



ORDINARY MEETING OF COUNCIL

AGENDA

30 MAY 2023

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 30 MAY 2023 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr T Thomas

Cr M Reymond

4 DISCLOSURE OF INTERESTS

CEO R McKim declared a Financial Direct interest in Item No. CS043 Annual CEO Performance Review 2022-23 as it is a review of his performance as Chief Executive Officer.

Cr M Librizzi declared a Financial Direct Interest in Item No. CS036 Geraldton Airport - Surrender and New Lease – Lot 9 Gordon Garratt Drive - Geraldton Fuel Company Pty Ltd as the proponent is a major client of the Councillors' Fuel Maintenance and Engineering business.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were Taken on Notice at the Ordinary Meeting of Council held on Wednesday 26 April 2023.

Aaron Horsman, 213 Lester Avenue, GeraldtonSummary of supplementary verbal question from Mr Horsman

How many BBQs does the City service / what is the project cost of replacing all of the BBQs?

Response

The City has approximately 50 barbeques.

To entirely replace a single Icon barbeque is approximately \$13 -16,000.

To entirely replace a double Icon barbeque is approximately \$18 - 20,000.

Question

What conditions did the Council take into account for a “sneaky”, as it was described by its organiser Euphorium, Event called “That’s so lane”. This past weekend? Did the Council consider the residential dwellings with small children, elderly residents and disabled and unwell only 150m away on Lester Avenue before approval? Did the Council take noise readings consistently at the event and are there any plans for further outdoor concerts in this residential area.

Response

The event ‘That’s So Lane’ was held at 189 Marine Terrace last weekend, 22 April 2023, and organised by Euphorium. The event was approved by the City through the events approval application process. As far as City Officers are aware, the event had been well advertised by the organisers - advertised online for months, as well as letter box drop to residents in the area asking them to contact the organisers if they have any concerns. As part of their application, Euphorium submitted a noise management plan and noise exemption application, which were approved. City Officers are unaware of any complaints.

These responses have been sent to Mr Horsman.

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 T Thomas	3 May 2023	7 June 2023	26/04/2023
Cr M Reymond	19 May 2023	30 June 2023	26/04/2023
Cr S Cooper	1 June 2023	25 June 2023	26/04/2023
Cr J Critch	21 June 2023	4 July 2023	31/01/2023
Cr K Parker	7 July 2023	21 August 2023	28/03/2023
Cr M Librizzi	2 August 2023	18 August 2023	26/04/2023

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

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

8 PETITIONS, DEPUTATIONS

CS035	PETITION – REQUEST TO CONSIDER CONSTRUCTION OF CHANGE FACILITIES IN CHAMPION BAY GERALDTON
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AGENDA REFERENCE:	D-23-052572
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	27 April 2023
FILE REFERENCE:	GO/6/0003
ATTACHMENTS:	Yes (x2)
	A. Petition – Request to consider construction of change facilities in Champion Bay, Geraldton
	B. Additional Non-Compliant - List of Signatures

EXECUTIVE SUMMARY:

The purpose of this report is to advise Council a petition was received by the City of Greater Geraldton (the City) on 24 April 2023, petitioning the City to provide amenities in the form of change room facilities in the Champion Bay, Geraldton vicinity.

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the petition requesting construction of change room facilities in the Champion Bay, Geraldton vicinity; and
2. REQUIRE the Chief Executive Officer to provide Council with a report on the subject of the petition.

PROPONENT:

The proponent is Jennie Haste as the promoter of the petition.

BACKGROUND:

A petition has been presented to the Chief Executive Officer of the City of Greater Geraldton, on 24 April 2023, requesting that the Council consider the construction of a change room facility in the Champion Bay, Geraldton vicinity.

Petitioners respectfully request the Council to consider:

‘Building a male and female changing room, hot showers and better toilet facilities at the site of the current cube toilets.

Installing free lockers, small for wallet and keys and or large for kit bags.’

The reasons for the request are:

Sea swimming is gaining in popularity in Champion Bay. Befitting amenities would encourage more people into the water benefiting the health of the community.

There are currently no facilities for swimmers to safely leave their belongings or to change in comfort. Swimmers are regularly verbally abused by 'cube' toilet users for utilizing them as a change room. Per capita of beach and coffee shop frequenters at Champion Bay, the current facilities are grossly inadequate.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The receipt of a compliant petition by the Council provides an opportunity for the Council to consider the views and the request of community members in relation to a matter/matters of importance to members of the community.

Economy:

The economic benefit and cost of actions relating to the petition request will be incorporated into a report to Council regarding consideration of the construction of a change facility in the Champion Bay vicinity.

Environment:

Any environmental impacts relating to the subject matter of the petition will be addressed in a report to Council regarding consideration of the construction of a change room facility in the Champion Bay vicinity.

Leadership:

Pages 1- 5 and 12-13 of the petition meet the requirements of clause 5.10 of the City of Greater Geraldton Meeting Procedures Local Law 2011. Pages 6 - 11 are non – compliant as they do not include the addresses of signatories, however, are included for viewing as a separate attachment (No. CS035B).

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council has previously received petitions, most recently on 28 July 2020 – Item No. CCS519 Petition – Request to Consider Construction of a Footpath along Fraser Street, Beachlands.

COMMUNITY/COUNCILLOR CONSULTATION:

The petition was signed by more than 112 community members.

LEGISLATIVE/POLICY IMPLICATIONS:

The provisions for the receipt of compliant petitions are contained in clause 5.10 of the *City of Greater Geraldton Meeting Procedures Local Law 2011*.

5.10 Petitions

(1) A petition is to—

- (a) be addressed to the Mayor or CEO;
- (b) be made by at least 50 electors of the district;
- (c) state the request on each page of the petition;

- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request; and
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

....

- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial implications of the receipt of the petition. The financial and resource implications of any action on the subject matter of the petition will be dealt with in a report to consider the construction of a change room facility in Champion Bay, Geraldton.

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Risk is minimised if the City follows the process outlined in the *City of Greater Geraldton Meeting Procedures Local Law 2011*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers, this petition meets the criteria as stipulated in the *City of Greater Geraldton Meeting Procedures Local Law 2011*.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 April 2023, as previously circulated, be adopted as a true and correct record of proceedings.

