



ORDINARY MEETING OF COUNCIL
MINUTES

26 APRIL 2023

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON WEDNESDAY, 26 APRIL 2023 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

DISCLAIMER:

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

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance by Electronic Means

In accordance with the Local Government (Administration) Regulations 1996 regulation 14C(2)(a)(iii) A member of a council or committee may attend a meeting by electronic means if the member is authorised to attend the meeting by electronic means by the mayor, president or council. The Mayor authorised Cr M Reymond attend the meeting by electronic means.

Present:

Mayor S Van Styn

Cr J Clune

Cr N Colliver

Cr S Cooper

Cr J Critch

Cr R D Hall

Cr M Librizzi

Cr S Keemink

Cr K Parker

Cr M Reymond* (by electronic means)

Cr V Tanti

Cr T Thomas

Officers:

R McKim, Chief Executive Officer
P Melling, Director of Development Services
F Norling, Director of Community and Culture
P Radalj, Director of Corporate Services
C Lee, Director of Infrastructure Services
S Moulds, PA to the Chief Executive Officer
L Pegler, Executive Support Secretary
D Melling, Acting Information Technology Team Leader

Others:

Members of Public: 2
Members of Press: 1

Apologies:

Nil.

Leave of Absence:

Cr M Reymond* *Noted on approved leave, but attended this meeting.*

4 DISCLOSURE OF INTERESTS

Cr S Keemink declared a Financial Indirect in Item No. DS013 Proposed Local Planning Scheme Amendment – Additional Use ‘Industry’, Tenindewa as he is a shareholder (minor).

Cr J Critch declared a Financial Direct interest in Item DS013 Proposed Local Planning Scheme Amendment – Additional Use ‘Industry’, Tenindewa as her farm business owns the land being discussed.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

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

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

Public question commenced at 5.01pm

Aaron Horsman, 213 Lester Avenue, GeraldtonQuestion

In light of the recent installation of “smart barbeques” at Champion Bay Beach, is the Council replacing all of the BBQs in its area including small outlying towns and at what projected cost?

Response

All BBQs are replaced as and when required and only then will they be upgraded to the newer models.

Summary of supplementary verbal question from Mr Horsman

How many BBQs does the City service?

Response

This question was taken on notice.

The cost of the smart barbeques is roughly the same as those that are not. The smart barbeques actually save the City maintenance funding as the technology identifies and electronically reports the type of fault saving travel time and investigation time fault finding.

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

This question was taken on notice.

Note: Questions Taken Notice responses will be provided in the next Council Meeting agenda under ‘Response to Previous Public Questions Taken on Notice’.

Public question time concluded at 5.06pm

7 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor	From	To (inclusive)	Date Approved
Cr M Reymond	18 April 2023	18 May 2023	28/3/2023
Cr J Critch	21 June 2023	4 July 2023	31/01/2023
Cr K Parker	7 July 2023	21 August 2023	28/3/2023

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

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

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Leave of Absence for:
 - a. Cr M Reymond for the period 19 May to 30 June 2023;
 - b. Cr S Cooper for the period 1 June to 25 June 2023;
 - c. Cr S Cooper for the period 2 May 2023;
 - d. Cr M Librizzi for the period 2 August to 18 August 2023; and
 - e. Cr T Thomas for the period 3 May to 7 June 2023.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR HALL

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

1. APPROVE Leave of Absence for:
 - a. Cr M Reymond for the period 19 May to 30 June 2023;
 - b. Cr S Cooper for the period 1 June to 25 June 2023;
 - c. Cr S Cooper for the period 2 May 2023;
 - d. Cr M Librizzi for the period 2 August to 18 August 2023; and
 - e. Cr T Thomas for the period 3 May to 7 June 2023.

CARRIED 12/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

8 PETITIONS, DEPUTATIONS

Mayor S Van Styn, Councillors and Officers of the City of Greater Geraldton express their deepest sympathy to the family and friends of Tom Mwangi Maina on his passing. The City also offers their deepest sympathy to the Midwest Multicultural Association of which Tom was their President. Tom brought the community together with genuine warmth, his smiling face will be sorely missed.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 March 2023, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR LIBRIZZI

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 March 2023, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 12/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

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

DATE	FUNCTION	REPRESENTATIVE
29 March 2023	Triple M Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
29 March 2023	Filming for Council Update Videos - Outcomes of Council Meetings	Mayor Shane Van Styn
30 March 2023	Synergy Schools Solar Challenge	Mayor Shane Van Styn
1 April 2023	Geraldton Surf Life Saving Club (GSLSC) Nipper, Youth, Senior Awards Night	Mayor Shane Van Styn
2 April 2023	Plaque Exchange for Inaugural Visit - Caledonian Sky	Mayor Shane Van Styn
3 April 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
3 April 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
3 April 2023	Seniors Carpet Bowls	Mayor Shane Van Styn
4 April 2023	Channel 7 Interview – Homelessness	Mayor Shane Van Styn
4 April 2023	Meeting with Libby Mettam MLA, Leader of the WA Liberal Party and Hon Steve Martin MLC, Member for the Agricultural Region and Shadow Minister for Housing – Matters in Common	Mayor Shane Van Styn
4 April 2023	Regional Capitals Australia (RCA)- Board Meeting	Mayor Shane Van Styn
4 April 2023	Concept Forum	Mayor Shane Van Styn
5 April 2023	2023 Hollomby Foundation Scholarship Presentations & Thank You Event	Deputy Mayor Cr Jerry Clune
14 April 2023	The Greenough Dark Sky Stargazing Night	Mayor Shane Van Styn
16 April 2023	Electric Vehicle (EV) Test Drive	Mayor Shane Van Styn
17 April 2023	6PR Radio Interview - Geraldton	Mayor Shane Van Styn
17 April 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
17 April 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
17 April 2023	Filming for Video Promotion - Vote for Geraldton in the Top Tourism Awards	Mayor Shane Van Styn
17 April 2023	Regular Meeting between City of Greater Geraldton and Lara Dalton MLA, Member for Geraldton and Hon Sandra Carr MLC, Member for the Agricultural Region	Mayor Shane Van Styn
18 April 2023	Agenda Forum	Mayor Shane Van Styn
21 April 2023	Triple M Interview – ANZAC Day	Mayor Shane Van Styn
21 April 2023	Rio Tinto Stakeholder Sundowner	Mayor Shane Van Styn
22 April 2023	Rio Tinto Community Day	Mayor Shane Van Styn
23 April 2023	Channel 7 Interview – Shark Attack – Lucy’s Beach	Mayor Shane Van Styn
23 April 2023	ABC Interview – Shark Attack – Lucy’s Beach	Mayor Shane Van Styn
23 April 2023	Channel 9 Interview – Shark Attack – Lucy’s Beach	Mayor Shane Van Styn
23 April 2023	Geraldton Guardian Interview – Shark Attack – Lucy’s Beach	Mayor Shane Van Styn
23 April 2023	Radio Mama – Regular Interview and Shark Attack – Lucy’s Beach	Mayor Shane Van Styn
24 April 2023	Mayor / CEO Regular Meeting	Mayor Shane Van Styn
24 April 2023	Marketing and Media Regular Meeting	Mayor Shane Van Styn
25 April 2023	ANZAC Day Dawn Service	Mayor Shane Van Styn
25 April 2023	ANZAC Day Main Service	Mayor Shane Van Styn

