



ORDINARY MEETING OF COUNCIL
MINUTES

23 MARCH 2021

TABLE OF CONTENTS

1	DECLARATION OF OPENING.....	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	3
4	DISCLOSURE OF INTERESTS.....	4
5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
6	PUBLIC QUESTION TIME	5
7	APPLICATIONS FOR LEAVE OF ABSENCE	7
8	PETITIONS, DEPUTATIONS	7
9	CONFIRMATION OF MINUTES	8
10	ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS	9
11	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS.....	10
12	REPORTS OF COMMITTEES AND OFFICERS	11
	12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES	11
DCS485	PROPOSED CLOSURE AND AMALGAMATION OF PEDESTRIAN ACCESS WAY – O’CONNOR STREET, BLUFF POINT	11
DCS486	PROPOSED EXTRACTIVE INDUSTRY (SAND) – LOT 68 ALLANOOKA SPRINGS ROAD, MOUNT HILL.....	16
DCS487	APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT – FORMER RAIL CORRIDOR – NORTH WEST COASTAL HIGHWAY, WEBBERTON TO EASTWARD ROAD, UTAKARRA	33
	12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES	45
CCS578	COUNCIL POLICY 4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES	45
CCS579	COUNCIL POLICY 4.17 CHILD SAFETY & WELFARE.....	49
CCS580	COUNCIL POLICY 4.23 ELECTION SIGNS	53
CCS581	RETIRE COUNCIL POLICY 4.27 ENTRY CONDITIONS LOCAL GOVERNMENT BUILDINGS	56
CCS582	PROPOSED DOGS AMENDMENT LOCAL LAW 2021	60
CCS583	STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2021	64
	12.3 REPORTS OF INFRASTRUCTURE SERVICES.....	68
IS230	CSRFF SMALL GRANT APPLICATION – GERALDTON YACHT CLUB.....	68
IS231	AQUARENA 50M OUTDOOR POOL REFURBISHMENT AND COMPLIANCE WORKS	74
	12.4 REPORTS OF OFFICE THE CEO.....	80
CEO073	REGIONAL CAPITALS AUSTRALIA.....	80
CEO074	REGIONAL CAPITALS ALLIANCE WESTERN AUSTRALIA.....	83
CEO075	COUNCIL POLICY 4.4 OPERATION OF ADVISORY COMMITTEES.....	86
	12.5 REPORTS TO BE RECEIVED	90
RR23	REPORTS TO BE RECEIVED - MARCH	90
13	MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	93
NM17	CBD LAND ACQUISITION	93
14	QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	97

15	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	97
16	MEETING CLOSED TO PUBLIC	97
	<i>CCS585 RFT 2021 18 SUPPLY INSTALL & MAINTAIN STORMWATER DRAINAGE INFRASTRUCTURE</i>	<i>97</i>
17	CLOSURE	102
	APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED	103

CITY OF GREATER GERALDTON**ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 23 MARCH 2021 AT 5.02PM
AT THE CONCLUSION OF THE ANNUAL MEETING OF ELECTORS
CHAMBERS, CATHEDRAL AVENUE****M I N U T E S**

The State of Emergency and Public Health Emergency declared by the State Government on 16 March 2020, remains in force. Please refer to the information on the current restrictions [COVID-19 coronavirus: What you can and can't do \(www.wa.gov.au\)](https://www.wa.gov.au)

DISCLAIMER:

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

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.02pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

Mayor S Van Styn
Cr D J Caudwell
Cr J Clune
Cr N Colliver
Cr J Critch
Cr S Douglas
Cr S Elphick
Cr P Fiorenza
Cr R D Hall

Cr S Keemink
Cr K Parker
Cr V Tanti
Cr T Thomas

Officers:

R McKim, Chief Executive Officer
P Melling, Director of Development & Community Services
P Radalj, Director of Corporate and Commercial Services
C Lee, Director of Infrastructure Services
N Jane, A/Chief Financial Officer
S Moulds, PA to the Chief Executive Officer
B Pearce, Manager Corporate Compliance and Safety
D Emery, Manager Sport and Leisure
P Kingdon, Coordinator Communications

Others:

Members of Public: 2
Members of Press: 1

Apologies:

Nil.

Leave of Absence:

Nil.

4 DISCLOSURE OF INTERESTS

CEO Ross McKim declared an Impartiality Interest in Item CEO073 Regional Capitals Australia as he is on the Board as he is the Geraldton CEO.

CEO Ross McKim declared an Impartiality Interest in Item CEO074 Regional Capitals Alliance Western Australia as he is on the Board in his capacity as Geraldton CEO.

Cr N Colliver declared a Proximity Interest in Item NM17 CBD Land Acquisition as she is Chair of Pollinators Inc. who hold a lease over Yamatji Arts & Headspace.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

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

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

Public question commenced at 5.03pm

Sean Hickey, PO Box 2966, Geraldton WA 6531

Question

Climate Action is now a mainstay issue for the people of West Australia. Or at least the Labor Government are considering it so. Perhaps the large support they achieved in the recent election is very suggestive of this.

A new Ministry is now inclusive of this vehicle-‘climate action’- for new undertakings and planning to facilitate better outcomes in the way we live here in this place.

Underpinning all of this is a realisation that we can’t go on with things as normal. Yes I believe the science.

Developing roads, carparks and parkland will sit alongside changes that will need to be made to other forms of infrastructure and development. And how we design and conserve our resources.

How will Council respond to; ‘what is an invitation’ to report to the Government about the needs and changes that will be needed by this Community?? Perhaps now is the time to consider well the issue of ‘retreat’ as opposed to rock walls amongst many, many other things.

Response

The City continues to implement its Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for Geraldton in accordance with State Government requirements. The CHRMAP sets the framework for the assessment, by identifying coastal hazards, analysing vulnerability for specific assets, identifying and prioritising management and adaptation responses, and providing an implementation plan. The CHRMAP provides strategic guidance for coordinated and sustainable land use planning and management decision-making. The CHRMAP will consider the retreat option along with other options such as monitor, accommodate and protect.

Summary of verbal question provided at the meeting

How do you deal with and how do you monitor the adjustments that will need to be made to the CHRMAP process as time evolves and as records and monitoring is already showing we are underestimating the issues that we need to face?

Response

The science and technology is increasing and changing. The sea level rise data that the City utilises is that which is mandated upon the City by the State Government. The State sets the level which is 0.9 of a metre within a 100 years and that is what the City works on. Those numbers will change with time and therefore the City will also have to change their planning.

Question

Traffic movement in and around the CBD has raised a number of planning problems. Trees have been lost in the provision of roundabouts, when perhaps the problems could have been met with other solutions.

But, notable is the fact that cars are now catered for on: 'go to - large public parkland', close to the CBD.

Maitland Park is now partly used as a large car park; facilitating up to 50 cars, parking at any one time, during school operating hours.

It appears permission has been given to both Colleges with occupants traversing back and forth to both. It was also notable that trees and shrubs were removed to facilitate an easier parking outcome.

Can the Community expect to see a change in attitude in the provision of shady parkland and street trees? Where and when?? Can we return to the 'walk to the park' theme and keep the cars off. And - will we see, the end to parking on Maitland Park??

Response

Over the last five years, the City has undertaken a great deal of work to ensure the community has access to functional and affordable parks. Some of the reports completed and approved by council include the Park Hierarchy report, the Park Level of Service report and recently individual Park masterplans. The focus of these reports is to ensure the community's needs are met. It is always regrettable when a tree needs to be removed and it is not a decision that the Council takes lightly. This is because the Council shares your love of trees. A further examples of the Council's desire to plant more trees is its nursery operation and its CBD Masterplan, where we hope to significantly increase the tree canopy over time. With respect to Maitland Park, the Council agrees that it is unfortunate that cars need to park here. The schools in that location were developed in times gone by without adequate provision for current off street parking needs.

Summary of verbal question provided at the meeting
Will cars remain parking on Maitland Park?

Response

Officers are currently undertaking a traffic model study around Maitland Park to determine how to improve the safety of road users and pedestrians in that area. It is proposed the report will be provided by late May/early June. The study will then be considered by Council as part of their deliberations on how to move forward with the issues in that area. At this time the City cannot advise if cars will or will not be allowed on Maitland Park in the future.

Public question time concluded at 5.12pm

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Nil			

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

If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Leave of Absence for:
 - a. Cr RD Hall for the period 8 April to 2 May 2021.

COUNCIL DECISION

MOVED CR CRITCH, SECONDED CR KEEMINK

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

1. APPROVE Leave of Absence for:
 - a. Cr RD Hall for the period 8 April to 2 May 2021.

CARRIED 13/0

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

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 23 February 2021, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR THOMAS, SECONDED CR HALL

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 23 February 2021, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 13/0

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

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

DATE	FUNCTION	REPRESENTATIVE
24 February 2021	Triple Radio Interview – Outcomes of Council Meeting	Mayor Shane Van Styn
24 February 2021	Southern Cross Austereo (SCA) Radio Interview – Eighth Street West Lighting Towers	Mayor Shane Van Styn
24 February 2021	GWN7 Interview – Eighth Street West Lighting Towers	Mayor Shane Van Styn
25 February 2021	Midwest Multicultural Association – Kenyan Lunch	Mayor Shane Van Styn
25 February 2021	Rugby Development in Mid West Region	Mayor Shane Van Styn
2 March 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
2 March 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
2 March 2021	Concept Forum	Mayor Shane Van Styn
4 March 2021	Department of Planning Lands and Heritage - Matters in Common	Mayor Shane Van Styn
4 March 2021	Vulnerable Victims Program - Photo for Media Release	Mayor Shane Van Styn
8 March 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
8 March 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
10 March 2021	Triple M Radio Interview - Fists of Fury 2 and Anzac Day	Mayor Shane Van Styn
10 March 2021	GWN7 Interview - Anzac Day	Mayor Shane Van Styn
10 March 2021	Shore Leave Networking Function and Program Announcement	Mayor Shane Van Styn
11 March 2021	Triple M Radio Interview – Shore Leave Festival	Mayor Shane Van Styn
11 March 2021	LEAD Graduate Pia Richardson - discuss challenges of new business	Mayor Shane Van Styn
11 March 2021	ABC Interview – Anzac Day	Mayor Shane Van Styn
11 March 2021	Rocky Bay Geraldton – Official Opening	Mayor Shane Van Styn
12 March 2021	Geraldton Regional Art Gallery (GRAG) Exhibition Openings - The Wind and the Ocean and Sea Sings, Black Sand and Winged Realm	Mayor Shane Van Styn
13 March 2021	Harmony Festival – Official Opening	Mayor Shane Van Styn
14 March 2021	Radio Mama Interview	Mayor Shane Van Styn
15 March 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
15 March 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
16 March 2021	Agenda Forum - Mullewa	Mayor Shane Van Styn
18 March 2021	ABC Radio Interview – CBD Land Acquisition	Mayor Shane Van Styn
18 March 2021	Geraldton Guardian Photo – Anzac Day	Mayor Shane Van Styn
21 March 2021	Radio Mama Interview	Mayor Shane Van Styn
22 March 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
22 March 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
22 March 2021	Citizenship Ceremony	Mayor Shane Van Styn
22 March 2021	Regional Capitals Alliance WA (RCAWA) - Teleconference	Mayor Shane Van Styn
23 March 2021	Annual Meeting of Electors	Mayor Shane Van Styn
23 March 2021	Ordinary Meeting of Council	Mayor Shane Van Styn

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS485	PROPOSED CLOSURE AND AMALGAMATION OF PEDESTRIAN ACCESS WAY – O'CONNOR STREET, BLUFF POINT
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AGENDA REFERENCE:	D-21-022428
AUTHOR:	N Browne, Coordinator Statutory Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	25 February 2021
FILE REFERENCE:	RO/11/0022 & RC118
ATTACHMENTS:	Yes (x2) A. Pedestrian Access Way Closure and Acquisition Plan No. MISC269 B. Pedestrian Access Way Closure Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to close and amalgamate the pedestrian access way located between Lot 17 and Lot 18 O'Connor Street, Bluff Point.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 87 of the Land Administration Act 1997, RESOLVES to:

1. REQUEST the WA Planning Commission to endorse the closure and amalgamation of the pedestrian access way as shown on Plan No. MISC269; and should endorsement of the closure and amalgamation of the pedestrian access way be forthcoming from the WA Planning Commission then:
 - a. request the Minister for Lands to approve the closure and amalgamation of the pedestrian access way comprising Lot 155 on Plan 9377 in Bluff Point.

PROPONENT:

The proponent is Wayne Jordan and Tracy Sadler.

BACKGROUND:

The pedestrian access way is located between Lot 17 (No. 6) and Lot 18 (No. 8) O'Connor Street, Bluff Point. It has an approximate area of 77m² and connects O'Connor Street to a public recreation reserve to the south.

The pedestrian access way, being Lot 155 on Plan 9377 was vested in the Crown on 24 June 1969 as a pedestrian access way under Section 20A of the (former) Town Planning and Development Act 1928.

It was brought to the attention of the City by the Valuer General's Office that the pedestrian access way appears to now form part of Lot 17 O'Connor Street. The current landowners purchased the property in June 1999 and at the time were not aware of this issue. As such, it would appear that sometime prior to them purchasing the property a previous landowner has informally integrated the pedestrian access way with Lot 17 with boundary fencing and constructed encroachments.

As the current landowners are now aware of the situation they would like to resolve the anomaly by purchasing and formally amalgamating the land contained within the pedestrian access way into Lot 17. Hence the reason for this application to close and amalgamate the pedestrian access way.

The pedestrian access way has never been formally constructed and on the ground it does not have the appearance of a pedestrian access way.

The purpose of the pedestrian access way closure and amalgamation is to legitimise the existing 'on ground' situation as outlined above.

Aerial photo of the pedestrian access way.



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

There are no adverse community impacts. The Closure Report included as Attachment No. DCS485A provides further detail on the justification for the closure of the pedestrian access way including how the closure would not significantly impact on the local community with regard to connectivity.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The proposed pedestrian access way closure and amalgamation was publicly advertised in accordance with the provisions of the Land Administration Act 1997.

The advertising period was for 49 days (commencing on Friday 13 November 2020 and concluding on Monday 4 January 2021) and involved the following:

1. The proposed closure was referred to all landowners (being 88 properties) within the vicinity of the pedestrian access way via a mail out;
2. A notice appeared in the Geraldton Guardian newspaper on Friday 13 November 2020;
3. The proposed closure was publicly advertised on the City's website;
4. The proposed closure was publicly displayed at the Civic Centre; and
5. The proposed closure was referred to the following servicing authorities and government agencies:
 - ACTO Gas Australia;
 - Department Planning, Lands & Heritage;
 - Western Power;
 - Water Corporation; and
 - Telstra.
6. The proposed closure was also referred to the following agencies:
 - Australia Post; and
 - National Broadband Network.

The landowner of Lot 18 O'Connor Street, being the property that abuts the eastern side of the pedestrian access way, was consulted separately in order to ascertain if they were interested in acquiring an equal share of the land within the pedestrian access way. At the close of the advertising period no response had been received from the landowner of Lot 18.

Submissions:

As a result of advertising, a total of five (5) submissions were received (one from a landowner and four from servicing authorities and government agencies) all having no objection to the proposed pedestrian access way closure. Copies of the actual submissions are available to Council upon request.

