



ORDINARY MEETING OF COUNCIL  
MINUTES

15 OCTOBER 2019

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 15 OCTOBER 2019 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

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

**1 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5pm.

**2 ACKNOWLEDGEMENT OF COUNTRY**

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

**3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Present:

Mayor S Van Styn  
Cr D J Caudwell  
Cr J Clune  
Cr N Colliver  
Cr S Douglas  
Cr S Elphick  
Cr R D Hall  
Cr S Keemink  
Cr M Reymond  
Cr N McIlwaine  
Cr V Tanti  
Cr T Thomas

Officers:

R McKim, Chief Executive Officer  
P Melling, Director of Development & Community Services  
P Radalj, Director of Corporate and Commercial Services  
C Lee, Director of Infrastructure Services  
R Doughty, Chief Financial Officer  
S Moulds, PA to the Chief Executive Officer  
E Enright, PA to the Director of Infrastructure Services  
R Doughty, Chief Financial Officer  
B Robartson, Manager Land and Regulatory Services  
M Dufour, Coordinator Coastal and Natural Environment  
J Kopplhuber, Communications Officer - Engagement  
H Williamson, Coordinator Environmental Health and Waste

Others:

Members of Public: 9  
Members of Press: 2

Apologies:

Cr G Bylund

Leave of Absence:

Cr J Critch

**4 DISCLOSURE OF INTERESTS**

Cr J Clune declared an Impartiality interest in Item DCS423 Renewal of Extractive Industry – Southgates, as he uses the product to enhance acid soils and bring them back to productivity.

**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.*

*There were no questions from the public.*

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr J Critch	14 October 2019	16 October 2019	24/09/2019
Cr J Critch	24 December 2019	13 January 2020	24/09/2019

*\*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.*

### COUNCIL DECISION

#### MOVED CR MCILWAINE, SECONDED CR HALL

Cr J Clune requests for leave of absence for the period 16 October 2019 to 21 October 2019 be approved.

Cr N Colliver requests for leave of absence for the period 13 November 2019 to 18 November 2019 be approved.

Cr S Douglas requests for leave of absence for the period 13 November 2019 to 18 November 2019 be approved.

### 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

Nil

## 9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 September 2019, as previously circulated, be adopted as a true and correct record of proceedings.

### COUNCIL DECISION

#### MOVED CR TANTI, SECONDED CR COLLIVER

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 September 2019, 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*

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
26 September 2019	Spirit Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
26 September 2019	Australian Geographic Phone Interview - Abrolhos Islands becoming a National Park	Mayor Shane Van Styn
26 September 2019	Citizenship Ceremony	Mayor Shane Van Styn
26 September 2019	City of Greater Geraldton 2019 Annual Staff Recognition Awards	Mayor Shane Van Styn
27 September 2019	Community Sporting and Recreation Facilities Fund (CSRFF) Application - Geraldton Amateur Basketball Association	Mayor Shane Van Styn
27 September 2019	Police Remembrance Day	Mayor Shane Van Styn
27 September 2019	Tourism Geraldton Meeting	Mayor Shane Van Styn
27 September 2019	Exhibition - Starstruck – Australian Movie Portraits Exhibition - Geraldton Regional Art Gallery (GRAG)	Mayor Shane Van Styn
1 October 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
1 October 2019	Regular Catch up - Marketing & Media	Mayor Shane Van Styn
1 October 2019	Western Power Board Lunch with Mid West Development Commission (MWDC)	Mayor Shane Van Styn
4 October 2019	Wonthella Bowling Club - Official Opening of New Synthetic Green	Mayor Shane Van Styn
5 October 2019	The Geraldton Project – Photo for Media Release	Mayor Shane Van Styn
5 October 2019	Elected Member Workshop - Coastal Adaptation Policy - Policy Development	Mayor Shane Van Styn
6 October 2019	Sunshine Festival - Official Opening	Mayor Shane Van Styn
7 October 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
7 October 2019	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
7 October 2019	Seniors Bowls	Mayor Shane Van Styn
7 October 2019	Citizenship Ceremony	Mayor Shane Van Styn
8 October 2019	Australian Vanadium - Update	Mayor Shane Van Styn
8 October 2019	Agenda Forum	Mayor Shane Van Styn
9 October 2019	New Mural at the Young Adults Section of the Library - Photo for Media Release	Mayor Shane Van Styn
13 October 2019	Geraldton Yacht Club – Open Day	Mayor Shane Van Styn
14 October 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
14 October 2019	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
14 October 2019	Zak Richard Francis Kirkup MLA - Shadow Minister for Health; Mental Health; Innovation & Disruptive Technologies;	Mayor Shane Van Styn

	Aboriginal Affairs – Matters in Common	
15 October 2019	Breast Cancer Morning Tea	Mayor Shane Van Styn
15 October 2019	Regional Capitals Australia (RCA) Board Meeting	Mayor Shane Van Styn
15 October 2019	Ordinary Meeting of Council 2019	Mayor Shane Van Styn

**11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.



## 12 REPORTS OF COMMITTEES AND OFFICERS

### 12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS423 PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY – SOUTHGATES
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<b>AGENDA REFERENCE:</b>	<b>D-19-071028</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban and Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>24 September 2019</b>
<b>FILE REFERENCE:</b>	<b>TP16/150 &amp; A65947</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Southgate Dunes Management &amp; Decommissioning Plan (2019 to 2024)</b>

#### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to renew, for a further 5 years, the current Extractive Industry (extraction of limesand) development approval on Lot 2453 Brand Highway, Cape Burney.

#### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Schedule 2, Part 9, clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 5 years;
2. MODIFY conditions 2 and 3 to reference the *Southgate Dunes Management & Decommissioning Plan (2019 to 2024)* dated August 2019;
3. REPLACE condition 10 with the following:  
*“Limesand extraction is limited to an average amount of 110,000m<sup>3</sup> (168,000 tonnes) with a maximum variation of +/- 20% per annum, (for the 5 year period the +/- 20% per annum is to place a maximum seasonal variation amount accordingly) and arrangements are to be made to the satisfaction of the local government to ensure compliance with this amount”*; and
4. REQUIRE any further renewal request to be referred to Council for its consideration.

#### PROPONENT:

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

**BACKGROUND:****Previous Council Approvals:**

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

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

Renewal of the extractive industry was approved by Council at the meeting held on 26 September 2017 (Item No. DCS346) subject to the following conditions:

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

A further renewal of the extractive industry was approved by Council at the meeting held on 25 September 2018 subject to the following conditions:

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

Condition 3. (above) requires the annual renewal of the application. The proponent is requesting a 5 year renewal and additionally that the annual limit be changed to an average amount which has no nett increase in the amount of limesand extracted.

**The Application:**

Sand extraction has been occurring from Lot 2453 ('the land') for around 30 years. Sand extraction operations have been limited to the northern portion of the land which is part of a wider area commonly referred to as 'Southgates dune' (or 'Southgates'). The removal of sand is for a range of agricultural and industrial uses, with the volume of sand varying from year to year dictated by demand from farmers and other users.

The existing approved extraction area is around 23ha and the proponent is seeking to increase the area by 9ha further south resulting in a total area of 32ha (refer to 'Appendix A – Extraction Plan' of Attachment No. DCS423). The extension area is still within the freehold lot owned by Bayform.

Given the mobile nature of the dune system and historical transport that has occurred, much of the north-eastern area within Lot 2453 contains dead vegetation, sticks, rocks, significant quantities of black soil and general debris, which is unsuitable for use.

To ensure that the limesand is fit for agricultural and industrial uses, the material extracted from these areas requires screening. The proponent currently only has the capacity to screen 50,000 tonnes/year of sand and therefore access to cleaner sand is required to meet the market demand quantities.