26 April 2023	Triple M Interview – Shore Leave	Mayor Shane Van Styn
26 April 2023	Audit Committee Meeting	Mayor Shane Van Styn
26 April 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

DS013	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – ADDITIONAL USE 'INDUSTRY', TENINDEWA
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AGENDA REFERENCE:	D-23-043333
AUTHOR:	P Melling, Director Development Services
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	27 March 2023
FILE REFERENCE:	LP/14/0018
ATTACHMENTS:	Yes (x1) Scheme Amendment Report - LPS Amendment - Additional Use to Rural Zone - Lots 40 and 41 Geraldton to Mount Magnet Road

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to initiate a Local Planning Scheme Amendment (amendment) to include an 'Industry' additional use to Lots 40 & 41 Geraldton-Mt Magnet Road, Tenindewa and to determine that the rezoning is a 'complex' amendment.

Cr S Keemink declared a Financial Indirect in Item No. DS013 Proposed Local Planning Scheme Amendment – Additional Use 'Industry', Tenindewa as he is a shareholder (minor).

Cr J Critch declared a Financial Direct interest in Item DS013 Proposed Local Planning Scheme Amendment – Additional Use 'Industry', Tenindewa as her farm business owns the land being discussed.

EXECUTIVE RECOMMENDATION:

PART A

That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:

1. AMEND Local Planning Scheme No. 1 by including the additional use 'Industry' (A19) over Lots 40 & 41 Geraldton-Mt Magnet Road, Tenindewa.

PART B

That Council by Simple Majority, pursuant to Part 5, Division 2, Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. PROCEED to advertise the amendment to the local planning scheme without modification.

PART C

That Council by Simple Majority, pursuant to Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. DETERMINE that the rezoning is a 'complex' amendment; and
2. MAKE the determination on the following grounds:
 - a. The amendment is not consistent with the local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. The amendment is not addressed by any local planning strategy.

PROPONENT:

The proponent is Land Insights on behalf of Australian Vanadium Limited. The owner of the subject land is Wyalong Pastoral Co. Pty Ltd.

BACKGROUND:

The proposed amendment relates to a project by Australian Vanadium Limited (AVL) to establish a vanadium processing plant at Lots 40 & 41 Geraldton-Mt Magnet Road, Tenindewa (the 'subject site').

A Development Application has been lodged under Part 17 of the *Planning and Development Act 2005* for the proposed development. Part 17 establishes the Western Australian Planning Commission (WAPC) as the decision-making authority for significant development applications.

The processing plant is not a permissible use within the current zoning and therefore advice from the WAPC is that an amendment to the local planning scheme must be initiated before the Development Application can be progressed.

Given that the scheme amendment and the Development Application process via the *State Development Assessment Unit* (SDAU) are heavily linked, the City has been working with Officers from the Department of Planning, Lands and Heritage (DPLH) and the proponent to ensure that the information across both processes is consistent and sufficient. Unfortunately, this has been an extended process as the consultant queried the requirements of a Complex Amendment. City Officers relied heavily on the advice from the Department of Planning, Lands and Heritage in relation to the content.

The Proposal:

The proposal is for a vanadium rich concentrate to be transported from the future AVL mine site located near Meekatharra. The processing plant proposed at the subject site will receive the vanadium concentrate and produce a 99% pure vanadium product. The products of the plant will be exported for the manufacture of renewable energy batteries, aerospace parts and alloy steels used in construction. A valuable Iron-Titanium Co-product (FeTi) will also be produced and exported to overseas steel mills via the Geraldton Port.

The vanadium processing plant consists of:

- Processing plant;
- Materials storage and laydown areas;
- Internal access roads, including two new site entrances. It is proposed for pre-processed material to be trucked to the site from the Meekatharra mine-site. Processed concentrate will then be trucked from the plant to the Geraldton port. Two access points are proposed, one for heavy haulage vehicles and one for heavy vehicles and light vehicles. A Traffic Impact Assessment has been prepared to be submitted with the SDAU application and while some preliminary consultation with Main Roads WA (MRWA) has been undertaken, no formal advice or comments have been included;
- Evaporation ponds;
- Construction camp and activities; and
- Energy infrastructure. As there is no distributed power service provided to the site it is proposed to construct a stand-alone power plant (being a hybrid of gas and renewable-solar) with installed power capacity of 11.5MW. Provision is made for the future installation of Vanadium Redox Flow batteries for energy storage. Details of the size, nature and output design is still being refined by AVL.

The Site:

The area subject to the scheme amendment is Lot 40 & 41 Geraldton-Mt Magnet Road, Tenindewa. This site is approximately 65km east of Geraldton and approximately 35km south-west of Mullewa and comprises an area of 1,870ha. The site is well connected to freight routes, located to the south of the Geraldton-Mt Magnet Road at the south-eastern corner of Erangy Springs Road while the Mullewa to Geraldton narrow gauge railway runs east-west along the northern boundary of the site.

The processing plant is proposed to occupy 40% of the site area (up to 760ha) however the amendment applies to the entirety of Lots 40 & 41 to reflect cadastral property boundaries.

The site is undulating, rising south towards an east-west ridge, before sloping again to the south. The majority of the site has been cleared however there are small areas of vegetation towards the boundaries. The lots are used for agricultural and incidental purposes being partially planted for cereal cropping. A small informal airstrip and apron has been cleared and is used for crop management purposes over the two lots. There is a large shed and cleared area of fallow ground.