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

27 April 2023	Regional Business Engagement - Department of Jobs, Tourism, Science and Innovation	Mayor Shane Van Styn
27 April 2023	Shore Leave - Official Opening	Mayor Shane Van Styn
28 April 2023	Geraldton Croquet Club - Player and Member Meet and Greet	Mayor Shane Van Styn
29 April 2023	Midwest Paddock to Plate presented by Mid West Ports as part of Shore Leave	Mayor Shane Van Styn
29 April 2023	Flotsam and Jetsam Exhibition Opening	Deputy Mayor Cr Jerry Clune
30 April 2023	Amateur Lobster Cook Off presented by Red Dust Holdings as part of Shore Leave	Mayor Shane Van Styn
1 May 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
1 May 2023	Australian Citizenship Ceremony	Mayor Shane Van Styn
1 May 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
1 May 2023	Photo for Media Release - Official Construction Start Date for the Spalding Revitalisation Project - Department of Communities Grant Funding	Mayor Shane Van Styn
2 May 2023	Photo for Media Release - Round 28 – Successful Community Grant Applicants	Mayor Shane Van Styn
2 May 2023	Geraldton Guardian Interview - Upcoming State and Federal Budget's and Graffiti on Willcock Drive	Mayor Shane Van Styn
2 May 2023	CEO Performance Review Committee	Mayor Shane Van Styn
2 May 2023	Concept Forum	Mayor Shane Van Styn
4 May 2023	Geraldton Guardian Interview – Street Lighting Costs	Mayor Shane Van Styn
5 May 2023	Channel 7 Interview - 20 th AFL Team	Mayor Shane Van Styn
7 May 2023	Torch Relay - Legacy Australia 100 th Anniversary	Mayor Shane Van Styn
8 May 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
8 May 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
8 May 2023	Photo for Media Release - 'AMC' Mitchell Street Park, Spalding - presentation of Lotterywest Grant by Lara Dalton MLA, Member for Geraldton	Mayor Shane Van Styn
8 May 2023	Filming for Media Release Introduction - Round 28 - Successful Community Grant Applicants	Mayor Shane Van Styn
8 May 2023	Meeting with Pharmacy 194 owner - 60 Day Dispensing and its affects on the Midwest	Mayor Shane Van Styn
8 May 2023	Batavia Coast Rotary Club Dinner - Guest Speaker	Mayor Shane Van Styn
9 May 2023	Pacific Explorer Cruise Ship Passenger Meet & Greet and Filming of Introduction to Cruise Ship Season Wrap Video	Mayor Shane Van Styn
9 May 2023	Various Radio Interviews - Regional Capitals Australia (RCA) – Federal Budget	Mayor Shane Van Styn
10 May 2023	Meeting with Community Members - Discuss fundraising for providing children in need with food	Mayor Shane Van Styn
11 May 2023	ABC Interview – State Budget	Mayor Shane Van Styn
12 May 2023	2023 State Government Post Budget Breakfast - Perth	Mayor Shane Van Styn
13 May 2023	Geraldton Community Toy Library Visit - Acknowledgement of Grant Funding	Mayor Shane Van Styn
13 May 2023	Annual Hari Raya - Eid Party 2023	Mayor Shane Van Styn
15 May 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
15 May 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn

16 May 2023	ABC Interview – Cloud 9	Mayor Shane Van Styn
16 May 2023	Geraldton Guardian Interview – Aviair - Nexus Airlines	Mayor Shane Van Styn
17 May 2023	Aviair – Nexus Airlines Regional Airline Launch - Perth	Deputy Mayor Cr Jerry Clune
17 May 2023	Geraldton Guardian Interview – Western Power	Mayor Shane Van Styn
17 May 2023	Triple M Interview – Aviair – Nexus Airlines	Mayor Shane Van Styn
17 May 2023	ABC Interview – 2023 7NEWS Top Tourism Town – City of Greater Geraldton Won Silver and Aviair – Nexus Airlines	Mayor Shane Van Styn
17 May 2023	2022 Cruise Volunteers Morning Tea	Mayor Shane Van Styn
18 May 2023	WALGA at the Leadership Matters: Breakfast with Hon Dr Jim Chalmers MP, Treasurer of Australia - Perth	Mayor Shane Van Styn
19 May 2023	"Thank You" Sundowner for Cruise Ship Volunteers	Mayor Shane Van Styn
21 May 2023	Spalding Horse and Pony Club - Official Opening of New Shed	Mayor Shane Van Styn
22 May 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
22 May 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
22 May 2023	Woorree Homestead Site Inspection	Mayor Shane Van Styn
23 May 2023	Mullewa Town Walk – Local Matters	Mayor Shane Van Styn
23 May 2023	Agenda Forum	Mayor Shane Van Styn
24 May 2023	NBN Update to City of Greater Geraldton	Mayor Shane Van Styn
25 May 2023	Signing of Pensioner Documents	Mayor Shane Van Styn
25 May 2023	Batavia Local Emergency Management Committee Meeting (BLEMC)	Mayor Shane Van Styn
26 May 2023	HMAS Stalwart III Smoking Ceremony and Commanding Officer Luncheon	Mayor Shane Van Styn
26 May 2023	HMAS Stalwart III Official Reception	Mayor Shane Van Styn
29 May 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
29 May 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
29 May 2023	Mid West Chamber of Commerce and Industry (MWCCI) Mid West Economic Summit – Day 1	Mayor Shane Van Styn
30 May 2023	Mid West Chamber of Commerce and Industry (MWCCI) Mid West Economic Summit – Day 2	Mayor Shane Van Styn
30 May 2023	Ordinary Meeting of Council	Mayor Shane Van Styn

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT SERVICES

DS015	PROPOSED DEMOLITION THROUGH SUBDIVISION OF HERITAGE LISTED DWELLING – WOORREE HOMESTEAD – LOT 757 (NO.22) TAMARISK WAY, WOORREE
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AGENDA REFERENCE:	D-23-059060
AUTHOR:	C Krummenacher, Planning Officer
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	11 May 2023
FILE REFERENCE:	P163457
ATTACHMENTS:	Yes (x8)
	A. Proposed Subdivision Plan
	B. Municipal Inventory Heritage List Record (Place No.175)
	C. Excerpt from Homesteads of the Mid West Region of Western Australia
	D. Heritage Impact Statement
	E. City of Greater Geraldton Heritage Advisor Report
	F. Additional Background Detail
	G. Site Location Map
	H. Site Plan and Overlay

EXECUTIVE SUMMARY:

The purpose of this report is to recommend that Council not support a subdivision application that requires demolition of a dwelling listed on the City's Municipal Inventory (MI) of Heritage Places (Woorree Homestead).

EXECUTIVE RECOMMENDATION

That Council by Simple Majority pursuant to section 142, Part 10, Division 2 of the *Planning and Development Act 2005* RESOLVES to:

1. ADVISE the Western Australian Planning Commission (WAPC), that in relation to the proposed subdivision (WAPC Reference 163457) Council does not support the proposal as it considers:
 - a. there is insufficient justification provided by the applicant for the demolition of the Woorree Homestead, as listed on the City's Municipal Inventory of Heritage Places, which is required to facilitate the proposed lot configuration;
 - b. the proposed demolition of the heritage listed dwelling does not comply with the relevant provisions in WAPC State Planning Policy 3.5, the City of Greater Geraldton Local Planning Scheme No.1 and the City of Greater Geraldton Heritage and Conservation Local Planning Policy;
 - c. the cultural heritage significance of the Woorree Homestead warrants conservation; and

2. REQUEST that determination of the subdivision application be deferred for further discussion so that the recommendations (4 and 5) of the Heritage Impact Statement (dated 13 December 2022 and submitted with the subdivision application) can be implemented.

