



ORDINARY MEETING OF COUNCIL
MINUTES

22 JULY 2014

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 22 JULY 2014 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

M I N U T E S

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 Standing Orders 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 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

2 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.30pm.

3 ATTENDANCE

Present:

Mayor I Carpenter
Cr D Brick
Cr J Clune
Cr J Critch
Cr S Douglas
Cr R deTrafford
Cr P Fiorenza
Cr L Graham
Cr S Keemink
Cr N McIlwaine
Cr V Tanti
Cr T Thomas
Cr S Van Styn

Officers:

K Diehm, Chief Executive Officer
P Melling, Director of Sustainable Communities
B Davis, Director of Corporate and Commercial Enterprises
A Selvey, Director of Creative Communities
N Arbuthnot, Director of Community Infrastructure
S Moulds, PA to the Chief Executive Officer
L Taylor, Executive Support Secretary
M Connell, Manager Urban & Regional Development
S Chiera, Coordinator Marketing & Media
B Robartson, Manager Economic, Tourism & Property Development
Yvonne Lovedee, Coordinator Community Development, Community Development

Others:

Members of Public: 55
Members of Press: 2

Apologies:

Cr R Hall

Leave of Absence:

Cr D Caudwell

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

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

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

Public Question Time commenced at 5.32pm

Bronwyn Desmond-Phillips, Rose Farm, C/O Post Office, Walkaway

Question

If the residents who are in the transition period from Rosella House to the community, and have various trade/ university professional backgrounds in their chosen career paths. Why has this proposal not been assigned to a town, which lacks these services, where they can not only utilise their individual skills but empower the community that they as an individual are wanting to change not only for themselves, but to become respected

community members. Towns which should have been considered are Mullewa, Morawa Tardun, to name a few. The infrastructure is already in place, the need for services is required in these communities.

Response

The City has received a planning application which it must process and determine based on the individual merits of the application and this includes assessment in accordance with the relevant Town Planning Scheme for the area. The methodology and approach as to why a proponent selects a particular location rests with that proponent

Max Correy, 54 Bayview Street, Mount Tarcoola WA 6530

Question

Can Council provide the following information regarding the Verita Road project:

1. Total budgeted expenditure
2. Total road cost
3. Budgeted cost of bridge over railway and airport road
4. Any other expenditure items

Response

1. Total budgeted expenditure – the estimate for the project based on a third party Quantity Surveyor assessment is \$40.2m.
2. Total road cost – Road costs account for around 30% of total project costs
3. Budgeted cost of bridge over railway and airport road – Tenders are currently being reviewed for the bridge and early indications are that the cost will be under the project estimate. I am not prepared to reveal the project estimate as it is confidential and its public disclosure may compromise the outcomes of tender negotiations.
4. Any other expenditure items - As contracts for a number of components are yet to be awarded the breakdown of the current expenditure is unavailable and confidential. The forecast expenditure for the project is under the Quantity Surveyors assessment and the project is on schedule. Full costings can be made available at the completion of the project if requested or required

Euan Beamont, 164 Augustus Street, Geraldton WA 6530

Question

Will the City be putting any waste to energy contracts out to tender in the future? And if yes, does Council think that selling land at Meru to Tersum Energy provides them with an unfair advantage when tendering to secure a waste to energy contract in the future?

Response

The City has no plans to put out a waste to energy contract in the near future. During the next year the City will be undertaking a review of recycling options and it may be an outcome of that review that a waste to energy project could be recommended to Council.

The area of land required by Tersum is for a gas fired power station, and there is likely to be sufficient land to also incorporate a future waste to energy plant.

The proximity to the landfill alone is unlikely to provide Tersum with a competitive advantage as there is sufficient available land in the near vicinity to accommodate a future waste to energy facility.

Question

Is Tersum Energy's decision to purchase the land contingent on being awarded a waste to energy contract?

Response

No, there has been no commitment or implied commitment to awarding a waste to energy project. Furthermore there has been no commitment by the City to award a waste to energy contract in the near future.

Question

In the Geraldton Guardian article, Tersum Energy said they have been working with the City for 18 months to develop "hybrid solution" to turn waste into electricity. We would like to know what "working with" actually means, as with all our discussions with the City, we have been told that "we can't be seen to be helping you and not helping another company" and any offers for support from the City were not forthcoming. What sort of support has Tersum had?

Response

Our involvement has been primarily around the availability and suitability of land for a gas fired power station. Whilst Tersum have raised the potential for a waste to energy facility, it has been made clear to them that we are unable to enter into discussions or negotiations without firstly determining the City's position with respect to recycling options and more importantly ensuring that any decision is made in an open and transparent manner, strictly in accordance with the probity requirements of the Local Government Act.

All meetings with Tersum have been facilitated by the Midwest Development Commission and the City has not provided Tersum or the Commission with any information that would not be freely available to any other interested party.

Mrs Joy Heitman, PO Box 61, Walkaway 6528

Question

How many Councillors attended the invitation only dinner at Rosella House where Debra Zanella CEO Hope Community Services announced that Hope Community Services has selected Mount Hill as the location to invest \$2 million dollars of Royalties for Regions funding to establish a community farm to support drug and alcohol recovery in Geraldton?

Response

The City is not aware of any invitation for Councillors to attend or having attended this dinner. Councillor Graham indicated during the council meeting that he did attend the dinner. Councillors are personally invited to many functions and it's their choice as to whether they attend. Unless the invitation came through the City as a formal invite the City would not be aware of the Function.

Question

If Councillors attended the Invitation only dinner as mentioned in question 1 was this attendance given prior approval by council?

Response

Please refer to Question one response.

Question

Is the Council aware of the existence of the "Farm Reference Group" in Walkaway, which is only open to those supporting the venture, and that there are only some 6 people in the group?

Response

The City is aware that Hope Community have set up a Farm Reference Group, how they are setup is an operational matter of Hope Community, this is not a part of Council process or deliberations for the planning application.

Mr George Millett, Lot 32 No.89 Roe Close, Mt HillQuestion

Is Council aware that "Hope Community Services" have been promoting this venture on their website for some months now (giving the impression that the venture is already established)?

Response

The City is aware that Hope Community Services have been promoting the venture as part of their own community consultation process that they have been undertaking, prior to lodging their formal application. The work that Hope did prior, in regards to the Community Consultation is what Hope elected to do. The City begins its community consultation after the date the application is lodged.

Question

Was "Hope Community Services" given any premature assurances by council that this venture would be approved?

Response

The City has not given any assurances to Hope Community Services that the application would be approved. A decision will be made at this meeting of Council, (22 July 2014). City officers do not pre-empt any Council deliberations/ decisions.

Question

If Hope Community Services had submitted their application to Council clearly identifying this venture as a Drug and Alcohol Rehabilitation Centre (as opposed to an application for a “Community Farm”) would the application for a Drug and Alcohol Rehabilitation Centre be assessed as being acceptable and commensurate with the current zoning category of Mount Hill?

Response

The applicant will often put on the application what they feel the application should be called. The City assesses each application in terms of what definition is the best fit within the town planning scheme use class definitions. On this occasion the City determined the use as a community purpose use, (which is a use that can be considered in the Rural Smallholdings zone but requires advertising for community submissions).

Ms Sally Bozanich, PO Box 5191 Wonthella Geraldton WA6530Question

In the event that this venture proceeds, is the Council prepared for the possibility of rates reductions both effecting Geraldton/ Greenough and Irwin Shires for devaluation and reduced gross rental values on surrounding properties, via the lodgement of rates objections through the Valuer General and possibly the State Administrative Tribunal?

Response

There are a range of factors the Valuer General’s Department considers when determining the values of properties and each of those factors could impact on the valuation undertaken.

Question

Has Council either enquired or been advised by Hope Community Services what checks and monitoring would be put in place to ensure visitors are not bringing in contraband in the form of alcohol/drugs or weapons?

Response

The information provided by Hope Community Services is they will have their own policies and procedures that will be administered in regards to the operations of the facility. The Executive recommendation contains a number of specific conditions that would need to be complied with by Hope Community Services on an ongoing basis.

Question

Why was it that some residents and property owners of Mount Hill did not receive submission forms regarding the (community farm) proposal, especially when they live on Roe Close in Mount Hill and directly near the proposed (community farm) site?

Response

The submission forms and notices sent out were sent to the property address as contained in the City's rates database (the address used is the one rates notices are sent to). The Agenda item attachment shows the area the notices were posted out to. The City is not aware of anyone not receiving notices as the City has received many submissions from the area.

Mr Wayne Molloy, Lot 46 Roe Close, Mt HillQuestion

As the land is protected in the Mount Hill area (native bush) including the sandalwood, will there be any clearing of the native bush including the sandalwood that is located next door?

Response

The recommendation for Council's consideration has specific conditions that would be applied to the proponent in regards to the protection of vegetation on site; the condition requires retention and protection of the remnant vegetation.

Additional Question

Will those conditions be made public? It is my understanding that the vegetation can't be touched.

Response

The conditions are all contained with the council agenda item which is available to the public via the City of Greater Geraldton Webpage. The proponent must also follow the requirements of the Environmental Protection Act which has a number of additional processes in regard to clearing remnant vegetation.

Question

Will there be non-rehabilitated people lodging there as funding would be dependent on a certain amount of beds being filled?

Response

The City cannot comment on the funding obligations of Hope Community in this regard. The Executive recommendation contains a number of conditions that Hope Community Services need to comply with and the conditions require conformity with the information outlined in their application.

Additional Question

With respect is this something that would be followed up, if I had a business being funded I would fill those beds, with non-rehabilitated people.

Response provided by Hope Community representative

It is clear in our proposal that our first concern is the success of our clients and providing them with a quality service, so surrounding them with inappropriate people is not how we operate, no the beds will not be filled with non-rehabilitated people.

Question

The Shire of Greenough pushed the Gunnadu proposal despite community objections. Gunnadu now sits wasting tax payer's money. Will the City of Greater Geraldton repeat that action in pushing through this proposal despite massive community objections?

Response

At this point in time the Council has not made a decision on the proposal, Council will take into consideration the merits of the application and what Hope Community Services aim to achieve. The ongoing viability of a proposal is not a planning consideration in determining an application.

Ms Vicky Henderson 995 Allanooka Springs Road, Mount HillQuestion

It is stated on page 52 of the Agenda that: "Each accommodation unit will house up to 9 residents and a maximum of 27 residents could ultimately be accommodated at any one time." Yet the City's Low Impact Rural Tourism Local Planning Policy only allows 3 chalets/cabins and occupancy of 8 people in each.

Response

The City made reference to the Low Impact Rural Tourism Local Planning Policy as it fits closely to the proposal received. The Policy puts forward the maximum of 24 and the proposal by Hope Community Services accommodates 27, the small increase is justified on planning grounds.

Question

It is stated on page 54 of the Agenda that: "it is reasonable to consider that the provision of such a community facility may translate to economic benefit with regard to there being a lesser need for other taxpayer funded services such as health, police, mental health, judicial and corrective services". Can you please explain why you can state that the provision of such a community facility will provide benefits, when the community in which it is proposed to be located is against its location?

Response

When the City examines an application, it must consider the proposal and its potential on the community as a whole, therefore the application is assessed on its merits and its overall community benefits, but noting that localised impacts are also a consideration and the conditions applied reflect this recognition.

Question

How does Council propose to regulate that recovering addicts will not stay for more than 3 months at any given time as per the Low Impact Rural Tourism Local Planning Policy?

Response

The use of the Low Impact Rural Tourism Local Planning Policy is used as an indicative guide, the proposal put forward by Hope Communities is to manage

the individuals through those programs put in place on site, potentially some will run over that time frame.

Additional Response provided by Hope Community Representative

There will be some flexibility to have individuals for three months or more, Hope Community cannot guarantee that exactly on the three month date that someone will be asked to leave. Programs are tailored for achieving results.

Mr Paul Robb, 26 Bosuns Crescent, Point Moore

Question

My first question is in relation to the last council meeting when I asked the council what is the rate per square meter for land leases at Point Moore, but I did not get an answer, so I worked it out myself at \$13 per square metre.

Therefore my question is, Q1: Why are Point Moore leases being discriminated against by being charged such exorbitantly high lease fees in comparison to the lease fees recently given to Barry Humphries, who is only paying \$1.20 per square meter for his lease land and his lease is for 42 years, not 14, and also his lease is not subject to any conditions, despite being on the coast?

Response

Before the City enters into any lease agreement, the City receives an independent market valuation on what the appropriate lease fee should be. The Market valuation was adopted by Council on both instances. In relation to the lease conditions that may or may not be imposed on Mr Humphries. Whilst I have not reviewed the lease agreement, I can guarantee that strict approval conditions would apply in both the lease agreement and any development agreement which would far exceed any conditions placed upon the lease holders in Point Moore.

There has never been an option to renew or extend to the leases in Point Moore, the adoption of the 14 years was simply to bring the termination if the leases due to expire this year generally into line with all the other leases in the Point Moore area.