From an aerial assessment Lots 40 & 41 both appear to have linear tree planting on site which is generally synonymous with tree farming arrangements. The City's records infer that there may be interests relating to carbon covenants, tree plantation and carbon rights on the lots. The City has requested information on this from the proponent however no information has been forthcoming.

The subject site is surrounded by large rural landholdings predominantly used for farm settlements and extensive cropping activity and are zoned 'Rural' under LPS 1.

There are two adjacent Crown Reserves for the purpose of nature conservation and both are reserved under Local Planning Scheme 1 for the purpose of 'Environmental Conservation'. Reserve 24186 is 29.89ha in area and is located to the west of the site and vested for the purpose of conserving flora and fauna. Abutting the site to the south-east is Reserve 41885 known as the Indarra Nature Reserve, a 2868ha Class "A" Reserve also vested for the conservation of flora and fauna.

Alternative site considerations:

The site was selected based upon commercial, operating and environmental consideration and is the result of several years of study and planning by AVL. As part of this process several site locations were considered including:

- Co-location at the Meekatharra site;
- Location close to the Geraldton Port in an existing industrial area; and
- Location at a site-mid way between the mine and export facilities.

A multi-criteria analysis (MCA) was undertaken to determine the most suitable location which compared sites based on a range of issues including:

- Access to suitable land;
- Utility services available;
- Environmental suitability;
- Community considerations; and
- Transport and logistics.

The MCA found that there were no suitable sites for the plant that were already zoned for the purpose and appropriately serviced within the Greater Geraldton area.

In considering access to suitable land, services and transport coupled with costing factors the proponent advised that it was determined that a location between the mining operation and the Geraldton Port was optimal for the processing facility because operating costs over time are an important commercial factor. Energy is a large cost consideration and AVL is investigating sustainable energy options for the plant and the subject site offers proximity to the Dampier-Bunbury and the Mid-West gas pipelines.

City Officers discussed with the applicants the limited options for locating the plant within an existing industrial area. Narngulu is space constrained and some industrial processes have buffer implications on surrounding land uses. The alternate option of the Oakajee Strategic Industrial Area (SIA) as a potential site posed potential risks for the proponent (financially and logistically) as the key infrastructure required does not exist, including power, gas, 60m road train access from the Geraldton–Mount Magnet Road to Oakajee etc.

The amendment:

Under the City's Local Planning Scheme No. 1 (LPS 1) the subject site is zoned 'Rural' and the processing plant would be considered consistent with an 'Industry' land use. An 'Industry' land use is an "x" use, or not permitted use, in the Rural zone.

The proponent therefore proposes to add an "Industry" additional use being Additional use 19 to Schedule 3 of LPS 1 to enable consideration of the processing plant at the site. The additional use is proposed to be worded and conditioned to limit the additional industrial use of the lot to a vanadium processing plant only.

The proponent considers that the amendment is appropriate for the following reasons:

Benefits

- *This site in the rural zone context is surrounded by cropping uses. The plant can be managed to be compatible to continued rural cropping use on adjacent land;*
- *Amendment will accommodate the vanadium enrichment plant to allow downstream processing of a mineral concentrate and to deliver added value to the regional economy;*
- *Tenindewa is a site well connected to Geraldton Port and Mullewa with a direct transport route between source, plant and port using options of road or rail transport;*
- *Ongoing employment for the operation of the plant can enhance the Mullewa townsite and its local economy and attract further investment,*
- *The employment during both the construction and operation stages of the facility will offer local people more diverse opportunities for work;*
- *Facilitation of the plant and associated leading technology can deliver Australia and other countries to more sustainable energy storage and use to meet global and local climate and greenhouse gas challenges; and*
- *This investment may provide the catalyst to trigger the WA Government and the City to advance the regional and local planning framework ideas into actions in respect to favour resolving regional industry and port development.*

Management

- *DWER Works Approval conditions will manage on-site risks and institute detailed monitoring and reporting of industrial impacts on natural systems from operations;*
- *WAPC Development Approval will consider management of traffic flow to moderate additional vehicle impacts through the provision of access points, landscape impact and sufficient site provision for all vehicles and plant-related logistics;*
- *The City via WAPC and DWER decisions may address landscape impacts and screening to mitigate visibility of the plant and associated operations on the rural landscape; and*
- *Based on current modelling, all buffers will be contained within the property boundaries.*

State, Regional and Local planning framework considerations

- *The proposal is a one-off facility with its own locational requirements and does not require colocation with other industries;*
- *AVL has undertaken MCA appraisal of the proposal and site options before identifying the site at Tenindewa as the best site for the operation of the plant;*
- *The lack of a suitably zoned or located site has required AVL to undertake its own site selection study tailored for the vanadium processing plant which is justification for requesting this amendment;*
- *The local planning scheme DIA 9 identifies land east, location requirements generally align;*
- *The subject site is identified in AVL's MCA and Bankable Feasibility Study as ideal and best in the region for the plant development and operation; and*
- *Once completed and operating the plant may provide impetus to deliver other aspects of the articulated State and local planning strategies.*

The scheme amendment report is included as Attachment No. DS013A.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

As the processing plant is located in Tenindewa, approximately 35km outside of Mullewa, it is anticipated that the economic benefits created by the project will have positive outcomes for the Mullewa community, especially in relation to permanent workforce opportunities.

Economy:

The rezoning will enable the consideration of a proposed vanadium processing plant at the site which will process vanadium rich concentrate transported from the future AVL mine site near Meekatharra. The processing plant will produce a 99% pure vanadium product which will be exported for the manufacture of various products including renewable batteries.

The processing plant is expected to provide an estimated 450 jobs during construction and 95 jobs during operation and maintenance (including transport).

AVL's Australian Vanadium Project (being the combined processing plant and vanadium mine) was awarded major project status by the federal government in 2019 for its national strategic significance due to:

- Economic growth of the Australian vanadium market for steel and battery markets;
- Economic growth of the Mid-West region through direct and in-direct jobs including opportunities for regional and national suppliers;
- Significant new job creation for the Mid-West region of Australia; and
- Vanadium being on the critical minerals list for Australia and the US.

The Australian Vanadium Project was awarded Lead Agency Status by the WA Government in 2020.