PROPONENT:

The proponent of the subdivision is the Rowe Group on behalf of owner Andrew Vandeleur.

BACKGROUND:

The City has received a subdivision application referral for comment from the WAPC, see Attachment No. DS015A. The WAPC are the determining authority for subdivision of land in WA.

This application has been referred to Council as demolition of a building on the City's Municipal Inventory of Heritage Places would be required for the subdivision to be finalised. If the subdivision is approved by the WAPC a separate demolition approval by the City would not be required.

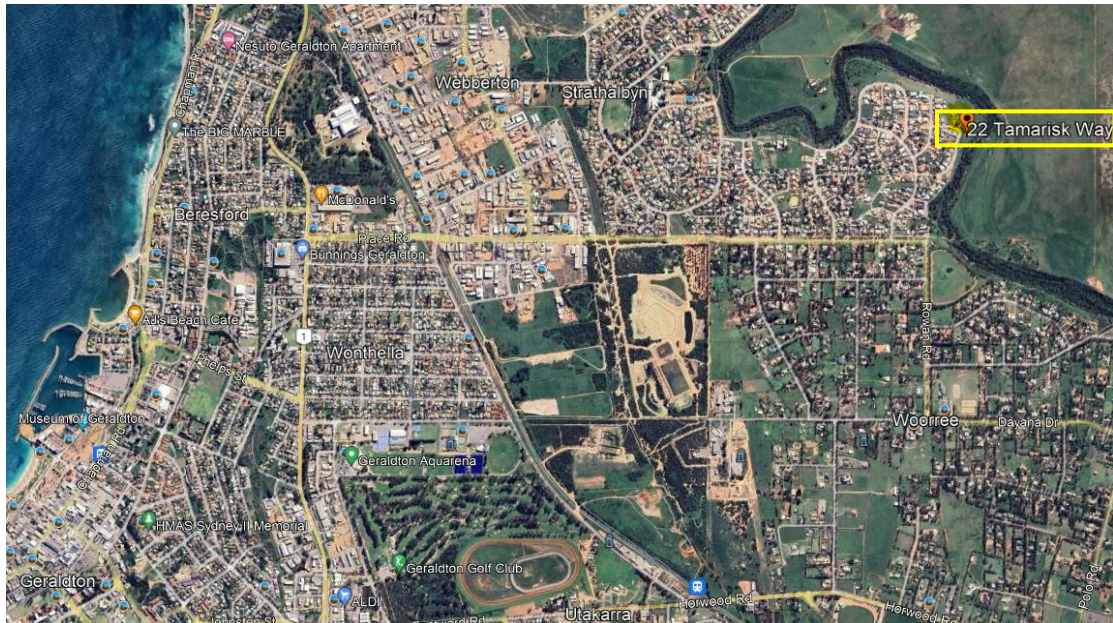
A preliminary assessment of the subdivision application by the City has identified there are several other matters including inconsistencies with the subdivision design and the heritage assessment recommendations, configuration of the battleaxe legs and potential flood risk relating to the proposed subdivision which require clarification and/or further information. These matters are technical town planning matters and can be dealt with at officer level.

Department of Planning, Lands and Heritage (DPLH) Officers have confirmed that given the complexity and range of issues, it is likely that determination of the application will be deferred. This allows time for Council to consider the proposed demolition and allows DPLH Officers to conduct a site visit (if considered necessary).

The attachments for this report include the Heritage Impact Statement (Attachment No. CS015D) and the City of Greater Geraldton's Heritage Advisor report (Attachment No. DS015E). The recommendation to not support demolition is based on the heritage values of the site including its social value, history of the Woorree area and the general discouraging of demolition of heritage listed sites. There is opportunity to reconfigure the subdivision to accommodate retention.

Location

The rear and eastern boundaries border the Chapman River Foreshore Reserve. The subject land and the land to the south and west is zoned Residential R5 (minimum 2,000m² lot size required) and has been developed for residential purposes.



Woorree Homestead – 22 Tamarisk Way, Woorree (northeast corner)



Woorree Homestead Lot (Terracotta Roof)

Municipal Inventory Heritage Listing – Management Category 4

The subject land contains several structures which are all proposed to be removed/demolished to facilitate the subdivision into seven lots. The only structure on the lot that is referenced is the “Woorree Homestead” (terracotta roof in photograph above), however the mature palms are noted in the History Section (Attachment No. DS015B).

The Management Category assigned is 4: *“Some Significance: Contributes to the heritage and/or historical development of the locality”*.

Heritage Impact Statement (prepared by Stephen Carrick Architects)

As part of the supporting documentation for the subdivision proposal a Heritage Impact Statement has been submitted (Attachment No. DS015D).

The Heritage Impact Statement supports demolition of the Woorree Homestead.

The Heritage Impact Statement recommends that consideration is given to the following actions:

4. *Development of interpretation of the history and former use and built form of Woorree Homestead; and*
5. *Retention of part or all of the front boundary fence as well as the existing mature palm trees within the subdivision.*

The subdivision proposal (subdivision plan and supporting documents) submitted does not provide any additional information or suggestions regarding implementation of the recommendations of the Heritage Impact Statement.

City of Greater Geraldton Heritage Advisor Assessment

The City's Heritage Advisor has reviewed the subdivision application and the Heritage Impact Statement and conducted a site inspection. A full copy of the Heritage Advisor's report can be found at Attachment No. E.

The Heritage Advisor advised the Woorree Homestead is in fair condition, with some signs of deterioration due to lack of use, ongoing maintenance and weather ingress. While the building is considered retrievable, its large scale combined with the current configuration of rooms would make it a very costly enterprise. Furthermore, the 1950 renovation and extension work were so extensive that they have served to largely obscure the original form of the old 1879 Homestead. While it could be argued that the 1950's form and style of the building marks an important stage in the development of the property over time, it is nevertheless not considered to be especially representative or a special enough case to warrant its retention.

Notwithstanding the above, the Heritage Advisor pointed out that retention, renovation and conservation of the Woorree Homestead for ongoing use into the future is the preferred outcome.

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

The site is listed as Place Number 175 in City's MI as follows:

Management Category 4 Level of Significance: Some Significance – Contributes to the heritage and/or historical development of the locality.

Management Recommendation: Conservation of the place is desirable. Any proposed change to the place should be in sympathy with the heritage values of the place.

A copy of the place record is included as Attachment No. DS015B.

If the demolition of the heritage building is ultimately approved (by way of approval and implementation/finalisation of the subdivision by the WAPC), the Management Category for the property should be modified to Category 6.

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 have been a number of heritage listed building demolitions (development applications) approved by Council where structural failure was cited as justification (with appropriate structural engineer assessment provided). These approvals are not considered relevant precedents for demolition of the Woorree Homestead as the building is not identified to have structural issues.

In 2007 the City refused to grant demolition to a number of Heritage Listed properties. These were in higher level Management Categories and within wider heritage precincts.

The author is not aware of any similar precedents for the current application, particularly where demolition is essentially approved by way of approval for subdivision.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community consultation and there is no requirement for community consultation in regard to subdivision applications.