In the coming 5 years, the proponent proposes to continue extracting and screening 50,000 tonnes/year of sand from the north-eastern area, given the proximity of the dune front to Brand Highway. However, in order to meet demand (potentially up to the 168,000 tonnes/year), it is also proposed to extract clean sand from the expanded area to the south within Lot 2453.

Annual volumes of limesand previously extracted have been:

- 2017 148,600 (tonnes)
- 2018 117,392 (tonnes)
- 2019 (to August) 154,975 (tonnes)

The volume of sand extracted from year to year is dependent on user demand. Due to envisaged fluctuations in the demand for limesand over the coming years the proponent is requesting that the maximum annual volume limit of 110,000m<sup>3</sup> (168,000 tonnes) be replaced with an average limit of 110,000m<sup>3</sup> (168,000 tonnes). This would have no nett effect on the quantity of limesand extracted from the site and the total amount for the 5 year period would not change. In essence this allows for some years where more sand could be extracted and some years when less sand could be extracted (depending on demand).

### **The Operations:**

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

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

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

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

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

- Very high or unstable excavation faces will be battered and flattened off to reduce potential collapse. It should be noted that steep dune faces are likely to form naturally due to wind forces over time and this process currently occurs naturally.

- All of the screened debris and vegetation will be removed from the site and disposed of at an appropriate landfill site.
- All facilities and equipment will be removed from site at the end of the works.

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

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

The Southgate Dunes Management & Decommissioning Plan (2019 to 2024) is included as Attachment No. DCS423.

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

### **Community:**

#### Recreational value:

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

#### Interface with public and safety:

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

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

#### Traffic:

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

**Noise:**

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

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

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

**Cultural heritage:**

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

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

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

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

Expanding the extraction area to the south is not expected to have any effect on the existing littoral sand supply to the Tarcoola Embayment. Only approximately 10% of the littoral supply from the Southgate dune system is from the seaward edge of the northern front of the dune system. The majority (approximately 90%) of the littoral supply, which comes from the shoreline of the dune system to the south of the subject land, won't be impacted by the proposed expanded sand extraction operations.

Additionally, the proposed expanded sand extraction area is over 130m east of the shoreline and there is no increase to the approved limesand extraction quantities.

**'Southgates dunes' movement:**

The Southgates dunes system is essentially a large mobile sand sheet that is migrating in a northerly direction through the action of the prevailing southerly winds. Analysis of rectified aerial photography suggests that the northern edge of the dunes moved approximately 100m between 2001 and 2010. This is a rate of around 11m/yr to the north.

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

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

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

**Vegetation:**

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

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

This dead vegetation needs a permit to be cleared and in August 2016 the Department of Environment Regulation issued a permit which is valid until September 2021. If approved, the expanded extraction area will also need a permit to allow for the clearing of any dead vegetation.

**Economy:**

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

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

**Governance:**

Prior approvals for the operations have been granted on a yearly basis. This was primarily due to the land being previously subject to a scheme amendment to rezone the land for urban development however that amendment was refused by the Minister for Planning in June 2018. Additionally the previous Town Planning Scheme No. 1A has now been revoked and the land included in Local Planning Scheme No. 1 (Greater Geraldton). The operations will not prejudice any future statutory planning process over the land.

The proponent is now seeking some future certainty regarding the operations other than the current yearly approvals. They have complied, and continue to demonstrate on-going compliance, with all the conditions of the approval.

It is therefore considered prudent for Council to issue a renewal for 5 years.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council at its meeting held on 22 March 2016 (Item No. DRS254) considered the Scheme amendment over the area and as part of those deliberations resolved to:

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

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

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

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

Since re-commencement of the operations in December 2016, the City has only received 2 formal reports from the public during 2017. One requesting the operations cease as it was 'a bad thing for Geraldton' and the second querying if the City was going to clear the Southgates Road down to the beach as it was getting boggy.

During 2018 a further 2 formal reports from the public were received. One unsubstantiated claim that the mining was causing excessive dust in Mount Tarcoola and another claim that the operations were being conducted outside



of the approved area. This was investigated by City Officers and found to be incorrect.

During 2019 there have been no formal incidents reported to the City.

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

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

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

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

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

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

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

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

The objectives of this policy are:

- To set out the matters which are to be taken into account when considering applications for an extractive industry.
- To detail the specific requirements and minimum standards for the establishment of an extractive industry.
- To ensure extractive industry occurs with minimal detriment to the local amenity and environment, and in a manner which allows for future use and development consistent with long-term planning intentions for the area.

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

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

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

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

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

There is no planning process available to seek either a royalty payment or charge a road use fee for this application. The land is held in freehold title and the adjacent road (Brand Highway) is under the care and control of Main Roads WA.

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

<b>Title: Environment</b>	<b>2.1 Revegetation-Rehabilitation-Preservation</b>
Strategy 2.1.2	Sustainably maintaining public open spaces and recreation areas.
<b>Title: Economy</b>	<b>3.1 Growth</b>
Strategy 3.1.2	Fostering a community where local business is supported.
<b>Title: Governance</b>	<b>4.2 Planning and Policy</b>
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

#### **REGIONAL OUTCOMES:**

##### **Local Planning Strategy:**

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

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

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

#### **RISK MANAGEMENT:**

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

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

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

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

The proponent has demonstrated compliance with all the conditions of the current development approval including road and safety upgrades. They have provided monthly reports to City staff and maintained the public road access to the beach. Due to envisaged fluctuations in the demand for limesand over the coming years replacing the maximum annual volume limit with an average limit that has no net effect on the quantity of limesand extracted from the site is supported.

Expanding the extraction area to the south is not expected to have any effect on the existing littoral sand supply to the Tarcoola Embayment. The proposed expanded sand extraction area is over 130m east of the shoreline and there is no increase to the approved limesand extraction quantities.

Given the above, a 5 year renewal is recommended and the option to refuse the application is not supported.

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

Council has the option to renew the application for a lesser period than the 5 years as requested by the proponent or alternatively delegate future renewals (either yearly or some other time period) to City Officers.

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*Cr J Clune declared an Impartiality interest in Item DCS423 Renewal of Extractive Industry – Southgates, as he uses the product to enhance acid soils and bring them back to productivity and left Chambers at 5.14pm.*

*The Mayor moved an Alternative Motion from the Executive Recommendation.*

**MOTION**

**MOVED MAYOR, SECONDED CR MCILWAIN**

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

**Part A**

- 1. REFUSE the applicant's request for renewal of the extractive industry on Lot 2453 Brand Highway, Cape Burney which proposes to extend the sand extraction area, increase the renewal period to 5 years and change the annual limesand extraction limit to an average amount.***
- 2. MAKES the determination for the following reasons:***
  - a. The application has failed to supply sufficient justified technical detail on the impact the extended extraction area would have on the estimated sediment feed volumes from the Northern dune into the littoral system. The City having concerns on the potential impacts thereto on the coastal areas to the north of the extraction area;***
  - b. The potential impacts of the extended extraction area and its subsequent finished levels on the adjoining Aboriginal Heritage Location (understood to be burial locations) are not quantified noting the highly mobile nature of the dune system in this area; and***
  - c. The proposed extended extraction area interface with the adjoining Crown land areas were only addressed via a proposed 20 metre buffer area. The height variation between the two areas could exceed over 20 metres vertically creating potential hazards for users of the adjoining Crown land area.***

**Part B**

- 1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 3 years;***
- 2. MAKES the determination subject to the following conditions:***
  - a. The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton;***
  - b. Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018 and subject to any modifications required as a consequence of any condition(s) of this approval;***

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

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

During the debate, Cr Douglas proposed an amendment to Part B(1) to change the renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney to '2' years.

