services, with a firm commitment to social corporate responsibility in all procurement activities.

Economy:

The updated policies detail the City's position in relation to supporting local businesses when procuring goods and services, which will have the effect of supporting the Midwest's regional economy.

Environment:

Council Policy 4.9 includes requirements for ensuring that social and environmental factors are considered as part of City procurement activities.

Leadership:

The *Local Government Act 1995* requires that Councils establish good governance principles through the introduction of policies and guidelines. The procurement policy suite establishes the Council's standards for ensuring the effective and ethical management of City procurement activities.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policies 4.9, 4.10 and 4.11 have been previously adopted by Council as follows:

- Item No. CCS231 - City of Greater Geraldton Council Policy Manual - 24 January 2017.
- Item No. CCS365 - Procurement Policy Framework - 23 October 2018.
- Item No. CCS522 - Procurement Policy Suite – 25 August 2020.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community consultation. The policies were issued to Councillors on 22 July 2022, no feedback was received.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7(1) and (2) of the *Local Government Act 1995* the role of Council includes determination of Council Policies.

In addition to the above, these policies are required by the *Local Government (Functions & General) Regulations 1996*.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.5	Our competitive advantages are built upon and our business success is celebrated.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

The updated policies provide clear direction and commitment to sourcing local goods or services where possible.

RISK MANAGEMENT:

The procurement policy suite is designed to ensure the City maintains its procurement compliance and probity responsibilities. As such, these policies and their supporting processes are linked to procurement risk mitigation strategies.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Initial consideration was given to moving away from the WALGA based model procurement policy. This would have seen only policy inclusions necessary to ensure compliance with regulations. This however was ultimately not recommended as the Local Government Act Reform report contains clear recommendations directing that Councils should make use of the model procurement policy.

CCS716 COUNCIL POLICY 4.3 CIVIC CEREMONIES

AGENDA REFERENCE:	D-22-097563
AUTHOR:	P Bennett, PA to Director Corporate and Commercial Services
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	8 August 2022
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2) A. Draft Council Policy 4.3 Civic Ceremonies (v4) B. Comparison Table – Council Policy 4.3

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.3 Civic Ceremonies, 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 4.3 Civic Ceremonies, version 4.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 4.3 Civic Ceremonies was last reviewed by the Council on 25 August 2020 - Item No. CCS520. Within the biennial review process for the Council Policy Manual, the policy is now due for review.

The purpose of this policy is to provide a process, which governs ceremonial functions, by which Council can formally recognize outstanding contributions, achievements and meritorious service to the community of the City of Greater Geraldton.

In consultation with Coordinator Events and Venues, amendments are proposed to section 4, Community Citizen of the Year Awards Selection, to align with the guidelines of Auspire – Australia Day Council of Western Australia.

Suggested changes to the policy are outlined in Attachment No. CCS716-B.

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

The recognition of outstanding contributions from individuals and/or organisations within the community through ceremonial functions both acknowledges the significant effort of community members and also encourages City ideals.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The *Local Government Act 1995* requires that Council 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 4.3 Civic Ceremonies was last revised by Council on 25 August 2020 (Item No. CCS520).

COMMUNITY/COUNCILLOR CONSULTATION:

Direct Councillor Consultation for council policy reviews is not required unless there are significant changes to a policy. There are no significant changes proposed for Council Policy 4.3 Civic Ceremonies version 4, therefore Council consideration is sought via this Item.

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:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.6	Community capacity, innovation and leadership is encouraged.

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

CCS717 COUNCIL POLICY 4.22 FRAUD CONTROL, WRITE-OFF DEBTS, WAIVE FEES AND CHARGES
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AGENDA REFERENCE:	D-22-097006
AUTHOR:	R Doughty, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	3 August 2022
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 4.22 Fraud Control, Write-Off Debts, Waive Fees and Charges (v4)
	B. Comparison Table – Council Policy 4.22

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.22 Fraud Control, Write-Off Debts, Waive Fees and Charges, 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 4.22 Fraud Control, Write-Off Debts, Waive Fees and Charges, version 4.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The purpose of this policy is to demonstrate and communicate the Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and to establish guidelines for the writing off of debts and waiving of fees and charges.

City Officers have reviewed the policy and one significant change has been made which relates to the removal of Waive/Grant Concession during COVID-19 Pandemic.

The Commercial Tenancies (COVID-19) laws were repealed on 28 March 2022. These included:

- *Commercial Tenancies (COVID-19 Response) Act 2020 (WA); and*
- *Commercial Tenancies (COVID-19 Response) Regulations 2020 (WA).*

The mandatory Code of Conduct which required tenants and landlords to negotiate in good faith to reach temporary agreements about rent relief no longer applies.

Proposed changes to the policy are outlined in Attachment No. CCS717-B.

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

The policy outlines the level of “in kind” assistance available to the community related to event and activity based support.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The *Local Government Act 1995* requires that Councils establish good governance and control 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 4.22 – Fraud Control, Write-Off Debts & Waive Fees and Charges was last revised by Council on 26 May 2020 (Item No. CCS500).

COMMUNITY/COUNCILLOR CONSULTATION:

Council Members were consulted via Briefing Note on 14 July 2022. Two responses were received supporting the draft policy and no requests for amendment.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

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

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The policy is part of a framework to provide guidelines to manage fraud risk to an acceptable level, mindful of the changing landscape, source and types of fraud risk that must be assessed and managed.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered.

CCS718 BUDGET AMENDMENTS 2022-23

AGENDA REFERENCE:	D-22-103256
AUTHOR:	R Doughty, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	17 August 2022
FILE REFERENCE:	FM/6/0028
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for proposed amendments to the 2022-23 Budget.

Council around August/September each year review and endorse amendments to the Budget that bring into account any unspent grant funds as at 30th June and funded expenditure items (commenced and in-progress projects not completed at year end) carried over from the previous financial year.

Final year-end accounting information for 2021-22 was not available at the time of formulation and adoption of the 2022-23 Budget, hence the requirement (as is the case every financial year) to integrate brought forward funds and expenditure items into the Budget as early as is practicable after adoption of a budget and commencement of the financial year.

