



ORDINARY MEETING OF COUNCIL  
MINUTES

23 JUNE 2015

---

## TABLE OF CONTENTS

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>2</b>
<b>2</b>	<b>DECLARATION OF OPENING.....</b>	<b>2</b>
<b>3</b>	<b>ATTENDANCE.....</b>	<b>2</b>
<b>4</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>3</b>
<b>5</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>6</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>10</b>
<b>7</b>	<b>PETITIONS, DEPUTATIONS OR PRESENTATIONS.....</b>	<b>10</b>
<b>8</b>	<b>DECLARATIONS OF CONFLICTS OF INTEREST .....</b>	<b>10</b>
<b>9</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED .....</b>	<b>10</b>
<b>10</b>	<b>ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION).....</b>	<b>11</b>
<b>11</b>	<b>REPORTS OF INFRASTRUCTURE SERVICES .....</b>	<b>12</b>
	<i>IS096 MULTI USER FACILITY &amp; YOUTH PRECINCT.....</i>	<i>12</i>
<b>12</b>	<b>REPORTS OF CORPORATE &amp; COMMERCIAL SERVICES .....</b>	<b>20</b>
	<i>CCS118 COUNCIL POLICY COUNCILLOR TRAVEL AND ACCOMMODATION.....</i>	<i>20</i>
	<i>CCS119 STATEMENT OF FINANCIAL ACTIVITY TO 31 MAY 2015.....</i>	<i>22</i>
<b>13</b>	<b>REPORTS OF COMMUNITY SERVICES .....</b>	<b>25</b>
<b>14</b>	<b>REPORTS OF OFFICE OF THE CEO .....</b>	<b>26</b>
<b>15</b>	<b>REPORTS OF DEVELOPMENT AND REGULATORY SERVICES .....</b>	<b>27</b>
	<i>DRS216 PROPOSED DEVELOPMENT - CROWN RESERVE 30043 – ‘OLIVE STREET’ ...</i>	<i>27</i>
	<i>DRS217 FINAL APPROVAL OF THE CITY OF GREATER GERALDTON LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 1 .....</i>	<i>39</i>
<b>16</b>	<b>REPORTS TO BE RECEIVED.....</b>	<b>49</b>
<b>17</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>51</b>
<b>18</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>51</b>
<b>19</b>	<b>URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING .....</b>	<b>51</b>
<b>20</b>	<b>CLOSURE .....</b>	<b>51</b>
	<b>APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED .....</b>	<b>52</b>

**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 23 JUNE AT 5.30PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's 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**

The Deputy Mayor respectfully acknowledged the Yamaji people who are the Traditional Owners and First People of the land on which we met. The Mayor paid respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

**2 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5.31pm.

**3 ATTENDANCE**

Present:

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

Officers:

K Diehm, Chief Executive Officer  
P Melling, Director of Development & Regulatory Services  
B Davis, Director of Corporate and Commercial Enterprises  
A Selvey, Director of Community Services  
N Arbuthnot, Director of Infrastructure Services  
S Moulds, PA to the Chief Executive Officer  
J Kopplhuber, Coordinator Communications, Events & Engagement  
M Connell, Manager Urban & Regional Development  
M McGinity, Manager Communications, Events & Engagement  
M Jones, Financial Business Planner  
B Robartson, Manager Economic, Land & Property Development

Others:

Members of Public: 4  
Members of Press: 1

Apologies:

Nil.

Leave of Absence:

Mayor I Carpenter

**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 5.31pm*

**Max Correy, PO Box 202, Geraldton**

Question

In the Council's advertising/information to ratepayers in the 3/6/2015 edition of Geraldton Guardian there appears to be a number of anomalies and inaccuracies and in fact false statements such as:

Emergency Service Levy (ESL) rise of 10.6% as a cost to Council.

Am I correct in my understanding that the ESL is actually paid by ratepayers as an over and above rate payment and has no bearing on rates at all?

Response

The advertisement in question does not state that ESL is a “cost to Council” and in fact appeared in the Geraldton Guardian on the 29th May not the 3rd of June as you allege.

The advertisement is intended to show that, while Council is endeavouring to restrain rates increases, State charges and fees have increased at significantly higher % increases, and at the same time Federal Government grants to Council have decreased.

The Emergency Services Levy is a State Government Charge on property owners which is unfortunately collected via Council Rates Notices. Once collected, Councils then pay the money to the State Government.

Because it appears on Rates notices, some people do still think the ESL is a local government charge but, of course, that is not the case.

Accordingly, every year, most Councils in WA make an effort to ensure that ratepayers are aware that the ESL is a State Government charge, paid by property owners, and that ESL increases are the responsibility of the State Government, not the Council.

There are no anomalies, inaccuracies or false statements.

Question

Re Borrowing Costs up \$950,000 due to the increased State Government Guarantee Fee from .1% to .7% i.e. .6%. My calculations on .6% comes out at \$258,000.00 on borrowings of \$43M (up from less than \$20M last June 30), Are my figures correct?

Response

The estimated increase is based on the increase to the debt service costs on the City’s debt, over the life of the existing debt, not just 1 year.

That estimated figure reflects the *expected impact on the City of the State Government’s decision to increase the debt guarantee fee on local government borrowings to 0.7%* and is thus properly presented.

Your figures are incorrect as the actual borrowings drawn down during 2014-15 to date have been substantially lower than forecast in the Budget, due to the timing, commencement, and progress of major projects.

Question

It appears that the claim that the utilities budget is up 4.5% and the street lighting costs up 7.6% is a double dipping statement eg. The total utilities budget is \$3,300,700 of which the electricity component is included and I'm of the understanding that lighting requires electricity so therefore to say that there has been a 4.5% utilities budget increase and a 7.6% street lighting increase of 7.6% is in fact at best an inadvertent mistake.

Response

There is no "double dipping" or "mistakes" in relation to this matter. The State Government are increasing electricity and water charges by 4.5%. Street lighting charges are based on the number of streetlights and the type of wattage for each streetlight, not on the amount of electricity usage. The State Government has advised that these charges will increase by 7.6%

Question

Was the Verita Road Bridge significantly redesigned which resulted in a cost saving and if so why wasn't the lowest conforming tenderer (and indeed other tenderers) afforded the same opportunity to reprice their bid?

Response

There was no significant redesign of the bridge. Design modifications were made to accommodate the requirements of the Public Transit Authority and Brookfield Rail, to improve safety and reduce risk during construction. Some savings were identified in this process as well as additional costs.

These minor design changes occurred after protracted negotiations with the preferred tenderer, the Public Transit Authority, and Brookfield Rail, and were ancillary to the development of a tripartite agreement to reduce the City's risk profile.

It would have been impractical to have attempted these protracted negotiations with each tender. For this reason the Council identified a preferred contractor and delegated authority to the Chief Executive Officer to resolve the negotiations to his satisfaction and award the contract to the preferred contractor.

It would be both unethical and unlawful to consider revised pricing from tenderers once the Council has resolved to delegate authority to the Chief Executive Officer to award the contract to the preferred contractor.

Question

Was a price reduction received from any tenderers when the council asked for an extension to the tender validity period, and if so, was this saving factored into the tender assessment?