Question

My second question is in regards to the response to my question from the last council meeting regarding budgeted funds for coastal studies, where the answer given to me is in conflict with itself. So therefore I ask why is the city spending \$500,000 on beach protection and stabilization to protect Point Moore and then spending another \$50,000 on studies to work out how to protect Point Moore? Is this putting the cart before the horse? Please explain your answer.

Response

The budget has an allocation of approx. \$700,000 for beach stabilisation in two areas, firstly in Greys beach and secondly St George's beach, this is primarily to protect essential community infrastructure such as roads, parks and public toilets. It is not to provide a long term solution to potential inundation. The amount of money put in the budget for studies is in accordance with the Council decision on the 22 April where I was required to consider and recommend to Council, as part of the budget, funding to undertake studies that looked at coastal inundation, coastal protection, and environmental and health assessments relating to the continued use of septic tanks, and this is what the \$50,000 is for.

The money to be spent on greys beach is to provide immediate protection to essential community infrastructure like the road; it is not to provide a solution to climate change and rising sea levels. The \$50,000 will look at the potential for coastal inundation, but the solution for protecting Point Moore area from coastal inundation may be far in excess of the amount of money we have invested in this year's budget. It also looks at examining the health and environmental impact associated with the continued use of septic tanks so I don't believe it is putting the cart before the horse at all. The first step is to protect the essential infrastructure, the next step is to carry out a detailed investigation in terms of what further work might be required to protect Point Moore from Inundation, and what further work might be required to mitigate risk both in terms of health and environment impacts associated with the continued use of septic tanks.

Question

My third question is regarding the situation that occurred when Cr Douglas altered the Officer's recommendation in report SC143 on the expiry of Point Moore beach cottage leases. My question is: Did Cr Douglas produce evidence or facts to support his amendment which changed the Officer's recommendation to not renew leases after 14 years subject to studies? If not, does the council consider it to be good governance and transparency in decision making to alter an officer's report recommendation without any new evidence or facts? Please explain your answer.

Response

Cr Douglas's motion didn't change in any material way the recommendation to Council. The recommendation made by Council staff was that a 14 year extension be given so the leases expire on 30 June 2028.

Contained in the report were comments made by staff that prior to making any further decision the Council should undertake those studies. Cr Douglas's motion, which was adopted by Council, ensured that the residents and lease holders in the Point Moore area were made aware of the Council's decision and are advised that prior to considering any further extension (which is not provided for in the lease agreements), an appropriate study on the potential for coastal inundation, the mitigation works that may be required and the risk in terms of health and environmental factors regarding the continued use of septic tanks, be considered. This is a fit and proper amendment consistent with the report from Executive Officers.

The Officers recommendation was enhanced by the motion put by Cr Douglas, as it provides an opportunity for the Council to consider the extension of leases and ensured that the City made funds available to undertake those studies necessary to properly inform the Council.

Public Question Time concluded at 6.12pm

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)
Cr D Caudwell	14 July 2014	31 July 2014
Cr B Hall	13 July 2014	19 July 2014
Cr T Thomas	14 July 2014	19 July 2014
Cr T Thomas	17 August 2014	23 August 2014
Cr J Clune	12 August 2014	25 August 2014
Cr S Keemink	19 August 2014	26 August 2014

COUNCIL DECISION

MOVED CR DETRAFFORD, SECONDED CR TANTI

Cr S Van Styn request the leave of absence for the period 27 October 2014 to 12 November 2014 be approved.

CARRIED 13/0

6:12:33 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

CCS068	PETITION: PROPOSED COMMUNITY PURPOSE AND INTENSIVE AGRICULTURAL (COMMUNITY FARM) – MOUNT HILL
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AGENDA REFERENCE:	D-14-47429
AUTHOR:	T Mbirimi, Manager Governance & Risk
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	15 July 2014
FILE REFERENCE:	GO/6/0019
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

The purpose of this report is to advise Council of the receipt of a petition regarding an application before the City for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill.

EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the petition in relation to the application for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill; and
2. REVIEW the report on the application the subject of the petition – Item SC163

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

A petition has been presented to the Chief Executive Officer on an application before the City for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No.30), Roe Close, Mount Hill.

The petitioners are seeking Council's support to stop this proposal going forward at this location.

The reasons for the petition are as follows:

1. There will be at least up to 20 clients (to start) with various drug and alcohol addictions in rehabilitation with carers on site;
2. They are allowed to have visitors;
3. There will be multiple people coming and going from carers, clients, visitors, tradesmen, food deliveries, distribution of goods from their proposed farm etc.; and

4. This is not in keeping with the character of the area. It is not wanted by local residents. The report which addresses the application is a matter before this Council meeting for consideration, Item SC163. Although staff have the necessary delegation to determine application of this nature, this matter has been presented to Council for determination because of the number and nature of objections to the application received.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Please refer to Item SC163 for a detailed analysis of economic issues associated with the proposed application.

Social:

Please refer to Item SC163 for a detailed analysis of social issues associated with the proposed application.

Environmental:

Please refer to Item SC163 for a detailed analysis of environmental impacts associated with the proposed application.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The petition was signed by 278 people.

LEGISLATIVE/POLICY IMPLICATIONS:

Please refer to Item SC163 for a detailed analysis of the policy implications associated with the proposed application.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Community Engagement
Strategy 5.1.2	Promoting community involvement in decision making so it is collaborative and transparent.

REGIONAL OUTCOMES:

Please refer to Item SC163 for a detailed analysis of the regional outcomes associated with the proposed application.

RISK MANAGEMENT

There is a public interest in this petition being received. Failure to receive it may result in a public outcry potentially accusing council of failing to involve the community in decision making, thereby going against its Strategic Community Plan.

ALTERNATIVE OPTIONS CONSIDERED

The Meeting Procedures Local Law 2011 stipulates that a petition is to:

- a) be addressed to the Mayor or CEO;
- b) be made by at least 50 electors of the district;
- c) state the request on each page of the petition;
- d) contain the name, address and signature of each elector making the request, and the date each elector signed;
- e) contain a summary of the reasons for the request; and
- f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

The attached petition does not contain the date that each elector signed and does not state the name of the person to whom, and an address at which, notice to the petitioners can be given.

Council has the option of rejecting the petition on the basis that it is non-conforming; however, considering the number of electors that have signed the petition, there is a public interest factor to be considered.

On that basis, the Executive recommend that the petition be received in good faith.

COUNCIL DECISION**MOVED CR MCILWAINE, SECONDED CR VAN STYN**

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

1. **RECEIVE** the petition in relation to the application for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill; and
2. **REVIEW** the report on the application the subject of the petition – Item SC163.

CARRIED 13/0

6:14:48 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES

Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

8 DECLARATIONS OF CONFLICTS OF INTEREST

Mayor Ian Carpenter declared a conflict of interest in Item CCS063 Provision of Mayoral Vehicle, as he stands to benefit from use of the vehicle.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 June 2014 and Special Meeting of Council held on 1 July 2014, as previously circulated, be adopted as a true and correct record of proceedings.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 June 2014 and Special Meeting of Council held on 1 July 2014, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 13/0**6:15:35 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
25 June 2014	Citizenship Ceremony	Mayor Ian Carpenter
27 June 2014	Budget Briefing with Geraldton Guardian – Tour of Sites	Mayor Ian Carpenter
27 June 2014	Meeting with Mr Radford	Mayor Ian Carpenter
28 June 2014	Geraldton Roller Derby League Event – Official Opening	Mayor Ian Carpenter
28 June 2014	Rotary Club of Geraldton Greenough: Farwell President Clark	Deputy Mayor Neil McIlwaine
29 June 2014	Emergency Management Civic Reception	Mayor Ian Carpenter
30 June 2014	Midwest Emergency Management Conference Welcome	Mayor Ian Carpenter
30 June 2014	Conference Dinner with Guest Speakers	Mayor Ian Carpenter
1 July 2014	Audit Committee Meeting	Mayor Ian Carpenter
1 July 2014	Special Meeting of Council - Adopt the 2014/2015 Budget	Mayor Ian Carpenter
1 July 2014	Concept Forum – Behind Closed Doors	Mayor Ian Carpenter
2 July 2014	Budget Breakfast & Launch of City of Greater Geraldton 2014/2015 Budget	Mayor Ian Carpenter
3 July 2014	Community Grants Rd 14 Celebrations	Mayor Ian Carpenter
3 July 2014	Midwest Joint Development Assessment Panel	Mayor Ian Carpenter
6 July 2014	HBF Geraldton Run Fest	Mayor Ian Carpenter
7 July 2014	Meeting with Hon Paul Brown MLC	Mayor Ian Carpenter
8 July 2014	Handing over of the Mumbida Wind Farm	Mayor Ian Carpenter
8 July 2014	NAIDOC Family Day 2014 – Luncheon	Mayor Ian Carpenter
11 July 2014	Grants Commission Meeting	Mayor Ian Carpenter
12 July 2014	Brigade Captain's Dinner & Presentation Night 2014	Mayor Ian Carpenter
12 July 2014	Rotary Club Annual Dinner	Deputy Mayor Neil McIlwaine
15 July 2014	Agenda Forum – Public Meeting	Mayor Ian Carpenter
16 July 2014	Meeting with Dr Ruth Shean – Director General of the Dept. of Training and Workforce Development	Mayor Ian Carpenter

22 July 2014	Meeting with Hon. Peter Collier MLC	Mayor Ian Carpenter
22 July 2014	Meeting with Minister Hames & Minister Baston	Mayor Ian Carpenter
22 July 2014	Ordinary Meeting of Council	Mayor Ian Carpenter

11 REPORTS OF COMMUNITY INFRASTRUCTURE

CI075	RFT 37 1314 – DESIGN AND CONSTRUCTION OF VEHICLE MAINTENANCE SHED CITY OF GREATER Geraldton DEPOT
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AGENDA REFERENCE:	D-14-44942
AUTHOR:	G Sherlock, Manager Project Delivery and Infrastructure Management.
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	25 June 2014
FILE REFERENCE:	PM/4/0023
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes – 1 (Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 37 1314 – Design and Construction of Vehicle Maintenance Shed City of Greater Geraldton Depot to the preferred tenderer.

EXECUTIVE RECOMMENDATION;

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

1. AWARD the contract for RFT 37 1314 – Design and Construction of Vehicle Maintenance Shed City of Greater Geraldton Depot to the preferred tenderer; and
2. RECORD the tender amount in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

With the relocation of the City of Greater Geraldton's depot from Eastward Road site to the Airport Depot site on Gordon Garrett Drive there have been several upgrades to the buildings located on site to allow City staff to undertake the varied works and services for the community. Many of these community services involve the City's fleet of vehicles with services ranging from sweeping, grading, mowing, rubbish collection, bulk haulage, road repair, patrols, etc.

The current facility at the Depot is not conducive to undertaking servicing, maintenance and repair of the City's fleet of vehicles. The floor area does not allow for servicing and maintenance of the all the City's vehicle fleet ranging from small cars through to semi-trailers. A large proportion of work is carried out using inspection pits which is not current best practice and increases risk of harm or injury to City staff. The building, is in part, constructed of asbestos components, and there is a risk of contamination should the components be damaged or broken.

The provision of a dedicated vehicle maintenance shed will facilitate the accommodation of all vehicle servicing maintenance and repair activities of the City's vehicle fleets as well as providing space for storage for automotive products and spare parts and general storage space.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The vehicle maintenance shed will allow servicing of all vehicles to be undertaken by City staff in-house reducing expenditure of out-sourcing servicing and maintenance costs.

Social:

The vehicle maintenance shed will provide a modern, work-focussed building, investing in the City's outside workforce who undertake the majority of the work services valued by the community.

Environmental:

There are no environmental impacts; the proposed site is an existing brownfield site.

Cultural & Heritage:

There will be no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no Councillor or community consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The available project budget is \$710,000 which is funded from the following sources:

\$710,000 - City of Greater Geraldton.

The full scope of works can be undertaken and completed from the available funding.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.6	Supporting decisions to create a long term sustainable city.
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

The most significant risk factor to the project is the provision of the fire services required for the proposed vehicle maintenance shed. However, with the recent completion of Stage 1 of the Airport Technology Park the proposed vehicle maintenance shed is in close proximity of the upgraded fire service infrastructure. The preferred contractor has demonstrated a good understanding of what the City requires and is well within their experience and capability.

ALTERNATIVE OPTIONS CONSIDERED

Upgrading the existing vehicle maintenance shed through extension and refurbishment was considered. However, in addition to the issues identified with the current facility there would have been issues with traffic management caused by poor vehicle ingress, egress, and turning circles. In addition, alternative temporary vehicle servicing and maintenance arrangements would have to be made during the upgrade works.

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

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

1. **AWARD** the contract for RFT 37 1314 – Design and Construction of Vehicle Maintenance Shed City of Greater Geraldton Depot to Modular Construction Services; and
2. **RECORD** the tender amount in the minutes, being \$710,670.50 + GST.