There has been no Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

The 'Procedure for the Closure of Pedestrian Access Ways Planning Guidelines' is a new simplified procedure for dealing with the closure of pedestrian access ways that is based on Section 87 of the Land Administration Act 1997 which sets out a self-contained process by which an amalgamation of remnant Crown land may be achieved.

The new simplified closure procedure requires the preparation of a Closure Report in accordance with the above Guidelines. The Closure Report is included as Attachment No. DCS485B.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications. The proponent is responsible for all costs associated with the closure and acquisition of the pedestrian access way. This includes the cost of the land.

INTEGRATED PLANNING LINKS:

Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no inherent risks with the closure and disposal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

As the pedestrian access way is unconstructed and presently serves no connectivity function the option to not support the proposed closure and amalgamation is not supported. Furthermore the closure and amalgamation will legitimise the existing 'on ground' situation whereby the pedestrian access way has 'informally' been integrated into Lot 17 with boundary fencing and constructed encroachments.

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

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

That Council by Simple Majority pursuant to Section 87 of the Land Administration Act 1997, RESOLVES to:

- 1. REQUEST the WA Planning Commission to endorse the closure and amalgamation of the pedestrian access way as shown on Plan No. MISC269; and should endorsement of the closure and amalgamation of the pedestrian access way be forthcoming from the WA Planning Commission then:**
 - a. request the Minister for Lands to approve the closure and amalgamation of the pedestrian access way comprising Lot 155 on Plan 9377 in Bluff Point.**

CARRIED 13/0

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

DCS486 PROPOSED EXTRACTIVE INDUSTRY (SAND) – LOT 68 ALLANOOKA SPRINGS ROAD, MOUNT HILL

AGENDA REFERENCE:	D-21-021199
AUTHOR:	S Schewtschenko, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	25 February 2021
FILE REFERENCE:	TP20/213 & A63052
ATTACHMENTS:	Yes (x4) 1 x Confidential
	A. Location Plan
	B. Site of Excavation
	C. Sensitive Receptors
	D. Confidential - Schedule of Submissions and Response

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for an Extractive Industry (Sand) as applied for in the Development Application submitted for Lot 68 Allanooka Springs Road, Walkaway (Lot 68).

EXECUTIVE RECOMMENDATION:

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

1. GRANT development approval for an extractive industry on Lot 68 Allanooka Springs Road, Walkaway;
2. MAKE the determination subject to the following conditions:
 - a. Development/land use shall be in accordance with the attached approved plan(s) dated 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. Adequate notification and protection must be given to adjoining properties and buildings where compaction/vibrating equipment is to be used;
 - 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. Crossing place(s) are required to be installed to the approval of the local government;
 - e. The landowner/proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees to repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development/land use;

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- f. All stormwater is to be disposed of on-site to the approval of the local government;
 - g. The landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the Dust Management Plan dated 04 November 2020 prepared by JDSi Consulting Engineers as lodged with the local government. The commencement of any clearing or bulk earthworks is only permitted during the period of 01 March to 01 October unless otherwise approved in writing by the local government;
 - h. The landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the Management Plan dated 04 November 2020 prepared by JDSi Consulting Engineers as lodged with the local government. The landowner/proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Management Plan are implemented in full. Post closure requirements shall become applicable upon the earlier of the following events:
 - i. acknowledgement by the proponent that extractive activities are completed; or
 - ii. (unless the proponent obtains a fresh development approval for the extractive industry) the local government advises that its CEO deems the extractive industry to have been effectively completed. The CEO may only so deem where the local government has sought in writing Documented Proof of Continuance from the last-known operator (copied to the owner), and such Documented Proof has not been provided within 3 months of being requested. It is the proponent's responsibility to keep Documented Proof. "Continuance" for the purpose of this clause means that the cartage of extracted material from the site has not fallen below 50 truckloads in each year for the period of 2 years preceding the local government seeking Documented Proof of Continuance. "Documented Proof" means cartage records or the like containing at least the following details:
 - 1. the date of cartage;
 - 2. the approximate volume of cartage;
 - 3. the destination of cartage;
 - 4. if the operator owned the truck used, the registration number and driver of the truck, the destination and the customer;
 - 5. if the operator did not own the truck used, the business to which the truck belonged. No person shall forge or falsely modify records/documents for the purpose of creating or facilitating Documented Proof;
 - i. The operation of the pit shall be contained within that area indicated on the attached approved plan(s);
 - j. No remnant vegetation shall be removed as part of this extraction operation;
 - k. No blasting of material is permitted as part of extraction operations, without prior written approval from the local government;
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- l. Repairing of any damage to the road pavement of Allanooka Springs Road (including the surface) is required by reason of use of the road in connection with the development/land use to the approval of the local government at the landowner/proponents cost;
 - m. This development approval is valid for a period of 12 months from the commencement date of the approved use, after which the further renewal of the development approval by the local government is required annually. It is the responsibility of the landowner/proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals;
 - n. 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;
 - o. 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;
 - p. The landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Noise and Vibration Management Plan dated 15 January 2021 prepared by JDSi Consulting Engineers as lodged with the local government;
 - q. Advice Note: All operations and construction upon this site are to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the *Environmental Protection Act 1986* in respect to noise emissions;
 - r. Advice Note: Premise must comply with the Health Local Law 2014 and Animals; Environment and Nuisance Local Law 2014;
 - s. Advice Note: The Fire and Emergency Services Authority of Western Australia (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during construction works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:
 - (a) do not disturb the site of the known or suspected UXO;
 - (b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
 - (c) notify DFES of the circumstances/situation as quickly as possible;
 - (d) maintain a presence near the site until advised to the contrary by a member of DFES, the WA Police Force or Defence Forces.Further advice on this issue may be obtained by contacting the
-

Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia; and

- t. Advice Note - The proponent is advised to liaise with Main Roads WA in relation to the Restricted Access Vehicle restrictions currently under review in relation to Bridge 3014 on the Walkaway-Nangetty Road, Walkaway, given the bridge is on the proposed haulage route for the project.

PROPONENT:

The proponent is CDP Town Planning & Urban Design (acting for Australian Sands International). The owner is Leonard Colin Hamersley.

BACKGROUND:

The sand mining operations are only proposed over a portion of Lot 68, being the southern area of the site, located to the south of the access road that traverses Lot 68 and connects to Allanooka Springs Road. The site and location details are included as Attachment Nos. DCS486A and DCS486B.

This proposed extraction area covers approximately 100 hectares of land.

The proposed works are to include the following:

- Exploration and preparation of an approved sand resource;
- Haulage of sand resource to a processing area located in the southern portion of the site;
- Processing the sand resource to achieve required specifications for concrete sand; and
- The rehabilitation of the extraction site.

Works shall include the stripping and stockpiling of topsoil, the extraction and screening of sand for removal off-site, and works associated with the haulage of the sand off-site. Topsoil will be removed to a depth of approximately 200mm and stockpiled on the site for reapplication during the rehabilitation stage. Sand excavation will occur to an approximate depth of 2.5 metres. The staging of the sand excavation will begin in the central area of the site, east of the proposed processing plant, and then work towards the edge of the excavation area.

Operating times are proposed to be 7 days per week, 24 hours per day.

No blasting is proposed. No explosives or explosive devices are proposed to be stored on-site.

The nature of excavation requires specific equipment for specified tasks. The proposed equipment to be used for the sand extraction, sand processing and dust mitigation is likely to be as follows:

- Scraper;
- Excavator;
- Dump trucks;
- Loader;

- Screener; and
- Water cart.

Sand extraction operations are expected to remove approximately 3,000 tonnes of material per day from the site during its operation. It is proposed that the sand excavation is undertaken 7 days per week, 24 hours per day. It is estimated that the sand excavation will take approximately 18-24 months to complete with an approximate total sand extraction of 2,000,000 tonnes over the 100 ha extraction area.

The excavation area is setback approximately 240 metres from Allanooka Springs Road and 20 metres from the southern and eastern lot boundary. A 1 in 6 batter is proposed as required from the base of the excavation area to align the land with the existing topography.

The parent lot in which the extraction area is located is currently fully serviced.

A Western Power point of supply via overhead lines is located approximately 400m into the property. A metered domestic water supply connects to the DN600 Allanooka Springs Water supply main.

Process water will be supplied by a new metered DN100 connection to the DN600 Allanooka Springs Water supply main. Power for the process plant operations will be a combination of gensets and a new temporary commercial power supply point with Western Power.

Communications will be via the 4G Telstra network and subsequent WIFI connection.

Drainage on site will be managed with table drains and cut off drains. The existing soils are highly permeable and drainage issues associated with rainfall events is considered a low risk.

Portable toilets will be installed on site.

There is no native vegetation remaining in the area, and the paddock is intermittently grassy with weeds. As such, no clearing of vegetation will be required.

Haulage Route

Sand will be transported via trucks from Lot 68 to the Geraldton Port. Haulage will be via triple and double road trains. The haulage route will be via Allanooka Springs Road, Nangetty Walkaway Road, Edward Road, Geraldton Mount Magnet Road, North West Coastal Highway, John Willcock Link, and Marine Terrace to the Shed Storage Facility at the Geraldton Port. There will be approximately 100 truck movements per day to and from the sand mine, equating to 50 trucks leaving the site and 50 trucks arriving at the site over a 24-hour period.

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

The proposal itself has no community impacts and all community issues are addressed via the Management Plans and responses to submissions received.

Environment:

There are no environmental issues as there is no native vegetation remaining in the area, and the paddock is intermittently grassy with weeds. As such, no clearing of vegetation will be required.

The proposed sand mine is a temporary use and the subject land will need to be re-instated to an agreed land use at the end of the mine's life. Matters pertaining to pollution, health and climate change are noted and apply to a wide range of land uses. The sand mine will be operated in a manner to minimise any impacts and risk in this regard.

In regard to pasture damage, the existing land soil profile consists of over 10m of permeable sand over a semi-permeable clay/limestone layer. This profile does not hold water. It is proposed to remove only 2 – 3 metres of sand and this will not affect the natural drainage of rainfall through the permeable soil profile. Most farm operators seek shallower permeable sand profiles or loamy soils as these hold water much longer and assist with the viability of crops and farming.

The Department of Mines and Petroleum's (now DMIRS), principle closure objectives are for rehabilitated mines to be physically safe to humans and animals, geo-technically stable, geo-chemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use. The Environmental Protection Authority's (EPA) objective for Rehabilitation and Decommissioning is to ensure that premises are decommissioned and rehabilitated in an ecologically sustainable manner. Any residual liabilities relating to the agreed land use should be identified and agreed to by the key stakeholders (Department of Mines and Petroleum, and Environmental Protection Authority, 2015).

The Rehabilitation Management Plan addresses the objectives for rehabilitation of the site, informed by the requirements of the City of Greater Geraldton's Extractive Industry Local Planning Policy (2015), and Western Australia's Department of Mines, Industry Regulation and Safety (DMIRS). As there are no specific West Australian guidelines for the rehabilitation of the land for agricultural purposes, JDSi Consulting Engineers have referenced the requirements and guidelines outlined in Victoria's Department of Primary Industries, Earth Resources Regulation Branch. The City of Greater Geraldton's Extractive Industry Local Planning Policy requirements for a rehabilitation and decommissioning plan are:

- Details of the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
- Whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
- How any face is to be made safe and batters sloped;
- The method by which topsoil is to be replaced and revegetated;
- The numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- How rehabilitated areas are to be maintained; and
- The program for removal of buildings, plant, waste, and final site clean-up.

The endorsed (June 2005) and Draft (2015) Environmental Assessment Guideline for Separation Distances between Industrial and Sensitive Land Uses:

This guideline provides the Environmental Protection Authority (EPA) expectations on how separation distances should be considered in the land use planning decision making process. Its purpose is to provide advice on which land uses require separation and recommend the appropriate separation distances.

A separation distance is the recommended distance to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid adverse impacts to human health and amenity. This approach relies on the knowledge that impacts on the environment generally decrease with increasing distance from the source of emissions. The separation distances are based on scientific information (where available) and knowledge and experience of technical experts and are also drawn from various codes-of-practice, guidance from other jurisdictions, and the EPA's previous guidance material.

The guidelines recommend a separation distance of 300 – 500 metres from sensitive land uses (e.g. dwellings) for a Sand & Limestone Extractive Industry use. The proposed sand mine is located in a rural area and this minimises potential conflict with adjoining development.

Three residences, including that of the landowner, are located between 500m and 2.0km from the extraction and rehabilitation sites. Controls to mitigate potential dust disturbance to these residences have been addressed in the Dust Management Plan and Noise and Vibration Management Plan prepared by JDSi Consulting Engineers.

In addition to the above recommended separation distances it is the responsibility of operators to minimise emissions through best practice design and operation of their facilities.

Economy:

There is an economic benefit of the proposed sand extraction to the building and export industries.

The operation will employ approximately 50 local people.

Governance:

If the application is approved by Council, should there be any breaches to the development approval then Part 13 of the Planning and Development Act 2005 applies as follows:

Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200,000 and in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The “Southgates Dunes” (Lot 2453 Brand Highway) sand extractive industry application was approved by Council on 13 September 2016 (Item No. DCS295 Proposed Extractive Industry – Southgates), with subsequent renewals of the application on 26 September 2017 (Item No. DCS346 - Proposed Renewal of Extractive Industry – Southgates); 25 September 2018, (Item No. DCS382 Proposed Renewal of Extractive Industry – Southgates) and 15 October 2019 (Item No. DCS423 Proposed Renewal of Extractive Industry – Southgates).

On 22 September 2020 (Item No. DCS468 Proposed Variation To Extractive Industry Annual Amount – Southgates), Council resolved to approve an amendment to condition 10 of the approval for the extractive industry so that any unused portion of the annual 110,000m³ limit for the 2020 calendar year can be used during the 2021 calendar year only.

The following is the summary as at 15 February 2021 for Southgates:

As per Condition 10 of the Development Approval the lime sand extraction is limited to an annual amount of 110,000m³ (or 168,212 tonnes). Lime sand removed from the Southgates Road is not part of the 110,000m³ annual amount.

Month	Lime sand sold from extraction area	Lime sand stockpiled from Southgates Road	Lime sand sold from stockpile	Cumulative stockpile amount 11,024.78 (from 2019)
January	16,349.20	446.05	0	11,470.83
February	25,039.10	1,677.20	0	13,148.03
March	20,793.10	19.25	0	13,167.28
April	6,599.45	0	0	13,167.28
May	322.15	26.6	0	13,193.88
June	25	0	0	13,193.88
July	0	0	0	13,193.88
August	0	0	0	13,193.88
September	2005.25	0	0	13,193.88
October	50	203.50	0	13,397.38
November	0	0	0	13,397.38
December	8,689.80	0	0	13,397.38
* TOTAL	79,873.05	2372.6	0	13,397.38

* All figures are in tonnes.

The author is not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The application was advertised in accordance with the provisions of Schedule 2, Part 8, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The advertising period was for 21 days (commencing 09 November 2020 and concluding on 30 November 2020) and involved the following:

1. The proposal was available on the City's website;
2. The proposal was publicly displayed at the Civic Centre;
3. Letters were sent to all owners and occupiers of abutting and adjacent properties including a distance ranging from approximately 1.5km – 3.5km in a straight line from the subject property boundary.
4. The proposal was also referred to Main Roads WA.