A site visit for Councillors has been arranged.

LEGISLATIVE/POLICY IMPLICATIONS:

Planning and Development Act 2005

Subdivision Process

Section 142 of the Planning and Development Act 2005 provides for the WAPC to forward the plan or a copy of the plan to that local government for objections and recommendations, if a response is not received, the WAPC can determine that it is to be taken to have no objections or recommendations to make or advice to give.

Heritage Act 2018

Heritage

Section 103 of the Act requires the local government to prepare a local heritage survey of places (commonly referred to as a municipal inventory of heritage places) within its district which in its opinion are, or may become, of cultural heritage significance.

Western Australian Planning Commission State Planning Policy 3.5 – Historic Heritage Conservation (SPP 3.5)

SPP 3.5 is made under Part 3 of the *Planning and Development Act 2005*. It sets out the principles of sound and responsible planning for the conservation and protection of WA historic heritage. Further details are provided in Attachment No. DS015F.

City of Greater Geraldton Local Planning Scheme No.1 (LPS 1)

LPS 1 was gazetted in December 2015. One of the aims of the scheme listed was to provide for our cultural heritage and our creative community. Under LPS 1 and the Deemed Provisions of the *Town Planning Regulations 2015* places which are listed in the City's Heritage List require development approval for demolition or modification.

City of Greater Geraldton - Heritage Conservation and Development Local Planning Policy

This policy has been prepared under the *Planning and Development (Local Planning Scheme) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No.1.

The relevant objectives of the policy are:

- a. *To conserve and protect places of cultural heritage significance.*
- b. *To ensure development does not adversely affect the significance of heritage places.*
- c. *To ensure that sufficient information is provided to enable the local government to make informed decisions.*
- d. *To ensure that heritage significance is given due weight in local planning decision making.*

Further information is contained in Attachment No. DS015F.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications. Should the WAPC resolve to defer or support the subdivision application pending further information additional resources would be required to assess the application.

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 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.

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 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
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 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There is no inherent risk to the City in supporting or not supporting the demolition as the City is not the decision making authority for the subdivision application.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The option to support the subdivision (and therefore the demolition 'in principle' was considered (noting there are other matters which do not comply with relevant subdivisional policies). The approval in principle would be subject to the City requesting appropriate conditions to implement recommendations 4 and 5 of the Heritage Impact Statement as discussed in this report. This was not considered a desirable option as it is considered further negotiations with the applicant and DPLH Officers needs to occur to ascertain what exactly these requirements would be, prior to the conditions being imposed on any subdivision approval.

As discussed in the report it is likely that the subdivision will in the first instance be deferred as the 42 day referral period expired on 17 May 2023. City Officers received the referral on 5 April 2023 and several matters were identified that required further investigation/clarification. This included that the subdivision application would require demolition of a Municipal Inventory listed site that has a separate process that needed to be followed. DPLH Officers (and the applicant) are aware that the Council process requires a Council determination of the proposed demolition of the heritage dwelling. It is noted that a formal response from Council back to DPLH Officers/WAPC is already outside the standard statutory 42 days referral period.

DS016	LEASE – PORTION LOT 1 LOVERS LANE, MULLEWA – MULLEWA CAMP ACCOMMODATION
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AGENDA REFERENCE:	D-23-043518
AUTHOR:	G Wilkinson, Coordinator Land and Leasing
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	30 March 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Request for Lease – Former Mullewa Camp Site - Pilbara Resource Group

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to grant a lease for the accommodation camp on a portion of Lot 1 Lovers Lane, Mullewa.

EXECUTIVE RECOMMENDATION:

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

1. GIVE local public notice of the intent to grant a lease to PRG Corporate Pty Ltd for an area of approximately 1.9ha incorporating the workers' accommodation camp facility adjacent to Mullewa Caravan Park;
2. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;
3. SET the proposed conditions as follows:
 - a. Enter into a four year initial lease term commencing from the date of execution of the lease, with three further term options of two years at the sole discretion of the City of Greater Geraldton Chief Executive Officer;
 - b. Set the lease fee at \$1.00 plus GST per annum;
 - c. Require refurbishment of the accommodation units and kitchen facility to building compliance, and health and safety standards within one year of lease commencement;
 - d. At the expiration of the term of lease all infrastructure shall be returned to the City to a mutually agreed standard of condition.
4. ADVISE the lessee they are responsible for separately paying:
 - a. All applicable insurances;
 - b. All applicable rates, taxes and other utilities;
 - c. The preparation, execution and registration of the lease;
 - d. Ongoing maintenance of accommodation units, grounds, fencing and gates; and
5. REFER the matter back to Council for final consideration should any objecting submissions be received.

PROPONENT:

The proponent is PRG Corporate Pty. Ltd known as Pilbara Resource Group (PRG).

BACKGROUND:

Lot 1 on Diagram 60307 Lovers Lane, Mullewa, is owned freehold in fee simple by the City of Greater Geraldton. The City of Greater Geraldton has received a proposal from PRG Corporate Pty Ltd (PRG) to lease a portion of the lot for the exclusive occupation of the accommodation camp adjacent to the Mullewa Caravan Park. The proposal includes a budget to upgrade all units within the accommodation camp to a fully compliant operating standard, including the kitchen building.

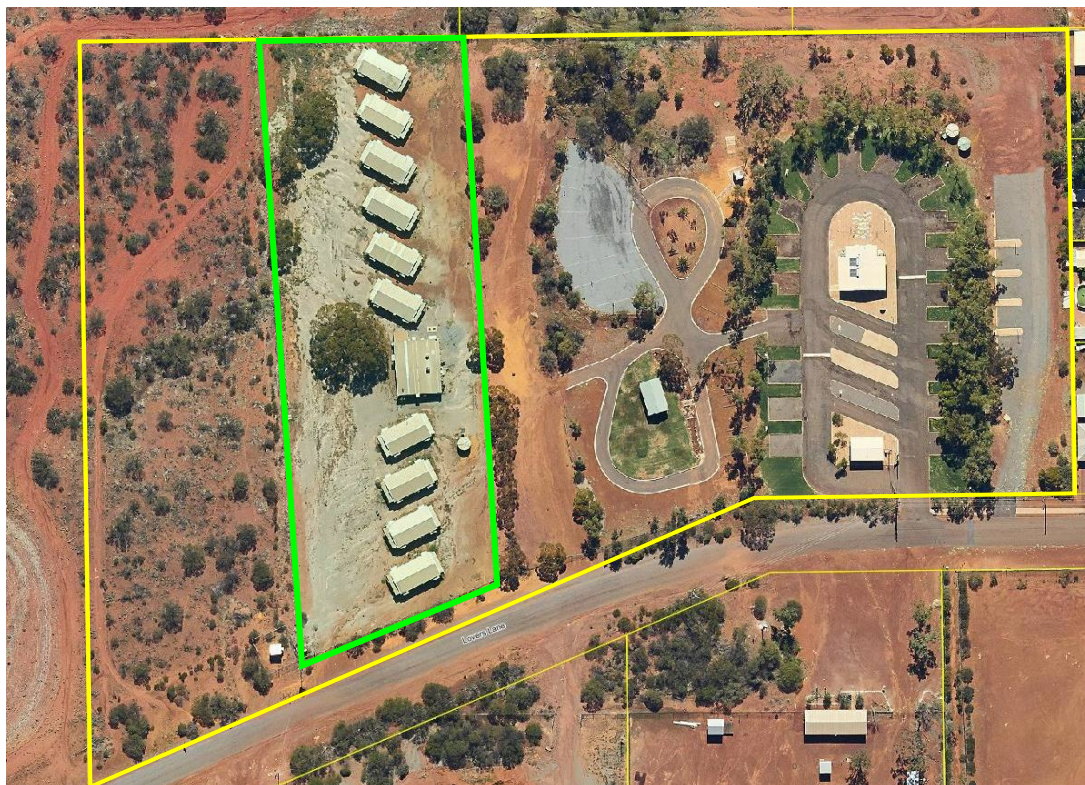
PRG is a privately owned Australian company with headquarters in Perth, Western Australia, currently engaged in mining Iron Ore at the C4 mining operation in Wiluna and transporting it to the Mid-West port in Geraldton. The C4 project has an anticipated 8-10 year mine life. Mullewa has been identified as a good 'halfway' point to provide truck drivers with meals and accommodation for their rostered shifts. The total term of ten years has been proposed for the exclusive right of PRG to use the camp for personnel accommodation and aligns with the activities at the C4 mining operations in Wiluna.