CARRIED 13/0

6:16:46 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

CI076	RFT 26 1314: DESIGN, INSTALLATION & COMMISSIONING OF THE HEAT PUMP SYSTEM FOR THE GERALDTON AQUARENA
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AGENDA REFERENCE:	D-14-46871
AUTHOR:	G Sherlock, Manager Project Delivery & Infrastructure Management
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	2 July 2014
FILE REFERENCE:	PM/4/0072
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes – 1 (Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 26 1314 – Design, Installation & Commissioning of the Heat Pump System (GSHP) for the Geraldton Aquarena to the preferred tenderer.

EXECUTIVE RECOMMENDATION;

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

1. AWARD the contract for RFT 26 1314 – Design, Installation & Commissioning of the Heat Pump System for the Geraldton Aquarena to the preferred tenderer; and
2. RECORD the tender amount for RFT 26 1314 in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

This project has received funding from the Department of Resources, Energy and Tourism as part of the Community Energy Efficiency Program (CEEP). The main aim of this specific component of the project is to deliver the following:

- Improve pool hall and pools heating system efficiency;
- Reduce gas consumption;
- Improve air quality by reducing greenhouse gas emissions;
- Reduce noise levels;
- Displace use of petroleum energy with renewable energy; and
- Educate community about energy efficiency

The GSHP system has been designed and sized to generate favourable economic returns and maximise the projects net present value, therefore the GSHP system will be used to meet the base load and the gas boiler will be used during peak requirement.

The proposed works, as outlined in this document, will complement the completion of the second stage of the maintenance and refurbishment program at the Aquarena, the first stage was completed in September 2012.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

Once commissioned the new system will reduce gas consumption at the Aquarena by up to 70% per annum which will provide a considerable cost saving.

Social:

There are no social impacts.

Environmental:

There will be a considerable reduction in CO2 Emissions due to the reduction in gas and electricity requirements

Cultural & Heritage:

There will be no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community or Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The City has secured funding from Community Energy Efficiency Program (CEEP) for this project.

The project consisted of two stages:

- The first Separable Portion of the project is the Drilling, Construction and test Pumping of one Production Bore and One Injection bore and was awarded to Direct Energy;
- The second Separable Portion is for the Design, Installation & Commissioning of the Heat Pump System to be awarded.

The full scope of works of the second Separable Portion will be undertaken and completed from the available funding based on the executive recommendation.

INTEGRATED PLANNING LINKS:

Title: Environment	Sustainability
Strategy 2.3.1	Researching, promoting and providing sustainable infrastructure, services, utilities and renewable energy schemes

REGIONAL OUTCOMES:

This project will be the second project the City awards using the geo-thermal systems and serve as a demonstration project for energy efficiency within the region.

RISK MANAGEMENT

The most significant risk factor to the overall project is if the production bore is not suitably sized to produce the required quantity of water. Initial test pumping will confirm the final design requirements and the final design will not be signed off on by the City until this test pumping has been completed.

ALTERNATIVE OPTIONS CONSIDERED

The option to defer and not to award the tender was disregarded as the project has received CEEP funding and the projected savings will greatly increase efficiency levels at the Aquarena.

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

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

1. **AWARD** the contract for RFT 26 1314 – Design, Installation & Commissioning of the Heat Pump System for the Geraldton Aquarena to the EVO Industries Australia Pty Ltd; and
2. **RECORD** the tender amount for RFT 26 1314 in the minutes, being \$507,750 ex GST.

CARRIED 13/0**6:18:02 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS060	AUDIT COMMITTEE ANNUAL REPORT TO COUNCIL
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AGENDA REFERENCE:	D-14-44501
AUTHOR:	M Adam, Executive Assistant
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	04 July 2014
FILE REFERENCE:	GO/11/0020
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is for Council to review a summary of Audit Committees activities for the period July 2013 to July 2014

EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the summary of Audit Committee activities for the period July 2013 to July 2014.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In accordance with the Local Government Act section 7.1A (1):

"A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it".

The City of Greater Geraldton Audit Committee Charter incorporates the following reporting requirements:

8.2 The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year.

Below is a summary of the activities of the Audit Committee for the period July 2013 to July 2014 for the purposes of providing the abovementioned report to Council.

Audit Committee Meeting - 6 December 2013:

- i. Review of the Audit Committee Charter and recommendation of amendments to Council for adoption.
- ii. Review of the Interim and Final Audit report for the financial period ending 30 June 2013.
- iii. Direction to the Chief Executive Officer to undertake a Business and Financial risk analysis and develop a draft audit plan.

Submission of the Audit Committee Minutes 6 December 2013 to Council (CCS026 -28 January 2014).

Audit Committee Meeting – 4 March 2014:

- i. Discussion of the Local Government Operational Guidelines no 09-Audit in Local Government -in relation to a further review of the Audit Committee Charter. This matter was deferred to the following meeting.
- ii. Review of the tender assessment report for Request for Tender 22 1314 External Audit Services 2014-2017. Recommendation to Council for the appointment of each of the Audit partners of AMD Chartered Accountants.
- iii. Review and endorsement of the 2013 Compliance Audit Return. Preparation and submission of report to Council.
- iv. Review and acceptance of the Internal Audit of Accounts Payable Report, submitted by Deloitte (the City's internal auditors). Endorsement of management responses and request for progress reports on the implementation of management actions by the City.

Submission of the Audit Committee Minutes for 4 March 2014 to Council (CCS035 – 25 March 2014).

Expression of Interest 31 1314- External Member of Audit Committee

- i. Assessment of the submissions for EOI 31 1314 and selection of Travis Bate as an external member of the Audit Committee.

Audit Committee Meeting -1 July 2014

- i. Review of the Audit Committee Charter in relation to Local Government Operational Guidelines no 9- Audit in Local Government and recommendations to Council for amendments to the Audit Committee Charter.
- ii. Receipt and review of a progress report on the implementation of Management actions in relation to the Internal Audit of the Accounts Payable function.
- iii. Review of information on Cyber Risks and details of the Insurance Cover provided by LGIS to the City.
- iv. Review and endorsement of the Internal Audit Report on the Procurement function.
- v. Review of the development of the City's Risk Plan.
- vi. Endorsement of a report to Council on the activities of the Audit Committee for the period July 2013 to July 2014.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation

LEGISLATIVE/POLICY IMPLICATIONS:

Part 7 of the Local Government Act 1995 refers to requirements of the Audit Committee, the responsibilities of the local government in assisting the audit process and taking appropriate action on recommendations contained within their reports that require follow up.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The Audit Committee Charter section 8.1 requires that the Audit Committee provide a report of activities to Council on an annual basis.

ALTERNATIVE OPTIONS CONSIDERED

There were no alternative options considered.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR THOMAS**

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

1. RECEIVE the summary of Audit Committee activities for the period July 2013 to July 2014.

CARRIED 13/0

6:18:47 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES

Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

CCS061 COUNCIL POLICY CP051 FINANCIAL HARDSHIP DIRECT DEBIT ARRANGEMENT FOR RATES

AGENDA REFERENCE:	D-14-44504
AUTHOR:	S Russell, Senior Rates Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	4 July 2014
FILE REFERENCE:	RV/4/0010
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

This report seeks adoption by Council of a revised edition of its existing Council Policy CP051 – Financial Hardship Direct Debit Payment Arrangements for Rates.

The purpose of this policy is to provide special assistance to ratepayers who are experiencing and demonstrate genuine financial hardship, by waiving recovery of administration costs associated with payment arrangements, and waiving penalty interest on outstanding rates.

EXECUTIVE RECOMMENDATION;

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

1. ADOPT the revised edition of its existing Council Policy CP051 now titled 'Financial Hardship Direct Debit Payment Arrangements for Rates'.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Special Direct Debit Arrangement Policy was first adopted in 2012. A wide range of payment options was subsequently made available for all ratepayers in 2013, to assist ratepayers in planning their financial arrangements through the year, so the policy was revised in 2013 to focus on people suffering genuine financial hardship. To ensure focus on ratepayers genuinely most in need, an eligibility requirement was formalised, requiring applications to include a letter from a recognised financial counsellor in support of the applicants claim to financial hardship. Free financial counselling services are available from not-for-profit entities within the City, so the eligibility requirement imposed no cost on the ratepayers concerned, and the provision of financial counsellor letters provides City staff with a source of independent verification of hardship circumstances.

The policy previously titled 'Special Direct Debit Arrangement for Rates'. The proposed revised edition changes the title to 'Financial Hardship Direct Debit Payment Arrangements for Rates' to emphasise the purpose of the policy.

The only other proposed change is to the policy review frequency, from annually to triennially, to indicate Council's ongoing commitment to a special arrangement for ratepayers demonstrating genuine financial hardship.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

This policy is aimed at providing assistance to those ratepayers suffering from genuine financial hardship by reducing their costs in waiving the administration fees and penalty interest.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

This report proposes renewal of Council's previous policy.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.49 of the Act allows a Council to accept payment of rates or service charges in accordance with an Agreement made with a person.

Section 6.51(4) (a)&(b) allows a local government in a particular case to resolve to a rebate or deferment in respect of a rate or service charge with no interest to accrue and no additional charge to be imposed.

FINANCIAL AND RESOURCE IMPLICATIONS:

The City currently has 12 properties on a financial hardship direct debit arrangement with the total amount outstanding being approximately \$44,915. The current interest rate set by Council is 11% per annum which accrues daily therefore the maximum amount of interest which would accrue on these properties within the financial year would be approximately \$4,940.00. The policy provides that penalty interest is not applied to individuals demonstrating financial hardship, so that amount represents the maximum annual penalty interest revenue foregone by Council, on current cases.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no specific risks associated with this policy.

ALTERNATIVE OPTIONS CONSIDERED:

The alternative would be for the City to no longer offer this option to ratepayers experiencing hardship.

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

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

1. **ADOPT** the revised edition of its existing Council Policy CP051 now titled 'Financial Hardship Direct Debit Payment Arrangements for Rates'.

CARRIED 13/0

6:20:17 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

CCS062 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

AGENDA REFERENCE:	D-14-44512
AUTHOR:	T Mbirimi, Manager Governance & Risk
EXECUTIVE:	B Davis, Director of Corporate & Commercial Services
DATE OF REPORT:	1 July 2014
FILE REFERENCE:	SM/1/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the reviewed Register of Delegations to the Chief Executive Officer (CEO).

EXECUTIVE RECOMMENDATION;

That Council by Absolute Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the reviewed Register of Delegations to the Chief Executive Officer as provided in the attachment.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Section 5.42(1) of the Local Government Act states:

"A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43".

Further to this, Section 5.46(2) states:

"At least once every financial year, delegations made under this Division are to be reviewed by the delegator".

This year, the major variation to the proposed 2014/2015 register is the removal of the delegations made under various provisions of the Health Act 1922, Food Act 2008, Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997, which were submitted to Council separately for approval.

The second variation is the amendment of the Town Planning delegations to better reflect the functions delegated and the statutory powers under which such delegation has been made.

Other than the above changes, the remaining minor variations include the rewording of headings to better reflect plain English but in no way altering the power of the delegation.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

OP0044 Delegations to the Chief Executive Officer was adopted on 28 May 2013.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 5.42 (1) provides that:

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

*Absolute majority required.

Section 5.43(a) to 5.43(h) of the Local Government Act 1995 provide limitations on what powers and duties a local government can delegate to its CEO, stating that:

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

- a) Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- b) Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- c) Appointing an auditor;*
- d) Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- e) Any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- f) Borrowing money on behalf of the local government;*

- g) *Hearing or determining an objection of a kind referred in section 9.5;*
- h) *Any power or duty that requires the approval of the Minister or the Governor; or*
- i) *Such other powers or duties as may be prescribed.”*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There are no risks to the City if it doesn't delegate some of its powers to the CEO.

ALTERNATIVE OPTIONS CONSIDERED

Council can decide not to delegate some of its powers to the CEO however; it will have a significant impact on the efficient and effective delivery of services as all decisions requiring the exercise of a delegation would have to go to Council. This would cause a delay as Council only meets once a month so it would slow down the delivery of services.

It is for that reason that it is recommended that Council adopts the reviewed register of delegations to the CEO.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR DETRAFFORD**

That Council by Absolute Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. **ADOPT the reviewed Register of Delegations to the Chief Executive Officer as provided in the attachment.**

CARRIED 12/1

6:22:04 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	NO
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V

Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

CCS063 PROVISION OF A MAYORAL VEHICLE

AGENDA REFERENCE:	D-14-45139
AUTHOR:	J Graham, Manager Corporate services
EXECUTIVE:	B Davis, Director Corporate & Commercial services
DATE OF REPORT:	7 July 2014
FILE REFERENCE:	GO/6/0014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

This report seeks council approval for the City of Greater Geraldton to provide the current Mayor with a vehicle that is appropriate to assist in carrying out official Mayoral duties.

EXECUTIVE RECOMMENDATION;

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

1. APPROVE the provision to the Mayor a vehicle of equivalent standard to the current City Chief Executive Officers vehicle (Toyota Prado GXL Wagon) for the execution of Mayoral duties;
2. DIRECT that formal agreement be constructed and executed by the Mayor and the Chief Executive Officer which reflects conditions of use of the vehicle , namely:
 - a. the cost of any private use to be recouped from the Mayor;
 - b. the incidental costs for home garaging and commuting purposes that are associated with official use are acceptable as part of the official use;
 - c. all FBT costs associated with private use are to be borne by the Mayor; and
 - d. that general usage and conditions for the vehicle unless otherwise stated fall under the City's current vehicle policies.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Mayor Carpenter currently uses his own private vehicle for Mayoral duties and, where he submits a claim, he is then reimbursed on a kilometre/rate basis for use of his private vehicle.