Environment:

In April 2022 AVL self-referred the proposed processing plant to the Environmental Protection Authority for assessment under Part IV of the *Environmental Protection Act 1986*. In July 2022, the EPA advised that the referral had been examined and determined that assessment under Part IV was not required. The explanation of decision is provided below:

The EPA considered that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The EPA is of the view that the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documents, and the proponent's management and mitigation measures. The EPA considered that potential impact of the proposal can be dealt with under other statutory decision-making processes.

As per the EPA advice, further assessment and approvals will be required such as a Works Approval and licence, Clearing of Native Vegetation and a 5C Groundwater Licence to take water.

The development application process via the SDAU will also review necessary land use planning conditions to ensure any environmental impacts are appropriately dealt with.

A particular environmental concern relating to the proposed amendment is to ensure that if emissions or impacts are likely to be experienced at the site, that they are wholly contained on Lots 40 & 41. If the impacts cannot be contained it needs to be stipulated what type of impacts will be experienced and if they are compatible with the land uses permitted on surrounding land. If the impacts and land uses are not compatible, it needs to be considered whether any mechanism needs to be included in the scheme amendment to ensure any land use conflict is reduced. This not only protects surrounding land from impacts but prevents that industrial land use from the encroachment of sensitive uses that may impact its long-term lifecycle.

State Planning Policies (SPPs) 2.0, 2.5 and 4.1 guide assessment and consideration of industrial land uses within rural areas. These SPPs are reviewed in more detail in Legislation and Policy Section below.

Further consultation on the amendment will occur with government agencies. The Department of Planning, Lands and Heritage (DPLH) will review the scheme amendment to ensure that the information aligns with SPP requirements.

Leadership:

The Planning & Development Act (2005) and Regulations thereto set out the process that a local government must follow to consider and potentially initiate a complex Local Planning Scheme Amendment.

Planning considerations applicable to the amendment process relate to:

- consideration of whether the site is appropriate for the introduction of an 'industry' land use;
- whether the 'industry' land use is considered orderly and proper against the local and state planning framework; and
- if supported, whether any statutory mechanisms need to be introduced to the scheme to ensure the appropriate management of the introduced land use within the zone.

Given the scheme amendment is being determined as a 'complex' amendment it is considered there are significant checks and balances in this process.

Disclosure of Interest:

A City Officer provided advice on the preparation of this report and has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate the amendment it is required to be publicly advertised for a period of not less than 60 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Given that the application for development approval has been lodged with the SDAU for the processing plant, the City, applicant and DPLH Officers agreed it would be appropriate for the amendment and development application to be advertised concurrently. It is considered that concurrent advertising will streamline the process, avoid unnecessary duplication and provide a single location for the community to view plans, make a submission and get more information on either the Scheme Amendment or Development Approval.

AVL and Land Insights have presented to Concept Forum on several occasions over the last few years. Original presentations provided overviews and updates on project progression and more recently, in August 2022, the presentation focused on the requirement for a future amendment over the property to enable the processing plant to be considered.

At the conclusion of the public advertising period, the scheme amendment must be presented back to Council including a schedule of submissions if any are received. A resolution must then be passed by Council to either support the amendment (with or without modification) or not support the amendment.

If significant modifications to the amendment are proposed as a result of the consultation process, the Local Government can require the amendment to be readvertised for an additional 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LEGISLATIVE/POLICY IMPLICATIONS:**Planning and Development Act 2005:**

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme.

Planning and Development (Local Planning Schemes) Regulations 2015:

Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the local government resolution must specify whether, in the opinion of the local government, the amendment is a basic, standard or complex amendment.

In essence a 'basic' amendment is one that corrects an administrative error in the scheme or rectifies a zoning anomaly.

A 'standard' amendment is one that is consistent with a local planning strategy, would have minimal impact on land in the area and does not result in any significant impacts on the land.

A 'complex' amendment is one that is not consistent with a local planning strategy and is of a scale that will have an impact that is significant relative to the development in the locality.

This amendment is considered to be a 'complex' amendment.

City of Greater Geraldton Local Planning Scheme No. 1:

The subject site is currently zoned "Rural" under LPS 1. The proposal to process vanadium on-site is reasonably defined within LPS 1 as "Industry" use class, which is defined as:

premises used for the manufacturing, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises used for any of the following purposes:

- a) the storage of goods;*
- b) the work of administration or accounting;*
- c) the selling of goods by wholesale or retail;*
- d) the provision of amenities for employees;*
- e) incidental purposes.*

The "General Industry" zone is the only zone within the municipality where an "Industry" land use can be approved.

In order for the proposed development to proceed without changing the existing zoning, it is proposed that an 'Additional Use' over the site within the Rural zone be added.

The objectives of the 'Rural' zone are to:

- a) provide for the maintenance or enhancement of specific local character;

- b) protect broadacre agricultural activities, such as cropping and grazing and intensive uses, such as horticulture, from incompatible uses and minimise land use conflicts;
- c) provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with the surrounding rural uses; and
- d) protect and provide for existing or planned key infrastructure, public utilities and renewable energy facilities.

Clause 3.16 of LPS 1 provides for additional uses as follows:

3.16.1 *Schedule 1 sets out:*

- (a) *classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and*
- (b) *the conditions that apply to that additional use.*

3.16.2 *Despite anything contained in the zoning table, land that is specified in Schedule 1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.*

The additional use will apply to the whole of Lots 40 and 41 and the following table is proposed to be inserted into LPS 1 in Schedule 1:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A19	Lots 40 & 41 Geraldton–Mt Magnet Road, Tenindewa	Industry 'D' use	<ol style="list-style-type: none"> 1. 'Industry' is restricted to the processing of vanadium including ancillary and associated uses. 2. Other conditions shall be as determined by the local government.

State Planning Policy 2.0 – Environment and Natural Resources Policy (SPP 2.0)

SPP 2.0 defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy.

In relation to the proposed amendment, impact on ground water, ability to manage stormwater, remnant vegetation, water quality, soil degradation and agricultural value of surrounding land, are particularly pertinent.

In response to the SPP the proponent advised that the project was referred to the EPA and will be subject to the DWER assessment prior to future Works Approvals Clearing Permits and Operating Licences. A comprehensive EPS Referral Supporting Document was submitted as part of the s.38 referral and the environment consultant team concluded:

Based on preliminary environmental impact assessment, the Proposal is not expected to have a significant impact on the environment or any MNES {matters of national significance}. It's possible that there would be an impact on significant flora listed if they cannot be avoided in locating the onsite entry and

exit roads. The potential Impact will be determined after a targeted flora survey is undertaken, and the road design are finalised.