Response

The Council considered the report relating to Request for Tender No 391314 on 28 October 2014 and resolved to award the Contract to the preferred tenderer, subject to a number of conditions being resolved to the satisfaction of the Chief Executive Officer.

The City sought the consent of all tenderers to extend their tender validity period during the negotiation period with the preferred contractor, Brookfield Rail, and the Public Transit Authority. This extension was a “safeguard” to allow the City to consider alternative tenders, if the matters identified by Council could not be resolved to the Chief Executive Officer’s satisfaction.

On 12 December 2014 one company responded to the City’s request and offered a “discount” to their overall Tender price. This was lodged 45 days after the Council decision to award the Contract to the preferred Tenderer.

This company’s “discount” was not considered as it would have been both unethical and unlawful to consider revised pricing from tenderers once the Council has resolved to delegate authority to the Chief Executive Officer to award the contract to the preferred contractor.

*The following questions was Taken on Notice at the meeting. The response is now provided below.*

Question

Have Councillors Vetted the final tender document and authorised that to be proceeded with?

Response

No, the assessment of tenders is the responsibility of the Chief Executive Officer. In this case the tenders were reviewed by an Evaluation Panel that comprised of a panel of experts from the City, Brookfield Rail, the Public Transit Authority and the Department of Main Roads. In addition to this, the Chief Executive Officer has taken legal advice in relation to a number of issues regarding probity, risk minimization, and contract conditions.

The Local Government Act 1995 defines the roles of Council, Mayor, Councillors and the CEO, with intentional and clear boundaries between management and governance responsibility. The principle behind this delineation is ensuring an efficient and clear decision-making process with clear separation of powers that ensure the CEO is solely responsible for the implementation of administration functions.

The Council’s role in the tender process is to consider the assessment made by the Evaluation Panel and the recommendations made by the Executive, and it is the role of the Mayor and Chief Executive Officer to execute the contract in accordance with the Council’s decision.

**Mr Sean Hickey, PO Box 2966, Geraldton WA6531**Question

Would Council please direct me to documents and practice that are worthy of this community, visitors and the natural marine environment. Best practice that will not see the continued degradation of our beaches and dunes?

Where is the plan to assess and to understand the processes of: Armoury and its downside, nourishment and its complexities, especially the immediate marine life and its fragility? And the issues of retreat and gradual retreat?

Response

There are a range of documents that provide guidance in relation to coastal management and these will be provided to you.

It is important to note that there is no one single universal solution to addressing coastal erosion. Solutions such as rock revetments, offshore breakwaters, sandbags or sand replenishment require a detailed analysis of each site and the circumstances particular to that site.

Because the varied approaches to climate change, the National Climate Change Adaptation Research Facility has recently announced the intended development of a Coastal Climate Risk Management Tool which will deliver three principal components: first, information and guidance necessary to underpin adaptation; second, a process for decision-making around risk management and adaptation in the coastal zone; third, forums for peer-to-peer learning, communication and connection. This will be an important tool for the City to develop a comprehensive strategy.

In terms of recent activity undertaken by the Council, we have:

- Recently completed an assessment of the Beresford Foreshore and identified protection works,
- Engaged consultants to look at the risks of inundation at Point Moore,
- Undertaken protection works at Grey's beach,
- Undertaken sand replenishment at St George's beach to slow the pace of erosion until such time that a permanent solution has been determined; and
- Agreed to work with NACC and consult with the community to identify those areas where the Council should consider a managed retreat or defence in response to coastal erosion.

Would Council refer me to plans in this 2015 document that will lead to a better designed use of a common street. My residential area is fairly typical with a transport artery that is about 20m across made up of road, verges and some pathways. Essentially "car is king" and vehicles are



well catered for with roads and parking. Much of this space is now under hard facing with concrete, brick, bitumen and road base. These surfaces radiate and absorb heat especially over the long summer months.

*Mr Hickey read out the following questions which were Taken on Notice at the meeting. The responses are now provided below.*

Question

Will the issue of having to consider the rezoning of Olive Street back to recreation change the thrust of council activity in land development for economic gain as core business and making money as the primary objective? Many people including myself were assured due diligence had been followed and that the project was in fact very good for the community - economically at least. With costs to remediate this site running to 5 million dollars and the fact that this project was tied to the financial stability of other projects surely it is time to change what is core business. Geraldton is awash with residential developments another 15 from here will be lost in the wash and the full potential site for recreation lost forever

Response

The making of money is not the primary objective in Councils land disposal process; the City's focus is realising potential for the surplus land and the disposal is subject to a range of checks and balances, and getting the best outcomes for the Community. The best outcomes might not be in the sales of the land it could actually be in the development of other facilities in the vicinity or renewing assets.

Question

What is your response to the aspect of the linking of the financial stability of other projects?

Response

In the Agenda tonight, (regarding the Olive Street Development) is a recommendation to actually delink those projects. The focus is now on the remediation of the site and developing open space for the local community. The initial resolution to link the development of the Southern District's sporting facility to the Olive Street subdivision as part of the process to satisfy the W.A. Planning Commission's policy requirements relating to disposal of public open space.

*Questions taken on notice with responses to be published in the Agenda for the July 2015 Ordinary Meeting of Council. Mr Hickey will be provided with a formal response in due course.*

Question

Which streets and trees will the council target in the "million tree planting program"? When will trees be planted and will the program be supplemented with recycled rainwater that is otherwise lost to storm drains?

Question

Will streets be designed for the well-being of people and the environment?

Question

What strategies are afoot to better use our natural assets of rain that falls in this catchment? I am informed that for every 100m of road at 10m wide (or 20 metres inclusive of verges) we have a rain catchment of some 1000 square meters or 1000 litres per 1mm of rain or 400 kilo litres every 100 meters of road, 10 meters wide (double if we consider the verges).

Question

So with many kilometres of criss-crossed roads, what rain can be conserved and so vastly improve our street environment

*Public Question Time concluded at 5.51pm*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**  
Nil.

**Existing Approved Leave**

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>
Mayor I Carpenter	27 May 2015	24 June 2015
Cr N Mcllwaine	02 July 2015	10 July 2015
Cr S Douglas	19 August 2015	21 September 2015
Cr S Van Styn	16 November 2015	02 December 2015

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS**  
Nil.

**8 DECLARATIONS OF CONFLICTS OF INTEREST**  
Nil.

**9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 May 2015, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR GRAHAM, SECONDED CR TANTI**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 May 2015, as previously circulated, be adopted as a true and correct record of proceedings.