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*Council considered the amendment.*

**MOTION AMENDMENT**

**MOVED CR DOUGLAS, SECONDED CR CAUDWELL**

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

- 1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 2 years.**

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

*Cr Hall requested that the motion be put.*

**PROCEDURAL MOTION**

**MOVED CR HALL, SECONDED CR TANTI**

**That the motion be put.**

**CARRIED 11/0**

Time: 5:31 PM

Not Voted: 3

No Votes: 0

Yes Votes: 11

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>NOT PRESENT</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

**AMENDMENT TO MOTION****MOVED CR DOUGLAS, SECONDED CR CAUDWELL**

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

1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 2 years.

**LOST 2/9**

Time: 5:33 PM

Not Voted: 3

No Votes: 9

Yes Votes: 2

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>NO</b>
<b>Cr. Clune</b>	<b>NOT PRESENT</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>NO</b>
<b>Cr. Hall</b>	<b>NO</b>
<b>Cr. Keemink</b>	<b>NO</b>
<b>Cr. Mcllwaine</b>	<b>NO</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Tanti</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>NO</b>
<b>Mayor Van Styn</b>	<b>NO</b>

*During the debate Cr Reymond proposed an amendment to the Alternative Motion from the Mayor to included Point J, from the Executive Recommendation: that the Limesand extraction is limited to an average amount of 110,000m<sup>3</sup> (168,000 tonnes) with a maximum variation of +/- 20% per annum, (for the 3 year period the +/- 20% per annum is to place a maximum seasonal variation amount accordingly) and arrangements are to be made to the satisfaction of the local government to ensure compliance with this amount.*

*Council considered the amendment.*

**AMENDMENT TO MOTION****MOVED REYMOND, SECONDED CR THOMAS**

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

1. **LIMIT** the Limesand extraction to an average amount of 110,000m<sup>3</sup> (168,000 tonnes) with a maximum variation of +/- 20% per annum, (for the 3 year period the +/- 20% per annum is to place a maximum seasonal variation amount accordingly) and arrangements are to be made to the satisfaction of the local government to ensure compliance with this amount.

**LOST 2/9**

Time: 5:40 PM

Not Voted: 3

No Votes: 9

Yes Votes: 2

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>NO</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>NO</b>
<b>Cr. Clune</b>	<b>NOT PRESENT</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NO</b>
<b>Cr. Keemink</b>	<b>NO</b>
<b>Cr. Mcllwaine</b>	<b>NO</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>NO</b>
<b>Mayor Van Styn</b>	<b>NO</b>

*As the amendments considered by Council were lost, Council returned to the Alternative Motion (substantive motion) moved by the Mayor.*



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

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

**Part A**

1. **REFUSE** the applicant's request for renewal of the extractive industry on Lot 2453 Brand Highway, Cape Burney which proposes to extend the sand extraction area, increase the renewal period to 5 years and change the annual limesand extraction limit to an average amount;
2. **MAKES** the determination for the following reasons:
  - a. The application has failed to supply sufficient justified technical detail on the impact the extended extraction area would have on the estimated sediment feed volumes from the Northern dune into the littoral system. The City having concerns on the potential impacts thereto on the coastal areas to the north of the extraction area;
  - b. The potential impacts of the extended extraction area and its subsequent finished levels on the adjoining Aboriginal Heritage Location (understood to be burial locations) are not quantified noting the highly mobile nature of the dune system in this area; and
  - c. The proposed extended extraction area interface with the adjoining Crown land areas were only addressed via a proposed 20 metre buffer area. The height variation between the two areas could exceed over 20 metres vertically creating potential hazards for users of the adjoining Crown land area.

**Part B**

1. **GRANT** renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 3 years;
2. **MAKES** the determination subject to the following conditions:
  - a. The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton;
  - b. Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018 and subject to any modifications required as a consequence of any condition(s) of this approval;
  - c. The proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Southgates Dunes Management & Decommissioning Plan (Rev 4) dated August 2018 as lodged with the local government. The proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Plan are implemented in full;

- d. Prior to the commencement of the development a Transport Assessment is to be prepared and approved by the local government in consultation with Main Roads WA. The approved Transport Assessment is to be implemented in full prior to the commencement of the development;
- e. The 'Southgate Dunes Access Road' is to remain open to the public and the portion of the road within Lot 2453 is to be maintained to the satisfaction of the local government;
- f. The approved extraction area is to be clearly demarcated on-site to the approval of the local government and approved markers indicating the extent of the area are to remain in place for the duration of the operations;
- g. This development approval is valid for a period of 3 years from the date of determination, after which the further renewal of the development approval by the Council is required. It is the responsibility of the proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals. As part of the renewal process the proponent is required to submit details regarding the extent of the extraction area, the amount of extracted material for the year and the AHD levels of the extraction area. Should there be any evidenced breaches of this development approval then the local government will not renew the development application and the development approval shall lapse;
- h. Hours of operation shall be limited to 07:00am to 18:00pm Monday to Saturday with no operations on Sundays or public holidays, unless otherwise approved in writing by the local government;
- i. No excavation is permitted below the 3m AHD level; and
- j. Limesand extraction is limited to an annual amount of 110,000m<sup>3</sup> and arrangements are to be made to the satisfaction of the local government to ensure compliance with this annual amount.

**CARRIED 11/0**

Time: 5:45 PM

Not Voted: 3

No Votes: 0

Yes Votes: 11

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	NOT PRESENT
Cr. Critch	NOT PRESENT
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. McIlwaine	YES

<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

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

The approval for 3 years gives the applicant more certainty than the current 1 year approval process for the extractive industry on Lot 2453 Brand Highway, Cape Burney.

Council was not supportive of the request for an increased extraction area, variation of annual tonnages based on seasonal demand or a 5 year development approval. It believed the application did not demonstrate to Councils satisfaction the potential impact on sand feed volumes from the Northern Dunes, impact on the Aboriginal Heritage area and potential safety risks associated with the mining interfaces with public controlled land to the south.

*Cr Clune returned to Chambers at 5.46pm.*

DCS424 PROPOSED LEASE – THORNELLS GROUP PTY LTD GERALDTON FORESHORE RESERVE
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<b>AGENDA REFERENCE:</b>	<b>D-19-070071</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>12 September 2019</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) Confidential</b> <b>A. Confidential - EOI – Thornells Group</b> <b>B. Confidential - EOI – Team Willow Pty Ltd</b> <b>C. Confidential - Schedule of Submissions</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to approve the intent to give local public notice to grant a lease for approximately 50m<sup>2</sup> of Crown Reserve 50100 for the purpose of a sea container/transportable structure for café purposes.

**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 of approximately 50m<sup>2</sup> of Crown Reserve 50100 for the purpose of a sea container/transportable structure to Thornells Group Pty Ltd – Trading as Hog's Express;
2. MAKE the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a five (5) year lease agreement with a further term option of five (5) years;
  - b. commence the lease on the date of execution;
  - c. set the lease fee at \$8,225 per annum plus GST;
  - d. should the lessee:
    - i. not return the endorsed lease documents to the City within two (2) months of the date of being sent; or
    - ii. not complete the build and construction of the proposed café within six (6) months of approval, the City will seek a resolution of Council to determine the consequences of either of these inaction;
4. ADVISE the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:

- i. the lease, including power and water connections;
  - ii. removal of any trees with their relocation or replacement with similar maturity trees on the foreshore area;
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container/transportable structure that compliments and adds to the vibrancy / functionality of the Geraldton Foreshore's surrounding area, subject to the outcome in point 2. above; and
6. REFER the matter back to Council for final consideration should any objecting submissions be received.

**PROPONENT:**

The proponent is Thornells Group Pty Ltd – Trading as Hog's Express.