The Mayor's circumstances have, up to this point, allowed him largely to offset his private vehicle usage through business arrangements, with minimal costs to the City (eg: 2013/14 reimbursements @.75c per Km = \$3500aprox.)

In general, reimbursement for costs of only long trips have been claimed by the Mayor from the City, with full costs of use of his private vehicle for Mayoral duties effectively subsidised by his business and personal arrangements.

This arrangement now requires reviewing as the Mayor's personal circumstances have recently changed. He has indicated he will be unable to continue with this practice and has asked the City to explore options regarding the provision of a vehicle for Mayoral duties.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

For official civic duties, previous Mayors at the City of Geraldton were either provided with a vehicle (i.e. Mr Philip Cooper) or paid an annual vehicle allowance (i.e. Ms Vicki Peterson). These provisions were not passed onto the current Mayor at the time due to his willingness to use his own vehicle.

Providing the Mayor with a vehicle is common practice throughout Australia, with several WA Local Governments also making this provision with a motion being put to Council for determination, and the arrangement restricted only to the Mayor, for the purposes of Mayoral duties.

As in previous cases, in the event that the current Mayor is not re-elected in future mayoral elections, the vehicle if not required by the incoming Mayor will be disposed of under the City's vehicle disposal procedures

COMMUNITY/COUNCILLOR CONSULTATION:

This issues was raised to council at a recent Concept Forum via briefing note (21/5/14 – file reference GO/6/14).

LEGISLATIVE/POLICY IMPLICATIONS:

Under the Local Government Act there is scope in the provisions under section 5.98 to allow for a Mayor to be provided with the use of a motor vehicle for the purpose of carrying out his official functions and duties.

FINANCIAL AND RESOURCE IMPLICATIONS:

A vehicle of standard equivalent to the current CEO's vehicle is considered appropriate for use for Mayoral duties.

The initial capital cost of a Toyota Prado GXL wagon will be \$57,000 excl GST (we are exempt from GST until disposal). Annual running costs for about

12,000km use are estimated at about \$12,750 (including depreciation and excluding FBT, which would be payable by the Mayor on private use).
There is negligible impact on the current budget

INTEGRATED PLANNING LINKS:

Title: Governance	Community Engagement
Strategy 5.1.3	Fostering a more trusting relationship between the Council to build trust through the engagement process

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT

Approving the above recommendation to provide a CGG vehicle to the mayor will clarify insurance and associated risks of an elected member using a privately insured vehicle to carry out City duties

ALTERNATIVE OPTIONS CONSIDERED

As the Mayors circumstances have changed, the previous option of him continuing to use and being reimbursed for his private vehicle while carrying out Mayoral duties will no longer be available.

The concept of the Mayor using the City's current pool car booking system was deemed as inappropriate for the Mayoral duties expected and impractical from an access point of view.

Mayor Ian Carpenter declared a conflict of interest in Item CCS063 Provision of Mayoral Vehicle, as he stands to benefit from use of the vehicle and left Chambers 6.22pm. Deputy Mayor Cr N McIlwaine took the Chair.

COUNCIL DECISION

MOVED CR GRAHAM, SECONDED CR KEEMINK

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

- 1. APPROVE the provision to the Mayor a vehicle of equivalent standard to the current City Chief Executive Officers vehicle (Toyota Prado GXL Wagon) for the execution of Mayoral duties;**
- 2. DIRECT that formal agreement be constructed and executed by the Mayor and the Chief Executive Officer which reflects conditions of use of the vehicle , namely:**
 - a. the cost of any private use to be recouped from the Mayor;**
 - b. the incidental costs for home garaging and commuting purposes that are associated with official use are acceptable as part of the official use;**
 - c. all FBT costs associated with private use are to be borne by the Mayor; and**

- d. that general usage and conditions for the vehicle unless otherwise stated fall under the City's current vehicle policies**

CARRIED 12/0

6:23:30 PM

Mayor Carpenter	N/V
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

Mayor I Carpenter returned to Chambers at 6.23pm and resumed the Chair.

CCS064 RATES EXEMPTION – GREENOUGH FARMERS CLUB INC.

AGENDA REFERENCE:	D-14-45169
AUTHOR:	S Russell, Senior Rates Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	16 June 2014
FILE REFERENCE:	RV/4/0003
APPLICANT / PROPONENT:	Greenough Farmers Club Inc.
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

Greenough Farmers Club Inc. have made a written application dated 1 May 2014 applying for a rates exemption for their property at Lot 32 (Old Victoria Location 726) Brand Highway, South Greenough.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority under Section 6.26(2)(g) of the Local Government Act 1995:

1. GRANT the Greenough Farmers Club Inc. a rates exemption on their property situated at Lot 32 (Old Victoria Location 726) Brand Highway, South Greenough; and
2. MAKES the determination on the following basis:
 - a. that the property is being used exclusively for a charitable purpose being used for the benefit of the community.

PROPONENT:

The proponent is Simon Smith acting as trustee for the Greenough Farmers Club Inc.

BACKGROUND:

The Greenough Farmers Club Inc. is a not for profit organisation which provides the use of the land to community and sporting clubs for cropping to raise funds. The land which was gifted to them in 1894 is managed by a management committee which is elected each year at the Annual General Meeting. The Club charges a nominal fee each year to cover costs associated with the land such as insurance, fencing, water infrastructure and soil treatments. In previous years the Club has had to apply for a Mayoral donation each year to cover the cost of the rates.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are very few clubs within the City which own freehold land with most being on Council owned property.

The WA Charitable Collections Act and the Commonwealth Inquiry conducted June 2001 define the term “charitable purposes”. Each definition appears to have as its origin the Charitable Uses Act 1601 and the House of Lords case of 1891 which define charitable purpose to include: relief of the aged, impotent and poor, the advancement of education and religion and other purposes of benefit to the community. This statute and judgment were relied upon in the two most recent Supreme Court cases requiring a definition of charitable purposes.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual value of the exemption based on the 2013/2014 rates billing is estimated to be \$1,854.27.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

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

ALTERNATIVE OPTIONS CONSIDERED

Council may decline the application for rate exemption on the basis that it considers Greenough Farmers Club Inc. Is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

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

That Council by Simple Majority under Section 6.26(2) (g) of the Local Government Act 1995:

1. **GRANT the Greenough Farmers Club Inc. a rates exemption on their property situated at Lot 32 (Old Victoria Location 726) Brand Highway, South Greenough; and**
2. **MAKES the determination on the following basis:**
 - a. **that the property is being used exclusively for a charitable purpose being used for the benefit of the community.**

CARRIED 13/0**6:25:40 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

CCS067 NEW COUNCIL POLICY- APPOINT ACTING CHIEF EXECUTIVE OFFICER

AGENDA REFERENCE:	D-14-46307
AUTHOR:	T Mbirimi, Manager Governance & Risk
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	10 July 2014
FILE REFERENCE:	GO/6/0019
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x1

EXECUTIVE SUMMARY:

The purpose of this report is for Council to adopt a new policy to assist in the efficient administration of the City. A new policy is proposed enabling the Chief Executive Officer (CEO) to appoint one of the City's Directors as Acting CEO during authorised limited absences (not exceeding 3 months) of the CEO.

EXECUTIVE RECOMMENDATION;

That Council by Absolute Majority pursuant to Section 5.36 of the Local Government Act RESOLVES to:

1. ADOPT new policy CP038 'Appointing an Acting CEO' to provide for the appointment by the CEO of one of the City's Directors to perform the role of acting Chief Executive Officer during limited periods of absence by the CEO.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

There are three sections of the Local Government Act 1995 (the Act) that have direct application to the appointment of a CEO. One of those is section 5.36(2) (a) of the Act which provides that a local government is not to employ a person to fill the position of CEO unless council believes that the person is suitably qualified for the position.

Therefore the appointment of a person to act in that position to replace the CEO during periods of leave must be a decision of the council. This can be via a policy document that details who steps into the role or by resolution of council each time the CEO goes on leave.

A person appointed to act in the position of CEO is being employed in that position with all its functions and delegated authority.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 5.36(2) (a) of the Act provides that a local government is not to employ a person to fill the position of CEO unless council believes that the person is suitably qualified for the position.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

Failure to adopt this policy will result in delayed administrative transition in the absence of the Chief Executive Officer.

ALTERNATIVE OPTIONS CONSIDERED

An alternative to Council adopting this policy is a resolution of council appointing an acting CEO each and every time the CEO goes on leave. This would also result in a belated transition in the absence of the CEO and therefore affecting the efficient and effective delivery of administrative services.

If Council adopts the proposed policy, it will enable smooth administrative transition in each instance of temporary absence of the CEO.

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

That Council by Absolute Majority pursuant to Section 5.36 of the Local Government Act **RESOLVES** to:

1. **AMEND** the proposed policy to delete the requirement for a minimum period of five (5) days; and
2. **ADOPT** as amended policy CP038 'Appointing an Acting CEO' to provide for the appointment by the CEO of one of the City's Directors to perform the role of acting Chief Executive Officer during limited periods of absence by the CEO; and

CARRIED BY ABSOLUTE MAJORITY 13/0**6:29:52 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

REASON FOR VARIATION TO EXECUTIVE RECOMMENDATION: To ensure Council business is not adversely impacted due to short term absences of the CEO.

13 REPORTS OF CREATIVE COMMUNITIES

CC169	MEMBERSHIP OF GERALDTON REGIONAL ART GALLERY MANAGEMENT COMMITTEE
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AGENDA REFERENCE:	D-14-45170
AUTHOR:	C Budhan, Manager Arts, Culture & Events
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	15 July 2014
FILE REFERENCE:	GO/6/0015
APPLICANT / PROPONENT:	Geraldton Regional Art Gallery
ATTACHMENTS:	Yes x2 (1x Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek a Council resolution on the appointment of one Community Member to the Geraldton Regional Art Gallery Management Committee.

EXECUTIVE RECOMMENDATION;

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act resolves to:

1. APPOINT Raina Savage to the vacant Community Member position on the Geraldton Regional Art Gallery Management Committee.

PROPONENT:

The proponent is the Geraldton Regional Art Gallery Management Committee.

BACKGROUND:

The Geraldton Regional Art Gallery Management Committee, an advisory committee of Council, was established in 1984. The Committee includes two Councillors, Cr Neil McIlwaine & Cr Tarleah Thomas, two representatives of Art Gallery WA and four Community Members. Council and Gallery staff members attend the meetings as required as ex-officio members.

One Community Member position on the Geraldton Regional Art Gallery Management Committee's Community Member became vacant at the December 2013 meeting of the Management Committee. The vacancy was advertised as follows: (1) a public notice in the Mid West Times on 5th March 2014; (2) a public notice in the Geraldton Guardian on 6th March; (3) inclusion in the City's Talk about Greater Geraldton (TaGG) Guardian page in the Mid West Times on 10th April and the Geraldton Guardian on 11th April; and (4) posts on the City's website in March and April.

One application was received and at the March meeting of the Art Gallery Advisory Committee it was decided to re-advertise. By the scheduled June meeting (postponed to July 2) only the one and same application had been

received which was then duly considered. The Committee unanimously supported the appointment Raina Savage on the grounds that Ms Savage had the necessary skills and expertise and interest to assist the Committee's purposes. (See the attached minutes of the Geraldton Regional Art Gallery Management Committee meeting held Wednesday, 2 July 2014).

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

Community representation on the Committee does result in greater alignment of the Gallery's management with the community's desired social outcomes.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

Community representation on the Committee does result in greater alignment of the Gallery's management with the community's desired arts, creative and cultural outcomes.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council on 23 October 2012 Council resolved to appoint Anthea da Silva, Gary Martin and Nichola Smith to the three vacant Community Member positions on the Geraldton Regional Art Gallery Management Committee.

COMMUNITY/COUNCILLOR CONSULTATION:

Cr Thomas and Cr McIlwaine are the Councillor Representatives on the Geraldton Regional Art Gallery Management Committee and as such have been involved in the review of applications and Committee decision making processes.

The vacancy was advertised broadly in the community as follows:

- A public notice in the Mid West Times on 5th March 2014;
- A public notice in the Geraldton Guardian on 6th March;
- Inclusion in the City's Talk about Greater Geraldton (TaGG) Guardian page in the Mid West Times on 10th April and the Geraldton Guardian on 11th April; and
- Posts on the City's website in March and April.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Community Engagement
Strategy 5.1.2	Promoting community involvement in decision making so it is collaborative and transparent.

REGIONAL OUTCOMES:

As the Geraldton Regional Art Gallery serves the entire Mid West region, the benefits outlined in this report are of region-wide effect.

RISK MANAGEMENT

The Geraldton Regional Art Gallery Management Committee is a well-established Committee of Council which operates within the parameters established by Council. Therefore there is no identified risk in progressing the Committee recommendation. Not adopting the recommendation of the Committee carries a risk of alienating the Committee.