**CARRIED 14/0**  
**5:52:08 PM**

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

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

27 May 2015	ABC Interview – Outcomes from Council Meeting	Ken Diehm, Chief Executive Officer
28 May 2015	Official Opening of the Gunna Do Dance Festival	Councillor Des Brick
29 May 2015	Official Opening of the Reconciliation Week Concert	Andrea Selvey, Director Community Services
31 May 2015	BMX State Series – Certificate Presentation	Deputy Mayor Neil Mcllwaine
02 June 2015	Concept Forum	Deputy Mayor Neil Mcllwaine
03 June 2015	Beresford Foreshore Coastal Protection Working Group Meeting	Mayor Ian Carpenter
04 June 2015	Batavia Coast Maritime Heritage Association – Annual Dinner	Mayor Ian Carpenter
5 June 2015	Grants Commission Meeting	Mayor Ian Carpenter
05 June 2015	Catholic Education Department – Community Breakfast	Councillor Peter Fiorenza
6 June 2015	Councillors Budget Workshop Part 1	Mayor Ian Carpenter
8 June 2015	Meeting with Ross Halsall – Mid West Ports	Mayor Ian Carpenter
8 June 2015	Lunch with Peter Sweeney – Geraldton Guardian	Mayor Ian Carpenter
10 June 2015	Leap Students Tour of CGG	Mayor Ian Carpenter
10 June 2015	Meeting with Police Superintendent of Midwest Gascoyne District – Synergies in the Social Media issues in Geraldton	Mayor Ian Carpenter
11 June 2015	Festival of Surfing Geraldton – Promotion Photo Shoot	Mayor Ian Carpenter
12 June 2015	WA Regional Capitals Alliance Meeting	Mayor Ian Carpenter
13 June 2015	Business Excellence Awards	Deputy Mayor Neil Mcllwaine
14 June 2015	National General Assembly of Local Government 2015	Mayor Ian Carpenter
16 June 2015	Regional Capitals Australia Board Meeting	Mayor Ian Carpenter
16 June 2015	Agenda Forum	Deputy Mayor Neil Mcllwaine
18 June 2015	Citizenship Ceremony – Individual	Deputy Mayor Neil Mcllwaine
23 June 2015	Spirit FM Radio Interview – Council Meeting Outcomes	Deputy Mayor Neil Mcllwaine
23 June 2015	Ordinary Meeting of Council – June 2015	Deputy Mayor Neil Mcllwaine

**11 REPORTS OF INFRASTRUCTURE SERVICES****IS096 MULTI USER FACILITY & YOUTH PRECINCT**

<b>AGENDA REFERENCE:</b>	<b>D-15-35274</b>
<b>AUTHOR:</b>	<b>G Sherlock, Manager Project Design &amp; Delivery</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>10 June 2015</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0030</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1 Confidential)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to advise Council of an error with the GST component in IS094 AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design and to seek approval to change the executive recommendation.

**EXECUTIVE RECOMMENDATION:**PART A

That Council by 1/3rd Majority pursuant to Section 5.25(1)(e) of the Local Government Act RESOLVES to CONSIDER to CHANGE the Council Decision made at the Ordinary Meeting of Council on 26 May 2015 being:

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

1. *AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design;*
2. *RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct as \$6,868,446.08 plus GST; and*
3. *COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.*

PART B

Council by Absolute Majority pursuant to Section 5.25(1)(e) of the Local Government Act 1995 RESOLVES to CHANGE the Council Decision made at the Ordinary Meeting of Council on 26 May 2015 being:

- That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:*
1. *AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design;*

3. *RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct as \$6,868,446.08 plus GST; and*
4. *COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.*

### **PART C**

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

1. AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer;
2. RECORD the tender amount of \$8,310,819 Including GST for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct in the minutes; and
3. COMMIT to providing an additional \$2,417,928 in funding to undertake all separable portions of the proposed works.

### **PROPONENT:**

The proponent is The City of Greater Geraldton.

### **BACKGROUND:**

#### **In essence:**

- In its written tender submission, FIRM Construction tendered a Lump Sum Tender Price for portions 1 to 5 of \$7,555,290 Including GST.
- That equates to a price of \$6,868,446 Excluding GST.
- The lump sum price of \$6,868,446 Excluding GST was used as the basis for tender evaluation and the evaluation report, and submitted to Council as the price for recommended award of the tender to FIRM Construction.
- After provision of the draft contracts Deed of Agreement to FIRM Construction and subsequent to the Council decision, on 8th June FIRM Construction advised the City that they considered the draft deed to be in error, informing the City that their confirmed tender price was \$7,555,290 Excluding GST, and referencing their advice to the City dated 23rd March 2015.

#### **The Error appears to have occurred as follows:**

- On 23rd March, all Tenderers were asked to respond (by 24 March) to a series of points of clarification, one of which (associated with specific items in separable portions 3 and 4) sought confirmation of tendered price, incorporating any changes associated with the specified items, and requiring submission of corrected price schedules if required.
- FIRM Construction responded by letter dated 23 March and emailed 24 March, with full price schedules attached, with lump sum of \$7,555,290 excluding GST.

- The price schedules provided by FIRM Constructions letter of 23 March included the same dollar amounts as their tender submission – however the column headings for confirmed prices had changed from “(Including GST)” to “(Excluding GST)”.
- With focus obviously on the dollar figures, the change in column headings in the confirmation of tender prices was inadvertently not detected.
- Subsequently, all reports and associated internal correspondence presumed that the FIRM Constructions price of \$7,555,290 included GST as per the contractor’s original tender submission.

The error was discovered when the contract documents were issued to the contractor with the lump sum price of \$7,555,290 including GST listed as the contract sum.

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

#### **Economic:**

The project will create a new Multi User Facility & Youth precinct to house various stakeholders together with an open stage area and public open space for small to large events. There will be provisions for retail opportunities and outlets for the community. The proposed facilities will also help to promote local tourism.

#### **Social:**

This project will be the connection of the West End Projects and will be purpose built to cater for the needs and requirement of the current stakeholders occupying the immediate area. The stage area will be the main event space for small and large gatherings.

The Youth Precinct will have various items of play equipment and social gathering spaces to cater for young people between the ages of 10-17.

#### **Environmental:**

There are no environmental impacts.

#### **Cultural & Heritage:**

There will be no cultural or heritage impacts as the Railway Building Project including The Merry Go Round refurbishment have been completed. The Merry Go Round now occupies its original location as a fixed structure.

### **RELEVANT PRECEDENTS:**

CI074 AWARD the contract for RFT 33 1314: Architectural Services for the Design and Documentation of the Multi User Facility and the Youth Precinct to the Christou Design Group Pty Ltd; and

IS094 AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design;

RECORD the tender amount of \$\$6,868,446.08 plus GST for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct in the minutes; and COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been considerable community engagement on this project. All primary stakeholders (TS Morrow, Geraldton & Districts Offshore Fishing Club, and the youth of Geraldton) have been engaged on 3 separate occasions and all primary stakeholders fully support the project.

Secondary stakeholders (Geraldton Angling Club, Geraldton Senior College, Geraldton Yacht Club and Events Committees & Groups) have been engaged on 1-2 separate occasions (depending on availability). All groups again fully support the project.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Additional funding will need to be provided over and above the existing budget to complete all separable portions of the project.