PRG has undertaken projects including camp construction, refurbishment and relocation, civil construction and miscellaneous mining services. The current proposal includes refurbishing all the units within the accommodation camp to achieve consistent presentation and compliant working order within approximately 12 weeks of lease commencement. PRG anticipates that upgrades to the kitchen/mess facility will take up to nine months to achieve and envisage engaging local eateries for meals until the kitchen complies with health and safety standards. PRG accepts ongoing responsibility for maintaining the accommodation camp infrastructure and grounds for the duration of the lease.

The proposal includes all costs by PRG for initial refurbishment, ongoing operation and maintenance. Engagement of suitable skilled local employees and contractors to refurbish, operate, and maintain the camp is also anticipated. PRG accept responsibility for all regulatory approvals and camp accommodation operating licences and will ensure appropriate camp management standards are implemented and maintained. All insurance requirements and indemnity provisions will also be provided by PRG and remain current for the duration of the lease.

PRG requests that this proposal be considered on its merit though they have not discounted the possibility of adding further accommodation and amenities units to the camp facility. Should this occur, these will remain at the camp and become the City's property upon the expiry of the lease term.

Considering the capital investment to refurbish the accommodation, PRG has requested a lease fee of \$1 per annum.



Portion Lot 1 Lovers Lane, Mullewa – Highlighted Green Above

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Support for this proposal would provide social and community activation for Mullewa and the surrounding localities.

Economy:

This proposal provides an opportunity for local businesses to be supported while strengthening benefits to the local economy.

Environment:

There are no adverse environmental impacts as the accommodation units are already in place. Use of the units would ensure active care and management of the surrounding land is undertaken.

Leadership:

A lease is part of the formal statutory structure that assists with the governance and management of the City and its land assets.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City regularly leases portions of Crown and freehold land to businesses and community organisations (subject to Ministerial consent) that will benefit the community and its economy.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation for this proposal however, there was previous Councillor consultation at the July 2021 Concept Forum regarding a similar proposal from a different proponent.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

The PRG proposal is to refurbish the camp to fully compliant operating standards, including the upgrade of all rooms within the accommodation camp including the kitchen building.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

The City recognises the benefit of supporting this proposal as it will enhance the efficiencies of local mining operations and provide economic and social stimulation to the Mullewa region.

RISK MANAGEMENT:

There are no specific risks to the City with this proposal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by City Officers.

12.2 REPORTS OF COMMUNITY AND CULTURE

Nil.

12.3 REPORTS OF CORPORATE SERVICES

CS036	GERALDTON AIRPORT - SURRENDER AND NEW LEASE – LOT 9 GORDON GARRATT DRIVE - GERALDTON FUEL COMPANY PTY LTD
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AGENDA REFERENCE:	D-23-058058
AUTHOR:	A Gartner, Airport Administration Supervisor
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	21 April 2023
FILE REFERENCE:	PM/6/0006-004
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to surrender and enter into a new land lease with Geraldton Fuel Company Pty Ltd.

Cr M Librizzi declared a Financial Direct Interest in Item No. CS036 Geraldton Airport - Surrender and New Lease – Lot 9 Gordon Garratt Drive - Geraldton Fuel Company Pty Ltd as the proponent is a major client of the Councillors' Fuel Maintenance and Engineering business.

EXECUTIVE RECOMMENDATION:

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

1. AGREE to surrender the existing lease agreement with Geraldton Fuel Company Pty Ltd;
2. ENTER into a new lease agreement for approximately 1,623m² with Geraldton Fuel Company Pty Ltd;
3. SET the conditions as follows:
 - a. Enter into a five (5) year lease agreement with a further term option of five (5) years commencing on 1 July 2023;
 - b. Commence the lease fee at \$16,067.70 including GST per annum;
 - c. Adjust the lease fee annually in line with the preceding March Perth Consumer Price Index (CPI);
 - d. Obtain a market rent valuation at the expiration of the further term option and adjust the lease fee accordingly;
4. MAKE the determination subject to an advertising period of 14 days inviting public submissions;
5. ADVISE lessee is responsible for separately paying:
 - a. All applicable rates, taxes and other utilities;
 - b. All other costs associated with the lease;
 - c. 50% of costs associated with the assessment and preparation of an environmental contamination report for whole of Lot 9 Gordon Garratt Drive (3,084m²), no less than one month prior to the termination or expiry of the new lease; and
6. REFER the matter back to Council for final consideration if any objecting submissions received.

PROPONENT:

The proponent is Geraldton Fuel Company Pty Ltd.

BACKGROUND:

On 1 July 2013, the City of Greater Geraldton entered into a land lease agreement with Geraldton Fuel Company for the purpose of a 24-hour refuelling site. The respective lease includes an area of 3,084m².