ALTERNATIVE OPTIONS CONSIDERED

The Geraldton Regional Art Gallery Management Committee is an established Committee of Council. The Committee unanimously supports the appointment of Raina Savage on the grounds her broad range of expertise will be valuable for the Committee's purposes. The Executive Recommendation reflects the Committee's recommendation.

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

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act resolves to:

- 1. APPOINT Raina Savage to the vacant Community Member position on the Geraldton Regional Art Gallery Management Committee**

CARRIED BY ABSOLUTE MAJORITY 13/0

6:30:47 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

14 REPORTS OF OFFICE OF THE CEO
Nil.

15 REPORTS OF SUSTAINABLE COMMUNITIES

SC160	PROPOSED TOWN PLANNING SCHEME AMENDMENT (NO. 71) – LOCAL CENTRE REZONING, MAHOMETS FLATS
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AGENDA REFERENCE:	D-14- 44397
AUTHOR:	M Thomson, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	02 July 2014
FILE REFERENCE:	LP/7/0037
APPLICANT / PROPONENT:	Rowe Group
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lot 2634 (No. 1) Fortyn Court, Mahomets Flats to the 'Local Centre' zone.

This report recommends that Council initiate the amendment.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Town Planning Scheme No. 3 (Geraldton) by rezoning Lot 2634 (No. 1) Fortyn Court, Mahomets Flats to the "Local Centre" zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

PROPONENT:

The proponent is Rowe Group on behalf of Jenari Holdings Pty Ltd.

BACKGROUND:

The subject lot is located approximately 2 kilometres south of the Geraldton City Centre, in Mahomets Flats. The lot is bounded by the Brand Highway to the north east, Fortyn Court to the North West and McAleer Drive to the south west.

The lot is currently zoned 'Residential R12.5/20/40' and has a total land area of 6,218m². Situated on the northern portion of the lot is the 'Fast Food Outlet' (Chicken Treat) while the rest of the property is vacant. The subject lot is adjacent to other commercial uses such as the service station to the north and the Ocean View Villas motel located on the opposite side of Brand Highway.

The primary intent of this scheme amendment is to facilitate the creation of a local activity centre to service Mahomets Flats and the surrounding community. The rezoning of the subject lot is in accordance with the recommendations of the City's Commercial Activity Centres Strategy.

Relevant extracts of the scheme amendment document are included as Attachment No. SC160.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

This amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Social:

There are no social issues.

Environmental:

As part of the scheme amendment process and prior to public advertising the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held 13 October 2009 gave final approval to rezone Lots 85 & 86, corner of Brand Highway and McAleer Drive, Mahomets Flats from the 'Residential' zone to the 'Special Use – Service Station' zone with additional uses. The Minister granted final approval to the Amendment of the 9 April 2010.

The author is not aware of any other relevant precedent set by previous Council or Executive; however it should not be construed that there are no other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate the scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

LEGISLATIVE/POLICY IMPLICATIONS:

The property is currently zoned 'Residential R12.5/20/40' under Town Planning Scheme No 3 (Geraldton). The proposed scheme amendment seeks to rezone the lot to the 'Local Centre' zone.

The primary intent behind the scheme amendment is to facilitate the appropriate statutory planning environment to facilitate the future development of the site as a local activity centre in accordance with the City's Commercial and Activity Centres Strategy.

The use class 'Shop – Local Convenience' is an 'SA' use (discretionary subject to advertising) within the 'Residential' zone. However, Clause 4.8.6 of TPS No. 3 (Geraldton) effectively limits the floor space to 200m² which

prevents the development of the site in accord with this strategic intent. The scheme amendment will remove the limitation on the floor area of shops and will permit other uses on the site consistent with the 'Local Centre' zone.

Part 5 of the Planning and Development Act 2005 provides for the amendment of a Local Planning Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

REGIONAL OUTCOMES:

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject lot is identified as 'urban' and fronts the 'indicative rapid public transport alignment'.

With regard to the development of lower order commercial centres the Greater Geraldton Structure Plan states 'The development of the lower order centres is controlled by the local planning schemes and these are not identified on the Structure Plan'.

Commercial Activity Centres Strategy

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

Under the Strategy, the subject lot is located within the area identified as the 'Mahomets Flats Local Centre'.

RISK MANAGEMENT:

There are no inherent risks to the City in initiating this Scheme Amendment.

ALTERNATIVE OPTIONS CONSIDERED:

The subject lot is strategically located adjacent to the Brand Highway and is identified as a 'Local Centre' within the City's Commercial Activity Centres Strategy. The scheme amendment will allow the site to be developed in accord with this strategic intent to service the needs of the surrounding community.

The option to refuse the Amendment is not supported as it is considered that the amendment is consistent with the Commercial Activity Centres Strategy. The option to defer the matter is not supported as there is considered to be sufficient information for Council to determine the matter.

COUNCIL DECISION

MOVED CR VAN STYN, SECONDED CR THOMAS

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

1. **AMEND Town Planning Scheme No. 3 (Geraldton) by rezoning Lot 2634 (No. 1) Fortyn Court, Mahomets Flats to the “Local Centre” zone; and**
2. **PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.**

CARRIED 13/0
6:31:41 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

SC161	PROPOSED TOWN PLANNING SCHEME AMENDMENT (NO. 73) – HIGHWAY COMMERCIAL REZONING, WONTHELLA
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AGENDA REFERENCE:	D-14-44515
AUTHOR:	M Thomson, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	2 July 2014
FILE REFERENCE:	LP/7/0039
APPLICANT / PROPONENT:	LandWest Urban and Rural Planning Consultants
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lots 6, 7 & 8 North West Coastal Highway and Lot 5 Phelps Street, Wonthella to the 'Highway Commercial' zone.

This report recommends that Council initiate the amendment.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to part 5 of the Planning and Development Act 2005 RESOLVES to:

1. AMEND Town Planning Scheme No.3 (Geraldton) by rezoning Lots 6, 7 & 8 North West Coastal Highway and Lot 5 Phelps Street, Wonthella to the 'Highway Commercial' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

PROponent:

The proponent is LandWest Urban and Rural Planning Consultants on behalf of Waimay Pty Ltd.

BACKGROUND:

The land subject to this scheme amendment comprises of 4 lots located south west of the intersection of North West Coastal Highway and Phelps Street.

The lots are currently zoned 'Residential R12.5/40/50' with Lot 5 Phelps Street having an additional use of 'Industry – Service'. The following land uses exist on the site:

- Lot 5 Phelps Street – Avis Car Rental
- Lot 6 North West Coastal Highway – Dwelling
- Lot 7 North West Coastal Highway – Dwelling
- Lot 8 North West Coastal Highway - Dwelling

The properties directly abutting the subject land area to the south and west are used for residential purposes.

The scheme amendment proposes to effectively join up the 'Highway Commercial' areas to the north and south which have already been rezoned.

The scheme amendment also proposes to delete the Additional Use A50 (Service Industry) from Town Planning Scheme No. 3 (Geraldton).

Relevant extracts from the scheme amendment report are included as Attachment No. SC161.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

This amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Social:

There are no social issues.

Environmental:

As part of the scheme amendment process, prior to public advertising the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 24 February 2009 resolved to give final approval to Scheme Amendment No. 47 which proposed the rezoning of an area of land on the western side of the North West Coastal Highway between Phelps Street and Critch Place to the 'Highway Commercial' zone.

Council at its meeting held on 10 November 2009 resolved to give final approval to Scheme Amendment No. 53 which proposed to rezone Lots 274, 275 & 278-281 Fourth Street, Wonthella to the 'Highway Commercial' zone.

Council at its meeting held on 22 February 2011 resolved to give final approval to Scheme Amendment No. 58 which proposed to rezone Lots 30 and 31 North West Coastal Highway and Lot 32 Wittenoom Street, Wonthella to the 'Highway Commercial' zone.

Council at its meeting held on 28 February 2012 resolved to give final approval to Scheme Amendment No. 65 which proposed to rezone Lots 62, 63, 74, 82, 83 North Coastal Highway, Wonthella (between Duke and Houtman Streets) to the 'Highway Commercial' zone.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate a scheme amendment, it is required to be publicly advertised in accordance with the requirements of Planning and Development Act 2005.

LEGISLATIVE/POLICY IMPLICATIONS:

The lots are currently zoned Residential R12.5/40/50 with Lot 5 Phelps Street having an Additional Use of Service Industry, under the City's Town Planning Scheme No.3 (Geraldton).

The amendment proposes to rezone the lots to the "Highway Commercial" zone which has the following objective:

'to ensure the provision of service commercial activities, including bulky goods retailing with regard for relevant strategies and policies adopted by Council'.

Council policies will therefore be to:

- *permit under the zone a wide range of uses appropriate to achieving the objective; and*
- *encourage development along the North West Coastal Highway in locations with regard for relevant strategies and policies adopted by Council.*

Given that the use class 'Industry – Service' is 'AA' (discretionary) within the 'Highway Commercial' zone, the deletion of Additional Use 'A50' from Schedule 2 of Town Planning Scheme No. 3 (Geraldton) is warranted.

Part 5 of the Planning & Development Act 2005 provides for the amendment of a Local Planning Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and budget implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

REGIONAL OUTCOMES:State Planning Strategy:

The State Planning Strategy (1996) identified the following vision for the Mid-West Region:

in the next 33 years the region will continue to grow and diversify its economic base in the areas of agriculture, mineral development, downstream processing of commodities and tourism.

It further delineates that Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.

This amendment facilitates commercial expansion to service the Geraldton region's growing population and expanding economy and is consistent with this vision.

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject lot is identified as 'future industrial and service commercial'.

Commercial Activity Centres Strategy:

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

The subject land is identified in the document to be within the North West Coastal Highway 'Highway Commercial' precinct.

RISK MANAGEMENT:

There are no inherent risks to the City in initiating this scheme amendment.

ALTERNATIVE OPTIONS CONSIDERED:

It is considered that the amendment is consistent with the overall strategic planning framework and direction for commercial activity in Greater Geraldton. It is consistent with the specific direction proscribed in the Commercial Activity Centres Strategy which shows the land as 'Highway Commercial'.

The option to refuse the Amendment is not supported as it is considered that the amendment is consistent with the Commercial Activity Centres Strategy.

The option to defer the matter is not supported as there is considered to be sufficient information for Council to determine the matter.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR CLUNE**

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

1. **AMEND** Town Planning Scheme No.3 (Geraldton) by rezoning Lots 6, 7 & 8 North West Coastal Highway and Lot 5 Phelps Street, Wonthella to the 'Highway Commercial' zone; and
2. **PROCEED** with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

CARRIED 13/0

6:32:35 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

SC162	PROPOSED TOWN PLANNING SCHEME AMENDMENT (NO. 72) – HIGHWAY COMMERCIAL REZONING, WONTHELLA
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AGENDA REFERENCE:	D-14-44542
AUTHOR:	M Thomson, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	3 July 2014
FILE REFERENCE:	LP/7/0038
APPLICANT / PROPONENT:	LandWest Urban and Rural Planning Consultants
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lot 3 Place Road and Lots 60 & 59 First Street to the 'Highway Commercial' zone and Lot 64 North West Coastal Highway and Lot 61 First Street to the 'Highway Commercial' zone and 'District Distributor' Local Scheme Reserve.

This report recommends that Council initiate the amendment.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to part 5 of the Planning and Development Act 2005 RESOLVES to:

1. AMEND Town Planning Scheme No.3 (Geraldton) by rezoning Lot 3 Place Road and Lots 60 & 59 First Street to the 'Highway Commercial' zone and Lot 64 North West Coastal Highway and Lot 61 First Street to the 'Highway Commercial' zone and 'District Distributor' Local Scheme Reserve; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

PROponent:

The proponent is LandWest Urban and Rural Planning Consultants on behalf of Chantica Midwest Pty Ltd.

BACKGROUND:

The land subject to this amendment comprises of 5 lots located on the eastern side of the North West Coastal Highway between the intersections of First Street and Place Road.

The lots are currently zoned 'Residential R12.5/40/50' with the western portion of Lot 61 First Street and Lot 64 North West Coastal Highway being zoned 'District Distributor' Local Scheme Reserve. The following land uses exist on site:

- Lot 3 Place Road – Dwelling;
- Lot 59 First Street – Dwelling;
- Lot 60 First Street – Dwelling;

- Lot 61 First Street – Domino's Pizza; and
- Lot 64 North West Coastal Highway – Subway and Chicken Treat.

Adjacent to the subject land area is Bunnings to the west while the north side of Place Road is zoned 'Light –Industry' and contains associated uses. The lots abutting to the east are zoned 'Residential R12.5/30/40' and are used for residential purposes.

Relevant extracts from the scheme amendment report are included as Attachment No. SC162.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

This amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Social:

There are no social issues.

Environmental:

As part of the scheme amendment process, prior to public advertising the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 24 February 2009 resolved to give final approval to Scheme Amendment No. 47 which proposed the rezoning of an area of land on the western side of the North West Coastal Highway between Phelps Street and Critch Place to the 'Highway Commercial' zone.