**BACKGROUND:**

Council at its meeting on the 22 November 2016 (*DCS307 - Proposed Ice Cream and Dessert Kiosk – Foreshore Reserve*) approved the following:

1. APPROVE a lease for portion of Crown Reserve 50100 comprising a land area of 50m<sup>2</sup> for the purpose of a sea container Ice Cream and Dessert Kiosk to Ms Karen Sanders;
2. MAKE the determination subject to:
  - a. Consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 July 2017;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;
  - d. set the commencement lease fee at \$8,225 plus GST per annum;
4. ADVISE the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Ice Cream and Desert Kiosk' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.

This lease option was not exercised by the applicant and as a result remains a lease option at the Geraldton Foreshore. As a consequence an Expression of Interest was released and advertised and closed on the 23 August 2019 at 4.00pm with two separate individual submissions from the same respondent.

One submission received was from Thornells Group Pty Ltd – Trading as Hog's Express, a side business operation of Hog's Breath Café to operate at Geraldton Foreshore at the proposed lease location. The EOI from Thornells Group Pty Ltd is included as confidential Attachment No. DCS424A.

The other submission from Team Willow Pty Ltd was for a “beach shack” format within a shipping container. Unfortunately, this submission was not to the same level of detail as Hog’s Express submission. The Team Willow Pty Ltd EOI is included as confidential Attachment No. DCS424B. The confidential schedule of submissions is also included as Attachment No. DCS424C.

During October 2018, the City advertised expressions of interest for leasing options at Midalia’s Beach, Beresford Foreshore. Thornells Group Pty Ltd submitted a submission however, were unsuccessful, due to size and the limited capacity of the leased area at Zone 1 – Midalia’s Beach.

The business trading as Hogs Express will serve burgers, chips, chicken wings, pork ribs and salads. Hot beverages, soft drink and water. In addition to the food and refreshments, Hogs Express propose to offer outdoor games and equipment for hire that include sand toys, frisbees, bike/tuk-tuk and plastic cricket sets.

The activities that will work well within the lawned area and adjacent beach includes children’s party plans, games and various other outdoor entertainment. The approved lease area is shown below:



Part 5 of the recommendation seeks a delegation to the CEO to approve a design that that compliments and adds to the vibrancy / functionality of the Geraldton Foreshore’s surrounding area. This is consistent with previous Council resolutions for the Jaffle Shack and Beresford Foreshore leases.

Given below in Relevant Precedents is the full resolution for the Jaffle Shack lease.

It is proposed that once preliminary designs are received (should Council support the recommendation above) these will be provided to Councillors for information/ input.

In addition should any of the trees existing in the lease area/ vicinity require removal, the successful proponent will be required to bear the costs for their relocation or replacement with similar maturity trees on the foreshore area.

Other standard lease conditions will also address lawn conditions, litter control etc.

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

#### **Community:**

The submission is in line with the six driving principals of CP 1.5 Foreshore Use & Development Policy. In particular they address the principles of:

- Activation of the foreshore recognizing that while public open space is a high priority and should not be compromised, people want amenities and activities that enhance their experience of the foreshore;
- The effective use and management of the foreshore reserve(s) resulting in a space that is people focused not building focused and promotes active and passive recreation that promotes health and wellbeing; and
- To enable opportunities for activities that respects the essence of the place and enables providers to offer services and facilities to the public to enhance their visit to the foreshore.

#### **Environment:**

There are no adverse environmental impacts.

#### **Economy:**

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to operate in a prime Geraldton location. Small businesses, such as this will enhance tourism and add to the economic vibrancy and vitality of our community in this area.

#### **Governance:**

There are no adverse governance 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 leases on a number Crown Reserves accommodating a variety of uses/purposes consistent with the individual Management Order. An example would be the Jaffle Shack located on the Geraldton Foreshore

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(Reserve 50100) on a portion of the reserve and was approved by Council on 28 July 2015 and is leased by the City for café and alfresco purposes:

1. *APPROVE a lease of portion of Crown Reserve 50100 comprising a land area of 48m<sup>2</sup> for the purpose of a sea container café to West End Hospitality Pty Ltd;*
2. *MAKE the determination subject to:*
  - a. *consent from the Minister for Lands;*
3. *SET the proposed conditions as:*
  - a. *enter into a three (3) year lease agreement with an option of two further terms of three years (3+3+3) by both parties, commencing 1 September 2015;*
  - b. *adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;*
  - c. *conduct a current ground market valuation prior to the second further term option to establish the lease fee;*
  - d. *set the commencement lease fee at \$7,896 plus GST per annum;*
  - e. *the acceptance of a set of agreed key performance indicators focussing on anti-social behaviour, litter control, activation and surrounding development;*
4. *THE Lessee being responsible for separately paying:*
  - a. *all applicable rates, taxes and other utilities;*
  - b. *all connection and installation or services to the leased area;*
  - c. *all costs associated with:*
    - i. *the preparation, execution and registration of the lease;*
    - ii. *survey plans of the lease area;*
    - iii. *all other costs associated with the lease; and*
5. *DELEGATE authority to the Chief Executive Officer to approve a design for the sea container café that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/ surrounding area.*

Further, lease and licence options were approved by Council on the 27 November 2018 (Item No. DCS389) for the Beresford Foreshore in accordance with the terms of the Management Order.

It is noted that the City does not levy a fee to those businesses that provide alfresco areas on footpaths. It is considered that it would be inconsistent to charge the proponents for the alfresco/public space area.

The City also provides licences for activities on Crown Reserves for a variety of purposes that are consistent with the uses under Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

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

A Briefing Note was circulated to Councillors on the 25 July 2019 updating and advising on the pending EOI for leasing options at this approved lease site at the Geraldton foreshore.



**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 – Disposing of Property

Section 3.58:

(1) *In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

(a) *it gives local public notice of the proposed disposition –*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Section 18 of the Land Administration Act 1997 – Crown land transactions that need Ministerial approval:

Section 18:

(1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown Land.*

The application for the proposed lease addresses the criteria and the objectives of Policy CP 1.5 Foreshore Use & Development Policy and Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement lease fee of \$8,225 per annum plus GST which is exclusive of applicable Local Government rates and taxes and adjusted by CPI for Perth annually as at 1 July.

The ground market rental was obtained from the valuation for the existing Geraldton Foreshore lease and used for the purposes of this report. The assessed rate per square meter was \$164.50. A further ground market valuation will be conducted prior to exercising the further term options to establish the lease fee.

The proponent is also responsible for other costs associated with the preparation and issue of the lease agreement and all connection and installation of services to the leased area.

**INTEGRATED PLANNING LINKS:**

<b>Title: Economy</b>	<b>3.1 Growth</b>
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
<b>Title: Governance</b>	<b>4.1 Community Engagement</b>
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

**REGIONAL OUTCOMES:**

There are no potential impacts, either positive or negative to regional outcomes.

**RISK MANAGEMENT:**

There are no consequent risks inherent in approving – or not approving – the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

One option is to support the alternative proposal submitted during the Expression of Interest period. However, this option is not supported due to the lesser amount of detail provided with that submission.

The other option for consideration by Council is to not approve the lease and decline the proposal as submitted. This is not supported as the proposal has the potential to increase activation in this section of the foreshore and offer a product different to that already available in the area.

The proposal in addition, meets the requirements and the objectives of Policy CP 1.5 Foreshore Use & Development Policy and complies with Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

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

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 of approximately 50m<sup>2</sup> of Crown Reserve 50100 for the purpose of a sea container/transportable structure to Thornells Group Pty Ltd – Trading as Hog's Express;
2. **MAKE** the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands;
3. **SET** the proposed conditions as:

- a. enter into a five (5) year lease agreement with a further term option of five (5) years;
- b. commence the lease on the date of execution;
- c. set the lease fee at \$8,225 per annum plus GST;
- d. should the lessee:
  - i. not return the endorsed lease documents to the City within two (2) months of the date of being sent; or
  - ii. not complete the build and construction of the proposed café within six (6) months of approval, the City will seek a resolution of Council to determine the consequences of either of these inaction;
4. ADVISE the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:
    - i. the lease, including power and water connections;
    - ii. removal of any trees with their relocation or replacement with similar maturity trees on the foreshore area;
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container/transportable structure that compliments and adds to the vibrancy / functionality of the Geraldton Foreshore's surrounding area, subject to the outcome in point 2. above; and
6. REFER the matter back to Council for final consideration should any objecting submissions be received.