Submissions:

As a result of the advertising, a total of 4 submissions were received all objecting to the proposal.

The proponent was afforded the opportunity to respond to a summarisation of the submissions and their responses are included as Confidential Attachment No. DCS486D.

Main Road Comments

The application was referred to Main Roads WA for comment who provided the following initial comments:

The proposed development is not located within or adjacent to a road reserve under Main Roads jurisdiction and Main Roads has no current plans in the area that would have any impact on the future lots. Accordingly, Main Roads does not object to the proposal.

Advice (21 December 2020):

- 1. The haulage route proposed takes them over the CGG Bridge 3014 on the Walkaway-Nangetty Road. Recently, restrictions on the traffic crossing the bridge have been imposed due to concerns over the bridge capacity. A capacity review of the Bridge 3014 is scheduled for January and, until the current bridge capacity is confirmed, Main Roads has amended the Restricted Access Vehicles (RAV's) permit conditions to include a 40 km/h speed limit restriction for all RAV's until 31st January 2021.*
- 2. Heavy vehicle access must be approved from Main Roads where the routes relating to the development application are not approved for the proposed heavy vehicle combinations. The applicant is advised to contact Main Roads Heavy Vehicle Services branch to ascertain any approval requirements.*
- 3. The increased heavy traffic hauling lime sand and stone projects from this proposal and recent proposals shall be monitored by Main Roads in regards to the impact on the existing network.*

Upon receipt of the Traffic Impact Report the proposal was referred back to Main Roads WA for assessment and the following comments were received:

The proposed development is not located within or adjacent to a road reserve under Main Roads jurisdiction and Main Roads has no current plans in the area that would have any impact on the future lots. Accordingly, Main Roads does not object to the proposal.

Advice (16 February 2021):

- 1. The haulage route proposed takes the vehicles over the CGG Bridge 3014 on the Walkaway-Nangetty Road. Recently restrictions on the traffic crossing the bridge have been imposed due to concerns over the bridge capacity. Currently Main Roads has amended the Restricted Access Vehicles (RAV's) permit conditions to include a 40 km/h speed limit restriction for all RAV's.*

A capacity review of the Bridge 3014 is underway and a meeting arranged between Main Roads and the City took place on Monday 22 February 2021 to discuss the outcomes.

- 2. Heavy vehicle access must be approved from Main Roads where the routes relating to the development application are not approved for the proposed heavy vehicle combinations.*

The applicant is advised to contact Main Roads Heavy Vehicle Services branch to ascertain any approval requirements.

3. *The increased heavy traffic hauling lime sand and stone projects from this proposal, and recent proposals shall be monitored by Main Roads in regards to the impact on the existing network.*

Updated advice received from Main Roads since the 22 February 2021 meeting as mentioned above:

The proposed haulage route takes traffic over CGG Bridge 3014 on the Walkaway-Nangetty Road. Recently, restrictions on the traffic crossing the bridge have been imposed due to concerns over the bridge capacity. A capacity review of the Bridge 3014 is being undertaken by Main Roads WA (MRWA). Until the bridge capacity is confirmed, MRWA has amended the Restricted Access Vehicle (RAV) network conditions to include a 40 km/h speed limit restriction for all RAV's crossing the bridge.

With regard to the above, an advice note can be included on the development approval letter advising the proponent of Main Roads WA recommendation.

LEGISLATIVE/POLICY IMPLICATIONS:

City of Greater Geraldton Local Planning Scheme No. 1

The use 'Extractive Industry' is listed in the zoning table as a 'D' use in the Rural zone allowing the local government to use its discretion to approve the use.

Rural Zone Objectives

The objectives of the Rural zone are as follows:

- Provide for the maintenance or enhancement of specific local character.
- Protect broad acre agricultural activities, such as cropping and grazing and intensive uses, such as horticulture, from incompatible uses and minimise land use conflicts.
- Provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with the surrounding rural uses.
- Protect and provide for existing or planned key infrastructure, public utilities and renewable energy facilities.

The proposed Extractive Industry is not an agricultural use, however given the location on the property and that the area to be used for the extractive industry is small in scale compared to the overall lot size, it is considered that it won't impact on the viability of the land. Furthermore, any development approval granted for extractive industry is conditioned to ensure that the land affected by the extractive industry is rehabilitated. Once rehabilitation has been completed and pastures regrown, there will be little evidence that extraction has taken place.

Site & Development Requirements for Rural Zones

The proposed development complies with the prescribed site and development requirements for the Rural zone.

Planning and Development Act 2005:

If the application is approved by Council, should there be any breaches to the development approval then Part 13 of the Act applies as follows:

Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200,000 and in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Extractive Industry Local Planning Policy:

The objectives of this policy are:

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

The proponent has addressed the application requirements outlined in the City's Extractive Industry local planning policy. A general management plan along with a dust and noise management plan have been provided.

The proponent has also provided a Rehabilitation and Decommissioning Plan as per the local planning policy provisions.

The Rehabilitation Management Plan addresses the requirements of closure of the site's excavation activities, and the site's proposed rehabilitation such that it meets the requirements of Government, community, client and landowner.

The Rehabilitation Management Plan has been prepared in accordance with the following objectives:

- The rehabilitation of the extraction sites, in accordance with the specifications contained in the City of Greater Geraldton's Extractive Industry Local Planning Policy v2 (2015);
- To reconstruct the landform to be compatible with the surrounding landscape;
- Leave the site safe, stable, and suitable to sustain the post-rehabilitation land-use of agricultural activities; and
- Remove any waste, tidy the site, and remove all mobile plant from the site.

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

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
Strategy 3.1.4	Supporting and facilitating implementation of the Growing Greater Geraldton plan.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.1	Supporting local procurement.

REGIONAL OUTCOMES:

Local Planning Strategy:

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long term land use planning and provide the rationale for land use and development controls.

It is noted that the subject lot is located within an area designated as 'Higher Versatility Agricultural Land' on the Rural Land Strategy Plan.

RISK MANAGEMENT:

By not approving the application the proponent may seek a review of the decision from the State Administrative Tribunal. The Conditions recommended in this report reflect the need to ensure that the impacts of the proposed Extractive Industry operation and scale are managed accordingly.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Whilst the agricultural value of the land is acknowledged, it must be noted that the extraction area is only over a portion of the subject property, and once the required amount of sand is extracted, the land will be rehabilitated and revert back to its agricultural use.

Issues regarding noise, dust, traffic and public safety are controlled by other legislation and by conditions proposed to be placed on the application.

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

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.

COUNCIL DECISION

MOVED CR TANTI, SECONDED CR HALL

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

- 1. GRANT development approval for an extractive industry on Lot 68 Allanooka Springs Road, Walkaway;**
- 2. MAKE the determination subject to the following conditions:**
 - a. Development/land use shall be in accordance with the attached approved plan(s) dated 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. Adequate notification and protection must be given to adjoining properties and buildings where compaction/vibrating equipment is to be used;**
 - 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. Crossing place(s) are required to be installed to the approval of the local government;**
 - e. The landowner/proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees to repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development/land use;**
 - f. All stormwater is to be disposed of on-site to the approval of the local government;**

- g. The landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the Dust Management Plan dated 04 November 2020 prepared by JDSi Consulting Engineers as lodged with the local government. The commencement of any clearing or bulk earthworks is only permitted during the period of 01 March to 01 October unless otherwise approved in writing by the local government;**
- h. The landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the Management Plan dated 04 November 2020 prepared by JDSi Consulting Engineers as lodged with the local government. The landowner/proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Management Plan are implemented in full. Post closure requirements shall become applicable upon the earlier of the following events:**

 - i. acknowledgement by the proponent that extractive activities are completed; or**
 - ii. (unless the proponent obtains a fresh development approval for the extractive industry) the local government advises that its CEO deems the extractive industry to have been effectively completed. The CEO may only so deem where the local government has sought in writing Documented Proof of Continuance from the last-known operator (copied to the owner), and such Documented Proof has not been provided within 3 months of being requested. It is the proponent's responsibility to keep Documented Proof. "Continuance" for the purpose of this clause means that the cartage of extracted material from the site has not fallen below 50 truckloads in each year for the period of 2 years preceding the local government seeking Documented Proof of Continuance. "Documented Proof" means cartage records or the like containing at least the following details:**

 - 1. the date of cartage;**
 - 2. the approximate volume of cartage;**
 - 3. the destination of cartage;**
 - 4. if the operator owned the truck used, the registration number and driver of the truck, the destination and the customer;**
 - 5. if the operator did not own the truck used, the business to which the truck belonged. No person shall forge or falsely modify records/documents for the purpose of creating or facilitating Documented Proof;**
- i. The operation of the pit shall be contained within that area indicated on the attached approved plan(s);**
- j. No remnant vegetation shall be removed as part of this extraction operation;**

-
- k. No blasting of material is permitted as part of extraction operations, without prior written approval from the local government;
 - l. Repairing of any damage to the road pavement of Allanooka Springs Road (including the surface) is required by reason of use of the road in connection with the development/land use to the approval of the local government at the landowner/proponents cost;
 - m. This development approval is valid for a period of 12 months from the commencement date of the approved use, after which the further renewal of the development approval by the local government is required annually. It is the responsibility of the landowner/proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals;
 - n. 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;
 - o. 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;
 - p. The landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Noise and Vibration Management Plan dated 15 January 2021 prepared by JDSi Consulting Engineers as lodged with the local government;
 - q. Advice Note: All operations and construction upon this site are to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the *Environmental Protection Act 1986* in respect to noise emissions;
 - r. Advice Note: Premise must comply with the Health Local Law 2014 and Animals; Environment and Nuisance Local Law 2014;
 - s. Advice Note: The Fire and Emergency Services Authority of Western Australia (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during construction works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:
 - (a) do not disturb the site of the known or suspected UXO;

- (b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
 - (c) notify DFES of the circumstances/situation as quickly as possible;
 - (d) maintain a presence near the site until advised to the contrary by a member of DFES, the WA Police Force or Defence Forces. Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia; and
- t. Advice Note - The proponent is advised to liaise with Main Roads WA in relation to the Restricted Access Vehicle restrictions currently under review in relation to Bridge 3014 on the Walkaway-Nangetty Road, Walkaway, given the bridge is on the proposed haulage route for the project.

CARRIED 9/4

Time: 5:28 PM

Not Voted: 0

No Votes: 4

Yes Votes: 9

Name	Vote
Cr. Douglas	YES
Cr. Parker	NO
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	NO
Cr. Fiorenza	YES
Cr. Elphick	NO
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	NO
Mayor Van Styn	YES

DCS487 APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT – FORMER RAIL CORRIDOR – NORTH WEST COASTAL HIGHWAY, WEBBERTON TO EASTWARD ROAD, UTAKARRA
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AGENDA REFERENCE:	D-21-023499
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	3 March 2021
FILE REFERENCE:	LP/14/0011
ATTACHMENTS:	Yes (x2)
	A. Scheme Amendment Report
	B. Schedule of Submissions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Local Planning Scheme Amendment – Former Rail Corridor – North West Coastal Highway, Webberton Road to Eastward Road, Utakarra, without modification. The amendment proposes to rezone the subject land from ‘Railways’ local scheme reserve to the ‘Light Industry’ zone and also ‘Public Open Space’ and ‘District Distributor’ local scheme reserve.

Council at its meeting held on 25 August 2020 (Item No. DCS463 – Proposed Local Planning Scheme Amendment – Former Rail Corridor – North West Coastal Highway, Webberton to Eastward Road, Utakarra) resolved to initiate this Local Planning Scheme Amendment No. 11 (‘amendment’) for the purpose of public advertising. The advertising period has now concluded with 9 submissions being received.

EXECUTIVE RECOMMENDATION:

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

1. DETERMINE the submissions as outlined in the ‘Schedule of Submissions’;
2. SUPPORT Local Planning Scheme Amendment No. 11 to Local Planning Scheme No. 1 without modifications; and
3. SEEK approval of the amendment from the Minister for Planning.

PROPONENT:

The proponent is Element on behalf of the Public Transport Authority (PTA).

BACKGROUND:

The subject land encompasses a 4km long portion of the disused railway corridor reservation from North West Coastal Highway, Webberton to Eastward Road, Utakarra. The amendment seeks to rezone the land in recognition of the development potential and community benefit of the currently underutilised land.

The former rail corridor is surplus to the PTA's operational requirements with the majority of the alignment being vacant, except for a number of leasehold areas to the north-east of the Flores and Eastward Road intersection. Currently public access to the former rail corridor is limited with much of the site being fenced off for safety and security purposes.

An extract of the scheme amendment report is included as Attachment No. DCS487A.

The City has been in discussion with the PTA regarding the future use and disposal of the rail reservation for an extended period of time. Council has previously considered the matter on a number of occasions, most recently being at its meeting held 22 March 2016 (Item No. DRS255 Former Rail Corridor, Webberton – Narngulu) where Council resolved to:

1. *ADVISE the Public Transport Authority of its position on the section of the former rail corridor between Webberton and Narngulu as follows:*
 - a. *Section between North West Coastal Highway and Place Road, the City has no interest in this section of the corridor apart from the identified drainage requirements being satisfied; AND provided that all proceeds from the sale of this portion by the Public Transport Authority are reinvested with the City for use for community purposes as outlined in this report;*
 - b. *Section between Place Road and Horwood Road, the City seeks transfer of this portion of the corridor at nil costs for community purposes as outlined in this report;*
 - c. *Horwood Road to Ross Ariti Road, a portion at the north end of this section needs to be set aside for North South Road corridor and the City has an interest in retaining a portion of the corridor at the heritage listed old platform area adjacent to Ross Ariti Road for community purposes as outlined in this report. The City has no interest in the balance of this section;*
 - d. *Ross Ariti Road to Geraldton-Mount Magnet Road, no interest in this section by the City. The City is also to advise the Public Transport Authority of the need to consider the surrounding area land zoning to ensure consistency/compatibility is achieved.*
2. *ADVISE that future zoning, subdivision and heritage matters will need to be addressed on any disposal of land in the corridor; and*
3. *ADVISE that the City has no interest in taking possession of the former rail cottages.*

The PTA is now keen to pursue rezoning the northern section of the corridor, and therefore only points 1a, 1b and 2 of the above Council resolution are pertinent to this amendment, and are detailed below.

(Point 1a) North West Coastal Highway to Place Road:

This northern section of the corridor runs between North West Coastal Highway and Place Road and has been recently created as freehold Lot 501. The amendment proposes to rezone this linear alignment from 'Railways' to 'Light Industry', which is consistent with the zoning of the adjacent landholdings.

As a priority, PTA intends to dispose of this land area to adjoining landowners to optimise the land use and development potential of these lots. The majority of adjoining landowners have expressed an interest to the PTA in acquiring the land.

In response to Council's request for the proceeds from the sale of land to be reinvested with the City, the PTA advised in correspondence dated September 2016 that it could not provide the proceeds of sale to the City. The PTA explained that proceeds are required to be credited to the PTA under Section 6 of the *Rail Discontinuance Act 2006* which dictates that relevant proceeds are to be invested in transport orientated initiatives. Despite Council's resolution, the PTA is bound by this Act. The PTA has confirmed that this advice is still current. A copy of this correspondence is included as Appendix 4 within the scheme amendment report in Attachment No. DCS487A.