This annual process also enables Council, if required, to make amendments to its Budget to correct any minor errors or omissions in budget detail discovered after the budget process, any emergent works and adjustments to budget allocations based on information received post budget adoption.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the proposed budget amendments and AUTHORISE any unauthorised expenditure and revenue details in Tables 1, 2, 3 and 5 of this Council Item; and
2. APPROVE and AUTHORISE the following additional Reserves transfer from Reserve 280 – Unexpended Capital Works & Restricted Grants - \$6,101,636 and Reserve 270 – Major Initiatives - \$700,000.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The following tables separately list new (Table 1) and renewal (Table 2) capital projects that were not completed and/or invoiced in 2021-22 and the unspent portion and/or the required budgeted expenditure allocation has been carried over into 2022-23. Table 3 lists the associated non-operating grants not recognised in 2021-22 required to be carried over into 2022-23. Table 4 summarises the Capital Revenue and Expenditure to be carried over to 2022-23 and the required transfer from Reserves as a result.

Table1

Project Title – New Capital	Project Description	Budget carried over to 2022- 23
Fleet	Two x Fleet Vehicles	\$55,200
Mullewa House	Mullewa house rebuild as result of fire. Insurance funded.	\$445,000
Cell 1-4 Capping	Planning and design for Cell 1-4 Capping	\$65,000
GRAMS Reserve	Stage 2 - Upgrade GRAMS to Parks Master Plan	\$30,000
GRAG Park	Art Gallery/Visitor Centre precinct development	\$15,000
Olive Street Footpath	New asphalt path around the perimeter of Olive Street reserve	\$87,000
Mitchell Street Footpath	New path - Drew Street to Anderson Street	\$79,000
Drew Street Footpath	New path – Green Street to Mitchell Street	\$320,000
Cycle Paths – Glenfield Beach Drive	Glenfield Beach Drive. DoT funded.	\$55,000
Railway Safe Active	Railway Safe Active Street Pilot Project roadworks	\$70,000
CCTV	Fibre rollout Beresford Foreshore including CCTV camera surveillance Horizon Ball	\$120,000
Greenough RPT Terminal Solar	Airport precinct solar microgrid detailed design	\$109,729
John Willcock Medians	Upgrade central median islands – John Willcock Link	\$115,000
Stormwater Harvesting	Stormwater harvesting for irrigation of Eadon Clark Sporting Complex	\$162,714
Olive Street Reticulation	Olive Street reticulation and establishing a dog park for the southern suburbs	\$31,050
Water Supply Upgrade	Water supply upgrade to Mullewa Recreation Ground	\$161,982

Shade Sails	Retrofit shade sails to Beresford Foreshore structures	\$163,000
Greenough Oval Carpark	Upgrade to chip seal Greenough Oval	\$25,000
Shade Sails Foreshore	Foreshore waterpark shade sails	\$36,850
Chapman Road/Phelps Street Roundabout	Chapman Road/Phelps Street Roundabout modifications to improve traffic flow	\$20,000
Hydropanel Trial	Trial use of Hydropanel to turn solar energy into water to provide reticulation to planter boxes and small garden beds	\$24,000
Cycle Paths – Chapman Road	Detailed design and costing of off road cycle infrastructure connecting Sunset Beach to Drummond Cove	\$120,000
Cycle Paths – Brand Highway	Investigate pathway link between Tarcoola Beach and Cape Burney	\$80,000
Spalding Renewal Project	Design of road connection between Bogle Way and Mitchell Street	\$206,000
Spalding Renewal Project	Design of AMC Park upgrade	\$66,130
Spalding Renewal Project	Design of Bogle Way and Sullivan Court footpaths	\$41,836
Land Purchase	Lester Avenue	\$700,000
Total New Capital Carryover:		\$3,404,491

Table 2

Project Title – Renewal Capital	Project Description	Budget carried over to 2022-23
Fleet	Delayed Light Fleet renewal ordered during 2021-22 to be received 2022-23	\$1,057,000
Art Gallery Ceiling	Replace portion of the Art Gallery ceiling	\$10,000
Mullewa Masonic Lodge	Renewal of the Mullewa Masonic Lodge building	\$40,000
Walkaway Buildings	Renewals of the Railway Building, Walkaway Hall and Recreation Centre	\$50,000
QEII Roof	Renewal section of QEII roof	\$50,000
Liquid Waste Pond	Renew hydraulic infrastructure to prevent blockages	\$35,000
GRAG Park Toilets	Renew Art Gallery toilet block	\$351,363
Little Athletics Lighting	Renewal of bore hole flow meters and wooden bollards	\$25,000

Burges Street – Footpath	Renew asphalt Dampier Street to Conway and Augustus Street to Marine Terrace	\$258,000
Gertrude Street – Footpath	Renew asphalt Waldeck to Hutchinson Street	\$350,000
Old Walkaway – Nangetty Road	SLK 1.09 to 1.84 shoulder widening, drainage improvement and pavement marking	\$15,000
Network Equipment	Upgrade of corporate WiFi and network switches	\$60,000
Tip Shop Shed	Replace rusting structure of the lean-to shed	\$75,000
Mullewa Airport Hangar	Repairs required to Mullewa Airport due to Cyclone Seroja	\$25,073
Runway 14/32	Renew runway surface – investigation and design	\$23,750
Webber Road Standpipe	Replace standpipe	\$11,110
Brand Highway Medians	Paving on median Olive Street north	\$26,164
Northern Zone Bollards	Marina to Northern LGA Boundary bollards renewal	\$41,191
Rundle Park	Replace sand with rubber crump	\$77,000
Southern Zone Bollards	Southern LGA boundary to Pages Beach bollard renewal	\$75,242
Shade Sails	Various parks shade sail renewal	\$47,205
Softfall renewal	Various parks softfall renewal	\$16,812
QEII – Queens' Parks Gardens	Gardens renewal	\$14,326
Burges Street	Grated pit renewal	\$3,500
Spalding Street	Renewal double side entry pit	\$6,000
Dalgety Street	Renew manhole covers	\$19,000
Minnenooka Road	Renew culvert and headwalls	\$51,000
Aquarena Officer Refurbishment	Renew administration office, including air conditioning	\$145,000
Water Holding Tank	Renew concrete pit lids	\$8,000
Sports Lighting Towers	Replacement of lighting infrastructure and introduction of electrical control systems	\$50,000
Fitzgerald Street	Renew Mid-block railway crossing	\$28,000
Byron Road North	Replacement of floodway concrete deck and pipe culverts	\$588,000

Design of road renewals	2021-22 road renewal designs carryover	\$41,273
Sanford Street	Street geometry and drainage design – Forrest Street to Durlacher Street	\$47,000
Lightboxes	Replacement of Post Office Lane lightboxes	\$5,000
Combined Storage Facility	Combined storage facility for GRAG, City Archives and Library Archives	\$40,000
Beach Emergency Numbers	Installation of beach emergency number signs at City beach accesses. Funded	\$30,000
Cape Burney Fire Truck	Light Tanker and Fire Truck. Fully funded	\$840,000
Total Renewal Capital Carryover:		\$4,636,009