**CARRIED 10/2**

Time: 5:55 PM

Not Voted: 2

No Votes: 2

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>NO</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>NO</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

DCS425 LICENCE RENEWAL – ULTIMATE WATERSPORTS PTY LTD – GERALDTON FORESHORE RESERVE 50100
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<b>AGENDA REFERENCE:</b>	<b>D-19-071088</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land and Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>20 September 2019</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to approve the licence renewal of Ultimate Watersports Pty Ltd to utilise the beach area on foreshore reserve 50100 for the purposes of commercial water sports activities.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:

1. APPROVE the extension of a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;
2. MAKE the determination subject to:
  - a. consent from the Minister for Lands;
  - b. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;
3. SET the proposed conditions as:
  - a. extend the current licence agreement by two (2) years from the current termination date of 24 December 2019 with a further two (2) year option to renew;
  - b. set the licence fee at \$500 per annum inclusive of GST; and
4. ADVISE the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes and any utility costs.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council at its meeting on the 20 December 2016 (Item No. DCS314) resolved the following:

1. *APPROVE a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;*
2. *MAKE the determination subject to:*
  - a. consent from the Minister for Lands;*
  - b. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;*
3. *SET the proposed conditions as:*

- a. *enter into a one (1) year licence agreement;*
  - b. *commence the licence on as soon as practically possible;*
  - c. *set the licence fee at \$500 per annum inclusive GST;*
4. *ADVISE the licensee they are responsible for separately paying;*
  - a. *all applicable rates, taxes;*
  - b. *all costs associated with:*
    - i. *the preparation and execution of the licence;*
    - ii. *all other costs associated with the licence; and*
5. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

The licence was extended by written agreement for a further two years to expire on the 23 December 2019. The operations of the water sport activities have been successful at this location and contributed to community events and activities held at the foreshore and are reported to be well received by the community and tourists.

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

### **Community:**

A small business, providing the water based activities could enhance social quality of life by providing active recreation for people, particularly tourists.

### **Environment:**

This proposal may have environmental impacts upon the beach foreshore area being utilised as the continual vehicle movement will disturb the beach area. The licensee has reduced the number of vehicle movements by leaving the site office caravan on the beach licensed area overnight and utilises the beach access ramp at all times upon entry and departure.

### **Economy:**

This proposal allows the opportunity for a local business to continue its operations in a prime Geraldton location. Small businesses, such as this one will enhance tourism and add to the economic vibrancy and vitality of our community in this area.

### **Governance:**

There are no adverse governance impacts.

### *Disclosure of Interest:*

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

## **RELEVANT PRECEDENTS:**

This proposal seeks the renewal of an existing licence approval over a Crown reserve. The City has a number of leases and licence options approved by Council on the 27 November 2018 (Item Nos. DCS389 and DCS390) for the Beresford Foreshore in accordance with the terms of the Management Order.

The City also provides licences for activities on Crown Reserves for a variety of purposes that are consistent with the uses under Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

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

There has been no community/councillor consultation.

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

Section 18 of the Land Administration Act 1997 – Crown land transactions that need Ministerial approval –

Section 18:

*(2) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown Land.*

The application for the proposed licence addresses the criteria and the objectives of Policy - CP 1.5 Foreshore Use & Development Policy and Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

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

A commencement licence fee of \$500 per annum inclusive of GST plus all other costs associated with the preparation and issue of the licence agreement.

This fee is in line with the Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land fee.

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

<b>Title: Economy</b>	<b>3.1 Growth</b>
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
<b>Title: Economy</b>	<b>3.2 Lifestyle and Vibrancy</b>
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy.

#### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

#### **RISK MANAGEMENT:**

There are no consequent risks inherent in approving – or not approving the recommendation. The proposed licensee holds a current \$20 million public liability insurance policy. This requirement is contained within the licence and is a mandatory requirement for any lease or licence over Crown land.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The option for consideration by Council is to not approve the licence and decline the proposal as submitted. This is not supported as the proposal has the potential to increase activation in this section of the foreshore and offer a product different to that already available in the area.

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

That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 **RESOLVES** to:

1. **APPROVE** the extension of a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;
2. **MAKE** the determination subject to:
  - a. consent from the Minister for Lands;
  - b. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;
3. **SET** the proposed conditions as:
  - a. extend the current licence agreement by two (2) years from the current termination date of 24 December 2019 with a further two (2) year option to renew;
  - b. set the licence fee at \$500 per annum inclusive of GST; and
4. **ADVISE** the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes and any utility costs.

**CARRIED 12/0**

Time: 5:59 PM

Not Voted: 2

No Votes: 0

Yes Votes: 12

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

**12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES****CCS446 GERALDTON HOTROD & COUNTRY INC. (GERALDTON CITY SPEEDWAY) – REQUEST FOR DONATION TO COVER RATES**

<b>AGENDA REFERENCE:</b>	<b>D-19-072899</b>
<b>AUTHOR:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>26 September 2019</b>
<b>FILE REFERENCE:</b>	<b>RV/3/0005-08</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b> <b>A. Letter Requesting Donation</b> <b>B. Aerial Map of Property</b> <b>C. CCS371 – Previous Council Item - Request for Donation GGRC</b>

**EXECUTIVE SUMMARY:**

The Geraldton Hotrod & Country Inc. club (Geraldton City Speedway) have approached the City with a request that Council considers and puts in place a similar arrangement to what currently exists between the City and Geraldton Greenough Rifle Club (Inc). That arrangement grants an annual donation to the Geraldton Greenough Rifle Club (Inc) equivalent to the rates levied on their two properties each year and is reviewed every five years.

**EXECUTIVE RECOMMENDATION:**

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

1. AUTHORISE an annual donation to the Geraldton Hotrod & Country Inc. (Geraldton City Speedway) equivalent to the rates levied on Lot 2 (6) Bernie Clune Drive Moonyoonooka, subject to the condition that the property in question continues to be used for its current purposes and remains vested to Geraldton Hotrod & Country Inc. (Geraldton City Speedway); and
2. MAKE the determination to grant this donation for a period of five (5) years, commencing from 1 July 2019.

**PROPONENT:**

The proponent is the Geraldton Hotrod & Country Inc. (Geraldton City Speedway).

**BACKGROUND:**

As previously communicated to Council, when it last considered to continue the Geraldton Greenough Rifle Club annual donation equivalent to rates levied, there are only a handful of other sporting or community groups that are on freehold land i.e. Tenindewa, Tardun, Pindar Progress Associations and Macedonian Society of Geraldton – they have all been granted individual



exemptions by past Council resolutions, except for the Geraldton Hot Rod Club which pays rates on their land.

The majority of sporting and community groups are exempt from rates under a Council Decision 27 March 2001, which was effective from 1 July 2001 and states:-

*“That Council cease to rate community and sporting clubs occupying Council or DOLA lease land as of the beginning of the 2001-2002 year”.*

In the adoption of the 2007-08 Budget (Council Item CS015, 14 August 2007), Council resolved to:

*“Not provide any concession or relief to any privately owned sporting or recreational grounds, however Council will consider by way of a donation an amount equivalent to the rates levied”.*

The property is primarily used for the following purposes:

- Speedway activities;
- Go-karting and Motard; and
- Off-road activities.