(Point 1b) Place Road to Eastward Road:

This southern section of the corridor, between Place and Eastward Road is proposed to be rezoned from 'Railways' to 'Public Open Space' and 'District Distributor'. Ultimately the land is intended to be transferred to the City free of cost.

Council has previously requested this area be set aside to enable the creation of a rail trail type pathway and also to utilise the land as a buffer between the light industrial area to the east and the residential area of Wonthella to the west.

Consistent with this previous advice the majority will be rezoned to 'Public Open Space' which also enables long-term drainage issues with Flores Road to be resolved.

A portion of the corridor at the intersection of Place and Flores Roads will be rezoned to 'District Distributor Road', which reflects the on-ground road alignment of the intersection which was constructed in 2013.

Lots 2977 – 2982 located to the north-east of the Flores and Eastward Road intersection are currently leased by the PTA for industrial uses. The PTA leasehold tenancies are a legacy issue arising from the historic location of the former railway siding. The amendment takes a long term approach to these leaseholds with the tenancies operating as non-conforming uses within the proposed 'Public Open Space' local scheme reserve until such time as the leases are terminated.

(Point 2) State and Local Heritage Listings:

The former rail corridor is part of the larger Geraldton to Walkaway Rail Precinct which was included on the State Register of Heritage Places in 2011. A copy of the listing is included as Appendix 2 within the scheme amendment report in Attachment No. DCS487A.

The Geraldton to Walkaway Railway Line Interpretation and Conservation Recommendations report was prepared for the PTA in 2009 and provided broad recommendations on how the corridor could be interpreted for future use and development. Recommendations included; exploring opportunities to develop a walk/drive trail between Utakarra, Bluff Point and the Geraldton foreshore walk trail, and retaining the visual connections through the corridor, such as by setbacks for development lots.

It is not considered feasible to implement development setbacks within the section north of Place Road given the intent to optimise the development potential of the adjacent light industrial land. The PTA has undertaken considerable consultation with the Heritage Council and based on these discussions interpretative plaques were installed at either end of the alignment in 2013. The plaques acknowledge the history and life associated with the former railway in this location. PTA will continue to liaise with the Heritage Council during the subdivision process to address future heritage interpretation requirements of the rail corridor.

With regard to the corridor alignment south of Place Road, the Public Open Space reservation affords the ability to secure a 2.5km long linear, visual connection through the corridor which can also be established as a rail trail pathway with interpretative elements.

Also within this southern section is Place No. 409 of the City's Municipal Inventory of Heritage Places. This listing represents 18 Kurrajong Trees located in the rail corridor between the alignments of Fourth and Fifth Streets. The trees were planted in 1932 on a north-south axis in anticipation of the Wonthella siding (which was eventually constructed 200m further north). Opportunities exist to include these trees within the interpretative elements of a future rail trail pathway. A copy of the listing is included as Appendix 3 within the scheme amendment report in Attachment No. DCS487A.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The proposed amendment facilitates the development of additional public open space for the benefit of the community and appropriately addresses heritage values by providing linear open space for the development of a future rail trail pathway with interpretative elements.

Environment:

The Environmental Protection Authority advised that the amendment should not be assessed by them under Part IV on the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

The proposed 'Public Open Space' reservation south of Place Road will continue to act as a buffer between the residential area of Wonthella and the 'Light Industry' zone to the east.

Economy:

The unused rail corridor between North West Coastal Highway and Place Road is proposed to be rezoned to 'Light Industry' and disposed of to the adjacent lots. This could ultimately provide for the expansion of existing businesses or redevelopment opportunities.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council has previously considered matters relating to the former rail corridor on a number of occasions, most recently being at its meeting held 22 March 2016 (Item No. DRS255 Former Rail Corridor, Webberton – Narngulu).

Council at its meeting held on 25 August 2020 (Item No. DCS463 – Proposed Local Planning Scheme Amendment – Former Rail Corridor – North West Coastal Highway, Webberton to Eastward Road, Utakarra) resolved to initiate this amendment for the purpose of public advertising.

COMMUNITY/COUNCILLOR CONSULTATION:

The amendment was publicly advertised in accordance with the provisions of the *Planning and Development Act 2005*. The advertising period was for 42 days (commencing on 3 November 2020 and concluding on 15 December 2020) and involved the following:

- All landowners within 100m of the subject land were written to and advised of the amendment;
- 6 signs were placed on-site;
- A public notice appeared in the Geraldton Guardian on 3 November 2020;
- The amendment details were made available on the City's website;
- The amendment details were made available at the City's office at Cathedral Avenue;
- The amendment was referred to the following:
 - ATCO Gas;
 - Department of Communities;
 - Department of Planning, Lands and Heritage;
 - Main Roads WA;
 - Public Transport Authority;
 - Telstra;
 - Water Corporation;
 - Western Power;
 - Holcim;
 - Rangeway Utakarra Karloo Progress Association;
 - Eighth Street Sporting Precinct Clubs and Community Groups;

- Spokes Cycle Club;
- Geraldton Mountain Bike Club;
- Geraldton Triathlon Club; and
- Leaseholders located within Lot 360 Flores Road, Wonthella.

Submissions:

As a result of the advertising a total of 9 submissions were received. The majority of the submissions made separate comments regarding the proposed rezoning of the north and south portions of the proposed amendment.

Recommendations for each of the submissions is detailed in the 'Schedule of Submissions' which is included as Attachment No. DCS487B and copies of the actual submissions are available on request.

Below is a summary of the main comments, issues and concerns raised during the public comment period.

Northern portion - North West Coastal Highway to Place Road:

3 submissions supported the rezoning of the northern portion of the former rail corridor to 'Light Industry'. A summary of the reasons for their support is listed below:

- The land is currently unused and inaccessible by others except adjacent landowners.
- It would enable neighbouring businesses to purchase land, expand and enhance business and employ additional local staff.

One submission objected to and another (being the Department of Communities) raised concerns with the northern portion of the corridor being rezoned to 'Light Industry'. Both submissions requested that this area be rezoned to 'Public Open Space' and a summary of the reasons given for their position are provided below:

- The alignment is best used as a principal shared path (PSP) to continue the linear public open space which would provide further environmental linkages and potential walking and cycling connections.
- The alignment provided opportunity to contribute to a legible, connected and safe movement network which encourages active transport.
- It follows through on the City's commitment to becoming a cycle city.
- Further connection through the railway land from NWCH to Chapman Road would complement the Beresford Foreshore redevelopment, Eighth Street sports precinct and allow use for people in Wonthella, Rangeway, Strathalbyn, Woorree and other areas.
- The promotion of active transport options is key in supporting active and healthy lifestyles and supports aging in place.
- The opportunity to rezone this unique parcel of land to Public Open Space will only occur once. Once the land is given over to private enterprise the opportunity will be forever lost.

The Department of Planning, Lands and Heritage requested that a set of guidelines be prepared at subdivision stage to form part of a future contract of sale which would guide prospective purchasers as to how visual connection and interpretation of the railway corridor would be established.

Southern portion - Place Road to Eastward Road:

Four submissions expressed support for the rezoning of the southern section to Public Open Space. A summary of specific comments made is provided below:

- The area will be able to be used by families.
- Development as Public Open Space could deter antisocial behaviour.
- The alignment would act as a buffer between Wonthella residential area and the industry areas to the east.
- The alignment will provide opportunities for interpretation of the Geraldton to Walkaway Railway.

ATCO Infrastructure had no objection to the amendment however requested an easement over leasehold Lots 2981, 2982 and the unidentified railway Lot be provided at no charge to ATCO for gas pipeline purposes and registered against the proposed lots.

A submission was received from Holcim (submission 9), which operates a concrete plant at 16 Flores Road, Utakarra, which is located within the proposed rezoning area. Holcim advised that as an important key supplier of concrete to Geraldton and the surrounding region, the proposed rezoning to 'Public Open Space' may affect the operational and continued supply of concrete from the site and impact the residential, commercial and industrial sectors.

Holcim advised that their submission was as per the following order of preference:

1. Object to the proposed rezoning.
2. Support the rezoning based on the following conditions of approval if the rezoning is passed by Council:
 - a. Ability to operate and supply concrete by maintaining existing non-conforming use rights.
 - b. In the event that the land is transferred to the City of Greater Geraldton request that a lease be issued to Holcim for concrete batching.
 - c. Request that a Special Control Area – Concrete Batching is placed on the site.
 - d. Request that future applications to replace or increase production to continue to supply concrete to Geraldton and the surrounding region are granted. The increase in production would be commensurate with a growing population/industry.

A detailed response to Holcim's submission is included within the schedule of submissions, however their submission raises a notable conflict regarding the

expectation from the business on potential for expansion and the restrictions that a non-conforming use provision may pose.

Following receipt of the submission, the City requested comments from the applicant which stated that PTA's position was that the tenancies would continue to be leased and they would continue to support the tenants at the site.

The City raised concerns with the applicant and PTA regarding the leaseholders' expectation of ongoing industrial development and growth at the site and the likely conflict with non-conforming use provisions. The City also questioned whether the applicant and PTA were aware that given some of the leasehold land was vacant, the non-conforming use provision may no longer apply.

In response, PTA have provided a request for an alternative recommendation to the rezoning of the southern portion of the rail alignment, which is provided below:

"PTA propose to withdraw Lots 2977 to 2981 from the Scheme Amendment area and retain their 'Railway' reservation. Investigations for the long-term use of these lots are ongoing by PTA, noting the short to medium term importance of current operations and leasing complexities".

The City is aware that the leasehold areas are a long term legacy issue with significant history. With this understanding, prior to initiating the amendment City Officers requested information from the applicant and PTA about the details of the leasehold area. Limited information was provided to staff and the rezoning was supported for initiation based on the assumption that the feasibility of the rezoning in the lease areas had been appropriately understood by the applicant, PTA and their tenants.

With regard to the PTA's request to remove the leasehold lots from the scheme amendment, the following points need to be considered:

- The zoning of these lots is currently 'Railway' local scheme reserve. The objective of the zone is 'to set aside land for rail purposes'.
- When considering applications for development on local scheme reserves, the City must have consideration for the objective of the reserve.
- Given the current land use is likely to fit in within a use class of 'General Industry' under the Scheme, it is likely that the development would already be considered a non-conforming use.
- Non-conforming use of land does not apply if the non-conforming use is discontinued. In this case, the lease lots that have been recently cleared would not be considered to be a non-conforming use.

Given the above, while it is noted that PTA state that investigations with regard to the long term use of the lease lots are on-going, the use of the site is already restricted to a degree by its current 'Railway' local scheme reserve

zoning. It is not considered that the change in reserve to 'Public Open Space' would considerably change the potential to expand or intensify the land uses.

LEGISLATIVE/POLICY IMPLICATIONS:

Planning and Development Act 2005:

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

Planning and Development (Local Planning Schemes) Regulations 2015

Part 5, Division 3, Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to consider all submissions and pass a resolution to either support the scheme amendment (with or without modification) or not support the scheme amendment.

City of Greater Geraldton Local Planning Scheme No. 1

The former rail corridor is currently zoned as 'Railways' local scheme reserve under the Scheme and the amendment proposes to rezone:

- The northern portion from North West Coastal Highway to Place Road, Webberton to the 'Light Industry' zone; and
- The southern portion from Place Road, Wonthella to Eastward Road, Utakarra to 'District Distributor Road' and Public Open Space' local scheme reserves.

With regard to the northern portion from North West Coastal Highway to Place Road, the Scheme objectives of the 'Light Industry' zone are to:

- a) *provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.*
- b) *ensure that development achieves relatively high built form standards based on the level of exposure of the site and proximity to residential areas so as not to detract from the residential amenity.*

It is considered that the rezoning of the northern section to 'Light Industry' is appropriate given that the zoning is consistent with the surrounding land holdings.

With regard to the southern portion from Place Road to Eastward Road, the Scheme objectives of the 'District Distributor Road' local scheme reserve is 'to set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy'. The Scheme objective of the 'Public Open Space' local scheme reserve is 'to set aside areas of public open space and provide for a range of active and passive uses.'

The amendment is consistent with these objectives as the 'District Distributor Road' alignment will reflect the on-ground construction of the Flores and Place Road intersection and the 'Public Open Space' reservation will enable future recreational uses.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no direct financial or resource implications in relation to the proposed amendment however the City will be responsible for the ongoing management of the public open space land once it is formally transferred.

INTEGRATED PLANNING LINKS:

Title: Community	1.1 Our Heritage and the Art
Strategy 1.1.1	Recording, recognising and preserving our social, environmental and built heritage.
Title: Community	1.2 Recreation and Sport
Strategy 1.2.2	Encouraging informal recreation through well planned and developed public open space, cycle/walk paths and green streetscapes.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:

Local Planning Strategy 2015:

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The northern section of the amendment area is identified as 'Light Industry' on the Geraldton Urban Area Strategy Plan while the southern area is identified as 'District Distributor Road' and 'Conservation/Foreshore/Regional and District Open Space'. The amendment is considered to be consistent with the Strategy.

Public Open Space Strategy 2015:

Public open spaces are an integral component to any urban environment and provides recreational opportunities, contribute to the identity of a place and are crucial for the successful function of urban communities. The Strategy recognises this and provides a strategic vision and framework to assess community needs and to guide future public open space provision.

The investigation of alternative options for the former rail corridor, including to secure and develop the corridor south of Place Road as a public open space linkage, is reflected in the objectives and actions of the Strategy for the Wonthella locality.

Geraldton 2050 Cycling Strategy:

The aim of the Strategy is to create a safe, direct, comfortable and integrated cycling network. The proposed network, which connects people to activity centres and key attractions, has been developed to enable cycling for transport, recreation and tourism purposes.

The creation of a rail trail between Bluff Point and Wonthella is included within the Strategy as a primary route opportunity. However, the Strategy does also acknowledge that the transfer of land from the PTA to the City remains an issue and that Council's previous resolution in March 2016 (Item No. DRS255 Former Rail Corridor, Webberton – Narngulu) limits the viability of the rail trail to just the section between Place and Eastward Roads.

RISK MANAGEMENT:

There are no inherent risks to the City in resolving to proceed with this amendment.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Given the outcomes of the community consultation, a number of options have been considered by City Officers which are outlined in detail below:

Option 1:

That Council SUPPORT the amendment with modification to remove Lots 2977 to 2981 from the amendment area in accordance with PTA's request.

This option will allow for the majority of the proposed amendment to proceed and the leasehold areas to the south of the amendment area to be removed to allow for further consideration of the site in accordance with PTA's request. However, given that the lots are currently zoned 'Railway' local scheme reserve and the land uses are already considered non-conforming uses, removing the land area will not greatly alter the potential for the site and therefore this option is not recommended.

Option 2:

That Council SUPPORT the amendment with modification to include an 'additional use to local reserve' to the relevant Holcim lease sites.

This option would permit the use of the site for industrial purposes subject to relevant conditions. Given the surrounding public open space zoning, the strategic intentions for the land and that the long term use of the site is uncertain, this option is not recommended.

Option 3:

That Council NOT SUPPORT the scheme amendment and forwards the amendment documentation to the WA Planning Commission advising that Council does not wish to proceed with the amendment and request the Minister for Planning to refuse the amendment.

This option is not recommended as the proposed amendment is consistent with the direction provided by Council in 2016.