Table 3

Non-Operating Grants, Subsidies & Contributions	Carried over to 2022-23
Cycle Paths – Glenfield Beach Drive	\$7,187
Spalding Renewal Project	\$315,899
Cycle Paths – Chapman Road	\$11,816
Cycle Paths – Brand Highway	\$39,911
Beach Emergency Numbers	\$24,050
Fire Truck and Light Tanker	\$840,000
Total Non-Operating Grants to Carryover:	\$1,238,863

All the expenditure items detailed in Tables 1 and 2 are supported by cash backed reserve funds held by the City as at 30 June 2022 and secured grant funding. The following details the reserve transfers that fund and match the total carryover amounts for new and renewal capital as shown in Table 4:

Table 4

Carryovers New	\$3,404,491
Carryovers Renewal	\$4,636,008
<i>Less Non-Operating Grants Secured</i>	<i>-\$1,238,863</i>
Transfer from Reserve 280 – Unexpended Capital Works & Restricted Grants	\$6,101,636
Transfer from Reserve 270 – Major Initiatives	\$ 700,000

The following amendments to the 2022-23 Budget are also proposed in Table 5:

Table 5

Project Description	New Budget Allocation
<i>Operating Expenditure:</i>	
Chapman Road Activation Report	\$30,000
<i>Capital Expenditure:</i>	
Mullewa Swimming Pool Tiles Renewal	\$80,000

The additional net operating cost to Council is \$30,000 bringing the budgeted operating deficit to \$1,929,643.

After the 2022-23 Budget was adopted, the requirement to retile the Doc Docherty Swimming Pool was discovered. This expenditure is required to retile in accordance with the relevant Australian Standards.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Various outputs tied to carryovers and adjustment to the budget will create and improve social amenities in the community, including projects to extend the City's footpath network, expand and renew parks and recreation facilities.

Economy:

Expenditure outlined will result in City funds flowing into the local economy through delivery of projects and employment of local contractors and community members.

Environment:

There are no adverse environmental impacts.

Leadership:

The *Local Government Act 1995* requires that Councils establish good governance and control principles through established processes.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Post financial-year-end adjustments to succeeding year Council budgets are necessary *every financial year*. Annual timing of the budget process, before the end of each preceding financial year, means that year-end accruals have not been transacted and final end-of-year accounting figures are not available at the time of framing and adopting the next budget. Therefore, the determination of any unspent grant monies or project carry-overs cannot be accurately stated in the budget process for the succeeding year. As well, amendments to budget details may be necessary to recognise any recent changes that impact on proposed revenue streams and/or expenditure levels.

Precedent practise is to identify unspent grant funds and funded project carryovers, and any minor budget amendment requirements, as early as is practicable after commencement of the new financial year, to enable Council to integrate them into its adopted Budget.

Last financial year Council considered the following budget amendments:

- Item No. CCS625 Budget Amendments 2021-22 - 24 August 2021.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.8 of the *Local Government Act 1995* requires and expenditure not included in the annual budget to be authorised by Absolute Majority.

FINANCIAL AND RESOURCE IMPLICATIONS:

The budgeted operating deficit will increase by \$30,000 to \$1,929,643.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.4	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:

Undertaking regular assessments of budgets and approving budget amendments addresses the risk of unauthorised transactions. Adjustments and actions can be formulated in response, reducing the risk to the City's financial sustainability.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

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

1. APPROVE the proposed budget amendments detailed in Tables 1, 2, 3 and 4 of this Council Item and AUTHORISE any unauthorised expenditure and revenue but with the following changes:
 - a. To be determined by Council;
2. APPROVE and AUTHORISE the following additional transfers from Reserve but with the following changes:
 - a. To be determined by Council; and
3. MAKE the determination based on the following reason/s:
 - a. To be determined by Council.

CCS719 STATEMENT OF FINANCIAL ACTIVITY TO 31 JULY 2022

AGENDA REFERENCE:	D-22-099447
AUTHOR:	R Doughty, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	9 August 2022
FILE REFERENCE:	FM/17/0009
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 July 2022

EXECUTIVE SUMMARY:

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

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

EXECUTIVE RECOMMENDATION:

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

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

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of July 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	\$	2,548	0.0%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	46,025	0.6%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	48,573	0.1%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	27,516	2.0%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	265,633	95.0%	over YTD Budget	<input checked="" type="checkbox"/>
Cash at Bank – Municipal	\$			22,808,538	
Cash at Bank – Reserve	\$			32,845,560	
Total Funds Invested	\$			54,079,163	
Current Rates Collected to July 2022				12.83%	
Current Rates Collected to July 2021				10.80%	

Rates Arrears Collected to July 2022	5.64%
Rates Arrears Collected to July 2021	6.63%

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 July financials show a YTD positive variance of \$48,573 in the net operating surplus/(deficit) result (this takes into account commitments).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

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

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS262	CSRFF 2022-23 AUGUST SMALL GRANTS ROUND – WONTHELLA BOWLING CLUB INC.
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AGENDA REFERENCE:	D-22-098303
AUTHOR:	M Criss, Sport and Leisure Planner
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	30 August 2022
FILE REFERENCE:	GS/1/0012
ATTACHMENTS:	Yes (x2) A. CSRFF Application Form Wonthella Bowling Club B. CSRFF Wonthella Bowling Club Supporting Documents

EXECUTIVE SUMMARY:

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

The Club is seeking \$68,200 excluding GST. The proposed project is for the replacement of a third existing turf green with synthetic grass, including laser grade sub-base levelling, stabilised free draining base, limestone ditch with galvanised steel plinths walls and one (1) metre wide synthetic grass surrounds. The total project cost is \$204,602 excluding GST.

The City of Greater Geraldton received one (1) application for this round of CSRFF Small Grants.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Wonthella Bowling Club Inc. CSRFF Small Grant application for \$68,200 excluding GST;
2. MAKE provision in the FY2023-24 Annual Budget for this project subject to a successful State Government funding outcome of this application; and
3. ADVISE the Wonthella Bowling Club Inc that any shortfall for the project is the Club's responsibility to fund.

PROPONENT:

The proponent is the Wonthella Bowling Club Inc.

BACKGROUND:

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

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

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

APPLICATION SUMMARY: Wonthella Bowling Club Inc.