Council at its meeting held on 10 November 2009 resolved to give final approval to Scheme Amendment No. 53 which proposed to rezone Lots 274, 275 & 278-281 Fourth Street, Wonthella to the 'Highway Commercial' zone.

Council at its meeting held on 22 February 2011 resolved to give final approval to Scheme Amendment No. 58 which proposed to rezone Lots 30 and 31 North West Coastal Highway and Lot 32 Wittenoom Street, Wonthella to the 'Highway Commercial' zone.

Council at its meeting held on 28 February 2012 resolved to give final approval to Scheme Amendment No. 65 which proposed to rezone Lots 62, 63, 74, 82, 83 North Coastal Highway, Wonthella to the 'Highway Commercial' zone.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate a scheme amendment, it is required to be publicly advertised in accordance with the requirements of Planning and Development Act 2005.

LEGISLATIVE/POLICY IMPLICATIONS:

The lots are currently zoned 'Residential R12.5/40/50' with the western portion of Lot 61 First Street and Lot 64 North West Coastal Highway being zoned 'District Distributor' Local Scheme Reserve under the City's Town Planning Scheme No.3 (Geraldton).

The scheme amendment proposes to rezone the area currently zoned 'Residential R12.5/40/50' to the 'Highway Commercial' zone. The portion of Lots 61 First Street and Lot 64 North West Coastal Highway zoned 'District Distributor' Local Scheme Reserve will remain unchanged.

The "Highway Commercial" zone has the following objective:

to ensure the provision of service commercial activities, including bulky goods retailing with regard for relevant strategies and policies adopted by Council.

Council policies will therefore be to:

- *permit under the zone a wide range of uses appropriate to achieving the objective; and*
- *encourage development along the North West Coastal Highway in locations with regard for relevant strategies and policies adopted by Council.*

Part 5 of the Planning & Development Act 2005 provides for the amendment of a Local Planning Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

REGIONAL OUTCOMES:State Planning Strategy:

The State Planning Strategy (1996) identified the following vision for the Mid-West Region:

in the next 33 years the region will continue to grow and diversify its economic base in the areas of agriculture, mineral development, downstream processing of commodities and tourism.

It further delineates that Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.

This amendment facilitates commercial expansion to service the Geraldton region's growing population and expanding economy and is consistent with this vision.

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject lot is identified as 'future industrial and service commercial' and 'primary distributor road'.

Commercial Activity Centres Strategy:

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

The subject land is identified in the document to be within the North West Coastal Highway 'Highway Commercial' precinct.

RISK MANAGEMENT:

There are no inherent risks to the City in initiating this scheme amendment.

ALTERNATIVE OPTIONS CONSIDERED:

It is considered that the amendment is consistent with the overall strategic planning framework and direction for commercial activity in Greater Geraldton. It is consistent with the specific direction prescribed in the Commercial Activity Centres Strategy which shows the land as 'Highway Commercial'.

The option to refuse the Amendment is not supported as it is considered that the amendment is consistent with the Commercial Activity Centres Strategy.

The option to defer the matter is not supported as there is considered to be sufficient information for Council to determine the matter.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR DETRAFFORD**

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

1. **AMEND** Town Planning Scheme No.3 (Geraldton) by rezoning Lot 3 Place Road and Lots 60 & 59 First Street to the 'Highway Commercial' zone and Lot 64 North West Coastal Highway and Lot 61 First Street to the 'Highway Commercial' zone and 'District Distributor' Local Scheme Reserve; and
2. **PROCEED** with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

CARRIED 13/0
6:35:33 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

SC163	PROPOSED COMMUNITY PURPOSE AND INTENSIVE AGRICULTURE (COMMUNITY FARM) – MOUNT HILL
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AGENDA REFERENCE:	D-14-44771
AUTHOR:	N Browne, City Statutory Planner and M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	4 July 2014
FILE REFERENCE:	A63874 & TP14/197
APPLICANT / PROPONENT:	Landwest Urban & Rural Planning Consultants
ATTACHMENTS:	Yes (x 6 – 2 confidential)

EXECUTIVE SUMMARY:

An application has been received for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill.

The application was received on 3 June 2014 and hence can be deemed refused on 3 August 2014.

The owner of the subject land is F & K Duebendorfer.

Although staff have delegation to determine applications for planning approval, it is presented to Council for determination given the number and nature of objections received during the advertising period.

This report recommends conditional approval of the application.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Clause 10.3 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. GRANT planning approval for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill;
2. MAKES the determination subject to the following conditions:
 - a. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - b. Signage is limited to one sign not exceeding 0.2m² (i.e. 1.0m x 0.2m) on the property frontage with the height of the sign from ground level not exceeding 1.5m, unless otherwise approved in writing by the local government;
 - c. Vehicle access roads and designated car parking areas shall be constructed and drained to a compacted gravel

standard, and thereafter maintained to the approval of the local government.

- d. During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the local government;
- e. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists;
- f. All loading and unloading associated with the development/land use is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic;
- g. The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of a fire break or the internal access road set out on the attached approved plan(s), unless otherwise approved in writing by the local government;
- h. Provision of a suitable back-up power supply prior to commencement of the land use;
- i. Prior to commencement of the development/land use, the landowner/proponent is responsible to ensure that a Risk Management Plan is lodged with the local government for its approval, and is approved by the local government, setting out in detail the management commitments applicable to the social issues that may have an effect on the amenity of the locality. Once approved, the landowner/proponent is responsible to ensure, that the Management Plan is adhered to at all times to the approval of the local government;
- j. Prior to the commencement of the development/land use a landscaping plan shall be submitted to and approved by the local government. The landscaping plan is required to address the following:
 - i. provisions for protection of the existing remnant vegetation including fencing the vegetation and rehabilitating some of the 'goat tracks' that exist throughout the vegetation;
 - ii. planting of a suitable low hedge of a local scrub along the perimeter of the remnant vegetation to help catch weed seed and limit weed intrusion into the remnant vegetation; and
 - iii. provision of planting that provides an effective spray drift screen at all times.

The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government.

PROPONENT:

The proponent is Landwest Urban & Regional Planning Consultants on behalf of Hope Community Services Inc.

BACKGROUND:**Program Aim and Philosophy:**

Hope Community Services (HCS) is a community services organisation provides support services to people affected by alcohol and drugs. A range of services are offered including programs directed to those at risk, counselling services, rehabilitation programs, supervised residential accommodation and transitional housing accommodation.

The proposed Community Farm will enable HCS to expand its services in the Midwest, both in their ability to offer services via the therapeutic community model and their ability to offer supervised accommodation services.

The applicant has advised that to offer a therapeutic community, based on the success of similar communities developed elsewhere, a property that has a high landscape value is crucial. The unique locational and physical attributes of the subject land and its high aesthetic appeal, make this an ideal setting for the facility. In addition, the property well developed with infrastructure which can be expanded upon, that are ideal for the development of the community farm.

Further details on the HCS program is contained in the development application which is included as Attachment No. SC163A.

Management:

The coordination and delivery of therapy programs will be managed in accordance with established HCS programs, management and reporting guidelines. Participants enter into HCS residential programs voluntarily and are not bound to remain in programs. Farm residents will not be referred from the WA Police Service or Justice Department sectors. They will come from current HCS programs at Rosella House or other HCS locations. HCS accepts referrals from drug and alcohol agencies, mental health services, GP's, welfare agencies, private counsellors, families and self-referral.

All clients accepted into the program are required to have undergone a pre-admission processes including, but not limited to, medical detoxification, mental health and readiness for change assessment. This ensures not only the safety of the individual, the facility and wider community but ensures the client has maximum opportunity to achieve success.

The facility will have 5 to 7 full time employees, with a minimum of 4 to 5 staff on-site at any time during normal business hours, and 1 to 2 staff on-site for evenings and overnight. The community farm will be managed and overseen by a combination of service manager, farm manager, project manager, support workers and care providers.

Royalties for Regions Grant:

HCS has received a \$2 million grant from the Western Australian Royalties for Regions Program that required the development of a detailed business case which was required to demonstrate a quantifiable return on investment, based on a sustainable economic and environmental model.

The Site:

The subject land is located within the locality of Mount Hill and is approximately 15 km south-east from the Walkaway town site via Nangetty – Walkaway and Allanooka Springs Roads. The site is approximately 42 km from Geraldton and is located just north of the local authority boundary with the Shire of Irwin.

The site is 23.273 ha in area and has a frontage of 290 m to Roe Close. Allanooka Springs Road is sealed whilst Roe Close is a gravel formation. The lot is serviced with reticulated power and telecommunications infrastructure. Potable water is a combination of rainfall catchment storage supplemented by underground water (bore for domestic purposes).

Proposed Infrastructure and Scale of Development:

The site at present contains a well-defined building envelope which contains a residence, cottage and outbuilding. The existing residence and cottage will be used for staff accommodation and administration functions including the farm manager. The existing shed will be utilised for storage and workshop activities associated with the community farm operations.

Additional development is proposed to be positioned and orientated to utilise existing access roads, minimize earthworks and minimise vegetation removal.

Proposed development includes an extension to the rear (south) of the existing shed of approximately 130m², giving a total of 300m². The total outbuilding area is compliant with the maximum 300m² prescribed for the Rural Smallholdings zone in the City's 'Outbuildings' local planning policy.

3 accommodation units are proposed although only 2 will be initially constructed. The units will be 98m² each. The floor plan for each accommodation unit will comprise 4 bedrooms with 2 single beds, clothes storage and table/desk and an additional inclusive access (disabled) bedroom that is required under Building legislation. Each accommodation unit will house up to 9 residents and a maximum of 27 residents could ultimately be accommodated at any one time.

It should be noted that this scale of development (i.e. 3 accommodation units) is comparable with the maximum scale of development permitted by the City's 'Low Impact Rural Tourism' local planning policy which allows for 3 chalets/cabins and occupancy for 8 people in each.

A proposed communal living facility (of approximately 197m²) in area and will contain a commercial kitchen, dining and living spaces. It will incorporate an

outdoor deck area and ancillary service and laundry areas. A hardstand/playing court is indicated at northern extremity of the building envelope.

Additional plantings are also proposed to create substantial vegetation buffers/screening of all new development to soften their appearance visually, and to provide additional shade and wind protection. These plantings will also assist with control of soil erosion and stabilising runoff. Where required, additional vegetation screening will also be planted on the southern boundary to enhance privacy and screening to the dwelling on adjoining Lot 26.

The additional buildings are planned to be located adjoining the existing structures to ensure all buildings are clustered. This will minimise the visual impact of the development. Defined walkways will be provided between accommodation units and ancillary buildings, other facilities, car parking etc. It is proposed to use natural compacted materials wherever possible.

Sufficient parking will be provided on site at a rate of 1 space/staff member and there is sufficient area available for overflow parking if required. Clients only receive limited access to visitors during their stay. These visits are organised in advance and they are structured to ensure minimal disruption to the client, other residents, and the operation of the program. Therefore there is little expectation that visitors will generate additional traffic to the site.

Potable water will be provided through the existing bore and supplemented by rainfall catchment and storage. The accommodation units offer catchment of around 68,000L each per annum (on average rainfall) while the communal living facility offers around 98,000L per annum. This will be further supplemented by catchment from existing buildings.

A copy of the proposed development plans are included as Attachment No. SC163B.

Proposed Intensive Agriculture Land use:

The property has previously been utilised for limited intensive agriculture pursuits although these have never developed for commercial purposes. There are no stock grazing activities undertaken at present. The proponent has submitted an assessment of the lands capability for intensive agricultural pursuits (from Yilgarn Consulting) and a land use concept plan outlining the proposed intensive agricultural pursuits.

In addition to the community farm activities, the physical attributes of the property provide further opportunity for other activities that are complementary to the Rural Smallholdings zone and the locality in general. These may include:

- Experiential recreation (i.e. bush walking and outdoor pursuits).
- Local provenance seed collection and permaculture.
- Conservation and re-vegetation works of water courses.
- Production of goods from produce grown on-site.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

A number of submissions raised the issue of a decrease in property values; however property value is not a relevant planning matter in itself. In essence, the issue for consideration by a local government is not whether a proposed development will adversely impact on the value of an adjoining property but whether the proposed development will have an adverse impact on the amenity of the locality overall. A common objection made to any form of development/ use is that of impacting negatively on property value, property values are set over a whole range of factors and importantly is heavily market dependant in terms of supply and demand.

It is reasonable to consider that the provision of such a community facility may translate to economic benefits with regard to there being a lesser need for other taxpayer funded services such as health, police, mental health, judicial and corrective services.

Social:

The majority of submissions objecting to the proposal were based on social issues (i.e. sense of security and increase in crime). The risk of crime is a valid planning issue by virtue of clause 10.2 (j) of the Local Planning Scheme (refer further to the 'Legislative/Policy Implications' section of this report) which states that '*any social issues that have an effect on the amenity of the locality*' are matters to be considered by the local government.