Option 4:

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

In any event, the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must pass a resolution on the amendment to either support the amendment with or without modification or to not support the amendment. This resolution must be provided to the WA Planning Commission no later than the 28 April 2021.

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

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

1. **DETERMINE** the submissions as outlined in the ‘Schedule of Submissions’;
2. **SUPPORT** Local Planning Scheme Amendment No. 11 to Local Planning Scheme No. 1 without modifications; and
3. **SEEK** approval of the amendment from the Minister for Planning.

CARRIED 12/1

Time: 5:32 PM

Not Voted: 0

No Votes: 1

Yes Votes: 12

Name	Vote
Cr. Douglas	NO
Cr. Parker	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS578 COUNCIL POLICY 4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

AGENDA REFERENCE:	D-21-021817
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	4 March 2021
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates (v1)
	B. Explanatory Notes Council Policy 4.2

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 1.

EXECUTIVE RECOMMENDATION:

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

1. RETIRE current Council Policy 4.2 Code of Conduct for Council Members and Committee Members, version 3; and
2. APPROVE Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 1.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The *Local Government Act 1995* was amended on 3 February 2021 to include provisions requiring the preparation and adoption of a mandatory Code of Conduct for Council Members, Committee Members and Candidates – sections 5.103 and 5.104.

The *Local Government (Model Code of Conduct) Regulations 2021*, provide a model code – (Schedule 1) which the City is required to incorporate into the new Code of Conduct. The regulations also came into operation on 3 February 2021.

The new Code of Conduct must be prepared and adopted by the Council within three months from the day after the date of operation of the *Local Government (Model Code of Conduct) Regulations 2021*.

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates **that incorporates** the model code.*

Council Policy 4.2 incorporates the model code of conduct as per the legislative requirements, and will replace the existing Code of Conduct for Council Members and Committee Members (Council Policy 4.2, version 3).

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

The Model Code of Conduct was developed in response to a need for governance reforms to reflect community expectations of behaviour, and to support consistency between local governments.

The Model Code of Conduct provides for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

It is a mandatory legislative requirement that the local government prepare and adopt a Code of Conduct prior to 3 May 2021.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policies are reviewed on a biannual basis and new policies endorsed when required by legislation. New Council Policy 4.29 Attendance at Events was endorsed by the Council on 28 April 2020, CCS481 - Council Policy 4.29 Attendance at Events.

COMMUNITY/COUNCILLOR CONSULTATION:

Council members were consulted by Briefing Note on 18 February 2021 for a two week consultation period ending on 4 March 2021. There were no requests for amendment received.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 of the *Local Government Act 1995* the role of Council includes determination of Council Policies:

2.7. Role of council

(1) *The council —*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

Compliance with the provisions of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*, within the specified time frame, is mandatory and local governments are required to adopt a code of conduct incorporating the model code of conduct within three months of 3 February 2021.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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

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

- 1. RETIRE current Council Policy 4.2 Code of Conduct for Council Members and Committee Members, version 3; and**
- 2. APPROVE Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates, version 1.**

CARRIED 13/0

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

CCS579 COUNCIL POLICY 4.17 CHILD SAFETY & WELFARE

AGENDA REFERENCE:	D-20-133683
AUTHOR:	B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	2 March 2021
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x1) Draft Council Policy 4.17 Child Safety & Welfare (v1)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council review and approval of the newly drafted Council Policy 4.17 Child Safety & Welfare. This policy is required as it details the City of Greater Geraldton's commitment to implementing the National Principles for Child Safe Organisations across its operations.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.17 Child Safety & Welfare, version 1.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Draft Council Policy 4.17 Child Safety & Welfare further details the Council's commitment to child safety following the Council decision on 26 May 2020 to participate in the National Redress Scheme –Item No. CCS501.

It is acknowledged that the policy and associated documentation includes very difficult subject matter. The policy has been developed following consultation with child service agencies, internal officers involved in child services and involved a review of state and local government child safety policies. Where the policy makes reference to a child it means any person below the age of 18 years of age.

The policy objective indicates the City is committed to creating a culture and environment where the safety and welfare of children is paramount. This shall be achieved through the commitment to implementing the National Principles for Child Safe Organisations across City operations.

This policy is supported by a newly developed Child Safety and Welfare Code of Conduct and a Responding and Reporting Procedure which are annexed to the policy. The policy and its related annexures will be mandatory for all persons working with children in relation to City activities.

This policy includes the supporting documentation as it will be mandatory for all staff, volunteers and external agencies partnering in child related activities.

The Child Safety and Welfare Code of Conduct (Appendix 1 of the policy) details the standards of conduct and behaviour that are required for all persons involved in child related activities.

The Responding and Reporting Procedure (Appendix 2 of the policy) details the process for ensuring that any suspected or alleged child safety concerns are immediately actioned. The procedure includes a reporting flowchart to enable anyone to report issues they become aware of.

Definitions of abuse (Appendix 3 of the policy) details the behaviours and issues that organisations need to be aware of to ensure that child safety concerns can be identified and responded to.

The National Principles for Child Safe Organisations (Appendix 4 of the policy) details the ten (10) core principles that child safe organisations shall implement. Their inclusion in the policy is intended to demonstrate the City's commitment to these principles in all child related activities.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The policy provides assurance to the community of the City's commitment to being a child safe organisation. As detailed above, the inclusion of the policies supporting appendices shall enable the community to understand and seek City support in relation to City child related services.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

The Local Government Act 1995 requires that Council establish good governance principles through the introduction of policies such as that which is included in this item.

This policy and its associated appendices shall form the basis for ensuring the safe provision of services to children accessing City services.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

There is no direct precedent relating to this policy. However, Item No. CCS501 - National Redress Scheme Participation endorsed at the 26 May 2020 Ordinary Meeting of Council details a similar Council position in relation to child safety matters.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted via Briefing Note on 20 October 2020 with no requests for amendment received.

The draft policy was provided to City officers involved in facility management and youth services requesting feedback. Feedback received clarified wording and linked more directly to the State Government directions on child safety issues.

No community consultation was undertaken in relation to this policy.

LEGISLATIVE/POLICY IMPLICATIONS:

The City has a duty to ensure a safe environment for children in its care. These duties and obligations are detailed in the following:

- Item No. CCS501 - National Redress Scheme Participation (Council resolution – 26 May 2020)
- Children and Community Services Act 2004
- Working with Children Act 2004
- National Principles for Child Safe Organisations

FINANCIAL AND RESOURCE IMPLICATIONS:

This policy will have an impact on City resourcing in relation to child activities undertaken by the City. This is necessary to ensure adequate supervision and processes are undertaken for all such services. An example being staff or volunteers should not be on their own with a child.

INTEGRATED PLANNING LINKS:

Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.
Strategy 1.5.2	Supporting young people to develop the skills to make valuable contributions to their communities.
Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.
Strategy 4.5.4	Ensuring Human Resource planning, policies and procedures support effective and safe Council service delivery.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The implementation of the Child Safety & Welfare policy is a critical risk mitigation strategy required for City operations.

The City's previous child safety procedures, while meeting requirements previously, are no longer suitable with the City's expanding obligations for ensuring a child safe organisation.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Other model policies and procedures were considered in the development of the draft policy. These were not progressed due to the length and complexity of their application.

The policy in its current form is recommended as it maintains a good balance of capturing the required process necessary for ensuring a child safe environment, and it is a clear resource for the intended users i.e. staff, volunteers and even children if required.

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

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

- 1. APPROVE Council Policy 4.17 Child Safety & Welfare, version 1.**

CARRIED 13/0

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

CCS580 COUNCIL POLICY 4.23 ELECTION SIGNS

AGENDA REFERENCE:	D-21-019299
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	3 March 2021
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 4.23 Election Signs (v3)
	B. Comparison Table - Council Policy 4.23 Election Signs

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.23 Election Signs, version 3.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.23 Election Signs, version 3.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 4.23 Election Signs was first approved by Council on 27 June 2017 (CCS264) and reviewed on 27 August 2019 (CCS436). The policy is due for biennial review by Council.

City Officers have reviewed the policy and do not suggest any change to the principles of the policy as the policy adequately addresses the City's position, that the placement of election signage on the City of Greater Geraldton local government property, is prohibited.

Local Government Property is defined in the Local Law as:

Local Government Property means anything –

- (a) which belongs to or leased by the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

However, references to the City's local laws within the policy have been updated to reflect the repeal, on 19 January 2021, of two local laws, below, and the introduction of the Public Places and Local Government Property Local Law 2020:

Repealed Local Laws

- Local Government and Public Property Local Law 2014
- Activities in Thoroughfares and Trading in Public Places

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

There are no adverse community impacts.

Environment:

The policy provides controls on the placement of election signage to prevent an unacceptable level of visual pollution.

Economy:

There are no adverse economic impacts.

Governance:

The policy precludes the placement of electoral signs and public electoral material on or in local government property, during federal, state and local government elections, and clarifies the process for removal and return of unapproved signage.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.23 Election Signs version 2 was approved by Council on 27 August 2019 – Item No. CCS436.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 of the *Local Government Act 1995* the role of Council includes determination of Council Policies:

2.7. Role of council***(1) The council —***

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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

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

- 1. APPROVE Council Policy 4.23 Election Signs, version 3.**

CARRIED 13/0

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

CCS581 RETIRE COUNCIL POLICY 4.27 ENTRY CONDITIONS LOCAL GOVERNMENT BUILDINGS

AGENDA REFERENCE:	D-21-021731
AUTHOR:	B Pearce, Manager Corporate Compliance and Safety
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	3 March 2021
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x1) Council Policy 4.27 Entry Conditions Local Government Buildings (v1)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to retire Council Policy 4.27 Entry Conditions Local Government Buildings.

EXECUTIVE RECOMMENDATION:

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

1. RETIRE Council Policy 4.27 Entry Conditions Local Government Buildings; and
2. REMOVE the retired Council Policy from the Register.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 4.27 Entry Conditions Local Government Buildings (CP 4.27) was approved by Council on 25 September 2018. This policy's biannual review was deferred in 2020 as the City was required to wait for the local laws to be reviewed and gazetted.

CP 4.27 was previously required to enable City officers to enforce the City of Greater Geraldton Local Government and Public Property Local Law 2014 relating to facility entry conditions.

CP 4.27 is no longer required with the newly gazetted City of Greater Geraldton Public Places and Local Government Property Local Law 2020 (Property Local Law), as this process is managed via operational processes as detailed below.

Posted Signage

Posted signage is dealt with in an updated form in the new Property Local Law. This enables the City to post entry conditions at facilities. This includes posting signage directing the intended use of a facility and general requirements regarding behaviour e.g. such as not to cause a public nuisance or determent to other persons or property.

Electronic Recording Devices

The use of electronic recording devices is dealt with in the *Surveillance Devices Act 1998 WA* ('Act'). This Act prohibits the use of recording devices without consent in any capacity in relation to private matters. The City in updating its Property Local Law and reviewing this policy, confirmed that it is recommended to align with the Act.

In addition to the Act, the City has confirmed its current processes align with the Department of Local Government, Sport and Cultural Industries guidance in relation to photography and filming of children in a public space. This guidance while directly developed to manage the risk for children, applies to the protection of any person in relation to photography or electronic recording.

This guidance confirms that property owners (such as the City) can place entry conditions relating to photography. Specifically, that photography can be wholly prohibited (such as at the Aquarena) or limited to family photography or where consent is in place (such as the citizenship ceremonies or a public award).

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

There are no adverse community impacts. This policy if retained would add an unnecessary level of red tape that the community would be required to comply with. It is for this reason that the retirement of this policy is considered to be beneficial for the community.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

With the updated Property Local Law this Council Policy is no longer required. Retiring this policy shall ensure more efficient and contemporary management of this issue via the updated Property Local Law.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.16 Property Management Leases was formally retired by Council on 27 November 2018 – Item No. DCS395.

COMMUNITY/COUNCILLOR CONSULTATION:

A Briefing Note on the proposed retirement was provided to Councillors on the 28 January 2021.

Councillors sought clarification on whether the Property Local Law would impact community members who conduct street photography. Officers clarified that while the City has the scope to support a community member if a photographer's behaviour is of concern in a public space, such matters are a policing or civil matter and generally outside the scope of the Property Local Law.

LEGISLATIVE/POLICY IMPLICATIONS:

The following compliance sources were reviewed in the development of this item:

- *Surveillance Devices Act 1998 WA.*
- *City of Greater Geraldton Public Places and Local Government Property Local Law 2020.*
- *Local Government, Sport and Cultural Industries publication - Photographing and filming children.*

Pursuant to section 2.7 of the *Local Government Act 1995* the role of Council includes determination of Council Policies:

2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The management of entry conditions inclusive of the use of electronic recording devices, is acknowledged as a priority for City facility management. The posting of entry signage is a critical risk mitigation control required to ensure expectations of visitors with regards to behaviour and allowed activities. Be it bringing animals into a facility, swearing at staff or using an electronic recording device.

The retirement of this policy may be perceived as the City attempting to reduce how it manages the use of electronic recording devices within its facilities. Details of how electronic recording devices and entry conditions are managed via the Act, the Property Local Law and the Local Government, Sport and Cultural Industries publication - Photographing and filming children are included in the background to this report.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Initial consideration was given to updating the policy to reference the new Property Local Law. This was discounted as an option as the management of entry conditions does not require a council policy for an administrative facility management process.

COUNCIL DECISION

MOVED CR ELPHICK, SECONDED CR CRITCH

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

- 1. RETIRE Council Policy 4.27 Entry Conditions Local Government Buildings; and**
- 2. REMOVE the retired Council Policy from the Register.**

CARRIED 13/0

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

CCS582 PROPOSED DOGS AMENDMENT LOCAL LAW 2021

AGENDA REFERENCE:	D-21-015225
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	2 March 2021
FILE REFERENCE:	LE/5/0004
ATTACHMENTS:	Yes (x1) Proposed City of Greater Geraldton Dogs Amendment Local Law 2021

EXECUTIVE SUMMARY:

The purpose of this report is to recommend final adoption of the proposed *City of Greater Geraldton Dogs Amendment Local Law 2021*.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 3.12 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the *City of Greater Geraldton Dogs Amendment Local Law 2021* in accordance with section 3.12(4) of the Local Government Act 1995;
2. DIRECT the CEO, in accordance with section 3.12(5) of the Local Government Act 1995, to cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. DIRECT the CEO, after Gazettal, to give local public notice in accordance with section 3.12(6) of the Local Government Act 1995:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation);
 - c. Advising that copies of the local law may be inspected or obtained from the City's office; and
4. DIRECT that following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City has undertaken a wide ranging review of local laws as required by section 3.16 of the Local Government Act 1995. The results of the review were adopted by Council at its meeting held on 26 May 2020, CCS487 – Outcome of Statutory Review of Local Laws under s.3.16 of the Local Government Act 1995.

The City is in the process of updating, amending and replacing most of its local laws. The *City of Greater Geraldton Dogs Local Law 2020* was published in the Government Gazette on 11 September 2020.

The WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) oversees the making of subsidiary legislation such as local laws and regulations on behalf of Parliament. As part of the process of making or amending a local law local governments are required to submit a copy of the proposal to the Committee which was duly done by the City.

On 21 October 2020, the JSCDL requested that the City make two amendments to the Dogs Local Law, which related to:

- Fencing of properties where dogs are kept; and
- The circumstances under which kennel licenses may be varied or cancelled.