The respective funding contributions associated with the original budget estimate are as follows:

***Multi User Facility***

<b>Funding Provider</b>	<b>Amount</b>
Regional Development Australia (RDAF)	\$3,170,000
City of Greater Geraldton	\$1,080,000
<b>Total</b>	<b>\$4,250,000</b>

***Event Space***

<b>Funding Provider</b>	<b>Amount</b>
Lotterywest	\$500,000
<b>Total</b>	<b>\$500,000</b>

***Youth Precinct***

<b>Funding Provider</b>	<b>Amount</b>
Lotterywest	\$500,000
Regional Development Australia (RDAF)	\$1,000,000
City of Greater Geraldton	\$440,000
<b>Total</b>	<b>\$1,940,000</b>

**Original Project Budget**

**\$6,690,000**



**INTEGRATED PLANNING LINKS:**

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and culture vibrancy

**REGIONAL OUTCOMES:**

The completion of the project in its current form would see a positive impact on the region with additional attractions and facilities being provided for tourists, sporting groups and the youth.

**RISK MANAGEMENT**

1. Should the tender not be awarded at this time there is a risk of not meeting funding milestones and losing all or a portion of the allocated funding.
2. There is a risk of the tender period expiring
3. There is a risk that in trying to accommodate the project within the current budget it would compromise on the need and requirements of the stakeholders and the community and would not provide a facility that is commensurate with the high quality of other elements constructed on the Foreshore.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

1. AWARD RFT 20 1415 separable portions 1, 2, part of 3 and 5, with the Skywalk Frame being the only element of the Youth Precinct, to the preferred tenderer.
2. RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct separable portions 1, 2, part of 3 and 5 in the minutes.
3. COMMIT to providing an additional \$1,615,379.15 in funding.

Whilst this recommendation reduces the additional budget required by \$802,548.85, it was discounted by the Project Leadership Team as it did not meet the original objectives of the design brief provided by Council and the expectations of the stakeholders who represented the Youth of Geraldton.

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

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

**PART A**

That Council by 1/3rd Majority pursuant to Section 5.25(1)(e) of the Local Government Act RESOLVES to CONSIDER to CHANGE the Council Decision made at the Ordinary Meeting of Council on 26 May 2015 being:

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

1. ***AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design;***
2. ***RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct as \$6,868,446.08 plus GST; and***
3. ***COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.***

**CARRIED BY 1/3<sup>RD</sup> MAJORITY 13/1**

**5:57:30 PM**

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

Council by Absolute Majority pursuant to Section 5.25(1)(e) of the Local Government Act 1995 RESOLVES to CHANGE the Council Decision made at the Ordinary Meeting of Council on 26 May 2015 being:

*That Council by Simple Majority pursuant to Section 5.20 of the Local*

1. *Government Act 1995 RESOLVES to:*
2. *AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction in accordance with the approved design;*
3. *RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct as \$6,868,446.08 plus GST; and*
4. *COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.*

**CARRIED BY ABSOLUTE MAJORITY 13/1****5:58:53 PM**

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

*Cr Thomas gave notice of a foreshadow motion should Part C of the Executive Recommendation be lost.*

### **COUNCIL DECISION**

#### **MOVED CR VAN STYN, SECONDED CR HALL**

#### **PART C**

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

1. **AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer FIRM Construction;**
2. **RECORD the tender amount of \$8,310,819 Including GST for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct in the minutes; and**
3. **COMMIT to providing an additional \$2,417,928 in funding to undertake all separable portions of the proposed works.**

#### **CARRIED BY ABSOLUTE MAJORITY 10/4**

**6:22:00 PM**

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

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS118	COUNCIL POLICY	COUNCILLOR	TRAVEL	AND
	ACCOMMODATION			
<b>AGENDA REFERENCE:</b>	<b>D-15-31576</b>			
<b>AUTHOR:</b>	<b>R Bailey , Tenders and Contracts Officer</b>			
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>			
<b>DATE OF REPORT:</b>	<b>28 May 2015</b>			
<b>FILE REFERENCE:</b>	<b>GO/14/0001</b>			
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>			
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>			

### EXECUTIVE SUMMARY:

This report seeks adoption by Council of a revised version of Council Policy CP028 Councillor Travel and Accommodation.

### EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act RESOLVES to:

1. ADOPT the revised version of CP028 Councillor Travel and Accommodation.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The purpose of policy CP028 Councillor Travel and Accommodation is to provide guidelines for travel and accommodation arrangements for councillors who are required to travel for City business. The Policy was previously adopted by Council on 24 July 2012(OP0002). A review was undertaken and the following amendments are recommended:

- Remove the exclusion of travel within the final three months of a Councillor's term of office.
- Replace the exclusion with a requirement that a Councillor's remaining term of office be considered when deciding whether travel should be approved.
- Combine the sections "Travel to other States in Australia" and "Overseas Travel" into one section titled "Travel outside of Western Australia" (both sections "mirrored" each other and were an unnecessary double up).
- Remove the mandatory requirement for Councillors attending Local Government Week to submit a report to Council.

**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:**

This report proposes renewal of Council's previous policy with suggested amendments.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

This Policy conforms to the Local Government Act 1995.

**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 specific risks associated with these policies.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

Leave policy unchanged. Accept some of the proposed changes.

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

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act RESOLVES to:

- ADOPT the revised version of CP028 Councillor Travel and Accommodation.**

**CARRIED 14/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

CCS119 STATEMENT OF FINANCIAL ACTIVITY TO 31 MAY 2015
-------------------------------------------------------

<b>AGENDA REFERENCE:</b>	<b>D-15-32378</b>
<b>AUTHOR:</b>	<b>T Machukera, Management Accountant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>03 June 2015</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

**EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive report on the City's finances to 31 May 2015. The statements include no matters of variance considered to be of concern.

**EXECUTIVE RECOMMENDATION;**

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

1. RECEIVE the May 2015 monthly financial activity statements as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of May 2015 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$ 213,287	0.3%	Positive Variance
Operating Expenditure	\$3,196,034	4.6%	Positive Variance
Net Operating	\$3,409,321		
Capital Expenditure	\$18,792,944	37.6%	Positive Variance
Capital Revenue	\$67,905	0.5%	Negative Variance
Cash at Bank - Municipal	\$10,128,385		
Cash at Bank – Reserve	\$11,334,534		
Total Funds Invested	\$5,995,153		
Net Rates Collected	98.31%		
Receivables Outstanding	\$2,014,269		

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the adopted budget.

The financial position represented in the May financials shows a positive variance of \$3,409,321 in the net operating result.

The closing funding surplus is due to year to date expenditure being less than YTD budget, as a result of timing of works for buildings, roads, plant & equipment

### **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:**

Council is provided with financial reports each month.

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

There has been no community/councillor consultation.

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

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that as a minimum Council is to receive a Statement of Financial Activity.

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

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

### **INTEGRATED PLANNING LINKS:**

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 be considered.

### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

There are no alternative options to consider.



**COUNCIL DECISION**

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

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

- 1. RECEIVE the May 2015 monthly financial activity statements as attached.**

**CARRIED 14/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

**13 REPORTS OF COMMUNITY SERVICES**  
Nil.

**14 REPORTS OF OFFICE OF THE CEO**  
Nil.

**15 REPORTS OF DEVELOPMENT AND REGULATORY SERVICES**

DRS216	PROPOSED DEVELOPMENT - CROWN RESERVE 30043 – 'OLIVE STREET'
--------	----------------------------------------------------------------

<b>AGENDA REFERENCE:</b>	<b>D-15-32481</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Economic, Tourism &amp; Property</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>29 May 2015</b>
<b>FILE REFERENCE:</b>	<b>R30043</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

This report is seeking Council's support to not proceed with the residential subdivision of Crown Reserve 30043, Olive Street, Mahomets Flats, due to the extensive contamination over the site and the costs to remediate and develop the site. In lieu of, the report recommends site remediation and creating public open space.

