



ORDINARY MEETING OF COUNCIL  
AGENDA

23 NOVEMBER 2021

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON TUESDAY, 23 NOVEMBER 2021 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**A G E N D A**

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**

**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:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr T Thomas

Cr N Colliver

**4 DISCLOSURE OF INTERESTS**

Mayor S Van Styn declared a Financial Direct interest in Item No. DCS505 Proposed Microbrewery and Reception Centre on Lot 22 (60) Fitzgerald Street, Geraldton as he is the owner of the site.

Cr J Critch declared an Impartiality interest in Item No. DCS510 Revision of Level of Service - Mullewa GP/Medical Service as she is a patient of the Doctor.

Cr T Thomas declared an Impartiality interest in Item No. DCS510 Revision of Level of Service - Mullewa GP/Medical Service as she is a patient of the Doctor.

**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.*

**7 APPLICATIONS FOR LEAVE OF ABSENCE****Existing Approved Leave**

Councillor	From	To (inclusive)	Date Approved
Cr T Thomas	1 November 2021	31 December 2021	28/9/2021
Cr N Colliver	1 November 2021	30 November 2021	26/10/2021
Cr J Critch	7 December 2021	7 December 2021	26/10/2021
Cr J Critch	10 January 2022	17 January 2022	26/10/2021
Cr J Critch	27 January 2022	5 February 2022	26/10/2021

*\*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.*

**8 PETITIONS, DEPUTATIONS**

Nil.

**9 CONFIRMATION OF MINUTES**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 October 2021, as previously circulated, be adopted as a true and correct record of proceedings

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
27 October 2021	Regional Capitals Australia (RCA) Meeting with the Hon Alex Hawke MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs – Visa Streams and Regional Australia - videoconference	Mayor Shane Van Styn
27 October 2021	Triple M Radio Interview – Outcomes of Council	Mayor Shane Van Styn
27 October 2021	ABC Radio - Outcomes from Council Meeting	Mayor Shane Van Styn
27 October 2021	Chapman Road Tactical Urbanism - Presentation of Certificates to Geraldton Senior High School Students	Mayor Shane Van Styn
27 October 2021	Proposed Jetty	Mayor Shane Van Styn
27 October 2021	Geraldton Cemetery - Appreciation Afternoon Tea	Mayor Shane Van Styn
28 October 2021	Yamatji Southern Regional Corporation (YSRC) - Future of Boomerang Hostel	Mayor Shane Van Styn
29 October 2021	St Georges Church - Table of Grace Community Lunch	Mayor Shane Van Styn
29 October 2021	Road Safety Commission eRideables Presentation	Mayor Shane Van Styn
30 October 2021	The Recreation Ground - Rugby	Mayor Shane Van Styn
30 October 2021	Midwest Relay for Life	Mayor Shane Van Styn
31 October 2021	Radio Mama – Local Matters	Mayor Shane Van Styn
1 November 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
1 November 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
2 November 2021	BCM2 Steering Committee Meeting	Mayor Shane Van Styn
2 November 2021	Concept Forum	Mayor Shane Van Styn
4 November 2021	Glenfield Fresh IGA and Liquor Barons at Sunset - Meeting with New Owners	Mayor Shane Van Styn
4 November 2021	Cathedral Precinct Redevelopment (CPR)	Mayor Shane Van Styn
4 November 2021	CinefestOZ – Screenings in Geraldton	Mayor Shane Van Styn
4 November 2021	Youth Affairs Council of WA - Midwest Youth Sector Forum	Cr Michael Librizzi
5 November 2021	Disability Access - Wheelchair Challenge	Mayor Shane Van Styn
5 November 2021	Triple M Radio Interview – Borders and COVID-19	Mayor Shane Van Styn
6 November 2021	Midwest Multicultural Association: Festival of Lights	Cr Michael Reymond
7 November 2021	Skeeta's 30th Birthday Celebrations	Mayor Shane Van Styn
7 November 2021	Hellenic Society of Geraldton Lunch and Celebration	Cr Robert D Hall
8 November 2021	Senior's Concert - Official Opening of 2021 Seniors Week	Cr Robert D Hall
9 November 2021	Iluka Resources – Stakeholder Engagement	Mayor Shane Van Styn
10 November 2021	Chapman Road Tactical Urbanism - Presentation of Certificates to Nagle Catholic College Students	Mayor Shane Van Styn

10 November 2021	Council Meeting Style Discussion with Geraldton Senior High School: 'Follow the Dream' Students	Mayor Shane Van Styn
10 November 2021	Con's Liquor Update on Project	Mayor Shane Van Styn
12 November 2021	Mayor's Mystery Bus Tour 2021	Mayor Shane Van Styn
13 November 2021	HMAS Stalwart Commissioning Ceremony - Perth	Mayor Shane Van Styn
13 November 2021	The Perth Airport WA Tourism Awards Gala Dinner	Mayor Shane Van Styn
15 November 2021	Triple M Radio Interview – E-waste	Mayor Shane Van Styn
15 November 2021	Regional Capitals Alliance WA (RCAWA) Meeting – via Zoom	Mayor Shane Van Styn
16 November 2021	Chapman Road Activation - Crossing History and Future	Mayor Shane Van Styn
16 November 2021	Triple M Radio Interview – HMAS Sydney II Commemoration Service	Mayor Shane Van Styn
16 November 2021	Agenda Forum	Mayor Shane Van Styn
16 November 2021	16 <sup>th</sup> Birthday Celebrations for Breeannah	Mayor Shane Van Styn
17 November 2021	Mid West Chamber of Commerce & Industry (MWCCI) – Business Leaders Lunch	Mayor Shane Van Styn
18 November 2021	Excellence in Local Government Tourism Awards - Perth Airport WA Tourism Awards – Photo for Media Release	Mayor Shane Van Styn
18 November 2021	WA Local Government Association (WALGA) Stakeholder Interview	Mayor Shane Van Styn
18 November 2021	Batavia Coast Maritime Heritage Association and the 200th Anniversary of PP King's Charting of the Geraldton Coastline	Mayor Shane Van Styn
18 November 2021	WA Museum Geraldton - Redevelopment	Mayor Shane Van Styn
18 November 2021	Strike Energy – Progress Update	Mayor Shane Van Styn
19 November 2021	Service of the Unknown Soldier	Mayor Shane Van Styn
19 November 2021	SYDNEY II: Lost and Found Screening	Mayor Shane Van Styn
19 November 2021	HMAS Afternoon Tea	Cr Tarleah Thomas
19 November 2021	HMAS Sydney II Memorial Service – 80 <sup>th</sup> Anniversary	Mayor Shane Van Styn
19 November 2021	Naval Association of Australia and The Returned & Services League of Australia – Supper post HMAS Service	Deputy Mayor Cr Jerry Clune
20 November 2021	Meeting with Hon Melissa Price MP Minister for Defence Industry; Minister for Science and Technology and Member for Durack	Mayor Shane Van Styn
22 November 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
22 November 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
22 November 2021	Two Citizenship Ceremonies	Mayor Shane Van Styn
22 November 2021	Progress Mid West Pre Meeting	Mayor Shane Van Styn
22 November 2021	Progress Midwest Committee Meeting and AGM	Mayor Shane Van Styn
23 November 2021	Ordinary Meeting of Council	Mayor Shane Van Styn