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

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

The total project expenditure quoted is \$204,602 excluding GST, with the Wonthella Bowling Club requesting a one-third (1/3) contribution of \$68,200 excluding GST, from the City of Greater Geraldton. The Club have established a subcommittee that propose to oversee and project manage the installation of the synthetic green if funding is received.

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

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

The Club consists of a strong volunteer community, the majority of who are either senior citizens or retired community members. The club is a hub for its members to actively participate as valued members of the community. The Club currently has 265 members, with the membership growing by 5% each calendar year over the last three years.

Economy:

The installation of synthetic greens will provide a high quality surface that puts the club in a position to be eligible for State competitions. This type of facility has a flow on effect to sports based tourism revenue opportunities.

Environment:

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

Leadership:

The assessment and prioritisation of applications by Local Government is an essential element of the CSRFF Small Grant Application process. Following endorsement by Council, this application will be forwarded to the DLGSC for formal assessment. The outcome of CSRFF Small Grants Applications is expected to be announced in December 2022.

One (1) application has been received for the CSRFF Small Grant Round as detailed in this report and is prioritised in the following table:

Priority Ranking Table

Ranking	Applicant	Project	Rating	City Contribution	Total Project Cost
1	Wonthella Bowling Club Inc	Replace turf green with synthetic.	1	\$68 200 (excl. GST)	\$204 602 (excl. GST)

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

SCORING DETAILS

FORM TYPE	AVERAGE SCORE
Application Evaluation Form	88
Selection Criteria	84
TOTAL	172

OVERAL PROJECT RATING

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

Disclosure of Interest:

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

The Officer Disclosure of Impartiality Interest form has been completed.

RELEVANT PRECEDENTS:

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

Council have previously supported the Club with funding applications and as follows:

- Item No. IS169 CSRFF Small Grant – Wonthella Bowling Club Inc. – 27 February 2018 – \$66,500, turf replacement, and;
- Item No. CCS551 - Self-Supporting Loan Wonthella Bowling Club – 24 November 2020 –\$200,000, synthetic bowling green installation.

COMMUNITY/COUNCILLOR CONSULTATION:

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

LEGISLATIVE/POLICY IMPLICATIONS:

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

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

The City makes available \$100,000 in the budget for CSRFF Small Grants/Club Night Lights Program Applications annually. There are currently no projects approved in the 2023-24 funding round. Should this application be successful that would leave an available balance of \$31,800 for further CSRFF 2023-24 applications.

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

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

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.5	The opportunity for all to reach their potential exists.
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.

REGIONAL OUTCOMES:

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

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

RISK MANAGEMENT:

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

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following option was considered by City Officers:

- NOT SUPPORT the Wonthella Bowling Club's CSRFF Small Grant application for \$68,200 excluding GST.
- SUPPORT the Wonthella Bowling Club's CSRFF Small Grant application in principle, with no financial contribution from the City. This would require Club to pay two-thirds (2/3) of the total project (\$136,400 excluding GST), with the DLGSC contributing one-third (1/3) (\$68,200 excluding GST).

IS264	GERALDTON VOLUNTEER MARINE RESCUE BUILDING
AGENDA REFERENCE:	D-22-103055
AUTHOR:	M Dufour, Manager Engineering Services
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	30 August 2022
FILE REFERENCE:	EM/10/0006
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

Recent storms and winter swells have significantly impacted the Geraldton coastline, especially around Point Moore, and approximately 15m of coastline has been lost over the last six months in the vicinity of the Geraldton Volunteer Marine Rescue (GVMR) building.

This situation now threatens the immediate future of the building and associated infrastructure, placing it at extreme risk from both erosion and inundation.

In accordance with State Planning Policy 2.6, the City has a Council endorsed Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) which identifies long term coastal adaptation pathways to manage the future of coastal infrastructure assets.

The CHRMAP long term adaptation pathway for infrastructure management in the Point Moore Coastal Management Unit is for that of a “managed retreat” approach.

The purpose of this report is to seek Council approval to initiate managed retreat measures and to commence planning as required for relocation, and the ongoing provision of volunteer marine rescue services, should the current building become too hazardous to occupy.

EXECUTIVE RECOMMENDATION:

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

1. DIRECT the Chief Executive Officer to:
 - a. INITIATE a managed retreat process for the Geraldton Volunteer Marine Rescue in accordance with the Council endorsed Coastal Hazard Risk Management and Adaptation Plan (CHRMAP);
 - b. UNDERTAKE consultation, planning and investigation of options for the relocation of the marine rescue service, if ultimately required;
 - c. SEEK opportunities for State or Federal contribution to funding for the provision of a new, permanent building in an appropriate location; and
 - d. REPORT back to Council on the outcomes of the above.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The GVMR building sits within a lease area at Point Moore that consists of a 105 square meter ground floor area and a 190 square meter first floor area located on portion of Crown Reserve 2562 with a Management Order to the City of Greater Geraldton.

The GVMR first floor area is partially constructed above the City owned public toilet facilities and the building and associated infrastructure, with the exception of the public toilet block, was built with the assistance of grant funding and is in the ownership of GVMR.

Council adopted the Geraldton Coastal Hazard Risk Management and Adaptation Plan in October 2018. The plan identifies the long-term adaptation pathways for twelve coastal management units along the Geraldton coastline, including Point Moore.

The long-term adaptation pathway for Point Moore is a managed retreat, which involves monitoring coastal processes, and implementing managed retreat measures when an identified trigger point is met.

The CHRMAP managed retreat trigger for the Geraldton Volunteer Marine Rescue is to allow the continued use of the asset, until it is no longer safe or structurally sound.

Approximately 15m of coastline has been lost in front of the marine rescue building since February 2022 (at an average of 2.5m per month). Given the rate of shoreline recession, City Officers believe that the building could become unsafe to occupy before the end of the 2022.

City Officers are therefore recommending that action be undertaken now to plan for the managed retreat of the Geraldton Volunteer Marine Rescue building.

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

The Geraldton Volunteer Marine Rescue provides an important safety service to the community. City Officers recognise that this service may be impacted if the current rate of erosion continues. The executive recommendation provides advance planning to allow for the continued provision of this service.

Economy:

The loss of a Volunteer Marine Rescue service may have an impact on the number of recreational boat owners visiting the region. The loss of the public amenities may also impact the number of recreational vehicles visiting and staying in the area.

Environment:

Implementation of the City's CHRMAP long-term adaptation pathways will allow provision of sustainable community assets and services over the long term.