**EXECUTIVE RECOMMENDATION:**PART A

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25 of the Local Government Act 1995 CONSIDER to RESCIND the Council Decision made at the Ordinary Meeting of Council on 13 April 2010 being:

*COUNCIL DECISION**MOVED CR GABELISH, SECONDED CR MARTIN*

*That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:*

1. *ADOPT the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and*
2. *COMMITTS to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.*
3. *NOTE that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.*
4. *DELEGATE authority to the Chief Executive Officer to;*
  - a. *commence planning, rezoning and necessary subdivision applications; and*
  - b. *progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.*
5. *SUBJECT to the project progressing commits to naming the:*

- a. *Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;*
  - b. *East Verita sports precinct as the Leonard T Green District Sports Reserve;*
  - c. *Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and*
6. *REQUIRE a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.*

## PART B

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25 of the Local Government Act 1995 RESOLVES to RESCIND the Council Decision made at the Ordinary Meeting of Council on 13 April 2010 being:

### *COUNCIL DECISION*

#### *MOVED CR GABELISH, SECONDED CR MARTIN*

*That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:*

1. *ADOPT the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and*
2. *COMMITTS to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.*
3. *NOTE that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.*
4. *DELEGATE authority to the Chief Executive Officer to;*
  - a. *commence planning, rezoning and necessary subdivision applications; and*
  - b. *progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.*
5. *SUBJECT to the project progressing commits to naming the:*
  - a. *Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;*
  - b. *East Verita sports precinct as the Leonard T Green District Sports Reserve;*
  - c. *Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and*
6. *REQUIRE a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.*

**PART C**

That Council by Simple Majority pursuant to Section 3.54 of the Local Government Act 1995 RESOLVES to:

1. NOT proceed with the residential subdivision of Crown Reserve 30043, Olive Street, Mahomets Flats;
2. AGREE to commit loan funds to the remediation works of the site to create public open space;
3. COMMENCE the process of removing the 'Residential' zone over the Reserve;
4. COMMITS to naming the Olive Street public open space in accordance with the Deed of Gift by Leonard T Green; and
5. ERECT an appropriate memorial plaque to the late Leonard T Green at the Olive Street public open space once reserve has been fully developed.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council at its meeting on the 13 April 2010 resolved the following:

*COUNCIL DECISION**MOVED CR GABELISH, SECONDED CR MARTIN**That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:*

1. *ADOPT the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and*
2. *COMMITTS to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.*
3. *NOTE that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.*
4. *DELEGATE authority to the Chief Executive Officer to;*
  - a. commence planning, rezoning and necessary subdivision applications; and*
  - b. progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.*
5. *SUBJECT to the project progressing commits to naming the:*
  - a. Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;*

- 
- b. East Verita sports precinct as the Leonard T Green District Sports Reserve;*
- c. Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and*
6. *REQUIRE a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.*

CARRIED 8/0

The resolution facilitated the progression of a detailed evaluation of the site given that the Department of Environment Regulation (DER; formerly the Department of Environment and Conservation, or DEC) had recommended that conditions be imposed on the Western Australian Planning Commission (WAPC) approval (Application No. 145840) for the proposed development. These conditions are imposed as the land is listed as a former landfill site "awaiting classification" within DER's system. The conditions imposed are as follows:

- An investigation for soil and groundwater contamination is to be carried out to the specifications of the DER;
- Remediation, including validation of remediation, of any contamination identified to ensure lots created are suitable for the proposed use shall be completed prior to the issuing of titles; and
- The DER advises that a Mandatory Auditor's Report, as prepared by an accredited Contaminated Sites Auditor, will be required as evidence of compliance with the above conditions.

During the contaminated site investigation, asbestos-containing material (ACM) was identified in surficial wastes within the basin portion of the Site and also at depth beneath a number of proposed residential lots.

ACM-impacted soil within the POS has been delineated and is currently held in stockpiles onsite. The stockpiled volume is estimated to be 3,400 cubic metres (7,400 tonnes).

Asbestos impacts, both ACM and fibre, have been identified within some of the proposed residential subdivision in the south of the Site. This asbestos is associated with buried waste, generally inert rubble and glass mixed with soil. These wastes have been identified as deep as four metres below the ground surface and are overlain by (disturbed) local sands.

Council is advised that following the extensive site investigations and as a result of the subsequent findings, it is recommended that the Olive Street development not proceed as a residential subdivision due to the extensive contamination over the site. The detailed costs estimates to remediate site and construct the residential subdivision have been found to be prohibitive

and have substantially reduced the estimate profit on lot sales and decreased the viability and increased financial risk of the project. This decision not to undertake the residential subdivision does not allow the City to do nothing as the land is listed as a former landfill site "awaiting classification" within DER's system, the City would be obligated to remove the stock piles and appropriately remediate the site.

Following the remediation, it is proposed that the site is developed as public open space. This project is planned to commence at the end of March 2016 (winter months) and take approximately four months to complete.

Since 2012/13 the City has expended \$1.24m on the Olive St Project, a significant amount of this cost was incurred due to the contamination on site caused by illegal dumping over the last 20-30 years and remediation must follow the strict DER requirements. The City is not alone when it comes to legacy contamination issues and many individuals and companies are dealing with similar issues as the Contaminated Sites Act and supporting Regulations place a significant onus on land owners / Managers of such sites.

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

##### **Economic:**

An enhanced neighbourhood public open space development would add increased value and appeal to the coastal suburb of Mahomets Flats, in particular the tourist drive of Willcock Drive and the nearby surf club precinct that in itself attracts many visitors.

##### **Social:**

Remediation of the site would enhance the social quality of life by providing useable public open space for people, particularly those with young children living within the vicinity.

##### **Environmental:**

As the Reserve is listed as a contaminated site on the Department of Environment & Regulation (DER) contamination sites register pending remediation, the City is required to initiate the remediation of the site in accordance with the recommendations of the environmental auditor.

##### **Cultural & Heritage:**

There is no known cultural, heritage or indigenous impacts relating to this proposal.

#### **RELEVANT PRECEDENTS:**

There are no relevant precedents known to the author of like for like projects dealing with a contaminated site and turning the existing Crown recreation reserve into its designated purpose with the City of Greater Geraldton.



**COMMUNITY/COUNCILLOR CONSULTATION:**

This item has been presented at various Council Concept Forums providing updates on the proposed subdivision and site investigations for information and discussion.

Council is informed that staff met recently met with the Green family to provide an overview of the proposed development and to present the issues and constraints facing such a proposed residential development. The family whilst disappointed, fully understood the position the City is faced with and appreciated the one on one presentation made to them. The family also indicated that the new proposed action to turn the site into developed public open space is what the site was intended for in the first place in any event.