At its meeting held on 15 December 2020 Council resolved to make a Dogs Amendment Local Law to address the Committee's request – Item No. CCS556, Proposed City of Greater Geraldton Dogs Amendment Local Law.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The City of Greater Geraldton Dogs Local Law 2020 enables the effective management of dogs within the community, and reflects the provisions of the *Dog Act 1976*, thereby mitigating the risk of community issues. The amendment local law will ensure that the principal local law meets the requirements of the JSCDL.

Environment:

There are no environmental impacts.

Economy:

There are no economic impacts.

Governance:

The proposed Dogs Amendment Local Law will amend the City of Greater Geraldton Dogs Local Law 2020 as requested by the Joint Standing Committee on Delegated Legislation. This will meet the governance requirements for the process of making a local law.

RELEVANT PRECEDENTS:

The *City of Greater Geraldton Meeting Procedures Local Law 2011* was amended on 25 August 2020, CCS525 – Proposed Meeting Procedures Amendment Local Law 2020.

COMMUNITY/COUNCILLOR CONSULTATION:

The Amendment Local Law was advertised for public comment, which ended on 4 February 2021.

No comments were received from the public however the Department of Local Government, Sport and Cultural Industries made some minor suggestions in relation to the formatting and appearance of the local law.

LEGISLATIVE/POLICY IMPLICATIONS:

A local government may amend a local law using the process set out in section 3.12 of the Local Government Act 1995.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are financial and resource implications associated with the advertisement, processing of the amendment local law, and its eventual Gazettal on final adoption.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance and Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

The adoption of the City of Greater Geraldton Dogs Local Law 2020 on 25 August 2020 enabled the effective management of dogs within the community, and ensued that the local law provisions reflect the provisions of the *Dog Act 1976*. The amendments to the Dogs Local Law 2020 have been requested by the Joint Standing Committee on Delegated Legislation and must be completed within six months from the date of their request to prevent the Local Law from being disallowed by the Committee.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered. Leaving the local law 'as is' may cause the JSCDL to recommend to Parliament that it annuls the original local law. This is clearly undesirable.

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

That Council by Absolute Majority pursuant to Section 3.12 of the Local Government Act 1995 RESOLVES to:

- 1. ADOPT the *City of Greater Geraldton Dogs Amendment Local Law 2021* in accordance with section 3.12(4) of the Local Government Act 1995;**
- 2. DIRECT the CEO, in accordance with section 3.12(5) of the Local Government Act 1995, to cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. DIRECT the CEO, after Gazettal, to give local public notice in accordance with section 3.12(6) of the Local Government Act 1995:**
 - a. Stating the title of the local law;**
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation);**
 - c. Advising that copies of the local law may be inspected or obtained from the City's office; and**
- 4. DIRECT that following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

CARRIED BY ABSOLUTE MAJORITY 13/0

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

CCS583 STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2021

AGENDA REFERENCE:	D-21-025275
AUTHOR:	N Jane, Acting Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	5 March 2021
FILE REFERENCE:	FM/17/0004
ATTACHMENTS:	Yes (x1)
	Monthly Management Report for period ended 28 February 2021

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 28 February 2021.

The statements in this report include updated budgets following the Mid-Year Budget Review approved on 23 February 2021 – Item No. CCS571. There are no matters of variance considered to be of concern for the current budgeted end of year position.

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the monthly financial statement of activity for the period 1 July 2020 to 28 February 2021, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of February 2021 is detailed in the attached report and summarised as follows. The variances are between Year-To-Date (YTD) budgeted forecasts and actuals (including commitments).

Operating Income	\$	97,160	0.1%	over YTD Budget	☒
Operating Expenditure	\$	747,474	1.4%	under YTD Budget	☒
Net Operating	\$	844,634	7.1%	over YTD Surplus	☒
Capital Expenditure	\$	24,243	0.1%	under YTD Budget	☒
Capital Revenue	\$	38,880	1.1%	under YTD Budget	☒
Cash at Bank – Municipal	\$			32,043,549	
Cash at Bank – Reserve	\$			23,008,955	
Total Funds Invested	\$			53,893,148	
Current Rates Collected				91.38%	

Current Rates Collected to February 2020	90.66%
Rates Arrears Collected	40.78%
Rates Arrears Collected to February 2020	42.27%

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the budget. The financial position presented in the February financials show a YTD positive variance of \$844,634 in the net operating surplus (deficit) result (this takes into account commitments).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

COUNCIL DECISION

MOVED CR THOMAS, SECONDED CR CRITCH

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

- 1. RECEIVE the monthly financial statement of activity for the period 1 July 2020 to 28 February 2021, as attached.**

CARRIED 13/0

Time: 5:39 PM

Not Voted: 0

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Parker	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES

Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS230	CSRFF SMALL GRANT APPLICATION – GERALDTON YACHT CLUB
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AGENDA REFERENCE:	D-21-023717
AUTHOR:	D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	2 March 2021
FILE REFERENCE:	GO/15/0007
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Geraldton Yacht Club CSRFF Small Grant Application Form
	B. Confidential – Geraldton Yacht Club CSRFF Small Grant Supporting Documentation

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant Application from Geraldton Yacht Club (GYC).

The GYC is seeking \$46,904 (excl. GST) to enclose the undercroft of their west facing balcony to provide additional storage space and install a new fence to the Club's west side leased boundary. This is to provide the Club with additional storage space for securing junior assistance boats and small training boats. These improvements are to eliminate current overcrowding and safety issues within existing storage areas. The total project is \$140,712.92 (excl. GST)

This application is a resubmission from the GYC that has been previously supported by Council on two separate occasions.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Geraldton Yacht Club CSRFF Small Grant application for \$46,904 (excl. GST); and
2. ADVISE the Geraldton Yacht Club, that any shortfall for the project is the Club's responsibility to fund.

PROPONENT:

The proponent is Geraldton Yacht Club.

BACKGROUND:

The GYC have submitted this project for CSRFF consideration on two (2) previous rounds of funding. Although supported by Council (Item No's. IS206, 24 March 2020 & IS213, 28 July 2020), both applications were unsuccessful at State Government due to a lack of funding available within the grant and other projects ranking as a higher priority. The State Government has indicated the 2021-22 funding round will once again be competitive, however have encouraged the GYC to resubmit their application.

The Department of Local Government Sport and Cultural industries (DLGSC) on behalf of the State Government offers CSRFF funding to assist sporting clubs with improvements to their facilities. The total project cost for small grants must not exceed \$300,000.

The majority of CSRFF grants are offered based on one-third funding contribution from the applicant sporting body, one-third CSRFF and one-third Local Government. The CSRFF small grants are opened twice yearly in February and July and close on the last working day in March and August of each year.

The GYC seek to improve their storage capabilities and overall functionality of their club operations with the aim to increase participation of sailing and water related activities whilst improving safety due to existing overcrowding and insufficient storage for current members and future growth.

The GYC project includes:

- Enclosing the undercroft of the west facing balcony:
 - Roller doors, carpentry and cladding;
- Extending the perimeter fencing to the leased boundary:
 - Fencing and blockworks; and
- Supply and installation to surface for additional areas:
 - Asphalt, lawn and kerbing.

There has been no change in the project scope from the previous CSRFF application, however there is a small increase of approximately 7% on last year's quotation. This is due to increases in building material prices and transportation costs.

Since the previous applications, the GYC have had local schools expressing interest to include sailing in their physical education program, with one school participating in September/October 2020 and more expressing they would like to incorporate in 2021.

The GYC currently occupy seven (7) boat parking bays within the Geraldton Multipurpose Centre's (GMC) secure compound. Within these bays the Club store the following:

- (7) x Flying 15's (small sailing vessel), and
- (3) x Dragon boats.

The GYC currently pay an annual storage fee of \$75 for each small sailing vessel only, there are no storage fees associated with the Dragon boats. The GMC's secure compound cannot support any additional GYC storage. Officers will discuss ongoing boat storage arrangements with GYC, should this application be successful, with a view to a reduction in numbers given space at the facility is very constrained.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There is no doubt that Geraldton is a sports-oriented community. Sporting Groups contribute significantly to the social fabric of the Midwest. They are generally run by volunteers and provide an opportunity for local people to participate in a variety of sporting activities.

The GYC is the only Yachting Western Australia affiliated Yacht Club within the Midwest region.

Environment:

The GYC have proposed an enclosed storage solution in the under-croft area below their new balcony. The aesthetics will be an extension of their current building and is a sustainable solution that is to blend with their current surroundings.

Economy:

Increased infrastructure will provide opportunity for the GYC to host significant events other than standard club meets. These events increase the economic sporting tourism and financial benefits to the City, as well as the club's income.

The project will be completed by local contractors.

Governance:

Officers from the Midwest Sports Federation and City Sport and Leisure team evaluated the application based on five selection criteria's – community impact, level of usage, life expectancy, detail of application and strategic alignment. Each criteria is given a weighted score out of five as per the below tables:

CRITERIA	WEIGHTING
Community Impact	25%
Level of Usage	25%
Life Expectancy	20%
Detail of Application	10%
Strategic Alignment	20%
Overall Score	100%

SCORE RANKINGS	
1	Very Poor
2	Poor
3	Average
4	Strong
5	Excellent

The evaluation results are as follows:

Club	Average Weighted Score
Geraldton Yacht Club	85/100

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City of Greater Geraldton (City) are actively focused on renewals, preventative maintenance and asset management with an emphasis on safety and compliance.

The City recently supported the following successful 'Small' CSRFF Grant Applications:

- Upgrade to Eighth Street West Floodlighting 2019-20.
- Upgrade to Woorree Park BMX lighting 2019-20.
- Mid-West Kart Club Inc. – Resurfacing of Bitumen Racetrack 2019-20.
- Wonthella Bowling Club – Synthetic Green Installation 2018-19.

COMMUNITY/COUNCILLOR CONSULTATION:

Club delegates have met and discussed their project with Officers from the City and the DLGSC Midwest Regional Manager.

The GYC has sort approval from their Club Committee to apply for CSRFF Small Grant Funding in 2020-21 Round (2).

Letters of written support have been provided from the following entities and are also included in the supporting documents:

- Yachting WA; and
- Geraldton Fishing Club.

LEGISLATIVE/POLICY IMPLICATIONS:

City Officers can confirm that the GYC application meets the CSRFF guidelines.

Council Policy 1.8 – Community Funding Programs provides the following guidelines (extract 6):

6. CSRFF

CSRFF Funding: The City will accept applications as part of the CSRFF program and process applications in line with the Department of Local Government, Sport and Cultural Industries guidelines. Each eligible application will be assessed by the City administration. Recommendations and priority listings will be presented to Council for consideration.

FINANCIAL AND RESOURCE IMPLICATIONS:

The funding request made to the City from GYC is to cover a third of the cost of their project, which is \$46,904 (excl. GST).

The City's Finance team has reviewed the financial statements provided by the GYC and confirmed it is in a viable financial position and will be able to proceed with the project should their funding application be successful.

The GYC has received an independent donation of \$50,000 to be put towards the new storage facility which completely covers the club's contribution for the project.

The GYC has previously received the following financial support from the City:

Mayoral Support Program Funding - FY2018-19 for the 50th Geraldton Ocean Classic event	\$5,000
Self-Supporting Loan 2018 - for the installation of a lift and disability toilets at the Geraldton Yacht Club. This loan is due to paid off by 2028.	\$250,000
Community Grants Program Funding 2017/18 - Dragon Boat Classic and Hobie State Titles events	\$25,000
Community Event Sponsorship between 2014 to 2017 Fremantle to Geraldton Ocean Race events.	\$19,000

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community.

REGIONAL OUTCOMES:

As the regional capital for the Mid-West region, many of the City's facilities play a role in regional amenity. Strong local facilities allow country residents to participate in sporting events and activities without having to travel outside the region.

RISK MANAGEMENT:

Successful project outcomes will alleviate current safety pressures (overcrowding and unnecessary risk) at their facilities and will have a direct impact on all users.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative option for Council is to not support the application on the basis that the Yacht club has received significant assistance from the Council recently and grant funds are limited.

COUNCIL DECISION**MOVED CR FIORENZA, SECONDED CR ELPHICK**

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

1. **SUPPORT** the Geraldton Yacht Club CSRFF Small Grant application for \$46,904 (excl. GST); and
2. **ADVISE** the Geraldton Yacht Club, that any shortfall for the project is the Club's responsibility to fund.

CARRIED 13/0

Time: 5:42 PM

Not Voted: 0

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Parker	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

IS231	AQUARENA 50M OUTDOOR POOL REFURBISHMENT AND COMPLIANCE WORKS
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AGENDA REFERENCE:	D-21-023985
AUTHOR:	P Neethling, Manager Project Delivery and D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	16 March 2021
FILE REFERENCE:	PF/000057
ATTACHMENTS:	Yes (x1)
	GHD Architectural Site Plan 12539392-SK050 Rev A

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of a budget amendment to commence construction of 'Major Repair' (Option 3) remedial and compliance upgrade works at the Aquarena Outdoor Pool during this year's seasonal winter closure period.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE and AUTHORISE a budget amendment for expenditure of \$3.6 million to undertake the Aquarena Outdoor Pool Refurbishment and Compliance Project in the 2020-21 financial year. The project to be funded from the Community Sporting and Recreation Facilities Fund (CSRFF) grant funds of \$750,000 and a cash transfer from the Asset Renewal Reserve of \$2.85 million.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Geraldton Aquarena outdoor pool was constructed in 1970 with an estimated asset life of 50 years' service and the facility is now reaching the end of its useful life.

At the Ordinary Meeting of Council held 22 January 2019, Council were presented with Item No. IS187 Aquarena Remedial Works Options which contained a number of remedial work options to extend the life of the facility. Council subsequently resolved to:

1. APPROVE the design and construction of 'Major Repair' (Option 3) remedial works at the Aquarena Outdoor Pool;
2. MAKE provision in the FY2019/20 Annual Budget and Long Term Financial Plan to fund the following works:
 - a. FY2019/20 - Planning and Design \$200,000
 - b. FY2020/21 - Major Repair works \$2,080,000
3. NOTE that once the works are complete, the facility is anticipated to

require full replacement in FY2040/41 at an estimated cost of \$6 million; and

4. *AUTHORISE the CEO to seek a 'Community Sporting and Recreation Facilities Grant' contribution from the State Government for the maximum available amount of \$2 million.*

GHD consulting engineers were engaged in 2020 to prepare detailed design and documentation. This process included a pre-design condition assessment to determine the current condition of the pool since the original inspection held in 2018. The condition assessment identified further deterioration since the original inspection conducted in 2018 associated with:

1. Additional delamination of tiling in the pool.
2. Further deterioration of the pool scum gutter and kerb.
3. Degradation of the pool water return pits.
4. Further deterioration of the primary litter screen, balance tank, plant room and chlorine store in keeping with the general aging of the infrastructure.
5. Structural undermining was noted at the plant room building and in close proximity to the filtration tank.