Leadership:

City Officers developed managed retreat triggers for the Point Moore Beach Cottages lease arrangements. By applying the same trigger to the Geraldton Volunteer Marine Rescue building, the executive recommendation provides a consistent managed retreat approach to all community structural assets at Point Moore.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City demolished the Triton Place Ablution Block at Sunset Beach in June 2017 due to safety concerns associated with coastal erosion in the area.

COMMUNITY/COUNCILLOR CONSULTATION:

A City Officer met with senior representatives from the GVMR regarding the risk to the current building and the possibility of retreating to an alternative site to continue providing marine rescue services.

In summary GVMR representatives agreed in principle that should physical protection of the building not be a viable option, progression with planning to retreat should commence as a matter of priority in order to be prepared for if or when it is required.

There has been no councillor consultation due to the emergent nature of this item.

LEGISLATIVE/POLICY IMPLICATIONS:

The executive recommendation is consistent with the Council endorsed CHRMAP based on the requirements of State Planning Policy 2.6 – Coastal Planning.

Clause 4.8 of the GVMR lease states the City (Lessor) takes no responsibility for the loss or damage to the Lessee's property. Pursuant to the lease, the City and the Minister for Lands are indemnified against all actions, claims, costs, proceedings, suits and demands whatsoever.

Should the premises or part of the premises be totally or partially destroyed and require major rebuilding, either party may terminate the lease within 2 months of the destruction by giving notice to the other party.

FINANCIAL AND RESOURCE IMPLICATIONS:

Finance and resource implications include staff time and costs associated with working with GVMR to plan for relocation to an alternative site and potentially amending management orders through the Department of Planning Lands and Heritage.

If ultimately deemed required, demolition costs for the existing marine rescue building could be in the order of \$50,000-\$100,000.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.2	Regional leader in adapting to climate change.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Outcome 3.6	The natural environment is valued, protected and celebrated.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

Council has endorsed both a Coastal Hazard Risk Management and Adaptation Plan and an Achieving Net Zero Corporate Climate Change Mitigation Plan. Implementing the recommendations and actions from these strategic plans show that the City is committed to being a regional leader in adapting to climate change.

RISK MANAGEMENT:

The City's CHRMAP is in itself a risk management framework, with identified risk treatments for the long-term management of coastal assets and infrastructure. The executive recommendation is consistent with the identified risk treatments for the Point Moore Coastal Management Unit and the Geraldton Volunteer Marine Rescue building.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following option was considered by City Officers:

Implement a 'Protect' adaptation pathway. This option could provide medium to long-term protection by the construction of either rock revetment around the building, or the installation of Geo Synthetic Groynes such as those recently constructed at Drummond Cove.

Based on previous construction costs and an adjustment to today's market rates, initial capital cost estimates required to undertake rock protection is in the order of \$750,000 - \$1,000,000. The recently constructed GSC Groynes are in the order of \$500,000 each. Both options are subject to detailed design, materials and contractor availability and ongoing maintenance cost.

Initial discussion with coastal engineers still supports the managed retreat pathway option. The site is a dynamic environment subject to many variables and it is considered unlikely that any protection measures will provide the desired result, will cause other downstream erosion effects and is not in accordance with the Council endorsed CHRMAP.

12.4 REPORTS OF OFFICE THE CEO

Refer to item CEO100 under Meeting Closed to Public.

12.5 REPORTS TO BE RECEIVED**RR40 REPORTS TO BE RECEIVED - AUGUST**

AGENDA REFERENCE:	D-22-103787
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	19 August 2022
FILE REFERENCE:	GO/6/0012-008
ATTACHMENTS:	Yes (x4) 1 x Confidential
	A. DCSDD185 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CCS720 - 2021-22 Corporate Business Plan - Quarter Four Reporting
	C. CEO099 - WALGA State Council Agenda – 9 September 2022
	D. Confidential - CCS721 – List of Accounts Paid Under Delegation – July 2022

EXECUTIVE SUMMARY:

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

EXECUTIVE RECOMMENDATION:PART A

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

1. RECEIVE the following appended reports:
 - a. Reports – Development and Community Services:
 - i. DCSDD185 - Delegated Determinations and Subdivision Applications for Planning Approval;
 - b. Reports – Corporate and Commercial Services:
 - i. CCS720 - 2021-22 Corporate Business Plan - Quarter Four Reporting; and
 - c. Reports – Office of the CEO:
 - i. CEO099 - WALGA State Council Agenda – 9 September 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. CCS721 – Confidential Report – List of Accounts Paid Under Delegation – July 2022.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

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

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NM27 COASTAL PATHWAY – WILLCOCK DRIVE TO GLENDINNING ROAD

AGENDA REFERENCE:	D-22-020523
AUTHOR:	Cr M Reymond
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	11 February 2022
FILE REFERENCE:	GO/6/0008
APPLICANT / PROPONENT:	Council
ATTACHMENTS:	Yes (x2)
	A. Amendment C - SC199A Master Plan Point Moore to Tarcoola Beach Foreshore Masterplan 23 November 2010
	B. Map - Proposed Cycle Path – Willcock Drive to Glendinning Road

COUNCIL MEMBER COMMENT:

The purpose of this Notice of Motion is to seek Council support to permit future use of public open space to allow the construction of a continuous coastal pathway linking Willcock Drive to Glendinning Road.

At present there is no continuous coastal pathway joining Willcock Drive and Glendinning Road.

Background:

The recent review of the City's Integrated Transport Strategy (ITS) called for public comment which drew a response raising concern about the current unsafe and inadequate path behind the African Reef motel that links Willcock Drive with Upton Crescent.

At the moment there is an existing torturous, uphill, winding and narrow shared path starting from Willcock Drive behind the African Reef resort that connects Willcock Drive to Upton Court. To then reach Glendinning Road, pedestrians, skateboarders, scooters and cyclists that use this existing path have to detour along Upton Court into Eastcott Way and through to a T section to reach the northern tail of Glendinning Road. This existing pathway has seen many near misses due to conflicts between pedestrians (particularly those walking dogs) as well as cycling accidents due to the blind corners and its narrowness. The current pathway also denies users of beautiful coastal scenic views.

A future capital request, funded by the City of Greater Geraldton (City), is being prepared to upgrade the path just from Willcock Drive to Upton court but not only will this be expensive, it will not solve the need for a continuous path to Glendinning Road.

Objective:

In accordance with the original recommendations in the Foreshore Master Plan for Point Moore to Tarcoola Pathways, this motion of notice will allow the removal of existing coastal access restrictions and allow the design and possible future construction of a continuous coastal pathway to be considered.