*Note: Whilst it is noted that Council Members may have also been in attendance at the above events, this is a record of attendance by the Mayor, or where a Council Member has been asked to represent the Mayor.*



**11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**  
Nil.

## 12 REPORTS OF COMMITTEES AND OFFICERS

### 12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS505	PROPOSED MICROBREWERY AND RECEPTION CENTRE ON LOT 22 (60) FITZGERALD STREET, GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-21-127591</b>
<b>AUTHOR:</b>	<b>P Melling, Director Development and Community Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>8 November 2021</b>
<b>FILE REFERENCE:</b>	<b>A11582</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) 1 x Confidential</b> <b>A. Confidential - Schedule of Submissions</b> <b>B. Site Plan</b>

#### EXECUTIVE SUMMARY:

The purpose of this report is to seek approval for a proposed Microbrewery and Reception Centre on Lot 22 (No. 60) Fitzgerald Street, Geraldton.

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

#### 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 a Microbrewery and Reception Centre on Lot 22 (No. 60) Fitzgerald Street, Geraldton;
2. MAKE the determination subject to the following conditions:
  - a. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
  - b. Accessible car parking bays being provided in accordance with the Building Code of Australia and AS2890 Part 6 2009;
  - c. All stormwater is to be disposed of on-site to the approval of the local government;
  - d. The Microbrewery/ Reception Centre to open no earlier than 10am on school days, unless otherwise approved in writing by the local government;
  - e. 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;

- f. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;
- g. 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;
- h. No signs or hoardings are to be erected on the lot without the prior written approval of the local government;
- i. **ADVICE NOTE:** Access and facilities for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with AS1428.1 2009;
- j. **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 in respect to noise and odour emissions. Any air conditioners being installed is to be done in accordance with section 80 of the Environmental Protection Act 1986; and
- k. **ADVICE NOTE:** The City of Greater Geraldton has completed a Coastal Hazard Risk Management Adaption Plan (CHRMAP). Parts of this locality/lot are within the coastal zone where the CHRMAP report has identified that there are risks from coastal hazards under projected climate change and sea level rise scenarios over the next 100 years. Landowners can inform themselves of these risks by accessing the publicly available CHRMAP report on the City's website.

**PROPONENT:**

The proponent is SVS Pty Ltd.

**BACKGROUND:**

An application for a 'Microbrewery' and 'Reception Centre' has been submitted for Lot 22 (No.60) Fitzgerald Street, Geraldton.

**The Site**

Lot 22 (No.60) Fitzgerald Street, Geraldton is located within the Geraldton City Centre and is zoned Regional Centre (RAC-3) (as is the whole of the City Centre) Under Local Planning Scheme No. 1. The building on the property is included in the City's Municipal Inventory of Heritage Places (Place Number 136) and has a Management Category of 2.

The building on site was used until recently for 'Private Recreation' that is as a health studio (Gymnasium). Prior to that use a nightclub was approved, and that use had existed for several decades. Over that time there were extensions and refurbishments to cater for that use with the building being upgraded and modified accordingly.

The uses within this section of the Regional Centre zone are quite varied and range from serviced apartments, residential uses, a hotel, a nightclub, service organisations (Menshed and Freemasons), offices, Geraldton Primary School and the derelict Batavia Motor Inne motel complex. A site plan is included as Attachment No. DCS505B.

### **Proposed Development**

The proposal seeks approval for a 'Microbrewery' and 'Reception Centre' within the existing building with no extensions or alterations proposed to the exterior of the building.

The Microbrewery component comprises of a brew floor which occupies 75m<sup>2</sup> of the total floor area of 835m<sup>2</sup>. The rest of the floor area will be used as the 'Reception Centre' component within which are dining, bar area, lounge, function room, ablution facilities, office and undercover entry areas.

The facility is proposed to operate as a 'family friendly' venue, with a focus on craft beer, served in a nautical themed environment.



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

#### **Community:**

The main community issues that arose from the public comment period ranged from many individual letters of support, through to concerns in regard to:

- Antisocial behaviour near a primary school.
- Limited parking onsite and on street.

- Impact on character/zoning of neighbourhood.
- Concern on school access and parking safety.
- Traffic management issues in the area.
- Spread of operating hours.
- Noise/odour emissions.
- Rubbish generation.

**Economy:**

The key objectives of the Regional Centre Zone within Local Planning Scheme No. 1 (LPS 1):

- (a) ensure that the Geraldton regional centre continues as the largest multi-functional centre of activity, providing the most intensely concentrated development in the region, the greatest range of high order services and jobs and the largest commercial component of any activity centre.*
- (b) support the maturation of the Geraldton regional centre into a diverse, intense and highly connected activity centre with high density residential.*
- (c) promote development of the Geraldton regional centre as a focus for a wide range of retail, business, commercial, health, education, entertainment, cultural, recreational, community, tourism and public transport activities.*

**Environment:**

There are concerns being expressed by the community in relation to potential environmental impacts in terms of noise and odour emissions. The building was utilised as a night club for an extended period and therefore was retrofitted with sound attenuation measures accordingly and this remains in place, (odour emissions are discussed in the submissions section).

**Leadership:**

The applicant is also the Mayor of the City of Greater Geraldton and given this the application was also assessed by an independent private Perth based planning consultancy and their advice assisted in the preparation of this report.

***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 as this is the first microbrewery development application the City has received.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no Councillor consultation, however the application was publicly advertised in accordance with the requirements of Schedule 2, Part 8, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The advertising period was for 15 days (commencing 1 September 2021 and concluding on 15 September 2021) and involved the following:

1. All landowners within 200 metres of the proposed facility were written to and advised of the proposed development;
2. A sign was placed on-site;
3. The application details were available for viewing at the City's offices in Cathedral Avenue;
4. The application details were available on the City's website.

### **Submissions**

As a result of advertising, a total of 215 submissions were received

- 175 submissions in support.
- 33 submissions objecting.
- 3 submissions were indifferent.
- 2 submissions did not state a position.
- 2 submissions indicated support and either indifference or objected.

The concerns can be grouped into a number of key points (noting that some of the issues raised are subjective and not able to be considered within the planning framework).

- Potential traffic impacts especially given the number of schools in the area.
- Concern that school children will be exposed to alcohol and its consumption by patrons.
- Environment and amenity impacts including anti-social behaviour, potential noise impacts, smell/ odour emissions, property damage.
- Inappropriate use/ location.
- Conflict of interest.

A copy of the actual submissions are available on request to Councillors, however a summary of submissions is included as Confidential Attachment No. DCS505A tabulated with summarised responses from the proponent with Officer commentary accordingly.