In addition, GHD identified opportunities to cost effectively incorporate compliance upgrade works in accordance with Australian Standard (AS), Code of Practice (CoP), National Construction Codes (NCC), Building Code of Australia (BCA) and the Department of Health (DoH) requirements whilst carrying out the repairs to the pool. These items include:

1. Increasing pool water turnover volumes by:
 - a. Increasing the size of the pump and filtration system (the existing system is old and has very little redundancy);
 - b. Reducing the depth of the pool in the deep end section to reduce water volume and include additional recirculation pipework;
 - c. Resizing the balance and backwash tanks to suit the pump and filtration systems; and
 - d. Resizing the plant room to suit the new pump and filtration system.
2. Replacing the existing chlorine chemical store.
3. Construction of a new disability access ramp.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The outdoor pool is a significant contributor to the health, wellbeing and social fabric of the City's community, the benefits that are attributed with having such a facility affects all ages, cultures, abilities and needs of the community. Undertaking the major repairs option and compliance upgrade works will ensure the facility continues to safely provide accessible services to the community for up to 20 years. The project includes construction of an all abilities ramp in keeping with key strategies of the City's Disability Access and Inclusion Plan.

Environment:

The detailed design of the pool includes the opportunity to reduce water use, and the corresponding volume of water treatment chemical, in providing a shallower facility and further building upon the recently received Water Wise Award from the Water Corporation in recognition of the City's water saving measures.

Economy:

It is possible that the construction may be undertaken by a Perth-based head contractor due to the specialist nature of the works however, it is expected that a significant proportion of the funds will be injected into the local economy via sub-contractors and suppliers.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council held in February 2021, Council resolved to bring forward expenditure for the Meru Resource Recovery Facility (from 2021-22 to 2020-21) in order to commence the tendering process.

COMMUNITY/COUNCILLOR CONSULTATION:

On 22 August 2019, the City held a workshop with the Aquarena outdoor Pool user groups and community members to inform them of the current condition of the pool, Council's decision to undertake a major repair, remediation works and the proposed works. Representatives from Geraldton Water Polo Association, Geraldton Master Swimming Group and the Aquarena User Group attended the workshop.

Further consultation with GHD engineering consultants has been undertaken through the design process that has identified opportunity and benefit to ensure a design that is compliant and will meet the needs of users over the next 20 year asset life.

LEGISLATIVE/POLICY IMPLICATIONS:

The Western Australian Chief Health Officer (CHO) is required to provide approval for all construction/alteration/extension works for aquatic facilities under the provisions of the *Health Services Act 2016*, Health (Aquatic Facilities) Regulations 2007 and Code of Practice for the Design, Construction, Operation Management and Maintenance of Aquatic Facilities since January 2020.

Provisions made in the detailed design and documentation will ensure that the City comply with the requirements of the Act, Regulation and Code of Practice.

In addition, City assets should be compliant with the requirements of the City's Disability Access and Inclusion Action Plan, therefore construction of an access ramp should be included whilst the pool is being refurbished to extend the life of the asset for 20 years.

FINANCIAL AND RESOURCE IMPLICATIONS:

This project is listed for proposed delivery in the Long Term Financial Plan (LTFP) in 2021-22. The project successfully received a funding contribution of \$750,000 from CSRFF and the remainder \$2,850,000 is to be funded from the Asset Renewal Reserve.

A transfer from reserves means there is no impact to the City budget's bottom line. Undertaking this project will extend the life of the asset and thereby have minimal impact on the annual depreciation charge and therefore the operating budget.

The likelihood is that most of the expenditure for this project will be incurred in the 2021-22 financial year, however, approval of this budget amendment in 2020-21 will enable the project to commence. Any expenditure for this project not incurred in the 2020-21 financial year will be incorporated into the capital carryovers for 2021-22.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
Title: Community	1.3 Community Health and Safety
Strategy 1.3.1	Encouraging the improvement of health services and facilities for the community.
Title: Environment	2.2 Sustainability
Strategy 2.2.2	Researching, promoting and providing sustainable infrastructure, services and utilities.
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.

REGIONAL OUTCOMES:

Swimming pools and aquatic centres are important facilities for regional communities due to the sporting and recreational benefits they offer. The City of Greater Geraldton (City) Aquarena provides a local meeting place for people and families to help maintain a more vibrant, connected community and extending the life of the asset by 20 years. This will see the continuation of high annual visitation numbers of approximately 200,000 per annum.

The additional compliance scope allows users such as the water polo and swimming clubs the ability to improve applications to host country and national championship events in their respective competitions. These events have a clear alignment with Council's strategic objectives to create opportunities for local sporting groups and enhance the strong sporting culture whilst promoting well planned facilities to meet current and future community needs.

RISK MANAGEMENT:

The executive recommendation mitigates a number of risks associated with maintaining a non-compliant aquatic facility associated with accessibility, safety, environmental and financial.

The engineering consultant has provided an Opinion of Probable Cost estimate based on the detailed design and recently completed projects indicating that the project can be undertaken within the proposed budget. The engineer will also be engaged to provide contract management, technical and quality assurance support for the duration of the project due to the highly specialised and technical nature of the works.

The successful tenderer will be engaged under an AS4000 General Conditions of Contract, providing industry standard mechanisms for managing risk during construction.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

1. APPROVE construction as per previous Council Item No. IS187 'Major Repairs' Option 3 only. This option is not recommended as subsequent compliance and repair work will likely be required at a later date and inclusion of the upgrade work now provides a more cost effective solution.

COUNCIL DECISION

MOVED MAYOR, SECONDED CR TANTI

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

1. APPROVE and AUTHORISE a budget amendment for expenditure of \$3.6 million to undertake the Aquarena Outdoor Pool Refurbishment and Compliance Project in the 2020-21 financial year. The project to be funded from the Community Sporting and Recreation Facilities Fund (CSRFF) grant funds of \$750,000 and a cash transfer from the Asset Renewal Reserve of \$2.85 million.

CARRIED BY ABSOLUTE MAJORITY 13/0

Time: 5:47 PM

Not Voted: 0

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Parker	YES

Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

12.4 REPORTS OF OFFICE THE CEO**CEO073 REGIONAL CAPITALS AUSTRALIA**

AGENDA REFERENCE:	D-21-024420
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	8 March 2021
FILE REFERENCE:	GR/10/0029-003
ATTACHMENTS:	Yes (x1)
	RCA 2019-20 Annual Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for continued membership of Regional Capitals Australia (RCA) and to provide the Council with a copy of this organisation's 2019-20 annual report.

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the Regional Capitals Australia (RCA) 2019-20 Annual Report; and
2. APPROVE continued membership with the RCA.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Regional Capitals Australia (RCA) is a national forum of Mayors and CEO's, which is governed by a board of nine councils. Australia has 51 regional capitals with 22 of these members of the Regional Capitals Australia (RCA). During the 2019-20 year, Mayor Shane Van Styn was the Chair, Cr Tony Herbert (Mayor, Warrnambool) was the Deputy Chair, Cr Col Murray (Mayor Tamworth) the Secretary and Cr George Seymour (Mayor Fraser Coast) the Treasurer.

This group provides a strong advocacy voice for regional capitals to the Federal Government. The Federal Government is 'lobbied' by many interest groups seeking Federal Government assistance. RCA ensures that the voice of regional capitals is heard.

With reference to the attached annual report, during the 2019-20 year, RCA advocated for fast tracking Financial Assistance Grants and for a COVID-19 stimulus package paid directly to local governments. RCA also advocated for Regional Aviation Programs, Regional Connectivity via broadband, air and rail and the Building Better Regions Fund.

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

Continued membership of RCA provides opportunities to promote and grow our local community and to be a part of the debate of issues impacting all of Regional Australia.

Environment:

There are no adverse environmental impacts.

Economy:

Continued membership of RCA allows the City of Greater Geraldton access to a group that is actively promoting the regions which in turn provides an opportunity to improve the local economy.

Governance:

Continued membership of RCA allows the City of Greater Geraldton to network with other large regional Councils facing the same governance/legislative issues.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City of Greater Geraldton is currently a member of the following organisations:

- Australian Coastal Councils Association.
- Australian Airports Association;
- Australian Library and Information Association;
- Cemeteries and Crematoria Association of Western Australia (CCAWA);
- Oral History Association of Australia WA Branch;
- Performing Arts Connections Australia (PAC Australia);
- Regional Capitals Alliance Western Australia (RCAWA);
- Regional Capitals Australia (RCA);
- WA Rangers Association (WARA); and
- WA Local Government Association (WALGA).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual membership fee for RCA is currently \$8,800 (inclusive GST). Please refer to the attached financial section of the annual report for how the funds are utilised. Additional costs are confined to travel costs for Mayor and CEO to attend the bi-monthly meetings. These costs have been limited with either the Mayor or CEO or both attending meetings on-line.

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.1	Continuing to promote the City as the destination of choice for regional events.
Title: Governance	4.3 Advocacy and Partnerships
Strategy 4.3.1	Active participation in regional, state and national alliances.
Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

REGIONAL OUTCOMES:

As detailed within this report and in the attached annual report, there are many regional benefits to being a member of an organisation specifically constructed to promote regional Australia.

RISK MANAGEMENT:

The Council needs to decide if the benefits received from being a member of RCA exceed the annual membership fee. Officers believe this is the case.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative is to not be a member of RCA. Because of the opportunities being a part of this group presents, this option is not recommended.

CEO Ross McKim declared an Impartiality interest in Item CEO073 Regional Capitals Australia as he is on the Board as he is the Geraldton CEO and remained in Chambers.

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

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

- 1. RECEIVE the Regional Capitals Australia (RCA) 2019-20 Annual Report; and**
- 2. APPROVE continued membership with the RCA.**

CARRIED 13/0

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

CEO074 REGIONAL CAPITALS ALLIANCE WESTERN AUSTRALIA

AGENDA REFERENCE:	D-21-024415
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	7 March 2021
FILE REFERENCE:	GR/10/0024-02
ATTACHMENTS:	Yes (x1)
	RCAWA 2019-20 Annual Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for continued membership of Regional Capitals Alliance Western Australia (RCAWA) and to provide the Council with a copy of this organisation's 2019-20 annual report.

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the Regional Capitals Alliance Western Australia (RCAWA) 2019-20 Annual Report; and
2. APPROVE continued membership with the RCAWA.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Regional Capitals Alliance Western Australia (RCAWA) consists of the ten largest regional capitals in Western Australia. As detailed in the attached annual report, the board consists of the Mayor/Shire President and CEO of each Council. Currently Albany holds the chair and secretariat, City of Greater Geraldton is the treasurer and Mr Paul Rosair is the Executive officer. The bookkeeping and auditing requirements have been outsourced. The group meets every two months.

This group provides a strong and united voice for regional Western Australia and actively lobbies a regional perspective to counter tendencies towards a Perth-centric approach to policy, strategy and budget resource issues in WA. The group represents regional WA, with over a third of the State's population [Note: WA Population in 2018 about 2.67M with about 1.7M in Perth].

The appointment of Mr Paul Rosair as Executive Officer has allowed the group to develop strong connections within the State Government, which are critical to the promotion and development of regional WA.

The bi-monthly meeting general includes a meeting with either a Director General or Minister or Minister's representative which provides the regions with an opportunity to put their case directly to the top levels of the State Government.

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

Continued membership of RCAWA provides opportunities to promote and grow our local community and to be a part of the debate of issues impacting all of Regional Western Australia.

Environment:

There are no adverse environmental impacts.

Economy:

Continued membership of RCAWA allows the City of Greater Geraldton access to a group that is actively promoting the regions which in turn provides an opportunity to improve the local economy.

Governance:

Continued membership of RCAWA allows the City of Greater Geraldton to network with other large regional WA Councils facing the same governance/legislative issues.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City of Greater Geraldton is currently a member of the following organisations:

- Australian Coastal Councils Association;
- Australian Airports Association;
- Australian Library and Information Association;
- Cemeteries and Crematoria Association of Western Australia (CCAWA);
- Oral History Association of Australia WA Branch;
- Performing Arts Connections Australia (PAC Australia);
- Regional Capitals Alliance Western Australia (RCAWA);
- Regional Capitals Australia (RCA);
- WA Rangers Association (WARA); and
- WA Local Government Association (WALGA).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual membership fee for RCAWA is currently \$16,500 (inclusive GST). Please refer to the attached financial section of the annual report for how the funds are utilised. Additional costs are confined to travel costs for Mayor and CEO to attend the bi-monthly meetings. These costs have been limited with either the Mayor or CEO or both attending meetings on-line.

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.1	Continuing to promote the City as the destination of choice for regional events.
Title: Governance	4.3 Advocacy and Partnerships.
Strategy 4.3.1	Active participation in regional, state and national alliances.
Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

REGIONAL OUTCOMES:

As detailed within this report and in the attached annual report, there are many regional benefits to being a member of an organisation specifically constructed to promote regional Western Australia.

RISK MANAGEMENT:

The Council needs to decide if the benefits received from being a member of RCAWA exceed the annual membership fee. Officers believe this is the case.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative is to not be a member of RCAWA. Because of the opportunities being a part of this group presents, this option is not recommended.

CEO Ross McKim declared an Impartiality interest in Item CEO074 Regional Capitals Alliance Western Australia as he is on the Board in his capacity as Geraldton CEO and remained in Chambers.

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

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

- 1. RECEIVE the Regional Capitals Alliance Western Australia (RCAWA) 2019-20 Annual Report; and**
- 2. APPROVE continued membership with the RCAWA.**

CARRIED 13/0

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

CEO075	COUNCIL	POLICY	4.4	OPERATION	OF	ADVISORY
		COMMITTEES				

AGENDA REFERENCE:	D-21-023515
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	4 March 2021
FILE REFERENCE:	GO/6/0009
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 4.4 Operation of Advisory Committees (v3)
	B. Comparison Table - Draft Council Policy 4.4 Operation of Advisory Committees

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for Council Policy 4.4 Operation of Advisory Committees, version 3.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy CP4.4 Operation of Advisory Committees, version 3.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Version 3 of this Policy has undergone its biennial review. In summary, small edits have been made as well as updates to numbering, record keeping processes, roles, distribution of minutes and agendas and their publication on the City's website to align with the recent changes in the Local Government (Administration) Regulations 1996.

The proposed amendments are detailed on the comparison table Attachment No. CEO075B, for Council consideration.

All Committees of Council are Advisory Committees, therefore any recommendations from a Committee requires formal consideration by Council.

Committees formed and operated by organisations external to the City of Greater Geraldton (CGG) are not subject to this policy even if they have as members, Elected Members or Officers appointed to represent the interests of the City of Greater Geraldton.

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

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

The Local Government Act requires that Councils establish good governance principles through the introduction of policies and guidelines.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council review Council Policies from time to time as required. Council Policy CP 4.4 Operation of Advisory Committees was last reviewed by Council on 23 October 2018, CEO054.

COMMUNITY/COUNCILLOR CONSULTATION:

Council Policy CP 4.4 and supporting comparison table were sent to Council via a Briefing Note dated 23 February 2021 for their review and feedback.

The following feedback was received from one Councillor:

1. Can Section 6.3 relating to quorums be clarified/simplified?

Response additional text has been added to Section 6.3, CEO075A, to clarify that a quorum is the minimum number of voting members who must be present for a meeting to be considered valid.

2. Can a section be added about whether suggestions/motions made in a meeting need to be moved or whether a general consensus is adequate?

Response The Department of Local Government and Communities' Guide to Meetings, Section 8, states:

'Most local governments have adopted the local law to provide for rules and guidelines that apply to the conduct of their council, committee and electors' meetings. All meeting must be conducted to comply with the Act, regulations and Council's own adopted meeting local laws'.