From the wording of clause 10.2 (j), "amenity" has a broader meaning than usual and does not just refer to the pleasantness and physical environment but also peoples sense of security. However the risk of opportunistic crime or other undesirable activities occurring within the locality due to the "residents" of the proposed community farm are considered low for the following reasons:

1. The HCS has a comprehensive risk management system in place. This is inclusive of detailed assessments to determine suitability for potential entry into the program, and it should be noted that the program is not for withdrawal/detoxification purposes.
2. HCS has a 12 year history of non-incident program delivery in Rosella House. This lack of incident(s) reflects robust client assessment and management processes that matches client's needs to the most appropriate service.
3. The following specific strategies would be employed as part of management of the community farm:
 - The community farm will be staffed 24 hours a day every day of the year.
 - Daily work/activity/free time program is scheduled and strictly adhered to on a timetable basis.

- Self-monitoring community member mentoring system/buddy system for monitoring each other's behaviour and compliance with the farm's schedule and code of conduct.
- Where an existing client fails to adhere to the Community Farm's schedule and code of conduct they would exit the program through a planned exit inclusive of transport and relocation.
- All visitors to the farm are all scheduled and planned and prior approval is required from the farm coordinator. Strict adherence to this is enforced without exception.
- Alarm monitoring of property for afterhours indiscriminate access/egress.
- Beginning the journey at Rosella House, assessment needs to be matched (i.e. matching treatment to the client) and those residents that don't match are referred on to other places more suitable to their treatment needs.
- Regular drug/alcohol testing of residents is undertaken.

Given the above the risk of opportunistic crime or other undesirable activities occurring is considered to be low and therefore not likely to have an effect on the use, enjoyment or amenity of the locality.

Environmental:

The Department of Water are responsible for the issuing of licenses for extraction of groundwater supplies and make assessment on the volume requested as part of that application. Any request for licenses will be required to be assessed by the Department of Water in accordance with legislative requirements.

The Department of Water advised that they have no objection to the proposed development and that the proponent consulted extensively with the Department of Water prior to lodging the planning application.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

The former Shire of Greenough Council, at its meeting held on 17 December 2003, approved a Short Stay Crisis Accommodation (Gunnado Farm) for the Geraldton Streetwork Aboriginal Corporation on Victoria Location 3536 Walkaway-Nangetty Road, Walkaway.

The authors are not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Prior to the application being formally submitted to the City, HCS undertook public engagement in late 2013 – early 2014. Details are included in the development application which is included as Attachment No. SC163A.

The application was publicly advertised in accordance with the provisions of Local Planning Scheme No. 5 (Greenough) which states:

9.4.3 *The Local Government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:*

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Local Government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Local Government by a specified date being not less than 14 days from the day the notice is served;*
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the Local Government by a specified day being not less than 14 days from the day the notice is published; and*
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.*

The advertising period was for 21 days (commencing 6 June 2014 and concluding on 27 June 2014) and involved the following:

1. All landowners within the Mount Hill locality, being a general 5 km radius of the property and including Shire of Irwin properties, were written to and advised of the proposed development (a map showing the extent of the landowners that were written to is included as Attachment No. SC163C);
2. A public notice appeared in the Geraldton Guardian on 6 June 2014;
3. A sign was placed on-site;
4. The application details were available for viewing at the City's offices in Cathedral Avenue and on the City's website;
5. The application was referred to the following:
 - Department of Water;
 - Walkaway Development Association; and
 - Midwest Development Commission.

Requests were received to extend the advertising period however, given the above consultation methods and the previous consultation undertaken by HCS, the requests were declined.

Submissions:

As a result of the advertising, a total of 40 submissions were received (5 in support and 35 objecting to the application). Listed below is a summation of the main comments/concerns raised during the public comment period.

- Social enterprise that will support the local community;
- Loss of safety and security;
- Increase in crime;
- Distance from emergency services;
- Increase in undesirable people;
- Loss of property values;
- Effect on tourism;
- Not suitable in rural lifestyle area;
- Inadequate community consultation;
- Density and scale of development;
- Underground water usage;
- Traffic concerns; and
- Potential to benefit community.

A 'Schedule of Submissions' is included as Attachment No. SC163D and copies of the actual submissions, including maps indicating the location of the submitters is included as Confidential Attachment No. SC163E.

In addition to the above a petition containing 278 signatures was received objecting to the application for the following reasons:

1. *There will be at least up to 20 clients (to start) with various drug and alcohol addictions in rehabilitation with carers on site.*
2. *They are allowed to have visitors.*
3. *There will be multiple people coming and going from carers, clients, visitors, tradesmen, food deliveries, distribution off goods from their proposed farm etc.*
4. *This is not in keeping with the character of the area; it is not wanted by local residents.*

A copy of the petition is included as Confidential Attachment No. SC163F.

Presentations were made to Council at the Concept Forum meeting held on 1 July 2014.

LEGISLATIVE/POLICY IMPLICATIONS:

The subject property is zoned "Rural Smallholdings" under Local Planning Scheme No. 5 (Greenough). The objective of the "Rural Smallholdings" zone is:

To provide for the use of land for minor rural pursuits, conservation lots and alternative residential lifestyle purposes where part time income from cottage industries, home occupation and the use of land for agriculture may be derived, whilst preserving and enhancing landscape quality, environmental values and conservation attributes.

The proposal is in keeping with the above objective as it will maintain and further enhance a rural orientated lifestyle along with the predominant farming character of the property. The community farm will be developed at a density that is commensurate with what can be approved in the zone and be integrated with a variety of agricultural/rural activities.

The proposed uses are reasonably defined within the Scheme as 'Community Purpose' and 'Intensive Agriculture' as follows:

"community purpose" means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit.

"intensive agriculture" means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;*
- (b) the establishment and operation of plant or fruit nurseries;*
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or*
- (d) aquaculture;*

Both uses are listed as 'A' uses (discretionary uses following advertising) in the Rural Smallholdings zone.

In addition to the above, clause 10.2 of the Scheme details the matters to be considered by the local government in determining applications and the following are considered most relevant to this application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*
- (i) the compatibility of a use or development with its setting.*
- (j) any social issues that have an effect on the amenity of the locality.*
- (n) the preservation of the amenity of the locality.*
- (o) the relationship of the proposal to development on adjoining land, including but not limited to, the likely visual impact of the height, bulk, scale, orientation, architectural style, colour and appearance of materials used, and the degree of consistency or sympathy with the design and appearance of existing adjacent buildings.*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (y) any relevant submissions received on the application.*

With regard to the above matters the following are important considerations in regard to the proposal:

1. The proposed development demonstrates compliance with the relevant provisions of the Scheme;
2. The application demonstrates that it will maintain and further enhance the rural orientated lifestyle and rural uses of the locality. The proposed development is considered compatible with its setting in that it will not alter the rural character of the locality. The application demonstrates that maintenance of rural character and rural living opportunities is intrinsic to the proposal;
3. The social issues have previously been commented upon (refer to the 'Social Issues' section of this report);
4. Given that the proposal does not detract from the ability of those residing in the immediate vicinity, or in the greater locality to enjoy the rural character or lifestyle opportunities afforded by the location it is considered that the amenity of the locality will be preserved;
5. The proposed development will generally be contained to a defined and established building envelope and will be consistent and sympathetic to the design and appearance of existing adjacent buildings. The application demonstrates that visual intrusion of the additional buildings will not be significant and will be readily addressed by existing and proposed landscaping. Furthermore the scale of development proposed is commensurate with what can be approved in the zone;
6. The proposed means of access/egress and vehicle parking is considered adequate;
7. The amount of traffic likely to be generated by the proposal is considered minimal. Residents are not expected to come and go daily and traffic will be limited to staff movements. The existing road network provides good connectivity to the wider region; and
8. The submissions received have previously been commented upon (refer to the 'Community/Councillor Consultation' section of this report).

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications, however should Council refuse the application and the proponent seek 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.

INTEGRATED PLANNING LINKS:

Title: Social	Community Health and Safety
Strategy 3.5.5	Creating safer communities
Title: Governance	Planning and Policy
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:**Local Planning Strategy:**

The purpose of this document is to identify the likely land uses that will be established and indicate the preferred location for these land uses. The subject land is identified as a Rural Smallholding Area.

Royalties for Regions Program:

The Royalties for Region Program assessment criteria required HCS to successfully demonstrate how it would meet one or more of its key objectives, being:

- Building capacity in regional communities
- Retaining benefits in regional communities
- Improving services to regional communities
- Attaining sustainability
- Expanding opportunity
- Growing prosperity

In addition, HCS was able to satisfactorily demonstrate how the Community Farm project would provide strategic outcomes against the following action agendas of the Royalties for Regions program:

- Housing and services
- Employment infrastructure and skills
- Health
- Education
- Social and environmental amenity
- Leadership and decision making

RISK MANAGEMENT

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

ALTERNATIVE OPTIONS CONSIDERED

It is acknowledged that there are community concerns that become quite emotive associated with the wider issue of people affected by alcohol and drugs, the proposal is one that intervenes and is aimed at providing better social outcomes. In this context, the proposal must be assessed and considered on the planning merits of the application in accordance with the requirements of the Scheme.

The majority of submissions objecting to the proposal were based on social issues and decreasing property values, however these can only be considered in the context of the effect on the amenity of the locality.

It is considered that the proposal will maintain and further enhance a rural orientated lifestyle along with the predominant farming character of the property and the greater vicinity in which it is located. The scale of the

development and proposed intensive agricultural activities proposed will not detract from the environmental or landscape value of the property and all enterprises will be managed and operated based on industry best practices.

Based on the planning merits of the application, 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 a deferral may trigger a review right under Part 14, Division 2 of the Planning and Development Act 2005 which states that the local government is to be taken to have refused an application if it has not given its decision within a period of 60 days after receipt of the application.

COUNCIL DECISION

MOVED CR GRAHAM, SECONDED CR TANTI

That Council by Simple Majority pursuant to Clause 10.3 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

- 1. GRANT planning approval for a Community Purpose and Intensive Agriculture (Community Farm) on Lot 25 (No. 30) Roe Close, Mount Hill;**
- 2. MAKES the determination subject to the following conditions:**
 - a. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
 - b. Signage is limited to one sign not exceeding 0.2m² (i.e. 1.0m x 0.2m) on the property frontage with the height of the sign from ground level not exceeding 1.5m, unless otherwise approved in writing by the local government;**
 - c. Vehicle access roads and designated car parking areas shall be constructed and drained to a compacted gravel standard, and thereafter maintained to the approval of the local government.**
 - d. During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the local government;**
 - e. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists;**
 - f. All loading and unloading associated with the development/land use is to take place within the boundaries**

- of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic;
- g. The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of a fire break or the internal access road set out on the attached approved plan(s), unless otherwise approved in writing by the local government;
 - h. Provision of a suitable back-up power supply prior to commencement of the land use;
 - i. Prior to commencement of the development/land use, the landowner/proponent is responsible to ensure that a Risk Management Plan is lodged with the local government for its approval, and is approved by the local government, setting out in detail the management commitments applicable to the social issues that may have an effect on the amenity of the locality. Once approved, the landowner/proponent is responsible to ensure, that the Management Plan is adhered to at all times to the approval of the local government;
 - j. Prior to the commencement of the development/land use a landscaping plan shall be submitted to and approved by the local government. The landscaping plan is required to address the following:
 - i. provisions for protection of the existing remnant vegetation including fencing the vegetation and rehabilitating some of the 'goat tracks' that exist throughout the vegetation;
 - ii. planting of a suitable low hedge of a local scrub along the perimeter of the remnant vegetation to help catch weed seed and limit weed intrusion into the remnant vegetation; and
 - iii. provision of planting that provides an effective spray drift screen at all times.

The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government.

CARRIED 11/2

6:53:57 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	NO
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	NO
Cr. Thomas	YES
Cr. Caudwell	N/V

Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

SC164	LOT 33 (No. 25-29) CATHEDRAL AVENUE - RATES CONCESSION APPLICATION
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AGENDA REFERENCE:	D-14-45975
AUTHOR:	P Vorster, City Vibrancy Coordinator
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	9 July 2014
FILE REFERENCE:	A11683
APPLICANT / PROPONENT:	Makesum Investments WA Pty Ltd C/- Property Matrix Pty Ltd
ATTACHMENTS:	Yes x 2

EXECUTIVE SUMMARY:

This report seeks a Council resolution regarding a rates concession for Lot 33 (25-29) Cathedral Avenue, Geraldton for a period of three years under the CBD Revitalisation Program. Two of the years for which the concession is requested will coincide with the refurbishment of the existing structure on the property and a further one year concession, post construction, is requested.

EXECUTIVE RECOMMENDATION;

That Council by Absolute Majority pursuant to Section 6.47 of the Local Government Act 1995 RESOLVES to:

1. WAIVE the rates for Lot 33 (No. 25-29) Cathedral Avenue, Geraldton for a period of 3 years, commencing from the date the construction commences onsite as determined by the City; and
2. CONDITIONAL for and during each rating year upon satisfactory continuing construction onsite as determined by the City.

PROponent:

The proponent is Makesum Investments WA Pty Ltd c/- Property Matrix Pty Ltd.