The family was also advised that the City would still commit to naming the Olive Street public open space in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green and erect an appropriate memorial plaque to the late Leonard T Green at the Olive Street public open space once reserve has been fully developed.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.54 of the Local Government Act 1995. Reserves under the control State Government. Section 13 of the Contaminated Sites Act 2003 – Classification of Sites.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The current expenditure of \$1.24 million has been funded from general revenue. The expenditure is made up of costs associated with detailed contamination investigations that fed into remediation options, planning and design, scheme amendment, engineering and hydrological services, survey, environmental and fauna assessments, preliminary marketing and geotechnical site investigations.

Preliminary costs estimates have indicated a further cost of \$4.5 million to \$5.5 million required to undertake the remediation of the site in accordance with the auditor's specifications and requirements to achieve a site that is then suitable for public open space use.

Surrounding the reserve the City has 15 existing freehold titled lots that can be released, subject to approval from Council at a subsequent meeting, for sale at the completion of the site remediation and public open space project that will assist in the recoup of some costs on the project. Lots that front Willcock Drive need significant fill at the rear as the lots drop away into the rear basin area. The estimated average value of these 800m<sup>2</sup> lots (based on valuations at the time of the original report) is \$360,000 giving a return of circa \$5.4 million. It is noted that at this time land values have decreased and this figure would be unlikely to be achieved, however it is intended that the lots will only be released after the works are undertaken and at a time when the market has improved.

**INTEGRATED PLANNING LINKS:**

Title: Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	A strong healthy community which is equitable, connected and cohesive
Strategy 3.1.2	Encouraging informal recreation though well planned and developed public open spaces, cycle/walk paths and green streetscapes
Title: Governance	Inclusive civic and community engagement and leadership
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

**Regional Outcomes:**

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

**RISK MANAGEMENT:**

It is considered that the risks associated with proceeding with the residential subdivision is extremely high with a significant reduced profit margin from residential sales as a direct result of the compounded issue of dealing with the remediation of the site and excessive quantities of fill as a result.

**ALTERNATIVE OPTIONS CONSIDERED**

Alternate options were considered.

Council could choose to defer its consideration of the remediation of the site but risks community angst and concerns due to the continual presence of the contaminated material. Even if the site remained fenced, it does not prevent access to the site especially to children as the site is an "attraction" adventure playground.

Alternatively, Council could consider and resolve to continue both the remediation and subdivide the land for residential development and take on the risks associated with getting sufficient return on the sale of residential lots to recoup the costs expended.

Doing nothing is considered not an option for the site as the contamination on site needs to be remediated to make the area safe for the community and also to meet the requirements of the Contaminated Sites Act 2003. It is also noted that the treatment of contaminated sites and compliance with the Contaminated Sites Act 2003 is incrementally becoming more onerous to proponents and the measures to remediate a site require more analysis and treatment(s) than those considered acceptable 5 – 10 years ago.

**COUNCIL DECISION****MOVED CR VAN STYN, SECONDED CR TANTI****PART A**

That Council by 1/3<sup>rd</sup> Majority pursuant to section 5.25(1)(e) of the Local Government Act 1995 and Local Government (Administration) Regulation 10(1)(b) CONSIDER to RESCIND the Council Decision made at the Ordinary Meeting of Council on 13 April 2010 being:

**COUNCIL DECISION****MOVED CR GABELISH, SECONDED CR MARTIN**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. **ADOPT** the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and
2. **COMMITTS** to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.
3. **NOTE** that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.
4. **DELEGATE** authority to the Chief Executive Officer to:
  - a. commence planning, rezoning and necessary subdivision applications; and
  - b. progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.
5. **SUBJECT** to the project progressing commits to naming the:
  - a. Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;
  - b. East Verita sports precinct as the Leonard T Green District Sports Reserve;
  - c. Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and
6. **REQUIRE** a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.

**CARRIED BY 1/3<sup>rd</sup> MAJORITY 14/0**

**6:24:39 PM**

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

<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

**COUNCIL DECISION****MOVED CR VAN STYN, SECONDED CR TANTI****PART B**

That Council by Absolute Majority pursuant to section 5.25(1)(e) of the Local Government Act 1995 and Local Government (Administration) Regulation 10(1)(b) RESOLVES to RESCIND the Council Decision made at the Ordinary Meeting of Council on 13 April 2010 being:

***COUNCIL DECISION******MOVED CR GABELISH, SECONDED CR MARTIN***

*That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:*

1. ***ADOPT the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and***
2. ***COMMITTS to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.***
3. ***NOTE that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.***
4. ***DELEGATE authority to the Chief Executive Officer to;***
  - a. ***commence planning, rezoning and necessary subdivision applications; and***
  - b. ***progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.***
5. ***SUBJECT to the project progressing commits to naming the:***
  - a. ***Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;***
  - b. ***East Verita sports precinct as the Leonard T Green District Sports Reserve;***
  - c. ***Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and***
6. ***REQUIRE a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.***

**CARRIED BY ABSOLUTE MAJORITY 14/0**

6:25:14 PM

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

<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

**COUNCIL DECISION****MOVED CR VAN STYN, SECONDED CR TANTI****PART C****That Council by Simple Majority pursuant to Section 3.54 of the Local Government Act 1995 RESOLVES to:**

1. **NOT** proceed with the residential subdivision of Crown Reserve 30043, Olive Street, Mahomets Flats;
2. **AGREE** to commit loan funds to the remediation works of the site to create public open space;
3. **COMMENCE** the process of removing the 'Residential' zone over the Reserve;
4. **COMMITTS** to naming the Olive Street public open space in accordance with the Deed of Gift by Leonard T Green; and
5. **ERECT** an appropriate memorial plaque to the late Leonard T Green at the Olive Street public open space once reserve has been fully developed.

**CARRIED 14/0****6:31:41 PM**

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

DRS217 FINAL APPROVAL OF THE CITY OF GREATER GERALDTON LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 1
----------------------------------------------------------------------------------------------------------------

<b>AGENDA REFERENCE:</b>	<b>D-15-32417</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>5 June 2015</b>
<b>FILE REFERENCE:</b>	<b>LP/9/0037</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x 5)</b>

**EXECUTIVE SUMMARY:**

The advertising period has concluded for draft Local Planning Strategy (the Strategy) and draft Local Planning Scheme No. 1 (the Scheme).

This report recommends final approval of the Strategy and Scheme (subject to modifications) and that they be forwarded to the WA Planning Commission and Minister for Planning for final endorsement.

**EXECUTIVE RECOMMENDATION:**Part A:

That Council by Simple Majority pursuant to Regulation 12B of the Town Planning Regulations 1967 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT the City of Greater Geraldton Local Planning Strategy (subject to modifications); and
3. FORWARD the Strategy to the WA Planning Commission for final endorsement.

Part B:

That Council by Simple Majority pursuant to Section 87 of the Planning and Development Act 2005 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT the City of Greater Geraldton Local Planning Scheme No. 1 (subject to modifications); and
3. FORWARD the Scheme to the Minister for Planning for final approval.

**PROponent:**

The proponent is the City of Greater Geraldton.



**BACKGROUND:**

Currently the City operates under 4 separate Town or Local Planning Schemes of differing ages as follows:

1. Town Planning Scheme No. 1A (Greenough River Resort) – Gazetted 30 May 1986;
2. Local Planning Scheme No. 2 (Mullewa) – Gazetted 22 June 2012;
3. Town Planning Scheme No. 3 (Geraldton) – Gazetted 17 April 1998; and
4. Local Planning Scheme No. 5 (Greenough) – Gazetted 14 April 2010.