Therefore a new 7.1.1. has been added to ensure consistency and to align with Meeting Procedures Local Law 2011 Part 9.1 Motions to be stated and in writing and 9.2 Motions to be supported.

9.1 Motions to be stated and in writing

A member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and*
- (b) if required by the presiding member, is to put the motion or amendment in writing.*

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.*
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under Regulation 10 of the Regulations.*

These amendments have been included in the draft Policy – Attachment No. CEO075A.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 of the *Local Government Act 1995* the role of the council includes determination of Council Policies:

2.7. Role of council

- (1) The council —*
 - (a) governs the local government's affairs; and*
 - (b) is responsible for the performance of the local government's functions.*
 - (2) Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*
- [Section 2.7 amended: No. 17 of 2009 s. 4.]*

Section 5.8 of the *Local Government Act 1995* allows Council to establish Committees to assist it in discharging its duties under the Act.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.1	Strengthening the governance role of Councillors by informing, resourcing, skilling and supporting their role.
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

This policy provides clarity when conducting Committee Meetings.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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

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

- 1. APPROVE Council Policy CP4.4 Operation of Advisory Committees, version 3.**

CARRIED 13/0

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

12.5 REPORTS TO BE RECEIVED**RR23 REPORTS TO BE RECEIVED - MARCH**

AGENDA REFERENCE:	D-21-026717
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	12 March 2021
FILE REFERENCE:	GO/6/0012-007
ATTACHMENTS:	Yes (x2) 1 X Confidential
	A. DCSD168 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CCS584 – Confidential Report – List of Accounts Paid Under Delegation February 2021

EXECUTIVE SUMMARY:

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

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development and Community Services:
 - i. DCSD168 - Delegated Determinations and Subdivision Applications for Planning Approval.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS584 – Confidential Report – List of Accounts Paid Under Delegation February 2021.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR TANTI****PART A****That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to**

- 1. RECEIVE the following appended reports:**
 - a. Reports – Development and Community Services:**
 - i. DCSDD168 - Delegated Determinations and Subdivision Applications for Planning Approval.**

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

- 1. RECEIVE the following appended reports:**
 - a. Reports – Corporate and Commercial Services:**
 - i. CCS584 – Confidential Report – List of Accounts Paid Under Delegation February 2021.**

CARRIED 13/0*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NM17	CBD LAND ACQUISITION
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AGENDA REFERENCE:	D-21-025376
AUTHOR:	Mayor Shane Van Styn
DATE OF REPORT:	8 March 2020
FILE REFERENCE:	GO/6/0008
APPLICANT / PROPONENT:	Council
ATTACHMENTS:	Yes (x4)
	A. Aerial View of the Land
	B. City Centre Planning Policy – extract p35
	C. Geraldton City Centre Revitalisation Plan – extracts p27 & p54
	D. History of the Victoria Hotel

COUNCILLOR COMMENT

The recent fire and demolition of the Victoria Hotel (later known as Blue Heelers) has generated a great deal of community interest in the location. The site is now clear and level and is on the market for sale. I am interested to know if there is any interest from the Council and the community for the City to purchase the property. Properties like this one located within the CBD do not regularly become available and hence I think the council should at least undertake research to determine if the purchase of the property provides an opportunity for the Council to facilitate the development of the site for the benefit of the community and the nearby local businesses. In the short term, the opportunity presents to establish an area for car parking and additional parklands. In the medium to long term, there may be an opportunity to develop the site and centrally locate City services.

COUNCILLOR MOTION:

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

1. DIRECT the CEO to enquire as to the status of the sale of the Blue Heelers site (Lot 151 Marine Tce and lot 153 Lester Ave) by the liquidator;
2. DIRECT the CEO to ascertain what a possible sale price would be;
3. DIRECT the CEO to report back to Council with his findings for further deliberations;
4. DIRECT the CEO to provide a brief to Council on options for the site, in keeping with the City's CBD masterplan, should Council resolve to, and ultimately successfully acquire the site;
5. MAKE the determination on the following grounds:
 - a. The Site is currently for sale;
 - b. The demolition of Blue Heelers has sparked community interest in the future of the site;

- c. The site lends itself to the development of further laneways and sight lines that have provided to be a great enhancement of the Geraldton CBD; and
- d. Community interest has been shown for a CBD green space / park in the centre of town.

EXECUTIVE COMMENT

The Executive would support an investigation into the opportunity to purchase the property. With additional information on the property, the Council would be in a position to make an informed decision.

The Victoria Hotel (later known as Blue Heelers) first opened for trading in 1862. A Publican's Licence was applied for and successfully awarded to George Baston on the 3 March 1862. Baston was a prominent local business man, who arrived in Geraldton in 1857 and who was a Chairman of the Geraldton Municipal Council in 1881 and 1884. Later he became Geraldton's first Mayor in 1885. Additional historical information on the property is included in Attachment NM17D.

The Blue Heelers site is 5,695 sqm. Lot 153 Lester Avenue is 4,061 sqm providing a total area of 9,756 sqm. This is a significant parcel of land which may provide various opportunities for the City and the local community. By way of comparison:

- Lot 601 is 8,575 sqm.
- The building footprint of the City library is 1,281 sqm.
- The building footprint of the Geraldton Art Gallery is 509 sqm.
- The building footprint of the civic centre building is 3,800 sqm.
- The building footprint of QPT is 1,666 sqm.

These properties are located one street back from the Geraldton Foreshore and connect Marine Tce to Lester Avenue. They are located on the west end of the CBD which has been known in recent time as the location of many of the City's creative endeavours.

The land is Freehold, not on the State Heritage register, not on the contaminated land register, and no structure plan is in place. It is in the Regional Centre Planning zone which promotes development of the Geraldton regional centre as a focus for a wide range of retail, business, commercial, health, education, entertainment, cultural, recreational, and community activities.

The City Centre Planning Policy, page 35 (Attachment No. NM17B), shows the minimum pedestrian links required within the CBD. One of these links passes through the properties under investigation. The City has facilitated pedestrian access opposite this site adjacent to the Fleurs café and also through the Rock laneway. These projects have been well received by the local community and local business operators. The idea of pedestrian access through this site was further highlighted in the Geraldton City Centre Revitalisation Plan (see Attachment NM17C for the relevant sections).

With respect to use of the property, as suggested by the Mayor, in the short term (0-5 years), the area could be transformed into an area of inner city greenspace provides for the City to create an urban forest, a community food garden, public art and an opportunity to show case climate change reduction ideas and technology. In the longer term, the area could be transformed into a city precinct with a variety of city services delivered from it.

With the current renewed interest in real estate in the Geraldton area, there would be an opportunity to sell other parcels of land currently owned by the City to fund the purchase of this property.

Cr N Colliver declared a Proximity Interest in Item NM17 CBD Land Acquisition as she is Chair of Pollinators Inc. who hold a lease over Yamatji Arts & Headspace and left Chambers at 5.51pm.

COUNCIL DECISION

MOVED MAYOR, SECONDED CR TANTI

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

1. **DIRECT the CEO to enquire as to the status of the sale of the Blue Heelers site (Lot 151 Marine Tce and lot 153 Lester Ave) by the liquidator;**
2. **DIRECT the CEO to ascertain what a possible sale price would be;**
3. **DIRECT the CEO to report back to Council with his findings for further deliberations;**
4. **DIRECT the CEO to provide a brief to Council on options for the site, in keeping with the City's CBD masterplan, should Council resolve to, and ultimately successfully acquire the site;**
5. **MAKE the determination on the following grounds:**
 - a. **The Site is currently for sale;**
 - b. **The demolition of Blue Heelers has sparked community interest in the future of the site;**
 - c. **The site lends itself to the development of further laneways and sight lines that have provided to be a great enhancement of the Geraldton CBD; and**
 - d. **Community interest has been shown for a CBD green space / park in the centre of town.**

CARRIED 9/3

Time: 6:04 PM

Not Voted: 1

No Votes: 3

Yes Votes: 9

Name	Vote
Cr. Douglas	YES
Cr. Parker	NO
Cr. Caudwell	NO
Cr. Colliver	NOT PRESENT

Cr. Clune	NO
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

Cr Colliver returned to Chambers at 6.04pm.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

Confidential discussion was not required.

CCS585 RFT 2021 18 SUPPLY INSTALL & MAINTAIN STORMWATER DRAINAGE INFRASTRUCTURE

AGENDA REFERENCE:	D-21-024947
AUTHOR:	C Bryant, Coordinator Procurement
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	2 March 2021
FILE REFERENCE:	FM/25/0219
ATTACHMENTS:	Yes (x2) Confidential
	A. Confidential – RFT 2021 18 Evaluation Report
	B. Confidential – Briefing Note – RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure to the preferred tenderer.

The contract is to run for a period of two years to complete budgeted stormwater drainage renewals and repair works. The initial contract will be in place from 1 May 2021 to 30 April 2023 with the option for a one year extension exercisable at the discretion of the Principal.

EXECUTIVE RECOMMENDATION:

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

1. AWARD contract RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure to the preferred tenderer; and
2. RECORD the estimated annual contract value in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Tender RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure (RFT) was advertised in The West Australian on 12 December 2020 and in the Geraldton Guardian on 11 December 2020. The tender was also advertised on the City's TenderLink e-Tendering Portal. The RFT was closed on 20 January 2021.

Fourteen suppliers registered to receive copies of the tender and one submission was received. The tender assessment was undertaken by a panel of five Officers with three voting and two non-voting. The tenderer has an operation based locally.

The RFT has a two year duration commencing from the date of award and has a one year extension option at the absolute discretion of the City. The City has adopted a two year supply contract period for a variety of goods and services used in the maintenance programs.

There has previously been a two year contract for Installation, Removal and Replacement of Stormwater Drainage Infrastructure and a two year contract for Supply and Delivery of Drainage Products. This RFT has included the supply of drainage products to the installation and maintenance contract.

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

Well maintained stormwater drainage infrastructure reduces the likelihood of accidents or injury caused to members of the public and property.

Environment:

All proposed stormwater drainage infrastructure works will be undertaken with care for the environment in mind. Environmental controls are implemented as part of the individual maintenance programs.

Economy:

Awarding of this tender will result in City funds flowing into the local economy through the employment of local community members such as labourers, truck drivers, and traffic controllers, supporting local businesses.

A two year supply contract also allows Maintenance Operations to carry out stormwater drainage maintenance and repair works from proven suppliers with planned costs.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City has previously awarded a two year supply contract RFT 02 1718 Installation, Removal and Replacement of Stormwater Drainage on 24 April 2018 – Item No. IS172. The initial contract was in place from 1 May 2018 to 30 April 2020, with a one year extension approved until 30 April 2021.

The City also previously awarded a two year supply contract RFT 18 1617 Supply and Delivery of Drainage Products on 25 July 2017 – Item No. IS151. The initial contract was in place from 26 July 2017 to 25 July 2019, with a one year extension approved until 25 July 2020, then a further one year extension approved due to COVID-19 until 25 July 2021.

COMMUNITY/COUNCILLOR CONSULTATION:

Community and Councillor consultation does not occur with the award of the two year supply contracts for essential services. Consultation relating to these activities takes place when Council confirms the annual budget for such essential services.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act 1995 and Council Policy 4.9 Procurement of Goods and Services were observed when preparing and recommending the award of this tender. Safe work methods and environmental management in line with legislative requirements will be observed as part of the delivery of the contract.

FINANCIAL AND RESOURCE IMPLICATIONS:

Currently there are two tenders for this service that both expire in 2021:

- RFT 02 1718 Installation, Removal and Replacement of Stormwater Drainage Infrastructure (does NOT include supply of drainage products – the City supplies this to the contractor using RFT 18 1617)
- RFT 18 1617 Supply and Delivery of Drainage Products (supply and delivery only for both the City's Maintenance Operations Department and supplying products for RFT 02 1718 installation tender above)

Historically, the combined value of both of these contracts was approximately \$800,000 plus GST per annum – (\$500,000 for the installation contract and \$300,000 for the supply and delivery contract).

It is anticipated that the combined value of both of these contracts will remain unchanged, with the only difference being the spread of spend across the two new tenders, being around \$660,000 for this tender RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure (this new tender includes supply of drainage products by the installation contractor), and approximately \$140,000 for the planned tender RFT 2021 21 Supply and Delivery of Drainage Products which will only be utilised by the City's Maintenance Operations branch. The City will NOT be supplying concrete drainage products to the installation contractor in this new planned tender.

With the above information in mind - historically, the Installation, Removal and Replacement of Stormwater Drainage Infrastructure, excluding supply of drainage products, was approximately \$500,000 plus GST per annum – therefore the initial total estimated contract price was approximately \$1,500,000 plus GST over a three year period, including extension options. The City used this figure in the procurement plan for forecasting potential budgets.

The final total estimated contract price for this tender RFT 2021 18, based on the 2020-21 forecast for these services including extension options, traffic management, and supply of drainage products, is \$1,980,000 plus GST over a three year period.

The variation between the initial procurement plan estimate and final contract value estimate is due to the inclusion of supply of drainage products in this tender.

INTEGRATED PLANNING LINKS:

Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Title: Environment	2.3 Built Environment
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

To facilitate well maintained stormwater drainage infrastructure throughout the City of Greater Geraldton which enhances the comfort and safety of the community.

RISK MANAGEMENT:

By including supply of concrete drainage products in this new installation tender, the City will have one contractor accountable for the quality of the product. This removes the potential risk relating to a product's quality. The previous supply arrangements made managing product quality complex as the City needed to verify if product quality issues were related to the supply contract or the installation contract.

The works carried out under this contract will allow the stormwater drainage infrastructure throughout the City to be maintained at their optimal standard, reducing accidents and risk of injury to members of the public and property. In addition the successful tenderer as detailed above shall have documented management plans in place to ensure the safety and protection of workers and the community in relation to this service.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

This RFT was called to ensure compliance with the legislative procurement requirements of the Local Government Act 1995. The following alternatives were considered in the procurement planning phase prior to calling this tender:

1. Call for individual quotations and tenders for specific stormwater drainage infrastructure works. This option is not supported and was discounted due to the volume of administrative effort required, and the potential to have higher costs through multiple small purchases.
2. Use the WALGA Preferred Suppliers Panel. Currently there is a local supplier available on the WALGA Preferred Suppliers Panel. The use of the WALGA Preferred Suppliers Panel would limit opportunities for local suppliers and is not supported.
3. Call for tenders for installation, removal, and replacement of stormwater drainage infrastructure, and not include supply of drainage products. This option is not supported and was discounted due to previous supply arrangements that made managing product quality complex as the City needed to verify if product quality issues were related to the supply contract or the installation contract.
4. The previous arrangement where the City supplied products to an installation contractor was the only arrangement of this kind. All other City tenders include supply of products with installation contracts. This new arrangement brings these two tenders in line with other tenders the City has.

COUNCIL DECISION

MOVED CR HALL, SECONDED CR DOUGLAS

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

1. **AWARD contract RFT 2021 18 Supply Install & Maintain Stormwater Drainage Infrastructure to the preferred tenderer being Redcat Holdings Pty Ltd; and**
2. **RECORD the estimated annual contract value in the minutes being \$658,352.00 excluding GST.**

CARRIED 13/0

Time: 6:05 PM

Not Voted: 0

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Parker	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 6.05pm.

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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