The Midwest Kart Club lease (10yr by 10yr) their portion of land they use from the Geraldton Hotrod & Country Inc. club. The amount of the lease is around \$1,600 per annum with these funds going towards maintaining the surrounds – firebreaks and fencing. The Geraldton Off-Road Club pay a nominal amount annually to the Geraldton Hotrod & Country Inc. club in lieu of utilities costs.

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

### **Community:**

The land is used by three sporting clubs which not only adds to and provides infrastructure that supports the City’s strong sporting culture but also brings strong patronage to the City through national and state series and titles.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

Council is required to impose rates on this land as under the Local Government Act 1995 it does not satisfy any provisions on not being rateable. An annual donation arrangement is considered the best governance option as Council is not exempting the land from being rated.

### *Disclosure of Interest:*

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

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**RELEVANT PRECEDENTS:**

This proposed donation arrangement has relevance to Council's previous resolutions related to the Geraldton Greenough Rifle Club annual donation (CCS371 – 23 October 2018).

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26(2) of the Local Government Act 1995 defines land that is not rateable land. The land in question does not satisfy any of the provisions of sections 6.26(2) of the Act, and is therefore rateable land. Council is therefore obliged to impose rates on the land.

Section 6.47 of the Act empowers a Council to waive rates or grant other concessions:

## 6.47. Concessions

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. \* Absolute majority required.*

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The levied rates on the property in 2019-20 is \$1,290.65. Under any donation arrangement, the owner of the property is still liable to pay annual ESL and rubbish charges if applicable.

**INTEGRATED PLANNING LINKS:**

<b>Title: Community</b>	<b>1.2 Recreation and Sport</b>
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
<b>Title: Community</b>	<b>1.5 Recognise, value and support everyone</b>
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

If Council were to consider to waive rates which is effectively exempting the land from rates being levied, it would be establishing a new precedent to not impose rates on rateable land.

As there is a similar donation arrangement in place with a sporting club on freehold land, the issue and perception of parity should form part of the consideration on this matter.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DEFER consideration of the application by the Geraldton Hotrod & Country Inc. (Geraldton City Speedway) for reimbursement of their rates on the property at Lot 2 (6) Bernie Clune Drive Moonyoonooka; and
2. MAKE the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That Council by Absolute Majority under section 6.47 of the Local Government Act 1995 RESOLVES to:

1. WAIVE rates on the property at Lot 2 (6) Bernie Clune Drive Moonyoonooka; and
2. MAKE the determination based on the following reasons:
  - a. That the aforementioned land continues to be used for its current purposes and ownership remains vested in Geraldton Hotrod & Country Inc. (Geraldton City Speedway).

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

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

1. AUTHORISE an annual donation to the Geraldton Hotrod & Country Inc. (Geraldton City Speedway) equivalent to the rates levied on Lot 2 (6) Bernie Clune Drive Moonyoonooka, subject to the condition that the property in question continues to be used for its current purposes and remains vested to Geraldton Hotrod & Country Inc. (Geraldton City Speedway); and
2. MAKE the determination to grant this donation for a period of five (5) years, commencing from 1 July 2019.

**CARRIED BY ABSOLUTE MAJORITY 12/0**

Time: 6:04 PM

Not Voted: 2

No Votes: 0

Yes Votes: 12

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

CCS447 STATEMENT OF FINANCIAL ACTIVITY TO 30 SEPTEMBER 2019
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<b>AGENDA REFERENCE:</b>	<b>D-19-074907</b>
<b>AUTHOR:</b>	<b>C Cabugas, Treasury Officer</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>4 October 2019</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Monthly Management Report for period ended 30 September 2019</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 30 September 2019.

The statements in this report include no matters of variance considered to be of concern.

**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 statements of activity dated 30 September 2019, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of September 2019 is detailed in the attached report and summarised as follows, are the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$ 287,524	0.48%	under YTD Budget <input checked="" type="checkbox"/>
Operating Expenditure	\$ 10,606	0.00%	over YTD Budget <input checked="" type="checkbox"/>
Net Operating	\$ 298,130	0.8%	under YTD Surplus <input checked="" type="checkbox"/>
Capital Expenditure	\$ 426,259	-3.3%	over YTD Budget <input checked="" type="checkbox"/>
Capital Revenue	\$ 409,188	-113.49%	over YTD Budget <input checked="" type="checkbox"/>
Cash at Bank – Municipal	\$ 32,881,456		
Cash at Bank – Reserve	\$ 22,161,370		
Total Funds Invested	\$ 54,098,640		
Net Rates Collected	63.64%		
Net Rates Collected in September 2018	63.25%		

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 revised budget. The financial position represented in the September financials shows a YTD negative variance of \$298,130 in the net operating surplus result (this takes into account commitments).

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

### **Community:**

There are no adverse community impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

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 that as a minimum Council is to receive a Statement of Financial Activity.

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.4 Financial Sustainability and Performance</b>
Strategy 4.4.1	Preparing and implementing short to long term financial plans.
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
<b>Title: Governance</b>	<b>4.5 Good Governance and Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There are no alternative options to consider.

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

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

1. **RECEIVE** the monthly financial statements of activity dated 30 September 2019, 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.*

### 12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS199	DRUMMOND COVE PROGRESS ASSOCIATION EVERLASTING PARTNERSHIP AGREEMENT – EX LEASEHOLD AREA (RESERVE R24738)
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<b>AGENDA REFERENCE:</b>	<b>D-19-072484</b>
<b>AUTHOR:</b>	<b>M Dufour, Coordinator Coastal and Natural Environment</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>23 September 2019</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-06</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>
	<b>A. DCPA Drummond Cove Foreshore Master Plan</b>
	<b>B. DCPA Everlasting Partnership Agreement</b>
	<b>C. Drummond Cove Beach Front Design Guidelines</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council endorsement of an Everlasting Partnership Agreement with the Drummond Cove Progress Association and the Drummond Cove Foreshore Master Plan. The agreement and master plan relate to the amenity improvement to the recently remediated reserve R24738 on the west side of Whitehill Road, Drummond Cove.

The removal of leasehold properties on reserve R24738 was finalised in January 2018. This was the outcome of a managed retreat strategy initiated in 1984 when the Town Planning Scheme No.4 was formally gazetted in accordance with State Coastal Planning Policy administered by the Shire of Greenough. In recent years the Drummond Cove Progress Association (DCPA) expressed an interest in the ongoing management of the reserve.

The City worked with the DCPA to identify opportunities for them to have involvement in the management of the reserve, resulting in progression towards an Everlasting Partnership Agreement.

In order to progress the Everlasting Partnership Agreement, the DCPA was required to produce a staged master plan for the reserve. The DCPA has now finalised this master plan and it is presented to Council for endorsement.

#### **EXECUTIVE RECOMMENDATION:**

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

1. APPROVE the establishment of an Everlasting Partnership Agreement with the Drummond Cove Progress Association for Stage 1 of the Drummond Cove Foreshore Master Plan; and
2. ADOPT the Drummond Cove Foreshore Master Plan produced by the Drummond Cove Progress Association.



**PROPONENT:**

The proponent is the Drummond Cove Progress Association.

**BACKGROUND:**

In 1984, Town Planning Scheme No.4 was formally gazetted in accordance with the State Coastal Planning policy in place at the time (District Coastal Planning Policy DC6.1). The Shire of Greenough was required by the State to implement the retreat of leasehold dwellings in Reserve R24738 located on the west side of Whitehill Road when surrounding land was developed. The surrounding land was duly developed and the process of removing the leasehold dwellings commenced.

This process of removing the dwellings from the reserve was very lengthy with the last of the leasehold dwellings removed in early 2018. The City then undertook extensive on-ground works to rehabilitate the reserve to return it to a more natural state. This included removal of asbestos, removal of African boxthorn plants, placement of mulch on areas denuded of vegetation, general landscaping and planting works, fencing, and removal of rubbish, rubble and rocks.