An excerpt from the Environmental Referral document is also contained within the Scheme Amendment Report.

In relation to water access and impacts, the proponent has advised that:

The plant will require secure supply of water for processing and site management purposes by extracting groundwater from the deep aquifer subject to DWER licensing. AVL will use water from a deep aquifer (over 200m below ground level) to avoid impact on the superficial aquifer used elsewhere in the locality by rural and environmental water needs. Although DWER is still assessing the project initial hydrology studies conclude the abstraction will not impact surface and superficial aquifers.

State Planning Policy 2.5 – Rural Planning (SPP 2.5)

The purpose of SPP 2.5 is to provide guidance on how to protect and preserve WA's rural assets due to the importance of their economic, natural resource, food production and environmental and landscape value. The policy attempts to guide broad compatibility between land uses within the rural zone.

The policy does allow for regional variation to secure economic opportunities and regional development and proposes rural areas as flexible zones that can cater for a wide range of facilities; any variations must meet the stated objectives of the policy and be supported in local government strategies and schemes.

A particular focus of SPP 2.5 is the protection of rural land, particularly rural land that is denoted as priority agriculture areas. As per the recommendations, the City has adopted the findings of the Department of Agriculture's *Identification of High Quality Agricultural Land in the Geraldton Planning Region* into the City's Local Planning Strategy.

Clause 6.4 of SPP 2.5 outlines the planning considerations for contemplating zoning proposals or amendments to local planning schemes being:

- a) the suitability of the site to be developed for the proposed use;*
- b) the siting of the zone/land use in the context of surrounding zones/land uses (existing and proposed);*
- c) the capacity of the site to accommodate the proposed zone/land use and associated impacts and:*
 - i. only support proposals which are consistent with endorsed planning strategies, or in exceptional circumstances, where the proposal meets the objectives and intent of WAPC policy;*
 - ii. only support the introduction of sensitive zones that may affect the existing and future operation of primary production where the management of impacts and/or mitigation approaches have been substantively resolved and are not wholly deferred to later stages of planning;*
 - iii. that the continuation of existing rural land uses are taken into account;*
 - iv. ensure that lifting of urban deferred land in a region scheme is in accordance with clause 6.4 (b);*
 - v. ensure that the sensitive zone does not overlap with any buffer determined to be necessary as a result of introducing the new zone, and*

- the area within the buffer should retain its rural zoning until such time as the buffer is no longer required; and*
- vi. *ensure that adequate land is identified to contain impacts from existing primary production, before introducing sensitive or industrial zones on rural land*

A key element in achieving the objectives of LPP 2.5 is ensuring that the zoning and the site are suitable for their intended purpose. A particular focus is on avoiding land use conflict by having a full understanding of the likely emissions. The EPA's separation distance framework can be used as a starting point to infer whether impacts and conflicts between land uses may be likely.

Within the EPA's *Separation Distances between Industrial and Sensitive Land Uses (2005)* a 'vanadium mine' is a defined industry which includes the extraction and processing of vanadium. Impacts are proposed to be gaseous, noise, dust, odour and risk and the potential buffer distance is 1,500-3,000m. This document has been more recently updated by a draft version being *Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (2015)* which includes a new industry defined as "Metal smelting, refining, melting, casting, fusing, roasting or processing works" and states that where production is greater than 1,000 tonnes per year, a case-by-case buffer is required.

While this guidance is likely 'worse case' scenario it does show that technical assessment of the impacts and separation distances of the proposed industry should be provided.

State Planning Policy 4.1 – Industrial Interface (SPP4.1)

SPP4.1 recognises that industrial areas and land uses are critical to local regional, State and national economies and are significant employment generators. These activities can generate dust, noise and odour, in addition to other off-site impacts and/or safety risks. Therefore, consideration must be given to planning the interface between land uses to provide a compatible transition.

SPP 4.1 ensures that impacts of industrial land uses are considered at all stages of the planning process and not deferred resolution of management to the development application stage. This is because mitigation options may be more limited.

Ultimately the adequate separation and transition of industrial land uses protects industrial land use to improve long-term operational certainty.

This transition is considered by identification of an impact area which is strongly related to the separation distances outlined in SPP 2.5 above. The extent and delineation of an impact area is determined through the technical assessment of impacts. The information is generally provided by the applicant, reviewed by relevant government agencies and used to inform planning decision-making. SPP 4.1 provides specific guidance on how impact areas should be calculated and determined and how they should be assessed.

The proponent has provided an extract from air quality modelling documents indicating that potential impacts do not go beyond the boundaries of Lots 40 and 41. This information is quoted as being obtained from modelling conducted by Environmental Technologies & Analytics Pty Ltd (November 2022 - February 2023) in Report 1333 however, no other extracts from the modelling have been provided for review by the City. It may be possible that this information is included within the Development Application and advertised concurrently, none-the-less the scheme amendment report should be a stand-alone document which contains the necessary information to allow assessment and decision making against relevant planning policy frameworks. The City's concerns are that if this information is not included within the SDAU application, the impact area and separation distance cannot be appropriately understood and emissions or impacts appropriately dealt with via the amendment.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

City of Greater Geraldton Local Planning Strategy:

This Strategy represents the land use planning response to the City's strategic community vision. It guides long-term land use planning and provides the rationale for land use and development controls. Within the Strategy the subject site is classified as 'Higher Versatility Agricultural Land' to the west and 'Other Rural Land' to the east.

With regard to rural areas, the Strategy attempts to acknowledge and protect higher versatility agricultural land from incompatible development. The Strategy has given particular regard to the Department of Agriculture's *Identification of High Quality Agricultural Land in the Geraldton Planning Region*. Identification of higher versatility land on the Strategy maps plan reinforces the significance of the land to the agricultural sectors where the challenge is determining how to set aside the most productive and versatile areas of agricultural land for long-term food security to meet the needs of projected populations. This provision is consistent with the requirements of SPP 2.5 which has been previously addressed.

Development Investigation Area 9 - Eradu

In relation to future industry development the Strategy states that Narngulu provides opportunities for further development for a range of light, general and heavy industry. It acknowledges the role the future Oakajee Strategic Industrial area would play to accommodate major proponents and heavy and noxious

industries not available in Narngulu. It also identifies a need to consider a location in the rural hinterland around Eradu to accommodate other larger industry not appropriate in other industrial areas.