Integration with current cycle path projects

The City has received two significant capital project grants from the State Government to improve the City's cycle paths:

- a. Geraldton Cycling Network Expansion Project (GCNEP); and
- b. The State Regional Bike Network (RBN).

One of the three cycle pathway elements of the GCNEP is the construction of the Cape Burney to Tarcoola Beach cycle path. The initial design work for the continuous coastal pathway may be eligible for a RBN grant.

EXECUTIVE COMMENT:

On 23 November 2010, Council Adopted the Point Moore to Tarcoola Beach Foreshore Management Plan – Item No. SC199 and resolved with variation;

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. *ADOPT the Point Moore to Tarcoola Beach Foreshore Master Plan.*
2. *ADOPTS the plan subject to the following conditions:*
 - a. *Section 7.5 recommendations that a traffic study be undertaken. The reference to closure of Glendinning Road is only one option canvassed. Before such an action is undertaken, other alternate strategies should be considered/addressed as part of the study;*
 - b. *Amendment C, Council notes the recommendations and resolves to retain the existing pathway network in this area and not support the steering committee's recommendations 1, 2, 3 and 4; and*
3. *GIVE public notice of the above.*

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: Council was of the view that they did not want to prioritise budget allocation to that particular pathway. Further, Council did not want to disturb the structures and works that were on public land at this time. Council stressed that the land is public land and accessible by public as public open space.

Council elected to place conditions on the adoption, in particular to not support the Steering Committee Recommendation 3 'Option 3', related to the establishment of a shared path between lot boundaries (on Eastcott Way and Glendinning Road) and the foreshore reserve.

The original shared path recommendation also met with considerable objection from property owners adjoining these two areas, and ultimately Council made the determination not to support the recommendation.

It is however noted that the Council Item specifically stated that:

“The plan provides guidance to the City, community, private interests and other stakeholders in protecting, developing, enhancing and regenerating the coastal zone to maximise the benefits to all parties over the next 10 years.”

Accordingly, it could be considered that since more than ten years has passed following the adoption of the plan, the Council determination could be reconsidered and all pathway options could be re-assessed.

In August 2018 Council adopted the Geraldton 2050 Cycling Strategy (Item No. IS177). The Strategy identifies the possibility for a future coastal bike path between properties on Eastcott Way and Glendinning Road, and the foreshore reserve. If Council determines to progress implementation of a shared pathway in this area, City Officers can develop a concept design suitable for submission for detailed design and construction through the regional bike network (RBN) program.

Officers have prepared a New Capital Project nomination for the realignment and widening of the winding section of shared path connecting Upton Court with Broadhead Avenue. The estimated costs of the upgrade are in the order of \$250k to undertake detailed design and construction that will assist in the minimisation of accidents due to the current winding nature of the existing path and the volume of pedestrian/cyclists utilising the shared path. Council may consider bringing forward this project as part of the upcoming budget deliberation process.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.8	Active living and recreation is encouraged.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.
Outcome 3.6	The natural environment is valued, protected and celebrated.

COUNCIL MEMBER MOTION:**PART A**

That Council by 1/3rd Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 **RESOLVES** to **CONSIDER** to **RESCIND** Part 2b of the Council Decision of City of Geraldton-Greenough (SC199) made at the Ordinary Meeting of Council on 23 November 2010:

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

2. *ADOPTS the plan subject to the following conditions:*
 - b. *Amendment C, Council notes the recommendations and resolves to retain the existing pathway network in this area and not support the steering committees recommendations 1, 2, 3 and 4; and*

PART B

That Council by Absolute Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 **RESOLVES** to **RESCIND** Part 2b of the Council Decision of City of Geraldton-Greenough (SC199) made at the Ordinary Meeting of Council on 23 November 2010 and undertake any actions necessary to this previous decision:

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

2. *ADOPTS the plan subject to the following conditions:*
 - b. *Amendment C, Council notes the recommendations and resolves to retain the existing pathway network in this area and not support the steering committees recommendations 1, 2, 3 and 4; and*

PART C

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

1. **DEVELOP** a concept design in line with the adopted the Geraldton 2050 Cycling Strategy and the original Tarcoola Beach Foreshore Master Plan for the proposed continuous coastal pathway west of houses between Upton Court and to Glendinning Rd being funded through the regional bike network (RBN) program grants;
2. **MAKE** the determination on the following grounds:
 - a. The original exclusion of this area was because it was perceived that it would affect the prioritisation of budget. The new motion doesn't impose any budgetary prioritisation;
 - b. The proposal will allow greater public access to the existing public open space to be considered in the future;
 - c. It will permit pathway network design options to be undertaken. These designs and preliminary costing will enable any future continuous coastal pathway from Willcock Drive to Glendinning Road, on public land along the coast, to be properly considered;

- d. The continuous coastal pathway is proposed in the adopted Geraldton 2050 Cycling Strategy;
 - e. The continuous coastal pathway was originally proposed in the Tarcoola Beach Foreshore Master Plan;
 - f. A future continuous coastal pathway, if constructed, would provide a pathway that is safer for pedestrian and cyclists; and
3. Give public notice of the above.

Alternative Options

That Council by Simple Majority pursuant to section 5.20 of the Local Government Act 1995 (as amended) RESOLVES to:

1. NOT proceed with the proposal to develop a concept design for the proposed Coastal Pathway.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

16 MEETING CLOSED TO PUBLIC

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

Livestreaming will be turned off if required.

IS263	RFT 2122 19 LRCIP 3 CULVERT RENEWALS
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AGENDA REFERENCE:	D-22-089518
AUTHOR:	M Butler-Henderson, Project Manager
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	30 August 2022
FILE REFERENCE:	FM/25/0267
ATTACHMENTS:	Yes (x1) Confidential Confidential - RFT 2122 19 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2122 19 LRCIP 3 Culvert Renewal to the preferred tenderer.

EXECUTIVE RECOMMENDATION:

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

1. AWARD the contract RFT 2122 19 LRCIP 3 Culvert Renewals separable portions 1 - Giles Road Culvert and 3 – Byron Road North Culvert/Floodway to the preferred tenderer;
2. RECORD the contract price based on the fixed lump sum for:
 - a. Separable Portion 1 – Giles Road Culvert; and
 - b. Separable Portion 3 – Byron Road North Culvert/Floodway.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Local Roads and Community Infrastructure Program (LRCIP) supports Local Governments to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

At the Ordinary Meeting of Council held on 28 September 2021, Council were provided Item No. IS246 Local Roads and Community Infrastructure Round 3 Grant Funding Project Nominations. Council resolved to:

1. APPROVE allocation of LRCIP 3 Grant Funding to a Major Culverts Replacement and Renewal program of works;
2. APPROVE the following proposed 2021-22 budget amendments and AUTHORISE any unauthorised expenditure and revenue:
 - a. Increase to Capital Expenditure Budget of \$2,646,504.00; and
 - b. Increase to Non-Operating Grants of \$2,646,504.00.