The applicant has supplied the attached responses to the concerns raised by submitters and these are summarised here:

- Minimal odour is only emitted for an hour during the boil stage of the brewing process and only on brew days. It is noted that other brewing operations are located in other areas with little impact despite being larger scale operations. An appropriate advice note is recommended to address this aspect.
- Noise emissions – the proponent provided detail on sound proofing undertaken on the building for its previous use as a nightclub including double insulated sound proofing and use as a fitness gym (using highly

amplified music from 5am). An appropriate advice note will be applied (applicant is required to comply with the Noise Regulations).

- Traffic impacts, applicant advised no large delivery vehicles will be required and will be similar in scale to other food premises, waste generation is minimal, spent grains will equate to approximately one ute load a week.

In terms of traffic generation, the following commentary is provided:

A Traffic Impact Statement was requested but not supplied, the applicant supplied the following commentary:

- *Capacity of the venue is being reduced by 20% of that previously approved of 500 persons.*
- *Conflict with school drop off times, is not seen as an issue as the venue will not be open at that time.*
- *Conflict at school pick up times, venue will be open but between 3-4pm the kitchen is not intended to be open and the main trading hours will be outside of school hours i.e. weekends and after work hours as for other hospitality venues.*

Further clarity has been supplied in regards to occupancy numbers and this is now reduced to 300 persons. The Microbrewery will operate under a Producer's Licence that limits occupancy to 300 persons.

The Liquor Control Act 1998 also specifies permitted hours of opening for consumption on premise:

**3. 98G. Producer's licence, permitted hours under**

- (1) *The permitted hours under a producer's licence are —*
  - (a) *except as provided in subsection (2), on a day other than Good Friday, Christmas Day or ANZAC Day — at any time;*
  - (b) *on Good Friday or Christmas Day — from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;*
  - (c) *on ANZAC Day — from 12 noon to 12 midnight.*
- (2) *For the purposes of section 55(1)(a), the permitted hours in relation to the sale or supply of beer or spirits on a day other than Good Friday, Christmas Day or ANZAC Day are from 10 am to 10 pm.*

For the Microbrewery application no additional floor space is proposed therefore no additional bays are required.

Local Planning Scheme No.1 (LPS 1), Clause 4.14 Parking Requirements and Schedule 5 Parking Requirements states:

*The Parking Ratio for the Regional Centre Zone only applies where the development has a works component that proposes an increase in the floor area, and only applies to that increased floor area.*

It is also noted that LPS 1 and its wording in relation to the City Centre clauses were developed in conjunction with Taylor Burrell Barnett and the City's Lawyers McLeods and approved by the W.A. Planning Commission and the Minister for Planning.

The City is dealing with a legacy issue relating to parking and access in the area. This is primarily related to the schools where pick up/ set down and short term parking is occurring on the City's road network. It is noted that even in the current planning framework the Education Department utilise crown exemption powers that exempt them from requiring Local Government planning requirements on parking and access. Many of the schools (especially Government schools) have localised parking and access issues across Geraldton.

The City has to work within these externally created constraints and cannot penalise private sector developments by imposing conditions to 'fix' local parking/ access issues that were not a direct result of their proposed development.

The City is working with the schools in the area to address the issues however the test will be to see if the Education Department will contribute in some form to the ultimate solution(s).

**LEGISLATIVE/POLICY IMPLICATIONS:**

**Planning and Development (Local Planning Schemes) Regulations 2015:**

Schedule 2, Part 9, clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* specifies matters the local government is to have due regard to in considering an application for development approval, to the extent that, in the opinion of the local government, those matters are relevant to the development subject of the application. The following are considered most relevant to this application:

- (a) *the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to the Scheme that has been advertised or any other proposed planning instrument that the local government is seriously considering adopting or approving.*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- (n) *the amenity of the locality including the following:*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality; and*
  - (iii) *social impacts of the development.*
- (s) *the adequacy of:*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles.*



- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*
- (y) *any submissions received on the application.*

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

1. The uses proposed are contained within an existing building that was built in 1907 and was used initially for social functions such as dances, then during the second world war was used by the army officers as a canteen/ club and then in the last three decades as a nightclub/ private recreation so the current application reflects the continuance of non-residential uses of the site.
2. Refer to the 'Community' section of this report regarding amenity and social issues.
3. Refer to the 'Environment' section of this report regarding environmental issues.
4. Refer to the 'Community/Councillor Consultation' section of this report regarding the submissions received.

### **City Centre Local Planning Policy (LPP)**

Identifies the subject area as Fringe Precinct- *"Transitional"*

#### *4.2.7 Fringe Precinct – "Transitional"*

*This precinct should provide the support structure necessary for a more intense and active central CBD. In this way it serves as a linkage between the surrounding areas and a transition into the city centre core.*

<b>Ground / First Floor Uses</b>	<b>Above Ground Floor Uses</b>
Boutique and medium sized retail	Residential
Offices	Offices
Restaurant / snack bar	Parking
Civic and cultural uses	Consulting activities
Community and leisure facilities	
Short-to-long term parking	
Consulting activities	
Commercial	
Reception / function rooms	

It is noted that the uses proposed in the application fit within a number of identified uses:

- Restaurant/ snack bar.
- Commercial.
- Reception/ function rooms.

The adaptive reuse of heritage buildings is also supported in the City Centre LPP.

**Local Planning Scheme No. 1**

There is an important distinction between the two land uses, firstly that of 'Microbrewery' which was deemed to fit within the definition of 'Brewery' which means:

*“brewery means premises the subject of a producers licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988”.*

This is contained in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 Part 6 Clause 37.

The proposed use 'Microbrewery' therefore is not specifically referred to in LPS No.1 in respect of the 'Regional Centre' zone and as such is deemed to be a complex application under the Regulations and was required to be advertised.

The 'Reception Centre' component however is specifically referred to and listed in the Zoning Table of LPS No.1 and advertising was therefore not required. It is noted for reference that the 'Reception Centre' component forms the largest part of the floor area of the application. Given this distinction it is noted that other City Centre uses such as 'Tavern' are similarly 'listed' and would also not be advertised.

It is acknowledged that the 'brewery' definition covers facilities from a microbrewery through to a large scale commercial brewing operation, with the former being at the lower end of scale and impact.

**Heritage**

The building on the property is included in the City's Municipal Inventory of Heritage Places (Place Number 136) and has a Management Category of 2. The application was referred to the City's Heritage Advisor who provided the following recommendation:

*“Given that there are no impacts on the frontage of the building, with all modifications taking place internally to spaces previously heavily modified, the proposed change of use is supported in terms of heritage considerations.”*

Note: Further details on the new signage should be referred in due course.

**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:**

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
Outcome 2.6	A diverse and globally recognised regional capital.

**REGIONAL OUTCOMES:**

The addition of a Microbrewery and Reception Centre will add to the diversity of the hospitality offerings in the City Centre and this need is recognised in the Geraldton City Centre Revitalisation Plan (2017).

The Geraldton Jobs and Growth Plan 2020-2023 recognises the need for a 'Strong Heart' in the City Centre with a diverse range of uses and leisure activities.