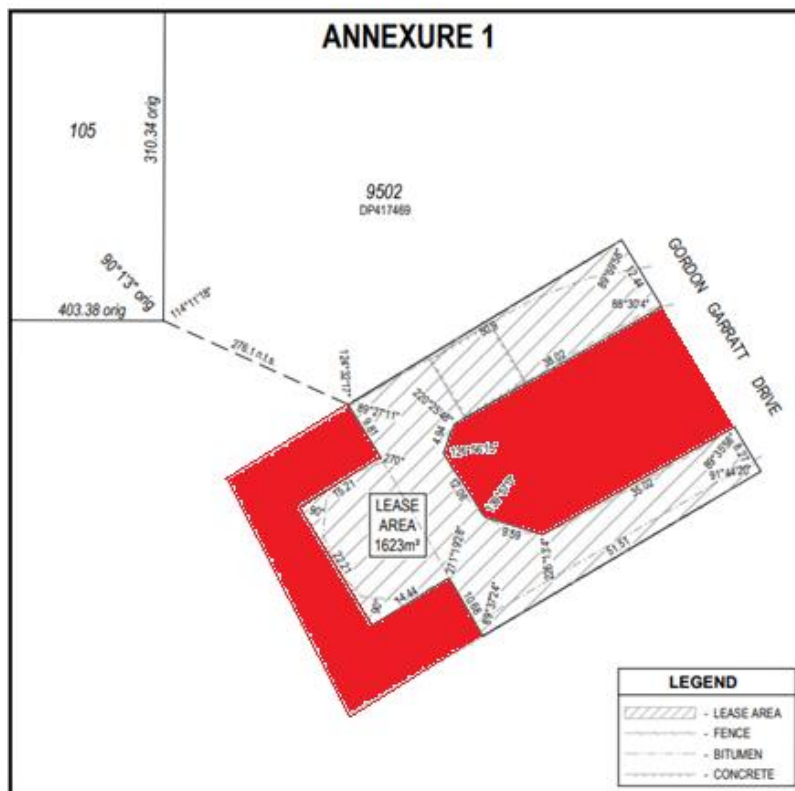
The existing term of the lease is due to expire on 30 June 2023. Pursuant to the terms of the lease, the lessee is entitled to a further term option of five (5) years, expiring 30 June 2027.

Geraldton Fuel Company have requested to reduce the existing lease site to exclude the areas of non-use as this will make the site commercially viable. The proposed lease area is 1,623m².

The lessee further proposes to extend the term of the lease by five (5) years, subject to the surrender of the existing lease and endorsement of a new lease agreement. The proposed expiry date being 30 June 2032.

The below diagram shows the proposed lease area being portion of Lot 9, Gordon Garratt Drive (hatched on grey) and the surrendered land (highlighted in red). The surrendered area contains the following:

1. Sump located in the centre of the lot; and
2. The U-shape located at the back of the lot which is utilised by the City as a vehicle/truck access point to the depot stockpile yard.



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:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts relating to this report as the refuelling facility is already established.

The lease agreement states that the lessee is responsible for all and any environmental contamination caused as a result of the lessee's use and occupation of the land and neighbouring land (if required) and that they must immediately remediate such contamination.

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 and non-aviation related purposes.

At the Ordinary Meeting of Council on 31 January 2023, Council resolved to enter into a new agreement with Terry Truck Rentals Pty Ltd (trading as Hertz Rentals) for Lot 3, Gordon Garratt Drive – Item No. CS008 Geraldton Airport Lease – Lot 3 Gordon Garratt Drive and Portion of Greenough Terminal – Terry Truck Rentals trading as Hertz Rentals.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council grant approval to enter into a lease agreement with Geraldton Fuel Company, 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* details the process for disposing (in this case by lease) of property.

FINANCIAL AND RESOURCE IMPLICATIONS:

A current market rental valuation was conducted in accordance with Section 3.58(4)(c)(ii) for the purpose of exercising the further term option.

The annual lease fee for the existing lease area (3,084m²) was determined to be \$9.90 including GST per square metre. This equates to \$30,531.60 including GST.

The annual lease fee for the proposed lease area (1,623m²) is determined to be \$16,067.70 including GST.

The lease fee is exclusive of applicable Local Government rates and taxes and is adjusted annually in line with CPI.

The proponent is also responsible for other costs associated with 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:

This proposal will enable the continuation of fuel facilities at the Geraldton Airport, therefore providing an ongoing service to patrons.

RISK MANAGEMENT:

The risk in not approving the recommendation is both the loss of fixed and recurrent income to the airport if the lease is not renewed, and the potential loss of 24-hour refuelling facilities to the region.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The other option for consideration by Council is to not approve the surrender of the lease and new lease and decline the proposal. This is not supported as the proposal offers continuation of an essential service.

CS037	GERALDTON AIRPORT LEASE – PORTION BREARLEY TERMINAL – AIRPORT SECURITY PTY LTD
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AGENDA REFERENCE:	D-23-058598
AUTHOR:	A Gartner, Airport Administration Supervisor
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	27 April 2023
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 Airport Security Pty Ltd.

EXECUTIVE RECOMMENDATION:

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

1. ENTER into a new lease with Airport Security Pty Ltd for 60m2 of the Geraldton Airport's Brearley Terminal Building;
2. SET the proposed conditions as follows:
 - a. Enter into a three (3) year lease agreement with a further term option of three (3) years commencing 1 July 2023;
 - b. Set the commencement lease fee at \$16,500 including GST per annum;
 - c. Adjust the lease fee annually in line the preceding March Perth Consumer Price Index (CPI);
 - d. Obtain a market rent valuation at the expiration of the further term option and adjust the lease fee accordingly;
3. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;
4. REFER the matter back to Council for final consideration if any objecting submissions are received;
5. ADVISE lessee is responsible for separately paying:
 - a. All applicable rates, taxes and other utilities; and
 - b. All costs associated with the lease.

PROPONENT:

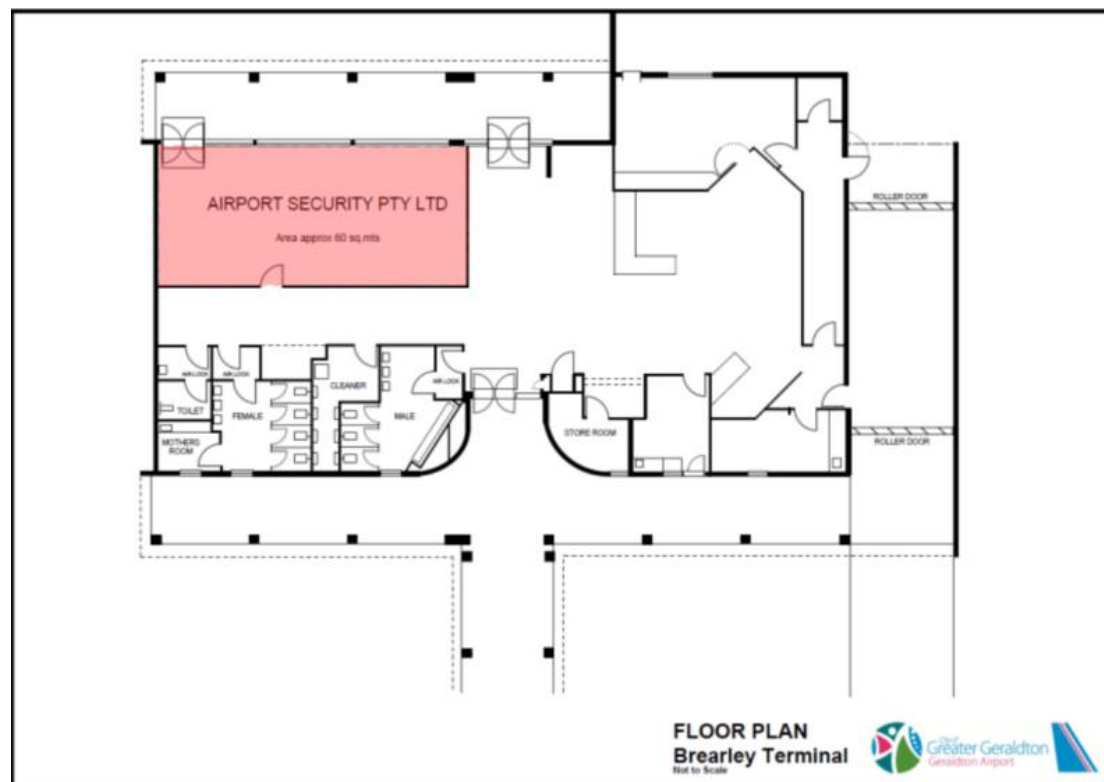
The proponent is Airport Security Pty Ltd.