LRCIP 3 Grant funding was approved for six of the major culverts and floodway's that were identified as being priority renewals/replacements within the City of Greater Geraldton (City) Bridges, Major Culverts and Floodway's Asset Management Plan 2021.

Five LRCIP 3 Culvert Renewals were packaged under the procurement for RFT 2122 19 as separable portions being:

- Giles Road Culvert – major box culvert;
- Menang Road Culvert – major box culvert;
- Byron Road North Culvert/ Floodway – concrete floodway deck, pipe culverts and 2 x box culverts;
- Nubberoo Road Culvert/ Floodway – major box culvert; and
- Mingenew Mullewa Road Culvert – major box culvert.

RFT 2122 was advertised in The West Australian on 14 May 2022 and in the Geraldton Guardian on 13 May 2022. The RFT was also advertised on the City's TenderLink e-Tendering Portal with the tender closing on 10 June 2022.

Twenty suppliers registered to receive copies of the tender and five submissions were received including one supplier who provided an alternative tender with their conforming tender (evaluated separately). The tender assessment was undertaken by a panel of four Officers, consisting of three with voting rights and the mandatory Corporate Compliance Officer without voting rights.

One tenderer with conforming and alternative submission is a local supplier and therefore Council Policy 4.11 Regional Price Preference was applied to their tender assessments for evaluation. This did not change the final ranking of the submissions.

All submissions were deemed compliant and progressed to the qualitative and price evaluation on the basis that all compliance criteria had been met and the evaluation panel were to discuss qualifications and departures nominated by a number of the tenderers.

The following qualitative and price criteria were applied to ensure the most advantageous tenderer who provided best value for money was selected:

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

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Provision of a well-maintained culvert and major floodway asset enables water flow to be safely directed to a specified location or along a specified route to ensure the safe passage of vehicles and pedestrians over waterways. This will maintain key transportation routes for the delivery of services and minimise impact on property owners and road users that rely on the network to undertake commercial and social activities.

Economy:

Awarding of this RFT will see funds flowing into the local economy through the employment of local community members such as traffic controllers, contractors and suppliers in keeping with the intention of the LRCIP Program. Renewal of these assets will reduce ongoing maintenance requirements.

Environment:

All works contained within the scope for the LRCIP 3 Culvert Renewals will be undertaken with environmental controls implemented as part of the contract. Liaison with the Department of Planning Lands and Heritage (DPLH) and Yamatji Southern Regional Corporation (YSRC) has commenced regarding Aboriginal Heritage approvals and Department of Water and Environmental Regulation (DWER) for River Bed or River Banks Permit.

Leadership:

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

RELEVANT PRECEDENTS:

The City has successfully completed substantial works under the LRCIP 1 and LRCIP 2 Programs.

COMMUNITY/COUNCILLOR CONSULTATION:

Communication has commenced with Yamatji Southern Regional Corporation (YSRC) with a draft Heritage Agreement along with consultation with adjoining landowners where culverts are located. Further community consultation will occur as part of the Project Management when works commence.

LEGISLATIVE/POLICY IMPLICATIONS:

Work health and safety, along with environmental management of the project will be in line with legislative requirements and implemented during delivery of the contract along with requirements applied under the *Aboriginal Cultural Heritage Act 2021*.

FINANCIAL AND RESOURCE IMPLICATIONS:

The LRCIP 3 culvert package was previously tendered and received two submissions that significantly exceeded the available budget.

Both tender submissions were rejected, culvert designs amended and scaled back to basic Main Roads WA standard and readvertised this second time in order to achieve value for money.

Second round tender pricing received is reflective of today's current market rates with significant increases in both labour and material costs. The City has found the construction industry averaging a 43 – 63% increase in costs due to personnel and material shortages and as such, these prices were over the estimated budget for each separable portion.

The total LRCIP 3 funding is \$2,646,504 which allows two culverts to be constructed under this tender.

Residual funding will be allocated to the Chapman Valley Road Major Culvert replacement project in accordance with the Council endorsed 2022-23 Capital Program.

Project Management and Supervision will be provided by appropriately qualified and skilled City Officers. Aboriginal Heritage Survey and Department Planning Lands and Heritage, approval will be required for Byron Road North culvert replacement and construction work is expected to commence in late January 2023.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

Renewal and maintenance of a fit for purpose and safe road and drainage/floodway network through the City of Greater Geraldton enhances the safety and accessibility of the community and road users.

RISK MANAGEMENT:

The successful tenderer will be engaged under an AS4000 General Conditions of Contract providing industry standard mechanisms for managing risk during construction. A Promapp Risk Matrix will be completed and managed throughout the duration of the project.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Consideration will be provided in the Long Term Financial Plan for the short-term completion of the remaining culvert replacements. However, Council, as an alternative, could consider provision of the required funding to complete all of the culvert replacement works as a priority under this Contract this financial year.

CCS722 RFT 2223 01 SUPPLY AND LAY CONCRETE PATHS

AGENDA REFERENCE:	D-22-096411
AUTHOR:	C Bryant, Coordinator Procurement and B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	12 July 2022
FILE REFERENCE:	FM/25/0255
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2223 01 Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2223 01 Supply and Lay Concrete Paths to the preferred tenderer.

The contract is to run for a period of two years for delivery of budgeted supply and lay concrete paths.

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

EXECUTIVE RECOMMENDATION:

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

1. AWARD the contract RFT 2223 01 Supply and Lay Concrete Paths 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:

Tender RFT 2223 01 Supply and Lay Concrete Paths (RFT) was advertised in The West Australian on 28 May 2022, the Geraldton Guardian on 27 May 2022, and the City's TenderLink e-Tendering Portal. The RFT closed on 20 June 2022.

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

The RFT has a two-year duration commencing from 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 Lay Concrete Pathways RFT 03 1920.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Well-maintained concrete pathways support the community by enabling public open spaces to be enjoyed and reduces the likelihood of accidents or injury caused to members of the public and property.

Economy:

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

A two-year services contract also allows the City to carry out concrete path works from proven suppliers with planned costs.