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

1. DEFER the application and require the applicant to provide more detail on managing traffic impacts.

This was not considered an option as the application is not adding floor space in the City Centre. Car parking and access is already provided onsite and could not be modified without impacting on the heritage building. In addition the uses proposed will generally operate outside of the core hours of the nearby schools/ other land uses.

2. REFUSE the application based on potential traffic impacts/ inappropriate land uses.

This is not considered an option as the land uses fit within the recognised activities acceptable in a City Centre environment and are identified within various strategic documents. The site meets carparking and access requirements in accordance with the City's Local Planning Scheme No.1 and the use will predominantly operate outside of the core hours of other surrounding land uses. The City Centre Local Planning Policy also advocates similar uses in the 'Fringe' area of the City Centre.

DCS506 STATE REGISTER OF HERITAGE PLACES – ASSESSMENT FOR REGISTRATION – GERALDTON-NORTHAMPTON RAILWAY PRECINCT
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<b>AGENDA REFERENCE:</b>	<b>D-21-126668</b>
<b>AUTHOR:</b>	<b>K Elder, Coordinator Strategic Planning</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>4 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GR/11/0044-02</b>
<b>ATTACHMENTS:</b>	<b>Yes (x5)</b>
	<b>A. Draft – Register Entry</b>
	<b>B. Draft – Assessment Documentation</b>
	<b>C. Curtilage Map</b>
	<b>D. Zones of Significance</b>
	<b>E. Fast Facts Information Sheet</b>

**EXECUTIVE SUMMARY:**

The City has received correspondence from the Department of Planning, Lands and Heritage seeking formal comment on the proposed entry of the Geraldton-Northampton Railway Precinct into the State Register of Heritage Places.

The purpose of the report is to consider the information provided and seek Council's position on the proposed entry of the Geraldton-Northampton Railway Precinct in the State Register of Heritage Places.

**EXECUTIVE RECOMMENDATION:**

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

1. ADVISE the Department of Planning, Lands and Heritage that the City has considered the proposed entry of the Geraldton-Northampton Railway Precinct into the State Register of Heritage Places;
2. DEFER a decision on the proposed entry, at this time, for the following reasons:
  - a. There are deficiencies with the information provided in the Assessment Documentation, making a decision on the State significance of the alignment difficult. These include:
    - i. The Assessment Documentation is out of date and some areas of the Railway Precinct remain unsurveyed;
    - ii. The assessment and designation of the Railway Precinct does not reflect the considerable amount of works conducted and projects planned within the alignment since 2014;
    - iii. The designation of the Railway Precinct, with regard to omitted areas and the primary or secondary significance of areas, is not consistent along the alignment;
    - iv. A number of sites along the alignment appear to have been omitted;

- b. There is uncertainty with regard to the referral requirements and possible implications on proposed works within the Railway Precinct, particularly in response to streetscape improvements within the Geraldton City Centre;
- c. The possible heritage implications on the Northampton Bypass and the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor projects are not well understood and need to be addressed;
3. REQUEST further consultation between Department of Planning, Lands and Heritage, the City and other affected stakeholders; and
4. ADVISE the Shire of Northampton, the Shire of Chapman Valley, Main Roads WA and Development WA of the City's position.

**PROPONENT:**

The proponent is the Department of Planning, Lands and Heritage (DPLH).

**BACKGROUND:**

The City has received correspondence from the Department of Planning, Lands and Heritage (DPLH) requesting the City's written comments on the proposed entry of the Geraldton-Northampton Railway Precinct (Railway Precinct) into the State Register of Heritage Places (State Register).

This formal request for comment is accompanied by the Draft Register Entry, Draft Assessment Documentation, Curtilage Map and Zones of Significance, which are included within Attachment No's. DCS506A, DCS506B, DCS506C, DCS506D. A fast facts information sheet providing general information is included as Attachment No. DCS506E.

Construction of the Geraldton-Northampton railway commenced in 1874 as the State Government's first railway and was opened in 1879 to service the galena and copper mining industry in Northampton. The cost of the railway was almost triple the original estimate and by the time of its completion the price of lead had fallen and the mining industry collapsed, with the pastoral and agricultural industries emerging as the primary economic drivers. The mining industry did experience a resurgence in the 1910's and 1920's when the price of lead regained, leading to the decision to extend the line northward to Ajana. The railway relied on general freight and passengers and due to the steep grades, pronounced curves and numerous (10-15) stopping places on-route, the train journey typically took 3 hours to travel the 50km distance. The railway was realigned in several locations during the early 20th century to rectify problems experienced with the line. Following an investigation into non-paying railways, the Geraldton-Ajana railway closed in 1957 and sections of the line commenced being removed in 1961.

The registration documents state that the Railway Precinct warrants inclusion on the State Register. While the railway itself no longer operates, the remaining fabric "contributes to the cultural landscape of the area with its undulating and sometimes dramatic formations and cuttings, railway signs, and ruinous stone bridges".

The statement of significance reads:

*Geraldton–Northampton Railway Precinct, comprising Original Railway Station (1878-1893), Geraldton, the third Geraldton Railway Station (1915), remnant railway alignment including cuttings, formations and the ruins of a number of stone bridges, including McGuire’s Creek Railway Bridges and Bowes River Railway Bridges, dating from 1879 to the 1930s, and the foundations of the former Northampton Railway Station (Gwalla) (1879/80) and associated infrastructure, has cultural heritage significance for the following reasons:*

*the place was the first Government railway in Western Australia, and its construction marks the beginning of the development of government railways in Western Australia;*

*the place was constructed to service the mining industry in the Northampton district, and is an early example of the Western Australian government’s attempts to support the industry and expand export during this period in the State’s development;*

*the extant fabric of Geraldton-Northampton Railway Precinct provides a unique opportunity to understand the construction of this seminal line in Western Australia’s railway history, its failures, and the measures taken to rectify the problems experienced due to poor planning and the limited knowledge of railway infrastructure in WA at this time;*

*the place contributes to the cultural landscape of the area with its undulating and sometimes dramatic formations and cuttings, extant somewhat ghostly railway signs, and ruinous stone bridges.*

The Railway Precinct is extensive and covers an estimated 50km running through the Shires of Northampton and Chapman Valley. Approximately 11km of the Railway Precinct is located within the City of Greater Geraldton and runs through mainly crown land following road and foreshore reserve alignments. The Railway Precinct includes the Original Railway Station and the third Geraldton Railway Station, which are both listed on the City’s Local Heritage Survey (formerly known as the Municipal Heritage Inventory) and in the State Register. It is noted that the railway platform extension to the north of the third Geraldton Railway Station is omitted from the Railway Precinct mapping.

The Railway Precinct is not continuous and terminates in two locations, being from the site of Batavia Coast Marina II extending north to Midalias Beach on the Beresford Foreshore. The precinct terminates again at the site of the St Lawrence School in Bluff Point.

City Officers requested advice from DPLH regarding the omitted areas within the Railway Precinct and were advised that significant earthworks in these locations had severely impacted the curtilage and therefore these areas had not been included.