BACKGROUND:

Airport Security Pty Ltd are an Aviation Security Identification Card (ASIC) issuing body who has been leasing portion of the Geraldton Airport Brearley Terminal since 1 February 2017. The respective lease expired on 31 January 2023.

The lessee is exercising the Holding Over clause contained within their lease pending the endorsement of a new lease agreement.

The below diagram shows the proposed lease area of Brearley Terminal highlighted in red:



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:

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:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes. At the Ordinary Meeting of Council on 28 September 2021, Council resolved to enter into a new lease agreement with GH Country Courier for portion of the Brearley Terminal Building – Item No. CCS633.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council support the proposal to enter into a new lease agreement with Airport Security Pty Ltd, local public notice inviting submissions on the disposal will be advertised and received for a period of not less than 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* details the process for disposing (in this case by lease) of property.

FINANCIAL AND RESOURCE IMPLICATIONS:

A current market rental valuation was conducted in accordance with Section 3.58(4)(c)(ii) of the *Local Government Act 1995* for the purpose of exercising the further term option.

The annual lease fee for the existing lease area (60m²) was determined to be \$16,500 including GST.

The lease fee is exclusive of applicable Local Government rates and taxes and is adjusted annually in line with CPI. The levied rates on the leased area applied in 2022-23 was \$2,165.

The proponent is also responsible for other costs associated with 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.
Outcome 2.2	Efficient and accessible intrastate and interstate connectivity.

REGIONAL OUTCOMES:

This proposal will enable the continuation of Aviation Security Identification Cards at the Geraldton Airport therefore providing an ongoing service to individuals and companies who hold an operational need to work within the security controlled areas of the aerodrome.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by City Officers.

CS038	STATEMENT OF FINANCIAL ACTIVITY TO 30 APRIL 2023
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AGENDA REFERENCE:	D-23-059832
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	10 May 2023
FILE REFERENCE:	FM/17/0011
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 30 April 2023

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 30 April 2023.

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

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the monthly financial statement of activity for the period ending 30 April 2023, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of April 2023 is detailed in the attached report and summarised as follows, the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	4,695	0.0%	under YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	353,732	0.5%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	349,037	6.8%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	368,817	0.9%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	50,060	1.0%	over YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$	25,279,154
Cash at Bank – Reserve	\$	38,853,245

Total Funds Invested	\$	63,338,033
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Current Rates Collected to April 2023	95.13%
Current Rates Collected to April 2022	94.91%
Rates Arrears Collected to April 2023	43.55%
Rates Arrears Collected to April 2022	50.36%

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 April financials show a YTD positive variance of \$349,037 in the net operating surplus/(deficit) result (this takes into account commitments).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

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

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

CS042	POSSESSION OF LAND FOR UNPAID RATES & CHARGES IN EXCESS OF 3 YEARS
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AGENDA REFERENCE:	D-23-057246
AUTHOR:	S Russell, Coordinator Rates
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	17 April 2023
FILE REFERENCE:	RV/4/0027
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Confidential - History of properties with photographs
	B. Aerial Map

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to take possession of three (3) Lots in the Mullewa Townsite which all have in excess of three (3) years' rates and charges outstanding. The properties are Lot 282 (15) Main Road, Lot 130 (24) Mills Street and Lot 115 (22) Burges Street, Mullewa. The recommendation is to take possession of these properties with intent to sell the land.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.64, 6.68, 6.71 and 6.12(1)(c) of the *Local Government Act 1995* RESOLVES to:

1. APPROVE taking possession and offer for sale by public auction, Certificate of Title Volume 2549, Folio 757 being Lot 282 on plan 5202, 15 Main Road, Mullewa for unpaid rates and charges in excess of three (3) years pursuant to Section 6.64 of the *Local Government Act 1995*;
2. APPROVE taking possession and offer for sale by public auction, Certificate of Title Volume 1843, Folio 803 being Lot 130 on deposited plan 152185, 24 Mills Street, Mullewa for unpaid rates and charges in excess of three (3) years pursuant to Section 6.64 of the *Local Government Act 1995*;
3. APPROVE taking possession and offer for sale by public auction, Certificate of Title Volume 1257, Folio 521 being Lot 115 on deposited plan 152185, 22 Burges Street, Mullewa for unpaid rates and charges in excess of three (3) years pursuant to Section 6.64 of the *Local Government Act 1995*;
4. APPROVE taking possession of the land on all three (3) land parcels without the initiation of the process to recover money due on the land as there is reasonable belief that the cost of the proceedings will exceed the value of the land, pursuant to Section 6.68 of the *Local Government Act 1995*;
5. APPROVE the transfer of the land to the City if a contract of sale is not entered into at the expiration of 12 months under section 6.71(1) of the *Local Government Act 1995*;
6. APPROVE to write-off the total of the rates and charges remaining after the proceeds of sale are distributed (including penalty interest) on all three (3) properties under section 6.12(1)(c) of the *Local Government Act 1995*; and

7. APPROVE to write-off rates and charges (including penalty interest) on all three (3) properties under section 6.12(1)(c) of the *Local Governemnt Act 1995* if the property is transferred to the City.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The owners of all three (3) properties have no further interest in the land, do not wish to continue to pay the rates and charges and have been unsuccessful in their attempts to sell the properties. Two (2) of the properties have outstanding rates and charges from the 2017-18 financial year and one from 2018-19, therefore all have in excess of three (3) years unpaid.

The process and steps to be taken to take ownership is normally around a two-year timeline if the properties cannot be disposed of by public auction. On the premise that once titles are transferred to the City and there is no basis to retain said properties, the City can apply to have them revested to the Crown. To make such an application, any existing structure would need to be demolished and the site cleared.

- Rates A287 being 15 Main Road is a cleared vacant block of land.
- Rates A1522 being 24 Mills Street has a large empty shed/workshop which appears to be structurally sound.
- Rates A111 being 22 Burges Street has the remains of a small, shed structure and a pile of rubble from when the house was demolished several years ago. To have the block cleared should not be a large outlay.