Environment:

All proposed supply and lay of concrete paths will be undertaken with care for the environment in mind. Tenderers were asked to provide evidence of environmentally sustainable practices in their tender submission.

Leadership:

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

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City awarded a two year services contract RFT 03 1920 Supply and Lay Concrete Pathways on 24 September 2019, Item No. IS195. The initial contract was in place from 1 October 2019 to 30 September 2021, with an extension approved until 30 September 2022.

The City awarded a two year services contract RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving on 22 September 2015, Item No. IS102. The initial contract was in place from 1 October 2015 to 30 September 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

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

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

The estimated contract value for the term of the contract will be determined and be dependent on the annual quantity of capital works contained within concrete pathway programs as approved by Council.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.

REGIONAL OUTCOMES:

This contract will ensure well-maintained concrete pathways throughout the City of Greater Geraldton district, which enhances the comfort and safety of the community.

RISK MANAGEMENT:

The services carried out under this contract will ensure well-maintained concrete pathways, reducing the likelihood of accidents or injury caused to members of the public and property. In addition, the successful tenderer shall have documented management plans in place to ensure the safety and protection of workers and the community in relation to this service.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

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

1. Call for individual quotations and tenders for specific maintenance and renewal projects. This option is not supported and was discounted due to the volume of administrative effort required, and the potential to have higher costs through multiple small purchases.

2. Use the WALGA Preferred Suppliers Panel. Currently there is only one local supplier available on the WALGA Preferred Suppliers Panel for these services. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.

CCS723 ANNUAL CEO PERFORMANCE REVIEW 2021-22

AGENDA REFERENCE:	D-22-077791
AUTHOR:	N Hope, Manager Organisational Development
EXECUTIVE:	P Radalj, Director Commercial and Corporate Services
DATE OF REPORT:	27 August 2022
FILE REFERENCE:	GO/6/0012-007
ATTACHMENTS:	Yes (x3) 2 x Confidential A. Standards for CEO Recruitment, Performance and Termination <u>FOR COUNCIL MEMBERS ONLY</u> B. Confidential – CEO Performance Review Committee Minutes C. Confidential – 2022-23 CEO Performance Plan

EXECUTIVE SUMMARY:

The purpose of this item is to seek Council's endorsement of the Chief Executive Officer's (CEO) performance review for the 2021-22 financial year and adoption of the 2022-23 CEO Performance Plan.

CEO R McKim declared a Financial Direct interest in Item No. CCS723 Annual CEO Performance Review 2021-22 as it is a review of his performance as Chief Executive Officer.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.38 of the *Local Government Act 1995* and Clause 18 of the *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination* RESOLVES to:

1. NOTE the report and recommendations contained in the CEO Performance Review Committee Minutes dated 26 July 2022;
2. ENDORSE the review of the 2021-22 CEO Performance Plan and give effect to the 2022-23 CEO Performance Plan recommendations;
3. INFORM the CEO in writing of the results of the review, in accordance with the provisions of clause 19 of the *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination*; and
4. ADOPT the 2022-23 CEO Performance Plan.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination* (CEO Standards) were adopted by the Council on 27 April 2021 (Item No. CCS588). Division 3 of the CEO standards set out the standards for review of performance of CEOs.

In accordance with the provisions of clause 16 of the CEO Standards, the Council has established a CEO Performance Review Committee to provide advice and recommendations on the review of CEO performance, to the Council. Committee members are Mayor Shane Van Styn, Cr Jerry Clune, Cr Tarleah Thomas, Cr Robert Hall, and Cr Natasha Colliver.

The Committee held a meeting on 26 July 2022 to review the 2021-22 performance of the CEO.

COMMUNITY, ENVIRONMENT, ECONOMY AND LEADERSHIP ISSUES:

Community:

CEO Performance Plan 2022-23 incorporates actions and outputs linked to the Strategic Community Plan. The CEO has a specific KPI with respect to Community Development outcomes.

Economy:

There are no adverse economic impacts.

Environment:

CEO Performance Plan 2022-23 incorporates actions and outputs linked to the Strategic Community Plan. The CEO has a specific KPI with respect to Sustainability outcomes.

Leadership:

Undertaking the CEO's performance review and establishing performance criteria are part of the good governance of the City.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

This is an annual legislative requirement. Previous reviews have been undertaken by Council in a similar manner – Item No. CCS517, Annual CEO Performance Review 2019-20 on 28 July 2020; and Item No. CCS622, Annual CEO Performance Review 2020-21.

COMMUNITY/COUNCILLOR CONSULTATION:

The CEO Performance Review Committee provide advice and recommendations to the Council. The CEO's 2021-22 KPI responses and draft 2022-23 KPI's were placed on a One Drive link and made available to the Committee Members on 30 June 2022.

LEGISLATIVE/POLICY IMPLICATIONS:

Part 5 of the *Local Government Act 1995* relates to the employment of staff. Section 5.38 of the Act reads as follows:

5.38. Annual review of employees' performance

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*

- (3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

The *City of Greater Geraldton Standards for CEO Recruitment, Performance and Termination*, clause 16, 17, 18, and 19 set out the standards for performance reviews.

16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
- (a) *the process by which the CEO's performance will be reviewed;*
 - and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
- (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner;*
 - and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

FINANCIAL AND RESOURCE IMPLICATIONS:

Provision for the CEO position has been made within the 2022-23 operational budget.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

As detailed in the Leadership section of this report, Council is required to conduct an annual performance review of the CEO. Completion of the review ensures compliance with the statutory requirement.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Division 3, clause 18 of the CEO Standards requires that following a review of the performance of the CEO, the Council must, endorse the review by absolute majority. The Council may choose to defer the decision to endorse the review, if further information is required, this is a matter for Council.

CEO100 CONFIDENTIAL – CODE OF CONDUCT DIVISION 3 COMPLAINT (Public Version)
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AGENDA REFERENCE:	D-22-103956
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	14 August 2022
FILE REFERENCE:	GO/7/0025
ATTACHMENTS:	Yes (x9) 6 x Confidential A. Council Policy 4.2 Code of Conduct B. Council Policy 4.30 Complaints Handling C. Complaints Handling Procedure FOR COUNCIL MEMBERS ONLY D. Confidential – Findings Report E. Confidential – Investigation and Assessment Report F. Confidential - Complaint G. Confidential - CO Letter to Complainant H. Confidential - CO Letter to Respondent I. Confidential - Response

This item has been provided to Council under separate cover.

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

17 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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