In the lead up to the removal of the leasehold dwellings, the DCPA expressed an interest in cooperatively managing the reserve as a community space due to its historical connection with the Drummond Cove community. The DCPA produced a Drummond Cove Beach Front Design Guidelines document. This document was received by Council at the Ordinary Meeting of Council on 28 October 2014.

From 2018, the City has been working with the DCPA to identify a suitable and appropriate way for them to remain connected with the management of the reserve. Four options were considered to continue this connection:

- Vesting of reserve R24738 to the DCPA;
- Leasing of portion of reserve R24738 to the DCPA;
- Memorandum of Understanding between the City and the DCPA over portion of reserve R24738; and
- Everlasting Partnership Agreement between the City and the DCPA over portion of reserve R24738.

**Vesting of Reserve**

The Land Administration Act (1997) allows the vesting of crown land to entities other than a Local Government. However, the City's Land and Regulatory Services Team advised that Ministerial approval was unlikely to be granted if this option was pursued based on previous experience.

**Leasing of Reserve**

Leasing of the reserve is an option and one the City has undertaken with other groups, especially in respect to sporting clubs. However, the existence of asbestos fragments on the site would place the asbestos management responsibility on the DCPA as the lessee. This option was not supported by City Officers due to the ongoing complexity and cost of the asbestos management which the DCPA was reluctant to accept.

**Memorandum of Understanding (MOU)**

Council has previously endorsed the development of MOUs over one City reserve: Maitland Park. These allow community groups to self-fund infrastructure and landscaping works over and above the City's level of service for these reserves. The process for establishing a MOU can be lengthy, and involves community consultation, presentations to Council, Council endorsement and the development and signing of an MOU. This option is not supported due to the complexity of the process.

**Everlasting Partnership Agreement**

An Everlasting Partnership is an agreement covering the development of a meaningful, long-term relationship, with a business or community group taking stewardship of Council initiatives for the benefit of the City and its residents. The City has developed an Everlasting Partnership with Friends of Geraldton Gardens (FroGGS) with the Wonthella bushland. This partnership focusses on the upkeep and restoration of the bushland with minimal infrastructure requirements. An Everlasting Partnership is formalised by way of an agreement outlining roles and responsibilities. The process can be simpler than other agreement options included in this report.

The Everlasting Partnership is recommended on the basis that the agreement would formalise the roles and responsibilities in the management of the area for the City and DCPA, in particular regarding the ongoing management of the asbestos materials. It also identifies works that can be undertaken by the DCPA and any staging approvals required to progress them.

The DCPA secured funding through the Mid West Development Commission to develop a master plan which it has worked with a consultant company to create. City Officers have provided assistance and advice to the DCPA and their consultant throughout the design process to ensure the master plan aligns with an Everlasting Partnership Agreement and the Geraldton Coastal Hazard Risk Management and Adaptation (CHRMAP) Report.

The DCPA is seeking Council endorsement of the finalised master plan and the establishment of an Everlasting Partnership Agreement.

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

The community has historical and sentimental attachment to the ex-leasehold area. A community engagement report undertaken previously, identifies that people place high importance on the peaceful, quiet and undeveloped quality of the space. The proposed Everlasting Partnership Agreement between the City and the DCPA provides a mechanism by which the community can have a continued association and stake in the management of this space.

**Environment:**

After the removal of the leasehold properties, asbestos fragments were discovered on site and the City arranged for specialist contractors to undertake remediation of the area. The City's Land and Regulatory Services Team has developed an Ongoing Site Management Plan for the reserve.

The Everlasting Partnership Agreement identifies the type of on-ground works that can occur.

**Economy:**

The City's coastline is an important drawcard for tourists and visitors. The provision of accessible natural areas along the Geraldton coastline provides economic benefit for local businesses and tourism accommodation.

**Governance:**

There are no adverse governance impacts.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

At the Ordinary Meeting of Council in May 2018 Council formally adopted the Eastbourne Reserve Master Plan (Item IS173) presented by the Sunset Beach Community Group. An Everlasting Partnership agreement was established with the Group in January 2019 to implement Stage 1 of the master plan.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Chief Executive Officer, Director Infrastructure Services and City Officers have worked with the DCPA to progress development of:

- Everlasting partnership option;
- Content of the partnership agreement; and
- The master plan and Stage 1 design.

The Director Infrastructure Services and the Coordinator Coastal and Natural Environment has liaised with the DCPA and its consultant to ensure that the development of the master plan aligns with the Geraldton CHRMAP Report.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The Everlasting Partnership aligns with the Geraldton CHRMAP Report. This in turn is based on the requirements of State Coastal Planning Policy No. 2.6 – State Coastal Planning Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The Everlasting Partnership agreement identifies that the City will:

- Maintain the boundary fencing to the reserve;
- Maintain the City's drainage assets that lie within the reserve;

- Administer the Asbestos Management Plan over the reserve; and
- If required, develop and manage Expressions of Interest for a mobile café facility over a portion of reserve.

The DCPA will fund infrastructure design and construction works in accordance with the Geraldton CHRMAP Report's coastal adaptation measures for the Drummond Cove area. These measures form part of the Everlasting Partnership Agreement.

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

<b>Title: Community</b>	<b>1.3 Community Health and Safety</b>
Strategy 1.3.2	Promoting healthy lifestyle initiatives and living standards.
<b>Title: Environment</b>	<b>2.1 Revegetation-Rehabilitation-Preservation</b>
Strategy 2.1.1	Working with the community and environmental groups to identify and implement environmental initiatives.
Strategy 2.1.3	Ensuring natural areas and habitats are cared for and enhanced for the enjoyment of current and future generation.
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community.
<b>Title: Governance</b>	<b>4.1 Community Engagement</b>
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

#### **REGIONAL OUTCOMES:**

The coastline at Drummond Cove has a peaceful, quiet and undeveloped quality. This provides an alternative attraction to the more developed Geraldton and Beresford foreshores for tourists and visitors to the region.

#### **RISK MANAGEMENT:**

**Asbestos:** The City's Land and Regulatory Services Team has developed a Site Specific Asbestos Management Plan for the management of discovery and removal of asbestos over the reserve.

#### **Coastal Hazards/ New Infrastructure:**

The Everlasting Partnership Agreement identifies that new infrastructure identified in the master plan must align with the Geraldton CHRMAP coastal adaptation measures for Drummond Cove.

#### **Café Lease:**

The vesting/management order to the City allows for the establishment of a lease over a portion of the reserve (e.g. for a mobile café facility). This is consistent with the Drummond Cove beachfront design guidelines and the vesting/management order over the reserve.

The works identified in Stage 1 relate to the preparation of a hard stand area that can host a mobile café, and not the lease process itself.

Expressions of Interest for a lease over a portion of the reserve can only be progressed by the City. The DCPA has been advised to liaise directly with the City's Land and Regulatory Services department in relation all lease matters.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Alternative management options are listed and discussed in the Background Section of this item. The following alternative option was considered by City Officers in relation to the master plan:

Not adopt the master plan:

Not adopting the master plan will incur reputational damage to the City. It may impact negatively the productive relationship the City has with the Drummond Cove Progress Association.

**COUNCIL DECISION**

**MOVED CR COLLIVER, SECONDED CR HALL**

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

1. **APPROVE** the establishment of an Everlasting Partnership Agreement with the Drummond Cove Progress Association for Stage 1 of the Drummond Cove Foreshore Master Plan; and
2. **ADOPT** the Drummond Cove Foreshore Master Plan produced by the Drummond Cove Progress Association.

**CARRIED 12/0**

Time: 6:13 PM

Not Voted: 2

No Votes: 0

Yes Votes: 12

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

**12.4 REPORTS OF OFFICE THE CEO**

Nil.