The needs for industrial land in the eastern hinterland is further guided within Section 3.6 where a Development Investigation Area 9 is located at Eradu for the purpose of 'Industry'.

Development Investigation Areas are areas where further assessment is required to determine ultimate land use or refine location given the consideration of issues including environment, infrastructure, adjoining development or staging.

Section 3.6 states that the development investigation area for Eradu considers industrial opportunities for land generally in proximity to the convergence of the Geraldton Mt-Magnet Road, the Mullewa to Geraldton narrow gauge railway and the Dampier to Bunbury Natural Gas Pipeline.

In addressing these requirements of the Local Planning Strategy, the proponent has stated that a development location in Eradu was an aspect considered in the MCA however it was unsuitable given there was a lack of landowner interest, particularly in order to meet the processing plant development timeframes. The lack of interest in establishing industrial land use in Eradu has not negated the need of large operators (such as themselves) for industrial areas outside of Narngulu. The selected subject site is located to the east, in close proximity to the convergence of identified infrastructure therefore is consistent with the identified need for industrial land to the east as prescribed in the Strategy. Additionally, there is the potential for the City to investigate relocating DIA 9 in closer proximity to the subject site via modifications to the Local Planning Strategy in the future.

Mid-West Regional Planning & Infrastructure Framework (2015)

The Mid-West Planning & Infrastructure Framework 2015 (the 'Framework') identifies a range of regional infrastructure projects that are considered significant to facilitate further economic growth. It is focussed on regional infrastructure and may be superseded in most respects by the recent State Infrastructure Strategy 2022, which identifies a shift in government focus as part of the planning and delivery of infrastructure across the State.

The key relevant feature of the Framework intends for there to be a major new port developed at Oakajee and for this to be connected to the hinterland by new regional road and railway links. It also indicates the creation of a Strategic Industrial Area to accommodate major industrial development such as manufacturing, processing and similar plants. In the absence of the development of the Strategic Industrial Area at Oakajee consideration must be given to alternative locations for these industrial land uses.

RISK MANAGEMENT:

The Local Planning Scheme Amendment process provides for the opportunity for review of any amendment by the City, the community and key State Agencies. This process provides a rigorous review of any application and can address any potential risks through the appropriate legislative processes.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The City could choose not to initiate the Local Planning Scheme Amendment, but this action is not recommended as given below:

- The proposed vanadium processing plant is considered under the City's LPS 1 to be an 'Industrial' land use which is not permitted within the 'Rural' zone. The inclusion of the additional use of 'Industry' over the subject lots will therefore enable the Development Application currently with the SDAU to be processed;
- It is acknowledged that while the proposed amendment is not consistent with the City's Local Planning Strategy, it is consistent with the identified need of further industrial land being developed in the eastern rural hinterland that is in close proximity to existing infrastructure;
- The project aligns with several State documents purporting the importance of the processing and renewable sectors within WA and the regions;
- The proponent has undertaken a multi-criteria assessment to select the best and most efficient site to service the needs of the processing plant;
- Assessment of the scheme amendment report does indicate that some information pertaining to emissions and impacts is not appropriately addressed. As part of preliminary discussions on the scheme amendment report, both the City and DPLH Officers were in agreement over the information to be provided and demonstrated; and
- Given the scheme amendment is complex, there will be additional review of the scheme amendment report by DPLH prior to consent to advertise being given. This will ensure that enough information to appropriately address the requirements of the state planning policies is provided. It is considered that this will allow the amendment to be in a satisfactory format to be progressed. To not initiate the Local Planning Scheme Amendment considering the above mentioned justification, will potentially have a negative impact on the local economy and reduce potential job opportunities.

Cr S Keemink declared a Financial Indirect in Item No. DS013 Proposed Local Planning Scheme Amendment – Additional Use 'Industry', Tenindewa as he is a shareholder (minor) and left Council Chambers at 5.07pm.

Cr J Critch declared a Financial Direct interest in Item DS013 Proposed Local Planning Scheme Amendment – Additional Use 'Industry', Tenindewa as her farm business owns the land being discussed and left Council Chambers at 5.07pm.

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

That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:

1. AMEND Local Planning Scheme No. 1 by including the additional use 'Industry' (A19) over Lots 40 & 41 Geraldton-Mt Magnet Road, Tenindewa.

PART B

That Council by Simple Majority, pursuant to Part 5, Division 2, Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. PROCEED to advertise the amendment to the local planning scheme without modification.

PART C

That Council by Simple Majority, pursuant to Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. DETERMINE that the rezoning is a 'complex' amendment; and
2. MAKE the determination on the following grounds:
 - a. The amendment is not consistent with the local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. The amendment is not addressed by any local planning strategy.

CARRIED 9/1

Time: 5:18 PM

Not Voted: 2

No Votes: 1

Yes Votes: 9

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

Cr S Keemink and Cr J Critch returned to Council Chambers at 5.18pm.

DS014	NGALA LEASE SURRENDERS AND NEW LEASE FOR PORTION OF RESERVE 32569 PARINGA STREET, MOUNT TARCOOLA
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AGENDA REFERENCE:	D-23-043522
AUTHOR:	G Wilkinson, A/Coordinator Land and Leasing
EXECUTIVE:	P Melling, Director Development Services
DATE OF REPORT:	3 April 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Business Case / Letter of Request for Lease – Wanslea Limited
	B. Confidential – Letters of Support

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to accept the request to surrender all lease agreements with Ngala and enter into a new lease agreement with Wanslea Limited for portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola only.

EXECUTIVE RECOMMENDATION:PART A

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

1. AGREE to surrender the current leases with Ngala over:
 - a. Portion of Reserve 31364, 208 Eighth Street, Wonthella;
 - b. Reserve 25343, 29 Whitfield Street, Beachlands; and
 - c. Portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola.

PART B

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Functions and General) Regulations 1996* RESOLVES to:

1. ENTER into a new lease agreement with Wanslea Limited for portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola;
2. SET the condition for the new lease as follows:
 - a. Enter into a five (5) year lease agreement with one further term option of five (5) years commencing on 1 June 2023;
 - b. Commence the lease fee at \$1 per annum including GST;
3. MAKE the determination subject to consent from the Minister for Lands;
4. ADVISE the lessee that they are responsible for separately paying:
 - a. All maintenance to the buildings and grounds with the exception of structural building maintenance;
 - b. All relevant insurances;
 - c. All applicable rates, taxes, and other utilities; and

- d. All expenses associated with the preparation, execution, and registration of the lease.