The Zones of Significance mapping designates the majority of the alignment within Greater Geraldton as of secondary significance with some areas of primary significance. The areas of primary significance generally align with undeveloped areas of the alignment and the included State registered sites.

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The heritage assessment is based upon documentary evidence compiled in July 2013 and physical evidence (site survey) compiled in June 2014. The Assessment Documentation also states that portions of the alignment were not surveyed due to time constraints and/or lack of access due to thick vegetation. Section 13.2 of the Assessment Documentation provides a detailed rundown of the physical evidence within the Railway Precinct, and demonstrates which areas were and were not surveyed. The age of the assessment is of interest given the number of projects which have occurred or commenced planning within the Railway Precinct alignment since 2014.

### **The State Register of Heritage Places**

The State Register of Heritage Places (State Register) is an important tool in the recognition and protection of important heritage sites. The State Register ensures that places of State significance are recognised and any proposed changes respect the heritage values of the place.

Once DPLH completes the stakeholder consultation process, Heritage Council of Western Australia (HCWA) will consider all comments received when deciding if a place is of State significance. HCWA will refer places that meet the threshold for State Registration to the Minister. The Minister makes the final decision about State Registration and will take into account all stakeholder comments.

The State Register is managed by HCWA with the assistance of the DPLH. Entry in the State Register means that changes or works proposed for the place need to be referred to DPLH/HCWA for advice. In most cases DPLH, under authority from HCWA, will deal with the referral.

### **Referral process for works if Railway Precinct is listed in the State Register**

Future entry of the Railway Precinct in the State Register would require that proposed works within the alignment be referred to DPLH/HCWA for their assessment and advice. However the *Heritage Regulations 2019* provides a list of exempted minor works where referral is not required. These exemptions are listed in detail in the Compliance Issues section of this report.

Given that the Railway Precinct sits within the road and foreshore reserve areas, works undertaken by the City are not standard development works and are related to creating and maintaining roads, pathways, and active and passive recreation spaces.

To provide more detailed clarification on the referral process for the types of works expected in these areas, City Officers requested further guidance from the DPLH Heritage Development team. Advice provided was that minor works such as repair and maintenance of path or road ways with like-for-like materials can be undertaken without referral given they are exempt under the *Heritage Regulations 2019*.

DPLH also clarified that some upgrades to materials, such as changes to paving types, inclusion of street furniture and street trees, could be exempt depending on whether this upgrading affected the existing non-significant elements. Given that the Assessment Documentation states that much of the original railway infrastructure has been removed from within the Greater Geraldton area, there is uncertainty around what referrals would be necessary within the City Centre for such works. This is an important consideration given the City's current revitalisation objectives within the City Centre. Any additional referral and approval requirements and their implication should be fully understood and therefore more clarification on this is required.

DPLH advised that more significant modifications within the road and coastal reserve, such as deviations of roads, earthworks or erection of bulky structures would require referral to DPLH.

The City also clarified with DPLH that despite areas of the alignment being classified as of secondary significance, this designation would not reduce the referral process for works within these areas. The significance would simply be taken into account during the assessment of proposed works.

There is no requirement under the *Heritage Act 2018* to refer adjacent development proposals. However, the *Planning and Development (Local Planning Schemes) Regulations 2015* requires, where an application for development approval is required, that the local government consider:

- The built heritage conservation of any place that is of cultural significance; and
- The effect of the proposal on the cultural heritage significance of the area in which the development is located.

In this instance, where the Officers from the City consider that an adjacent proposal may impact the cultural heritage significance of the Railway Precinct, the proposal would be referred to DPLH for their comment. In areas of substantial development, such as along Marine Terrace and Chapman Road, new developments would be unlikely to be considered of impact and would therefore not require referral.

When preparing maintenance or redevelopment plans for areas within the Railway Precinct, the City can seek advice from the Officers in the Heritage Development team to gain preliminary advice and feedback on likely referral processes and any other requirements.

Where the works are required to be referred, the *Heritage Act 2018* states that the City must not make a decision that would or would be likely to adversely affect a significant component of the place unless the decision made is consistent with the advice received from DPLH or HCWA. However, this requirement does not apply if the City finds that there is 'no feasible and prudent alternative' to the decision made. There is no further guidance as to what would fit within the definition of 'no feasible or prudent alternative'.



**State Significance of the Railway Precinct**

A number of sites along the Railway Precinct are already listed within the City's Local Heritage Survey and in the State Register. Given this, the heritage significance of elements of the Railway Precinct are recognised. However, the assessment of this registration is judged based on the State significance of the entire Railway Precinct, and there are a number of concerns within the Assessment Documentation that need to be addressed prior to a full assessment being done and a recommendation being made. These concerns are listed below:

- The Assessment Documentation provided to support the Railway Precinct being listed in the State Register is out of date and some areas remain unsurveyed.
- The Assessment Documentation should reflect the considerable amount of works conducted and projects planned within the Railway Precinct alignment since 2014. These works include, but are not limited to:
  - Beresford Foreshore enhancement project.
  - Geraldton City Centre Revitalisation Plan.
  - Railway Street - Safe Active Street Project.
  - Lot 500 Local Development Plan.
  - Standard road and pathway works within the alignment, particularly along North West Coastal Highway near Spalding Park.
- The State Registration of the Railway Precinct has possible heritage implications on the Northampton Bypass and the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor projects. Given the regional and State significance of these projects, the assessment documentation must ensure that these areas have been appropriately surveyed and any implications known and addressed with the relevant stakeholders.
- Review the Railway Precinct to ensure a consistent approach to its designation occurs across the alignment. For example, some impacted areas are omitted, some are considered of secondary significance while others (including unsurveyed areas) are of primary significance. Given the amount of works that has occurred in the area since 2014, other areas of the alignment may need to be reviewed and reclassified.
- A review of the assessment documentation should be conducted to identify key sites that may have been omitted. This includes the northern railway platform extension of the third Geraldton Railway Station.
- Clarification is required with regard to the likely referral requirements and implication on proposed works within the Railway Precinct. While some minor works are exempt, there is uncertainty around the requirements for streetscape improvements which are central to the City's revitalisation plans particularly in areas where there is no longer existing built fabric. This could even include a review of the referral requirements for areas of secondary significance. Given the administrative impact these referrals may have on the City, it is considered appropriate that a high level of consultation occur so that the City is fully informed.

While City Officers met with DPLH staff in 2014 and provided general guidance on the proposed Railway Precinct, it is acknowledged that considerable time has passed and consultation with the City (and other stakeholders) should be renewed to reflect the City's current position and address the concerns raised above.

Council's at both the Shire of Chapman Valley and Shire of Northampton have considered the Assessment Documentation and resolved to advise the DPLH that they object to the proposed registration of the Railway Precinct.

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

#### **Community:**

While the State Register provides an opportunity to reflect, represent and celebrate the cultural heritage of the State, the City needs to consider whether the Railway Precinct is of state heritage significance.

#### **Economy:**

There are no adverse economic impacts.

#### **Environment:**

There are no adverse environmental impacts.