**12.5 REPORTS TO BE RECEIVED****RR09 REPORTS TO BE RECEIVED - OCTOBER**

<b>AGENDA REFERENCE:</b>	<b>D-19-073027</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>4 October 2019</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-06</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) 1 x Confidential</b>
	<b>A. Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. Confidential – List of Accounts Paid Under Delegation September 2019</b>

**EXECUTIVE SUMMARY:**

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

**EXECUTIVE RECOMMENDATION:****PART A**

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
  - a. Reports – Development and Community Services:
    - i. DCSDD151 - Report - Delegated Determinations and Subdivision Applications for Planning Approval.

**PART B**

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS448 – Confidential Report – List of Accounts Paid Under Delegation September 2019.

**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, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

**Community:**

There are no adverse community impacts.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

There are no adverse governance impacts.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**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 REYMOND, SECONDED CR THOMAS****PART A****That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to**

- 1. RECEIVE the following appended reports:**
  - a. Reports – Development and Community Services:**
    - i. DCSDD151 - Report - Delegated Determinations and Subdivision Applications for Planning Approval.**

**PART B****That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:**

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS448 – Confidential Report – List of Accounts Paid Under Delegation September 2019.**

**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.

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

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

**CARRIED 12/0**

Time: 6:14 PM

Not Voted: 2

No Votes: 0

Yes Votes: 12

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

*The Gallery left Chambers at 6.15pm. Livestreaming was turned off.*

DCS426 RFT 02 1920 MANAGEMENT OF THE MERU REUSE AND RECYCLE SHOP EVALUATION REPORT
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<b>AGENDA REFERENCE:</b>	<b>D-19-071383</b>
<b>AUTHOR:</b>	<b>H Williamson, Coordinator Environmental Health and Waste</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>23 September 2019</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0013</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - RFT 02 1920 Management of the Meru Reuse and Recycle Shop Evaluation Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award RFT 02 1920 Management of the Meru Reuse and Recycle Shop which includes the daily operations of the City Tip Shop facility and materials recycling programs including cardboard and plastics processing. The Evaluation Report is included as confidential Attachment No. DCS426.

**EXECUTIVE RECOMMENDATION:**

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

1. AWARD contract RFT 02 1920 Management of Reuse and Recycle Shop to the preferred tenderer to manage the daily operations of the City Tip Shop facility and recycling process including the cardboard and plastics processing; and
2. RECORD the lump sum contract value in the minutes.

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City seeks, in accordance with its Waste Management Strategy, to divert reusable materials from the Meru Landfill. Part of this strategy includes the ongoing operation of its established reuse and recycle shop (colloquially known as the tip shop) located on Landfill Lane in Narngulu (Lot and Plan P403161 - 203/204).

The management of the Reuse and Recycle shop is currently under a management agreement through the Aboriginal Business Directory WA (ABDWA) exemption requirements. The ABDWA tender exemption regulations 11(2) (h) states that the threshold is \$250,000 over the life of the contract. The current agreement will exceed the threshold if it continues to proceed into the next year.

The City seeks to appoint a Contractor to manage and operate the Reuse and Recycle Shop for the Contract Term of one (1) year with an optional one (1)

year extension at the discretion of the City. This term is to align with the current landfill contract expiry in October 2020 but still allows for an additional year, if required.

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

### **Community:**

Awarding the contract will allow the community and proponent to continue diverting waste from landfill through the facility, to buy products at a low cost and to continue using the drop off point recycling programs of cardboard and plastics.

### **Environment:**

The State Waste Strategy sets out objectives to 'avoid' by generating less waste, 'recover' more value and resources from waste and 'protect' the environment by managing waste responsibly. Each objective provides targets for local government to strive towards. The most significant target for Major Regional Centres is to increase recovery of Municipal Solid Waste by 50% by 2020 and 55% by 2025.

In the 18-19 period the Reuse and Recycle Facility sold 12,000 items such as furniture, bags, books etc. and diverted 3,700 cubic metres of cardboard and plastics destined for landfill.

### **Economy:**

Awarding the contract will continue to employ two full time and two part time shop attendants through the recommended tenderers job seeker programs.

### **Governance:**

The City's procurement team assessed the tender evaluation phase to assist in the evaluation assessment of individual tenderers. The contract will be managed under the General Conditions of Contract for the Provisions of Goods and Services.

### *Disclosure of Interest:*

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

## **RELEVANT PRECEDENTS:**

Council awards contracts in the general course of City business for the provisions of goods and services.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

The Local Government Act and City's Procurement Policy were adhered to when preparing and evaluating this tender. Safe work methods and environmental management in line with legislative requirements will be implemented in accordance with the preferred tenderer submission.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The 19-20 budget for the Management of the Reuse and Recycle Shop was approved for \$90,000 per annum. All tenders submitted exceeded the current 19-20 budget with the recommended tenderer providing the lowest submission, but still exceeds the current budget without offering any increase in service. The other tenderers further exceed the 19-20 budget compared to the recommended tenderer.

The reason for the increased management fees is due to the recycling component of the contract. The current contractors have informed the City that they have struggled to find a consistent and viable market for the current plastics and cardboard program that can offset the cost of undertaking the program. This has been an issue since the recycling market decline associated with China's import restrictions on foreign waste.

It is proposed to redirect part of the budgeted operating expenditure allocated to crushing of road base materials to manage this increased service cost. In the latter period of 2018-19 the City undertook a sizeable crushing program to provide road base materials. In 2019-20, the cost will be lower as it has now been identified that a sorting of materials program to remove contaminants will be required before any further crushing is undertaken.

**INTEGRATED PLANNING LINKS:**

<b>Title: Environment</b>	<b>2.2 Sustainability</b>
Strategy 2.2.1	Promoting, researching and implementing practices such as improved and innovative waste management, water reuse and renewable energy production.
<b>Title: Governance</b>	<b>4.4 Financial Sustainability and Performance</b>
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.

**REGIONAL OUTCOMES:**

The Meru Reuse and Recycle Shop is open to all customers within the Midwest region to assist with diverting waste from landfill and an opportunity to purchase low priced items for sale.

**RISK MANAGEMENT:**

Not awarding the tender will see all waste currently diverted through the Meru Reuse and Recycle facility end up in landfill therefore decreasing the lifespan of the current waste disposal cells and increase overall costs associated with waste disposal.

Reducing the hours of recycling processing operations could potentially create stockpiling of recycling materials causing a fire risk at the site leading to noncompliance with Department of Water Environment and Regulation licence conditions.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The option for consideration by Council is to not approve the tender and decline the proposal as submitted. This however, is not supported as the proposal has the potential to decrease diversion from landfill increasing costs associated with waste disposal and reduces the City's current recovery rates.

The proposal meets the State Waste Strategy Recovery target to increase Municipal Solid Waste recovery to 50% by 2020.

### **COUNCIL DECISION**

#### **MOVED CR MCILWAINE, SECONDED CR CLUNE**

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

- 1. AWARD contract RFT 02 1920 Management of Reuse and Recycle Shop to the preferred tenderer to manage the daily operations of the City Tip Shop facility and recycling process including the cardboard and plastics processing, being MEEDAC Incorporated; and**
- 2. RECORD the lump sum contract value in the minutes being \$160,000 excluding GST.**

#### **CARRIED 11/1**

Time: 6:33 PM

Not Voted: 2

No Votes: 1

Yes Votes: 11

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NOT PRESENT</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

*This item was considered and determined by Council behind closed doors and is now available for the public record.*

**PROCEDURAL MOTION**

**MOVED CR THOMAS, SECONDED MAYOR**

**That Council by Simple Majority RESOLVES to MOVE from behind closed doors.**

**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.*

**17 CLOSURE**

There being no further business the Presiding Member closed the meeting at 6.34pm.



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

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