Also the City has 2 Local Planning Strategies (one for Greenough and one for Mullewa). The former City of Geraldton area does not have a Local Planning Strategy. Since amalgamation it was always intended to consolidate all the Schemes into a single Scheme for the City of Greater Geraldton and also have one Strategy.

During discussions with the Department of Planning officers an adjustment to the extent of the Scheme area was made (at the request of the WA Planning Commission) to exclude the Southgates area that is currently subject to an Environmental Review by the EPA. This remaining area will still be governed by the existing Town Planning Scheme No. 1A (Greenough River Resort).

A significant amount of background work has already been undertaken (by the City and other government Agencies) on the information required for the preparation of a Strategy. This includes:

- Greater Geraldton Structure Plan Update (2011);
- 2029 & Beyond Project (including the Designing our City Forum);
- Residential Development Strategy;
- Commercial Activity Centres Strategy;
- Public Open Space Strategy;
- Identification of High Quality Agricultural Land;
- Water Planning and Management Strategy; and
- Local Biodiversity Strategy.

**Local Planning Strategy:**

A local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning. The Strategy sets out the local government's objectives for future planning and development and includes a broad framework by which to pursue those objectives.

The Local Planning Strategy is a statutory requirement under the *Planning and Development Act 2005* and forms the basis for preparing the draft Scheme.

The Strategy consists of two parts, which is consistent with the WA Planning Commission's *Local Planning Manual*:

**Part One – The Strategy** (prepared in conjunction with Taylor Burrell Barnett) incorporates the strategic plan and actions required to implement the Strategy.

**Part Two – Local Profile and Context Report** (prepared in conjunction with Aurecon) provides the relevant background to the strategy, including analysis of information and the rationale for the strategy. Supplementary to the *Local Profile and Context Report* are the following:

- Environmental Profile
- Transport Planning Report
- Economic Research Paper

The Strategy (Part One) is included as Attachment No. DRS217A and the Local Profile and Context Report (Part Two) is included as Attachment No. DRS217B.

#### **Local Planning Scheme No. 1:**

Local planning schemes are made under Part 5 of the *Planning and Development Act 2005*, which sets out the general objects of schemes, the matters which may be addressed in schemes and the requirements for review of schemes. The Scheme sets out the planning framework having regard to the strategies and actions of the Strategy.

The draft Scheme has been prepared having regard to the WA Planning Commission's *Model Scheme Text* and model provisions relating to structure plans, bushfire hazard planning and heritage provision.

The reserves and zones of the draft Scheme have been sourced from the WA Planning Commission's model framework. The development provisions have been prepared having regard to the City's particular requirements, the existing four schemes and employing best practice wherever possible.

The Scheme Text is included as Attachment No. DRS217C and the Scheme Maps are included as Attachment No. DRS217D.

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

##### **Economic:**

The economic base for the City and the Mid West region will be supported by a contemporary urban and regional planning framework in the format of the Scheme.

The consolidation of the operational planning schemes into the new Scheme and the direction provided by the Strategy will ensure responsive planning

---

outcomes can be achieved, to deliver outcomes that will benefit the general community, local business, regional industries and investment into Geraldton.

**Social:**

Engagement with the community, business and industry are key components to the process for delivering the new Strategy and Scheme. This project builds upon the work undertaken through the *2029 and Beyond* strategic planning, and will provide a link for delivering the vision of the City.

**Environmental:**

The new Scheme will incorporate all relevant environmental legislation and planning requirements to ensure the natural ecosystem and habitat is adequately identified and protected. Council will have a more robust planning framework to adequately consider the environmental and sustainability impacts of developments and land use planning.

The Environmental Protection Authority considered that the Scheme should not be assessed under Part IV of the *Environmental Protection Act 1986*.

**Cultural & Heritage:**

Cultural and heritage aspects of Greater Geraldton, both Aboriginal and European, will be identified and preservation provisions introduced through the Scheme. The Strategy will provide opportunities for the planning framework to identify and strengthen development outcomes with due regard to the cultural and heritage identity of the region.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 27 August 2013 awarded the tender for the preparation of the new Strategy and Scheme.

Council at its meetings held on 26 November 2013 and 26 August 2014 resolved to prepare a new Local Planning Scheme.

**COMMUNITY/COUNCILLOR CONSULTATION:**

**Community Consultation in Preparation of the Strategy and Scheme**

Stakeholders were notified and invited to participate in the preparation of the draft Scheme as follows:

- Publication in the *Government Gazette* on 14 March 2014 advising of the City's resolution to prepare a new Scheme.
- A media release was distributed on 3 December 2013 advising of Council's resolution to prepare a new Scheme.
- Correspondence distributed to government agencies, adjoining local governments and community groups.

The City received responses as part of the above-mentioned consultation of the draft Scheme from:

- Department of Fire and Emergency Services;
- Department of Mines and Petroleum;
- Department of Training and Workforce Development;
- Department of Health;
- Department of Education; and
- State Heritage Office.

The City's project consultant team made contact with the following agencies and stakeholders as part of preparing the Strategy:

- Department of Water;
- Water Corporation;
- Department of Agriculture and Food;
- Department of Planning;
- Main Roads WA;
- Shire of Chapman Valley;
- LandCorp;
- Tourism WA;
- Department of State Development
- Durack Institute of Technology;
- Department of Mines and Petroleum;
- Geraldton Port Authority;
- Mid West Development Commission;
- Department of Fisheries;
- Office of Science;
- Geraldton Universities Centre;
- Geraldton Iron Ore Alliance; and
- Mid West Chamber of Commerce and Industry.

#### **Community Consultation during Advertising of the Strategy and Scheme**

The Strategy and Scheme were publically advertised in accordance with the provisions of the *Planning and Development Act 2005*.

The advertising period was undertaken for 3 consecutive months, commencing on 03 February 2015 and concluding on 04 May 2015 and involved the following:

1. A notification was published in the *Government Gazette* on 03 February 2015.
2. A notice appeared in the *Geraldton Guardian* on 04 February 2015 and in the *Midwest Times* on 12 February 2015.
3. A media release was distributed on 2 February 2015 advising that the City had prepared a new Strategy and Scheme and that they were now available for public comment.