#### **Leadership:**

This is a State Government process and the City is a stakeholder for consultation purposes. The DPLH has provided the City with an opportunity to provide comments however HCWA will determine the state significance of the place with the final decision being made by the Minister for Heritage.

#### *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:**

Officers from DPLH made a presentation to Council at the Concept Forum held 2 November 2021.

The matter was presented to the Heritage Advisory Committee (HAC) at an out-of-session meeting on 28 September 2021 for their consideration.

The HAC provided comment that:

- A recommendation on the listing of the Geraldton-Northampton Railway Corridor in the State Register of Heritage Places should be deferred as there are deficiencies with the information provided which does not allow for informed decision making. These deficiencies include:

- The Assessment Documentation is out of date and some areas of the Railway precinct remain unsurveyed;
- The assessment and designation of the Railway Precinct does not reflect the considerable amount of works conducted and projects planned within the alignment since 2014. Particular reference is made to the Beresford Foreshore upgrades.
- There is uncertainty with regard to the referral requirements and possible implications on proposed works within the Railway Precinct, particularly in response to streetscape improvements within the Geraldton City Centre.
- The possible heritage implications on the Northampton Bypass and the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor projects are not well understood and need to be addressed.
- The designation of the Railway Precinct, with regard to omitted areas and areas of primary and secondary significance, are not consistent along the alignment.
- A number of sites along the alignment appear to have been omitted.
- Further consultation between Department of Planning, Lands and Heritage and the City and other stakeholders is required.
- Given the ongoing impacts of Cyclone Seroja on Mid West communities, concern is raised with regard to the timing of the referral of such an extensive and complex listing and the administrative burden it has placed on the affected local governments.

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

There are no legislative or policy implications associated with the City making a submission on the matter. The submission period closed on 6 September 2021 however an extension has been granted by the DPLH to allow the City time to make a submission following their presentation to Concept Forum on 2 November 2021.

HCWA will determine the State significance of the place with the final decision being made by the Minister for Heritage.

If the rail precinct is listed on the State Register the City must comply with the requirements of the *Heritage Act 2018* and the *Heritage Regulations 2019*.

While in general, all works are required to be referred, r. 41 of the *Heritage Regulations 2019* provides a list of exempted minor works where referral is not required. These exemptions are listed below:

- (a) *An application for a building permit or demolition permit under the Building Act 2011 if—*
- (b) *the application arises from approval of a proposal that has already been referred under section 73(1) of the Act; and*
  - (i) *the Council has given its advice in relation to the referred proposal;*
- (c) *Building maintenance that does not involve –*
  - (i) *The removal of, or damage to, the existing fabric of the buildings; or*
  - (ii) *The use of new materials*
- (d) *Cleaning that is low pressure, non-abrasive and non-chemical*

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- (e) *Gardening or landscape maintenance that does not involve a major alteration of the layout, contours, structures, significant plant species or other significant features on the land;*
  - (f) *Repairs, including replacing missing or deteriorated fabric with like for like fabric, that does not involve the removal of, or damage to, the significant fabric of the building;*
  - (g) *Replacement of utility services using existing routes or voids that does not involve the removal of, or damage to, the fabric of the building;*
  - (h) *repainting of the surface of a building—*
    - (i) *in the same colour scheme and paint type if they are appropriate to the substrate and do not endanger the survival of earlier paint layers; and*
    - (ii) *without disturbing or removing an earlier paint layer unless it is chalking, flaking or peeling*
  - (i) *an excavation, that does not affect archaeological remains, for the purpose of exposing, inspecting, maintaining or replacing utility services;*
  - (j) *the erection or installation of a temporary security fence, scaffold, hoarding or surveillance system that does not affect the fabric of a building, the landscape or archaeological features of the land;*
  - (k) *signage that —*
    - (i) *does not obscure signage that has an integral relationship to the land; or*
    - (ii) *is temporary and does not have a deleterious effect on the fabric of a building; or*
    - (iii) *is temporarily located behind a shop window but is not internally illuminated or flashing; or*
    - (iv) *advertises that a place is for sale or lease but does not remain on the place for more than 10 days after the place is sold or leased;*
  - (l) *digging a new grave or the erection of a monument or grave marker of materials, size and form that are consistent with the character of the place.*

The City may be required to refer development adjacent to the Railway Precinct however, the *Planning and Developments (Local Planning Schemes) Regulations 2015* only requires this in instances where the Officers from the City perceive a potential impact. It is considered that within areas that have been significantly developed, the majority of surrounding development would not require referral.

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

If the Railway Precinct is listed in the State Register, additional administrative time will be required as some proposed works would need to be referred to DPLH/HCWA for their assessment and advice. Minor works such as maintenance and repairs which do not remove or alter significant built fabric elements (as further defined under the *Heritage Regulations 2019*) are exempt and do not need to be referred.

The Heritage Development team at DPLH can assist City Officers with preliminary advice and review of any proposals or expected works.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.3	Pride in place and a sense of belonging is commonplace
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations
<b>Strategic Direction: Leadership</b>	<b>A strong local democracy with an engaged community effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.

**REGIONAL OUTCOMES:**

The State Registration of the Railway Precinct provides an opportunity to protect, represent and celebrate the cultural heritage significance of Greater Geraldton and the Mid West region.

However, the City must understand the impact on development along this alignment.

**RISK MANAGEMENT:**

There are no inherent risks to the City in making a submission on the proposed State Registration. However, the City must appropriately consider the State significance of the corridor and whether there is sufficient information to consider the matter.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

1. The City could recommend that it supports the inclusion of the Railway Precinct on the State Register. At this time, the Assessment Documentation needs to be updated and further investigation and clarification supplied with which to make an informed recommendation. Given these reasons, this option is not supported.
2. The City could recommend that it does not support the inclusion of the Railway Precinct on the State Register. If the City wishes to not support the listing, it must do so with justification and evidence for its position. Given that a number of updates, investigations and clarification need to occur for informed decision making, this option is not supported however the following possible wording is supplied below:

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

1. *ADVISE the Department of Planning, Lands & Heritage that it objects to the proposed registration of the Geraldton-Northampton Railway Precinct in its entirety in the State Register of Heritage Places*
2. *REQUEST that the Department of Planning, Lands & Heritage arrange a meeting with representatives of the City of Greater Geraldton, Shire of Chapman Valley, Shire of Northampton, Development WA and Main Roads WA to discuss this matter further.*
3. *INVITE the Department to bring for discussion, at this meeting (point 2 above) specific individual sites along the former Geraldton-Northampton Railway Precinct that may be considered to have cultural heritage significance rather than the entire alignment.*

DCS507 LEASE – PORTION OF LOT 53 FORESHORE DRIVE, GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-21-126633</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land and Property Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>3 November 2021</b>
<b>FILE REFERENCE:</b>	<b>A7785</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to give local public notice to grant a lease for approximately 77m<sup>2</sup> of Lot 53 Foreshore Drive, Geraldton, for the purpose of a licenced alfresco tavern/dining area.