BACKGROUND:

On 31 June 2013 Property Matrix, Pty Ltd submitted an application for the refurbishment of Town Towers, an existing structure situated on 25-29 Cathedral Avenue, in the City Centre of Geraldton. The application (Application Number TP11/212) proposes the refurbishment of the existing building to include a mixed use development, consisting of commercial and retail components as well as 36 serviced apartments.

In a letter dated 30 April 2014, Mr G Pitman, on behalf of Makesum Investment Pty Ltd c/- Property Matrix Pty Ltd, formally requested a rates concession for the first five years of operation of the refurbished property, subject to the Geraldton CBD Revitalisation Program which was adopted by Council on 27 May 2014. The letter is attached as Attachment No. SC164A. Mr Pitman's verbal advice to the City was that the viability of the project required this concession.

The CBD Revitalisation Program provides incentives to immediately drive desirable redevelopment and revitalisation in the CBD. It includes components designed to address barriers raised by stakeholders at a workshop held by the City on 6 November 2013.

Strategy 5 of the CBD Revitalisation Program outlines the circumstances (primarily during construction phase) under which Council may provide a concession period to improve the business case economics for larger commercial developments as follows:

Strategy 5:

The City may provide a concession on rates in the core area of the CBD (as defined in the City Centre Planning Policy) during the construction phase of a project, subject to:

- 1. The value of the building permit works exceeding \$500,000;*
- 2. The development is for a land use in accordance with the City Centre Planning Policy;*
- 3. The concession applies only from the date construction has commenced on-site as determined by the City;*
- 4. The concession applies only until a Notice of Completion is given OR for a maximum of 2 (two) years, whichever is sooner;*
- 5. The construction must be on-going, as determined by the City;*
- 6. Where the value of the building permit works exceeds \$7 million, the City may negotiate a longer period of rates concessions; and*
- 7. The City reserves the discretion to consider extension of rates concessions to the property owner beyond construction completion, with each project to be evaluated on a case-by-case basis, on the merits of the proposal, appraised against strategic development goals of the City.*

The proposed redevelopment of Lot 33 (No. 25-29) Cathedral Avenue, Geraldton, is in accordance with the City Centre Planning Policy. It also exceeds \$7 million in value, therefore according to point 6; the City may negotiate a longer period of rates concessions. While the proponent has applied for a 5 year concession the executive recommendation supports a 3 year concession. In making this recommendation, the executive has balanced the potential for setting a precedent while recognising the valuable contribution this development would make to the image, revitalisation and vibrancy of the Geraldton City Centre. A copy of the Geraldton CBD Revitalisation Program document is attached as Attachment No. SC164B.

In the letter dated 30 April, Makesum Investments WA Pty Ltd also requested other concessions. Please see following for each request and the City's response:

1. Council will provide assistance wherever possible to facilitate this project in a timely and efficient manner.

The City notes this request and advises that all Development Applications and Building Licences are approached with this objective.

2. Council will not charge any Development Application or Building Licence fees in relation to this building.

This request will be dealt with via administrative processes.

3. Council will cede title of the “overhang land” (subject of recent negotiations) and at no cost.

Staff will investigate the implications of this request and put an agenda item to Council when all investigations are complete and staff are in a better position to put a recommendation to Council.

4. Council reduce “tipping fees” (preferably to nil) to assist in reducing the overall demolition cost.

The City is in discussion with the proponent to determine the exact nature and quantities of demolition materials.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The refurbishment of Lot 33 (No. 25-29) Cathedral Avenue, Geraldton, will make a valuable contribution towards the revitalisation of the “image of the City Centre”. The property, which is currently unpainted, unoccupied and in a state of disrepair is the first visual element that visitors to the City Centre, via Cathedral Avenue, encounters as they enter the City Centre. This impacts negatively on the way that visitors and residents view the City and must have a negative impact on visits to the City Centre by residents as well as return visits, by tourists.

The development will further increase the supply of short stay accommodation in the City, and inject income into the local economy during the construction phase and thereafter.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The CBD Revitalisation Program was developed as the result of a consultation process with City Stakeholders which identified obstacles (and solutions) for the revitalisation of the City Centre.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.47. of the Local Government Act (1995): Concessions, stipulate that *“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”*.

*The asterisk denotes that Absolute Majority is required.

FINANCIAL AND RESOURCE IMPLICATIONS:

The City currently receives \$75,921.74 in rates (of which roughly half is Unoccupiable Rates) from the property, as well as a further \$1,990.80 in Specified Area Rates. The Council collects \$3,239.86 for the property for Emergency Services (as a State Government Levy) and these rates will not be waived as a result of this recommendation.

The RV-value of this property will substantially increase after the refurbishment work has been done and so will future rates income. By supporting this project the City essentially provides short term support for a project which will have a long term benefit for the City.

INTEGRATED PLANNING LINKS:

Title: Economy	Lifestyle and Vibrancy
Strategy: 4.1.1	Providing equity and choice in affordable and alternative housing to create urban village communities that will help to sustain our lifestyle;
Strategy: 4.1.2	Acknowledging the need for smaller, denser housing types to accommodate population growth and diverse household sizes.
Strategy: 4.1.3	Revitalising the CBD through economic, social and cultural vibrancy
Strategy: 4.1.5	Developing and promoting Greater Geraldton as a preferred cultural, environmental and agri/aquaculture tourism destination.

REGIONAL OUTCOMES:

The refurbishment of Lot 33 (No. 25-29) Cathedral Avenue, Geraldton will enhance the city centre as a regional tourist, shopping and leisure destination.

RISK MANAGEMENT

The City runs the risk of the project not being fully completed, and thereby losing rates revenue without the anticipated outcomes gained from supporting the project. Strategy 5 of the CBD Revitalisation Programme stipulates that “The construction must be on-going, as determined by the City”. This strategy enables the City to act swiftly in a situation where the project is being jeopardised to restore rates charges.

ALTERNATIVE OPTIONS CONSIDERED

During the City Centre Revitalisation Program development a number of possibilities for encouraging development in the City Centre were investigated. The final City Centre Revitalisation Program, which was adopted in May 2014, contains the most appropriate options for supporting City Centre development and vibrancy.

PROCEDURAL MOTION**MOVED CR MCILWAINE, SECONDED CR DOUGLAS****That Council suspend Meeting Procedures for a short break at 6.56pm****CARRIED 13/0****6:56:28 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

PROCEDURAL MOTION**MOVED CR BRICK, SECONDED CR DETRAFFORD****That Council resume Meeting Procedures at 6.57pm.****CARRIED 13/0****6:57:28 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

MOTION**MOVED CR VAN STYN, SECONDED CR MCILWAINE**

That Council by Absolute Majority pursuant to Section 6.47 of the Local Government Act 1995 RESOLVES to:

1. **WAIVE** unoccupiable city centre portion of the rates for Lot 33 (No. 25-29) Cathedral Avenue, Geraldton for a period of 3 years, commencing from the date the construction commences onsite as determined by the City; and
2. **CONDITIONAL** for and during each rating year upon satisfactory continuing construction onsite as determined by the City.

Motion Lapsed due to uncertainty as to the validity of the concession requiring further information to Council.

PROCEDURAL DECISION**MOVED CR GRAHAM, SECONDED CR THOMAS**

That Council defer the Item to the next Ordinary Meeting of Council

CARRIED 9/4
7:26:40 PM

Mayor Carpenter	NO
Cr. McIlwaine	NO
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	NO
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	NO
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:
That Council request the CEO to review rates concession being proposed and refer back to Council at the meeting in August 2014.

SC165	DISPOSAL OF PORTION OF LOT 2227 LANDFILL LANE, NARNGULU
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AGENDA REFERENCE:	D-14-47534
AUTHOR:	B Robartson, Manager Economic, Tourism & Property Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	16 July 2014
FILE REFERENCE:	A63927
APPLICANT / PROPONENT:	Tersum Energy
ATTACHMENTS:	Yes (x 1 Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's support to approve the disposal of approximately 8.8062 hectares of land from Lot 2227 Landfill Lane, Narngulu by private treaty to Tersum Energy.

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 dispose of approximately 8.8062 hectares of land from Lot 2227 Landfill Lane, Narngulu by private treaty to Tersum Energy;
2. MAKE the determination subject to:
 - a. the purchase price is set at \$880,000 exclusive of GST;
 - b. advertising notice period of not less than 14 days inviting public submissions;
 - c. formal Western Australian Planning Commission subdivision approval; and
3. REFER the matter back to Council for final consideration at the conclusion of the advertising period.

PROponent:

The proponent is Tersum Energy.

BACKGROUND:

The City has been in discussion with Tersum Energy over a number of key land areas to establish a power plant for a sustainable energy project. The land that has been identified is portion of Lot 2227 Landfill Lane, Narngulu adjacent to the Meru landfill operations. This land comprises approximately 8.8062 hectares and is subject to survey and subdivision processes before an individual freehold lot title can be obtained.

To progress the potential sale by private treaty a licensed valuation was obtained and is attached as Confidential Attachment No. SC165.

The portion of Lot 2227 Landfill Lane, Narngulu is shown below:



ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

This disposal of this portion of land from Lot 2227 has the potential to offer the Midwest region a sustainable energy project that would mark the region as a stand out in the adoption of practical clean energy solutions. The disposal of land would not impact on Meru landfill operations.

Social:

There are no social impacts.

Environmental:

The disposal of land by private treaty will allow for environmental uses for the land whereby waste from the nearby landfill will be turned into energy.

Cultural & Heritage:

There are no cultural, heritage or indigenous impacts.

RELEVANT PRECEDENTS:

The City has disposed of freehold land by private treaty on previous occasions in accordance with Section 3.58 of the Local Government Act 1995.

COMMUNITY/COUNCILLOR CONSULTATION:

A formal presentation to Council at the Concept Forum on the 15 July 2014 was provided by Tersum Energy on their sustainable energy project.

Should Council agree to grant approval to dispose by private treaty to Tersum Energy, that intention will be advertised and public submissions will be invited

for a period of not less than 14 days pursuant to Section 3.58 of the Local Government Act 1995.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the Local Government Act 1995 details the process for Disposing of Property.

FINANCIAL AND RESOURCE IMPLICATIONS:

This proposal has the potential to provide the City an income by land disposal an amount of \$880,000.

INTEGRATED PLANNING LINKS:

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities.
Title: Economy	Employment
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region.
Title: Economy	Research and Technology
Strategy 4.4.4	Encouraging the development of innovative entrepreneurs and new business models.

Regional Outcomes:

The disposal of the subject land to the proponents has the potential to provide significant regional outcomes.

RISK MANAGEMENT

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

ALTERNATIVE OPTIONS CONSIDERED

As the respondents were dealing directly with the City with the intent to acquire the land, no alternative options have been considered.

PROCEDURAL MOTION**MOVED CR THOMAS, SECONDED CR VAN STYN**

That Council suspend Meeting Procedures to discuss the confidential attachment. The public left Chambers at 7.28pm.

CARRIED 13/0

7:28:40 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

PROCEDURAL MOTION**MOVED CR THOMAS, SECONDED CR VAN STYN**

That Council resume Meeting Procedures. The public returned to Chambers at 7.43pm.

CARRIED 13/0

7.43pm

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR GRAHAM**

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 dispose of approximately 8.8062 hectares of land from Lot 2227 Landfill Lane, Narngulu by private treaty to Tersum Energy;
2. **MAKE** the determination subject to:
 - a. the purchase price is set at \$880,000 exclusive of GST;
 - b. advertising notice period of not less than 21 days inviting public submissions;
 - c. formal Western Australian Planning Commission subdivision approval; and
3. **REFER** the matter back to Council for final consideration at the conclusion of the advertising period.

CARRIED 13/0
7:47:01 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

16 REPORTS TO BE RECEIVED**REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-14-45105
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	07 June 2014
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by Simple Majority pursuant to Section 22.(2) of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Creative Communities
 - i. CC170 – Heritage Advisory Committee Minutes – 11 June 2014
 - ii. CC171 – Australia Day 2014 Committee Minutes – 17 June 2014 (1x Attachment)
 - b. Reports – Sustainable Communities
 - i. SCDD088 – Delegated Determinations

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. CCS065 – Report Audit Committee Minutes 1 July 2014
 - ii. CCS066 - Confidential Report – List of Accounts Paid Under Delegation June 2014

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/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

COUNCIL DECISION

MOVED CR THOMAS, SECONDED CR BRICK

PART A

That Council by Simple Majority pursuant to Section 22.(2) of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Creative Communities
 - i. CC170 – Heritage Advisory Committee Minutes – 11 June 2014
 - ii. CC171 – Australia Day 2014 Committee Minutes – 17 June 2014 (1x Attachment)
 - b. Reports – Sustainable Communities
 - i. SCDD088 – Delegated Determinations

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. CCS065 – Report Audit Committee Minutes 1 July 2014
 - ii. CCS066 - Confidential Report – List of Accounts Paid Under Delegation June 2014

CARRIED 13/0

7:47:31 PM

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	N/V
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	YES

Cr. Keemink	YES
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	YES

17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

19 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING

Nil

20 CLOSURE

There being no further business the Chairman closed the Council meeting at 7.47pm.

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>