4. A news article was published in the *Geraldton Guardian* on 04 February 2015 which contained information supplied from the City's media release.
5. Copies of the Strategy and Scheme documents and associated mapping were made available for viewing at the Civic Centre Office, Mullewa Office and the Geraldton Regional Library. Copies were also available for viewing at the Department of Planning's Perth Office.
6. Details of the Strategy and Scheme were published on the City's website and copies of the documents and associated mapping were available for download.
7. Public GIS mapping was made available on the City's website via Intramaps Public and enabled the current and proposed zoning and residential density codes to be viewed to allow a direct comparison of the proposed changes.
8. The Strategy and Scheme were specifically referred to the following agencies and groups:
  - Major land developers;
  - Major business and industry;
  - All Progress Associations;
  - Planning consultancies;
  - Architects and draftspersons;
  - Property valuers;
  - Building companies;
  - Real estate agents;
  - Planning Institute of Australia (WA Branch);
  - REIWA (WA Branch);
  - Urban Design Institute of Australia (WA Branch);
  - Shire of Chapman Valley;
  - Shire of Irwin;
  - Shire of Mingenew;
  - Shire of Morawa;
  - Shire of Murchison;
  - Shire of Northampton;
  - Shire of Yalgoo;
  - ATCO Gas;
  - Australia Post;
  - Civil Aviation Safety Authority;
  - Department of Aboriginal Affairs;
  - Department of Agriculture and Food WA;
  - Department of Education;
  - Department of Environment and Regulation;
  - Department of Fire and Emergency Services;
  - Department of Health;
  - Department of Housing;

- Department of Lands;
  - Department of Mine and Petroleum;
  - Department of Parks and Wildlife;
  - Department of Regional Development;
  - Department of State Development;
  - Department of Training and Workforce development;
  - Department of Transport;
  - Department of Water;
  - Main Roads Western Australia;
  - Midwest Aboriginal Organisations Alliance;
  - Midwest Chamber of Commerce and Industry;
  - Midwest Development Commission;
  - Midwest Ports Authority;
  - NACC;
  - National Trust of Australia;
  - Public Transport Authority;
  - State Heritage Office;
  - Telstra;
  - Water Corporation;
  - Western Australia Police;
  - Western Power; and
  - Yamatji Marlpa Aboriginal Corporation.
9. The 2029 and Beyond contact group were emailed to and provided with access to a copy of the Strategy and Scheme.
10. A presentation was made to members of the Master Builders Association on 04 March 2015.
11. A community workshop was held on 26 February 2015 for all members of the local progress associations located in the Geraldton urban area.
12. A community workshop was held on 25 February 2015 for all members of the Mullewa Progress Association and business owners.
13. A business forum was held in conjunction with the Mid West Chamber of Commerce and Industry (MWCCI) on 05 March 2015. All members of the MWCCI were invited to attend the forum.
14. A Car Parking Forum was held on 4 May 2015 for MWCCI members where the Scheme provisions of car parking were discussed.

**Councillor Consultation:**

Updates on the process have been provided to Council via:

- The Concept Forum meeting held on 4 June 2013.
  - A Briefing Note circulated on 23 October 2013.
-

- The Concept Forum meeting held on 01 April 2014.
- The Concept Forum meeting held on 06 May 2014.

### **Submissions**

As a result of the advertising, a total of 38 submissions were received (inclusive of 1 internal submission from City staff).

A 'Schedule of Submissions' is included as Attachment No. DRS217E and copies of the actual submissions have been circulated to Councillors.

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

The City of Greater Geraldton may prepare a Local Planning Strategy and Local Planning Scheme to any land within its district pursuant to Section 72 of the *Planning and Development Act 2005*. The content of a Scheme shall have regard to the WA Planning Commission's Model Scheme Text and the *Town Planning Regulations 1967*.

A review of the City's local planning policies has also commenced with the objective of ensuring consistency between the new Scheme and the local planning policies.

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

The City has been fortunate to receive funding via the WA Planning Commission's Northern Planning Program to complete both the Strategy and Scheme.

### **INTEGRATED PLANNING LINKS:**

The Strategy and Scheme, either directly or indirectly, will assist in delivering all of the Community Aspirations as identified in the Community Strategic Plan 2013 – 2023.

### **REGIONAL OUTCOMES:**

The City will benefit from the consolidation of the four operational town planning schemes into one. Consistency of zoning, land use and development requirements will simplify the local planning framework, enabling landowners, developers and the community to understand and comply with the planning system requirements. A simplified town planning framework will be advantageous in terms of creating more appeal for business and investment in the district and the region generally.

### **RISK MANAGEMENT:**

It is considered necessary to review and comprehensively update the local planning framework to ensure the City's obligations under the *Planning and Development Act 2005* are met. Should Council not adopt the Strategy and Scheme it would be in contrary to the *Act* which requires local governments to review their local planning schemes every 5 years.

### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

It is imperative that the City has a simple and effective local planning framework. Due to the legacies of the amalgamation processes, the City is

---

functioning under 4 Local Planning Schemes and 2 Local Planning Strategies, yet some of the local government area is still not covered by a Strategy at all. Due to the age and the inconsistencies of all documents the City's local planning framework is considerably out of date and not reflective of the opportunity to progress rapid urban development and to create major urban centres to assist in the diversification and development of WA.

The option to refuse is not supported as since amalgamation it was always intended to consolidate all the Schemes into a single Scheme for the City of Greater Geraldton and also have one Local Planning Strategy.

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

### **COUNCIL DECISION**

#### **MOVED CR VAN STYN, SECONDED CR BRICK**

##### **Part A:**

**That Council by Simple Majority pursuant to Regulation 12B of the Town Planning Regulations 1967 RESOLVES to:**

1. **DETERMINE** the submissions as outlined in the 'Schedule of Submissions';
2. **ADOPT** the City of Greater Geraldton Local Planning Strategy (subject to modifications); and
3. **FORWARD** the Strategy to the WA Planning Commission for final endorsement.

##### **Part B:**

**That Council by Simple Majority pursuant to Section 87 of the Planning and Development Act 2005 RESOLVES to:**

1. **DETERMINE** the submissions as outlined in the 'Schedule of Submissions';
2. **ADOPT** the City of Greater Geraldton Local Planning Scheme No. 1 (subject to modifications); and
3. **FORWARD** the Scheme to the Minister for Planning for final approval.

#### **CARRIED 12/2**

**6:36:22 PM**

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



<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

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

<b>AGENDA REFERENCE:</b>	<b>D-15-32706</b>
<b>AUTHOR:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>5 June 2015</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-04</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**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 – Community Services
    - i. CS213 – HMAS Sydney II Memorial Advisory Committee Meeting Minutes – 13 May 2015
    - ii. CS214 - QEII Seniors Advisory Committee Meeting Minutes – 20 May 2015
    - iii. CS215 – Public Arts Advisory Committee Meeting Minutes – 21 May 2015
  - b. Reports – Development and Regulatory Services
    - i. DRS218 – Local Emergency Management Committee Meeting Minutes – 21 May 2015
    - ii. SCD099 – 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. CCS120 - Confidential Report – List of Accounts Paid Under Delegation May 2015

**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 KEEMINK****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 – Community Services**
    - i. **CS213 – HMAS Sydney II Memorial Advisory Committee Meeting Minutes – 13 May 2015**
    - ii. **CS214 - QEII Seniors Advisory Committee Meeting Minutes – 20 May 2015**
    - iii. **CS215 – Public Arts Advisory Committee Meeting Minutes – 21 May 2015**
  - b. **Reports – Development and Regulatory Services**
    - i. **DRS218 – Local Emergency Management Committee Meeting Minutes – 21 May 2015**
    - ii. **SCD099 – 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;**
  - ii. **CCS120 - Confidential Report – List of Accounts Paid Under Delegation May 2015**

**CARRIED 14/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

**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 presiding member closed the meeting at 6.37pm.

**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/council-meetings/>