A more detailed history of each property is supplied in Confidential Attachment No. CS042A.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Prescribed actions are endeavouring to open-up land and bring new investment into the local community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Taking action with the potential to reactivate land that has remained neglected for a significant period of time and the removal of any unsightly structure.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City has previously approved taking possession of properties with unpaid rates and charges in excess of three (3) years without the initiation of the process to recover money due in the remote rural townsites of Tardun, Pindar and Mullewa.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.12 of the *Local Government Act 1995* states:

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*
- which is owed to the local government.*

Section 6.64 of the *Local Government Act 1995* states:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
- (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

Section 6.68 of the *Local Government Act 1995* states:

- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
- (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*

Section 6.71 of the *Local Government Act 1995* states:

- (1) *If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —*
- (a) *the Crown in right of the State; or*
 - (b) *the local government.*

FINANCIAL AND RESOURCE IMPLICATIONS:

Currently the outstanding rates and charges on the properties total \$38,154, with arrears dating back to the 2017-18 rating year.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There have been no risks identified.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

12.4 REPORTS OF INFRASTRUCTURE SERVICES

Note: Item No. IS286 RFQ VP345630 Supply of Motor Grader 20T 2023 is under '16. Meeting Closed to Public'.

12.5 REPORTS OF OFFICE THE CEO

Nil.

12.6 REPORTS TO BE RECEIVED**RR49 REPORTS TO BE RECEIVED – MAY 2023**

AGENDA REFERENCE:	D-23-062334
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	18 May 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x4) 1 x Confidential
	A. DSDD007 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CS039 – City of Greater Geraldton Audit Committee Meeting Minutes - 26 April 2023
	C. CS040 - 2022-23 Corporate Business Plan - Third Quarter Report
	D. Confidential – List of Accounts Paid Under Delegation – April 2023

EXECUTIVE SUMMARY:

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

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development Services:
 - i. DSDD007 - Delegated Determinations and Subdivision Applications for Planning Approval;
 - b. Reports – Corporate Services:
 - i. CS039 – City of Greater Geraldton Audit Committee Meeting Minutes - 26 April 2023; and
 - ii. CS040 - 2022-23 Corporate Business Plan - Third Quarter Report.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS041 – Confidential Report – List of Accounts Paid Under Delegation – April 2023.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

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

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 (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.

IS286	RFQ VP345630 SUPPLY OF MOTOR GRADER 20T 2023
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AGENDA REFERENCE:	D-23-040537
AUTHOR:	B McLean, Manager Fleet Services
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	30 May 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2) Confidential
	A. Confidential - Grader Evaluation Report
	B. Confidential - Grader Evaluation Sheet

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award Request for Quotation (RFQ) VP345630 FLE162295 Supply of Motor Grader 20T 2023 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 RFQ VP345630 FLE162295 Supply of Motor Grader 20T 2023 to the preferred supplier; and
2. RECORD the purchase price in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFQ VP345630 FLE162295 Supply of Motor Grader 20T 2023 was posted for e-Quote via Vendor Panel on 2 February 2023 and closed on 27 February 2023. 10 WALGA preferred suppliers were notified of the request in accordance with Council Policy 4.9 Procurement of Goods and Services, Clause 3.7.2.

Six submissions were received from the following suppliers:

1. WesTrac – Caterpillar 140
2. WesTrac – Caterpillar 150
3. AFGRI – John Deere 620GP
4. AFGRI – John Deere 670GP
5. Komatsu – GD555-5
6. Komatsu – GD655-5

All submissions were deemed compliant and progressed for evaluation.

All tender companies operate local offices in Geraldton and can provide service and parts support.

E-Quote documents provided to suppliers:

- a. A copy of the e-Quote via WALGA Request for Quotation Reference Number VP162295.
- b. A copy of the detailed specification for the replacement of the construction grader was supplied.
- c. Fleet Services evaluation criteria for the purchase of plant and equipment.

The RFQ assessment was undertaken by a panel of seven Officers with five voting and two non-voting.

The City currently operates graders similar to each of the models proposed and therefore has a very good understanding of cost and performance over time. The grader that is being replaced through this RFQ process is a Komatsu GD555-5 model, which has been in service for over 10 years and completed 10,000 hours of work without any major maintenance issues, breakdowns, or performance concerns.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

Award of this tender will result in City funds flowing into the local economy through the employment of local community members such as salespersons, servicing and spare parts supply. The local economy is partially dependent on a safe and reliable road network for transporting goods and services which is supported through road maintenance operations.

Environment:

All proposed road maintenance works are undertaken with the care of the environment in mind. Environmental controls are implemented as part of road maintenance programs. The City's mandated net zero 2030 policy is reflected in Fleet procurement practices. There is an emphasis based on zero and low emissions vehicles where operational requirements and budgetary constraints allow.

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 has previously purchased graders and heavy plant through similar e-Quote processes as part of the annual Plant Replacement Program.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of procurement e-Quotes. Consultation relating to these activities takes place when Council confirms the annual budget for the Plant Replacement Program.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Act 1995* and the City's 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 road maintenance program.

FINANCIAL AND RESOURCE IMPLICATIONS:

The budget for a new construction grader is \$500,000. The estimated disposal value of the current grader is approximately \$120,000 at auction.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.

REGIONAL OUTCOMES:

To assist with the provision of a well maintained and fit-for-purpose road network that supports the transport requirements of the region.

RISK MANAGEMENT:

The maintenance of the City's road network in a safe condition for the transport of people, goods and services is enhanced through the renewal of plant and equipment for the purpose of maintaining the network. A plant risk assessment and safe operating procedures are implemented with the operation of this plant item.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered.

CS043 ANNUAL CEO PERFORMANCE REVIEW 2022-23

AGENDA REFERENCE:	D-23-052780
AUTHOR:	N Hope, Manager Organisational Development
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	26 April 2023
FILE REFERENCE:	GO/6/0029
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 – 2 May 2023
	C. Confidential – 2023-24 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 2022-23 financial year and adoption of the 2023-24 CEO Performance Plan.

CEO R McKim declared a Financial Direct interest in Item No. CS043 Annual CEO Performance Review 2022-23 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 2 May 2023;
2. ENDORSE the review of the 2022-23 CEO Performance Plan;
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 2023-24 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 2 May 2023 to review the 2022-23 performance of the CEO.

COMMUNITY, ENVIRONMENT, ECONOMY AND LEADERSHIP ISSUES:

Community:

The CEO's Performance Plan 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:

The CEO's Performance Plan 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

Item No. CCS622, Annual CEO Performance Review 2020-21 on 27 July 2021

Item No. CCS723, Annual CEO Performance Review 2021-22 on 30 August 2022

COMMUNITY/COUNCILLOR CONSULTATION:

The CEO Performance Review Committee provide advice and recommendations to the Council. The CEO's 2022-23 KPI responses and draft 2023-24 KPI's were placed on a One Drive link and made available to the Committee Members on 28 April 2023.

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*, clauses 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 2023-24 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.

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/>