PROPONENT:

The proponents are Ngala and Wanslea Limited.

BACKGROUND:

The City of Greater Geraldton ceased being the service provider for Bright Stars Family Day Care Services in July 2016 passing operations to Ngala. Accordingly, the City entered into four separate lease agreements over the centres on:

- Reserve 23830, 20 Jose Street, Mullewa;
- Portion of Reserve 31364, 208 Eighth Street, Wonthella;
- Reserve 25343, 29 Whitfield Street, Beachlands; and
- Portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola.

A lease term of five years with a further option of five years was agreed. Ngala exercised their further term option on three of the four leases, terminating the lease in Mullewa on 30 June 2021. Representatives from Ngala met with the Manager Community Development in mid-January this year advising of the intent to close their Geraldton day care operations in March 2023. The buildings are identified below:

Portion of Reserve 31364, 208 Eighth Street, Wonthella

The Eighth Street building was originally constructed for use as a kindergarten and later used as the Allendale Pre-primary. The Geraldton Toy Library currently operates from the eastern portion of the building. Whilst the building is structurally sound it requires significant refurbishment.

Reserve 25343, 29 Whitfield Street, Beachlands

The Whitfield Street Family Day Care was originally a residential dwelling that was modified to comply with day care purposes. The building is in average condition for its age. A proposed future option for this building is to investigate its suitability for potential use as residential accommodation by the City to assist in addressing the local housing shortage.

Portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola

Reserve 32569, known as Paringa Park, contains the Paringa Family Day Care building. This building is in good condition for its age and incorporates the City's public toilet facilities.

The City has been approached by Wanslea Limited, a not-for-profit organisation who have expressed interest in a peppercorn lease for the building at 34 Paringa Street, Mount Tarcoola to continue offering family day care services from this location.

Family day care services differ from regular day care by offering flexible care options, including non-standard hours of childcare such as evenings and weekends. Family day care services provide childcare in a home-like or venue-

based setting with a smaller group of children, unlike regular day care providers who provide care in a larger facility with more children and a structured curriculum. The provision of family day care assists the needs of community members who work non-standard hours.

Wanslea Limited provides a range of support services for families and children. The organisation was founded in 1943 by a group of parents who wanted to provide support for families with children who had disabilities. Over the years, Wanslea Limited has expanded its operations to support all families and children which has included the development of a range of programs, including early intervention services, parenting programs and foster care services. The organisation continues to offer a range of services for families and children throughout Western Australia, Tasmania and the Northern Territory and are committed to promoting the wellbeing of children and families.

Wanslea Limited proposes overseeing the family day care operations as the registered provider under a peppercorn lease at 34 Paringa Street. Wanslea shares a similar service provision model with Ngala, including counselling, support groups, respite care and advocacy, and relies on government funding, grants and donations to support these services. Wanslea provides significant investment in the community through the provision of five (5) primary services, including:

- Family support – Implementation and delivery of numerous support programs such as the ‘Virtual Parenting Support Service Project’ and ‘Telepractice’ that combine virtual and in-person service support, the ‘Grandcarers Support Scheme’ that assists grandparents caring for grandchildren, and ‘Supporting Kids in Primary School’ to educate school communities, students, teachers and parents about the impact of mental illness on families;
- Out-of-home care (including foster care) – Implementation of programs that value add, such as ‘Therapeutic Care Practice Framework’ designed to promote evidence-based outcomes for out-of-home care;
- Community capacity building – Delivery of ‘Leaving Care Program’ and ‘Towards Independent Adulthood Program’ offering specific support to reduce barriers to education, employment and training for young people leaving state care;
- Early learning and development – Provision of family day care services; and
- Early childhood intervention – A partner in the community with the National Disability Insurance Scheme offering numerous support services.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Significant benefit can be realised for the community by endorsing this lease and supporting the delivery of childcare services which has been identified as an area of high demand for the region.

Economy:

There are no adverse economic impacts as the building is already established and all costs will be the responsibility of the lessee. Family day care services are the only type of childcare service that offer non-standard hours of operation, which includes evenings and weekends. They help meet the needs of shift workers and others in the community who work non-standard hours.

Environment:

There are no adverse environmental impacts as the building is already established.

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 regularly leases portions of Crown Reserves and freehold land to community organisations that will benefit the community and its on-going needs.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the Local Government Act 1995 details the process for 'disposing' (or in this case the leasing) of property. Regulation 30 of the *Local Government (Functions and General) Regulations 1996* describes dispositions of property excluded from Section 3.58 of the *Local Government Act 1995* for object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting and other like natures. As such the requirement to give local public notice for this disposition does not apply.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no resource implications however, a decision will need to be made on the future use of any vacant buildings which may incur costs to the City. All expenses associated with the preparation, execution, and registration of the lease will be the responsibility of Wanslea Limited.

The proposed lease has been recommended as a peppercorn lease similar to the previous lessee, Ngala, on the basis that Wanslea Limited intends to deliver services of the same nature and are also a not-for-profit organisation.

As with the previous lessee (Ngala), Wanslea Limited would be eligible to apply for rates exemption during their tenancy.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.5	The opportunity for all to reach their potential exists.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.

REGIONAL OUTCOMES:

Childcare is in high demand across the region and support to maintain continuity of service delivery contributes to achieving a strong social and economic outcome in our regional community.

RISK MANAGEMENT:

There is a risk that the buildings may become derelict and subject to vandalism if a use for all is not identified.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by City Officers as there is mutual benefit in entering into the proposed lease agreement.

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

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

- 1. AGREE to surrender the current leases with Ngala over:**
 - a. Portion of Reserve 31364, 208 Eighth Street, Wonthella;**
 - b. Reserve 25343, 29 Whitfield Street, Beachlands; and**
 - c. Portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola.**

PART B

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Functions and General) Regulations 1996* RESOLVES to:

1. **ENTER** into a new lease agreement with Wanslea Limited for portion of Reserve 32569, 34 Paringa Street, Mount Tarcoola;
2. **SET** the condition for the new lease as follows:
 - a. Enter into a five (5) year lease agreement with one further term option of five (5) years commencing on 1 June 2023;
 - b. Commence the lease fee at \$1 per annum including GST;
3. **MAKE** the determination subject to consent from the Minister for Lands;
4. **ADVISE** the lessee that they are responsible for separately paying:
 - a. All maintenance to the buildings and grounds with the exception of structural building maintenance;
 - b. All relevant insurances;
 - c. All applicable rates, taxes, and other utilities; and
 - d. All expenses associated with the preparation, execution, and registration of the lease.