**EXECUTIVE RECOMMENDATION:**

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

1. GIVE local public notice of the intent to grant a lease for approximately 77m<sup>2</sup> to Sadhimeldi Pty Ltd, for the purpose of a licenced Alfresco Dining Area;
2. MAKE the determination subject to an advertising notice period of not less than 14 days inviting public submissions;
3. SET the proposed conditions as:
  - a. Enter into a 5 year lease agreement with a further term option of 5 years;
  - b. Commence the lease fee at \$164.50 per square metre plus GST per annum;
  - c. Adjust the lease fee annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - d. Commence the lease on the date of execution;
4. ADVISE the lessee they are responsible for separately paying;
  - a. All applicable rates, taxes and insurances;
  - b. All costs associated with:
    - i. The preparation and execution of the lease;
    - ii. The survey plan; and
5. REFER the matter back to Council for final consideration should any objecting submissions be received.

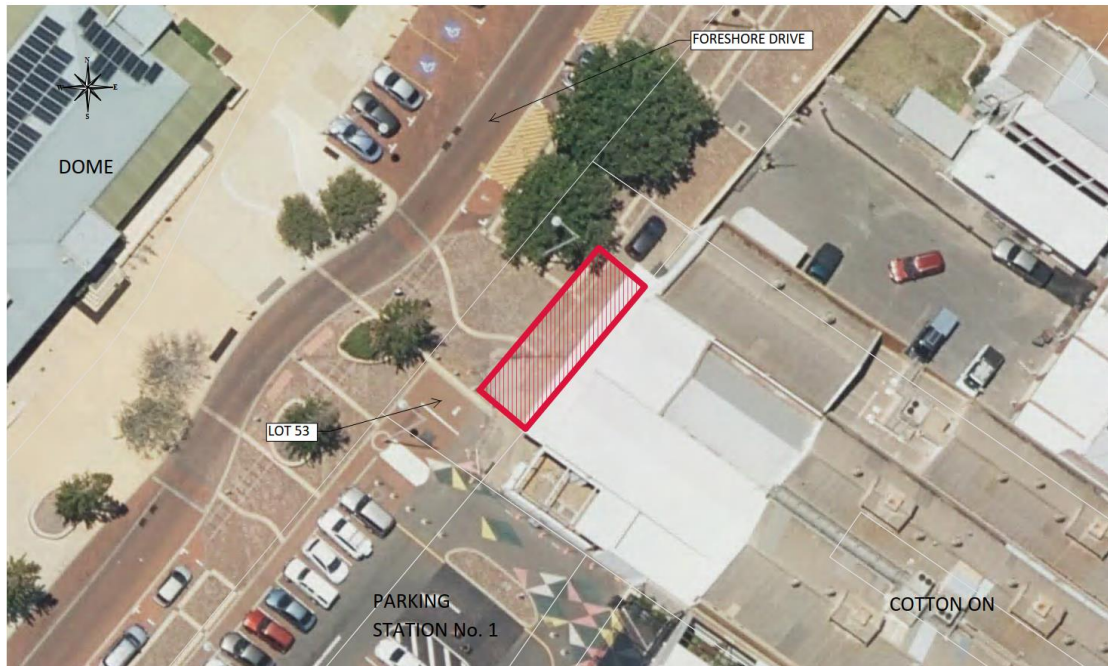
**PROPONENT:**

The proponent is Sadhimeldi Pty Ltd trading as the Foreshore Hangout Lounge.

**BACKGROUND:**

Lot 53 Foreshore Drive, is owned freehold in fee simple by the City of Greater Geraldton and is located adjacent to the Dome Café and Rocks Laneway.

The 'Foreshore Hangout Lounge' is currently under construction and is intended to be a licenced tavern and eatery that fronts Foreshore Drive.



The business owner approached the City with a conceptual plan to extend the area to include licenced alfresco dining. The proposed alfresco area will contain infrastructure including an electronic sunshade and pontoons with lighting that will illuminate the area. As these would be fixtures that cannot be removed nightly, the proprietor has requested the City to consider leasing a portion of Lot 53 Foreshore Drive for this purpose.

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

#### **Community:**

There are no adverse community impacts. Support for this proposal will bring vibrancy and activation for the Foreshore area.

#### **Economy:**

This proposal supports economic benefits to local business.

#### **Environment:**

There are no adverse environmental impacts as this area is already established with paving.

The proponent under the lease will be responsible for all rubbish removal generated from the premises and the proposed new alfresco area.

The infrastructure would enhance the existing area with increased lighting that will illuminate the area for added security of the general public.

#### **Leadership:**

A lease is part of the formal structure that assists with the governance and management of the City and its assets.



*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

The City leases freehold and Crown land to businesses and community organisations including three land leases on the Geraldton Foreshore and one on the Beresford Foreshore.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation. Subject to the approval of the Executive Recommendation, local public notice of the intent to grant a lease will be advertised inviting submissions.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 details the process for disposing (in this case leasing) of property.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement lease fee of \$164.50 per square meter per annum plus GST is applicable together with any Local Government rates and taxes. The lease fee will be adjusted annually as at 1 July in line with the preceding March Consumer Price Index for Perth. The final lease fee payable will be established upon the receipt of the survey plan to determine the exact lease area.

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

The proponent is also responsible for other costs associated with the preparation and issue of the lease agreement and lease area survey plan.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.1	Local business is empowered and supported.

**REGIONAL OUTCOMES:**

Supporting small businesses in the Foreshore locality assists in further activating the area and attracting tourism to the region.

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following option was considered by City Officers:

1. REJECT the lease proposal and consider an alfresco dining area only.

This option is not supported as it would not enable the proprietor to enhance the area with permanent structures and lighting.

**DCS508 COUNCIL POLICY 1.9 COMMEMORATIVE PLAQUES**

<b>AGENDA REFERENCE:</b>	<b>D-21-065119</b>
<b>AUTHOR:</b>	<b>T Cornish, Manager Libraries, Heritage and Gallery</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>26 October 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Draft Council Policy 1.9 Commemorative Plaques, Version 3</b> <b>B. Comparison Table for Review of Council Policy 1.9 Commemorative Plaques</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of Council Policy 1.9 Commemorative Plaques, version 3, as amended.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE the updated Council Policy 1.9 Commemorative Plaques Version 3; and
2. DIRECT the CEO to draft a new Council Policy for placement of Commemorative Plaques at the HMAS Sydney II memorial.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Item No. DCS420 - Council Policy 1.9 Commemorative Plaques, was last reviewed by Council on 27 August 2019. Within the review process for the Council Policy Manual the policy is now due for review.

Because of the sensitivities associated with a memorial of national significance, it is recommended that a separate policy be developed to facilitate plaques at the HMAS Sydney II Memorial. This will be developed in due course.

An additional provision has been included which allows for the consideration of memorial plaque applications which are based on compassionate grounds. Approval for this is noted as subject to the discretion of the CEO/Director.

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

Plaques and memorials provide recognition and are important in celebrating significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the City.

**Economy:**

Plaques and memorials have the ability to create a connection between the person viewing them and the place in which they are located. Increasingly, Cities use them in innovative ways to enrich the experience of visitors.