CARRIED 12/0

Time: 5:20 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

12.2 REPORTS OF COMMUNITY AND CULTURE

Nil.

12.3 REPORTS OF CORPORATE SERVICES

CS032	COUNCIL POLICY 2.2 ESTABLISHING INTERNATIONAL RELATIONS
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AGENDA REFERENCE:	D-23-021005
AUTHOR:	P Vorster, Coordinator Economic Development
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	31 March 2023
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x3)
	A. Draft Council Policy 2.2 Establishing International Relations (v4)
	B. Council Policy 2.2 Comparison Table
	C. Sister City and Strategic Partnerships Summary

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council consideration to retire Council Policy 2.2 Establishing International Relations.

EXECUTIVE RECOMMENDATION:

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

1. RETIRE Council Policy 2.2 Establishing International Relations.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton (City) currently has Sister City agreements with Kosai (Shizuoka Prefecture of Japan) which was established in 1998, as well as with Zhanjiang (Guangdong Province of China) which was established in 2013.

The City has Strategic Partnerships with Linfen (Shanxi Province of China) which was established in 2015 and Zhoushan (Zhejiang Province of China) which was established in 2014.

The key interactions and status of these relationships are summarised in Attachment No. CS032C - Sister City and Strategic Partnerships Summary.

Version 4 of Council Policy 2.2 Establishing International Relations provides an overview of the principles of establishing international relationships, Selection Criteria and management processes associated with the development and operation of international relationships.

The policy also includes the guidelines from *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* which establishes a legislative scheme for Commonwealth engagement between State or Territory governments and foreign governments, and their associated entities.

Council Policy 2.2 Establishing International Relations was last reviewed by Council on 17 December 2019, Item No. CCS458. The delay in reviewing the policy was due to the impacts of Covid-19 on international travel and the fluid nature of international dynamics in the Pacific.

In retiring this policy, the intention is to continue existing relationships but not seek to establish new relationships. With existing relationships if the policy is retired, the likely scenario is that these relationships would effectively become dormant as no effort would be applied to reactivate.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Development of relationships between our community and other diverse communities, presents opportunities for cultural exchange.

Economy:

A Sister City Relationship or Strategic Partnership will provide strong motivation and great opportunities for tourism, trade and investment in Geraldton and the Midwest Region.

Environment:

There are no adverse environmental impacts.

Leadership:

This policy provides guidelines for the development of the City's international relations.

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. This policy was last reviewed by Council on 17 December 2019 (Item No. CCS458).

COMMUNITY/COUNCILLOR CONSULTATION:

An Economic Development and Tourism survey was circulated amongst Councillors by the Director Corporate Services in November 2022. Question 10 of the survey asked if the City should put renewed effort into reactivating existing relationships – seventy percent were not in favour of this.

Question 11 asked if Councillors would like to see the City explore creating new relationships with other countries possibly aligned with other levels of government targeted markets. Forty percent of the responses were in favour of exploring new relationships and sixty percent were opposed.

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.*

This review includes the guidelines from *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* which establishes a legislative scheme for Commonwealth engagement between State or Territory governments and foreign governments, and their associated entities.

FINANCIAL AND RESOURCE IMPLICATIONS:

A new relationship needs to be based on agreed projects / programs for which Council has endorsed a resource allocation.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
Outcome 2.5	Our competitive advantages are built upon and our business success is celebrated.
Outcome 2.6	A diverse and globally recognised regional capital.

REGIONAL OUTCOMES:

The establishment of Sister City and Strategic Partnership relationships has potential benefits for the region. With the development of people-to-people relationships and related strategies, and active promotion of local tourism industry, the region's profile has been boosted by generating a significant increase in pre-Covid international tourists.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative option is for Council to retain the policy:

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

1. APPROVE draft Council Policy 2.2 Establishing International Relations, version 4; and
2. MAKE the determination based on the following reason/s:
 - a. To be determined by Council.

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

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

1. **RETIRE Council Policy 2.2 Establishing International Relations.**

CARRIED 12/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

CS033 STATEMENT OF FINANCIAL ACTIVITY TO 31 MARCH 2023

AGENDA REFERENCE:	D-23-046387
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	7 April 2023
FILE REFERENCE:	FM/17/0011
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 March 2023

EXECUTIVE SUMMARY:

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

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

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the monthly financial statement of activity for the period ending 31 March 2023, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of March 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	\$	255,697	0.3%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	242,637	0.4%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	498,335	5.2%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	134,392	0.5%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	15,346	0.3%	under YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$	27,403,377
Cash at Bank – Reserve	\$	38,853,245

Total Funds Invested	\$	57,276,435
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Current Rates Collected to March 2023	94.01%
Current Rates Collected to March 2022	93.75%
Rates Arrears Collected to March 2023	41.40%
Rates Arrears Collected to March 2022	48.29%

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 March financials show a YTD positive variance of \$498,335 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.

COUNCIL DECISION

MOVED CR LIBRIZZI, SECONDED CR COLLIVER

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

- 1. RECEIVE the monthly financial statement of activity for the period ending 31 March 2023, as attached.**

CARRIED 12/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

12.4 REPORTS OF INFRASTRUCTURE SERVICES

Nil.

12.5 REPORTS OF OFFICE THE CEO

Nil.

12.6 REPORTS TO BE RECEIVED**RR48 REPORTS TO BE RECEIVED - APRIL**

AGENDA REFERENCE:	D-23-046714
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	14 April 2023
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. DSDD006 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CEO106 - WALGA State Council Agenda – 3 May 2023
	C. Confidential – CS034 - List of Accounts Paid Under Delegation - March 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. DSDD006 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Office of the CEO:
 - i. CEO106 - WALGA State Council Agenda – 3 May 2023.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS034 – Confidential Report – List of Accounts Paid Under Delegation - March 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:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR HALL, SECONDED CR COLLIVER****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. DSDD006 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Office of the CEO:
 - i. CEO106 - WALGA State Council Agenda – 3 May 2023.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS034 – Confidential Report – List of Accounts Paid Under Delegation - March 2023.

CARRIED 12/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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.

No confidential discussion was required.

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 5.22pm.

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/>