**Environment:**

Any decision regarding the installation of a plaque needs to consider the balance between the desire to commemorate events or individuals, respectful use of the intended site and the ongoing enjoyment of uncluttered public space.

**Leadership:**

There are no adverse leadership impacts. The Local Government Act 1995 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 reviews Council Policies from time to time as required. Item No. DCS420 - Council Policy 1.9 Commemorative Plaques, was last approved by Council on 27 August 2019 as part of the biennial review process for the Council Policy Manual.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were consulted via Briefing Note on 8 June 2021. A response was received from Cr. Tanti, supporting the amendment regarding compassionate grounds.

**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:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential</b>
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion
Outcome 1.3	Price in place and a sense of belonging is commonplace
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations

**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 good governance of the Local Government of the City of Greater Geraldton.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

An alternative option could be considered to:

1. REJECT the policy on Commemorative Plaques.

However, this option is not supported as plaques and memorials are important in celebrating significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the City.

**DCS509 COUNCIL POLICY 1.2 YOUTH**

<b>AGENDA REFERENCE:</b>	<b>D-21-127660</b>
<b>AUTHOR:</b>	<b>F Norling, Manager Community and Cultural Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>5 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Draft Council Policy 1.2 Youth Version 3</b> <b>B. Comparison Table – Council Policy 1.2 Youth</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of Draft Council Policy 1.2 Youth, Version 3.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE the Draft Council Policy 1.2 Youth, version 3.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Policy 1.2 Youth was last reviewed by Council on 27 November 2018, Item No. DCS392 Council Policy 1.2 – Youth. In keeping with the Council Policy Manual this policy is now due for review.

The policy has been reviewed and included as Attachment No. DCS509A. The one significant change is inclusion of additional reference to the City's new Council Policy 4.17 Child Safety and Welfare Policy, acknowledging the importance of Child Safety.

Council Policy 1.2 Youth was forwarded to Councillors via a Briefing Note on 8 October 2021 for their preliminary review and feedback. The proposed amendments to the policy and Councillor comments are detailed in the comparison table included as Attachment No. DCS509B. It is now submitted to Council for endorsement.

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

There are no adverse community impacts.

**Economy:**

There are no adverse economic impacts.

**Environment:**

There are no adverse environmental impacts.

**Leadership:**

There are no adverse leadership impacts. 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 reviews Council Policies as required. Council Policy 1.2 Youth, Version 2 was last approved by Council on 27 November 2018 - Item No. DCS392 Council Policy 1.2 – Youth.

Council first approved CP 1.2 - Youth Version 1 on 24 January 2017 – Item No. CCS231 City of Greater Geraldton Council Policy Manual.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were consulted via Briefing Note on 8 October 2021.

The Executive Management Team reviewed the draft policy on 3 November 2021.

**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:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.

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Outcome 1.4	Community safety, health and well-being is paramount.
Outcome 1.5	The opportunity for all to reach their potential exists.
Outcome 1.6	Community capacity, innovation and leadership is encouraged.
Outcome 1.8	Active living and recreation is encouraged.

**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 good governance of the Local Government of the City of Greater Geraldton.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.



<b>DCS510 REVISION OF LEVEL OF SERVICE - MULLEWA GP/MEDICAL SERVICE</b>
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<b>AGENDA REFERENCE:</b>	<b>D-21-127642</b>
<b>AUTHOR:</b>	<b>F Norling, Manager Community and Cultural Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>8 November 2021</b>
<b>FILE REFERENCE:</b>	<b>PH/11/00004</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) Confidential</b> <b>A. Confidential - Bench Marking Results</b> <b>B. Confidential - Mullewa Medical Service Agreement</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to include provision of a fully serviced vehicle as part of the agreed package in support of retaining services of the general practitioner operating the Mullewa Medical Centre.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE provision of a fully serviced vehicle for the Mullewa General Practitioner to be incorporated into the Mullewa Medical Service Agreement;
2. APPROVE the following 2021-22 budget amendment to purchase and operate the vehicle:
  - a. Increase Capital Expenditure Budget for purchase of Fleet by \$40,000 (excl. GST); and
  - b. Increase Operating Expenditure Budget for vehicle operating costs by \$5,000.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton is one of many local governments in rural and regional WA that have entered into agreements for provision of medical services and/or general practice (GP) services to support rural communities. Although it is not a core role of local government, or a legislative requirement, the City has provided substantial support to attract and retain a general practitioner service in Mullewa over many years to reduce the disadvantage that may otherwise be experienced by the Mullewa community. (The City recently made a submission on this matter accordingly to the Australian Government's Inquiry into Provision of General Practitioner and Related Primary Health Services to Outer Metropolitan, Rural and Regional Australians.)

The City of Greater Geraldton has had an agreement in place since 2016 with the GP currently providing medical services in Mullewa. This agreement was renewed in 2019 and is due to expire in April 2022. In October this year the doctor requested that the City consider provision of a vehicle as part of the incentive package, providing examples of other rural sites in support of her awareness that this is practice in rural doctor agreements with councils. City Officers committed to undertake a benchmarking exercise as part of the process to review the current agreement and negotiate its renewal, planned to be undertaken early 2022. The provision of a vehicle has become more of an imperative due to recent crime in Mullewa which saw the doctor's house broken in to whilst she was asleep and her vehicle subsequently stolen and burnt.

The City of Greater Geraldton has a formal agreement in place with the doctor to provide medical services for the township of Mullewa (approx. 100km east of Geraldton). The City currently provides free of charge to the doctor furnished accommodation, use of the practice building, ICT services, cleaning and utilities as well as a fuel card (current annual capped value of \$2,000). In exchange the GP provides general practitioner services to the Mullewa community at least three days per week, which she exceeds on average providing a 4 day/week service. The doctor also provides services to residents and patients at the Mullewa Hospital through an agreement with WA Country Health Services (WACHS) as the only doctor in town.

The benchmarking exercise to review incentives, including provision of a vehicle to a doctor in rural or remote sites has included contacting a number of councils advised by the doctor as having incentive agreements in place, review of doctor advertisements on [yourdoctorjobs.com](http://yourdoctorjobs.com), a website that promotes specialist and general practitioner vacancies Australia-wide and research into council responses to the Australian Government review currently underway.

Councils contacted by the City were asked to respond on the following components:

- Any cash incentives provided
- Free or subsidised use of medical centre
- Furniture and equipment
- Utilities
- Telephone and internet services
- Ongoing maintenance
- Cleaning
- Medical practice support
- Free or subsidised housing
- Provision of fuel subsidy or vehicle

Results of the benchmarking exercise indicated that provision of a serviced vehicle to a GP as part of a suite of incentives to secure general practitioner services in rural and remote locations was a common model. (Refer to confidential Attachment No. DCS510A).

As a separate matter, it should be noted that City Officers are also currently liaising with the doctor in an endeavour to establish a stand-alone ICT set up.

The doctor has advised as part of her communication requesting provision of a vehicle that she is committed to staying in the Mullewa community and entering into a new agreement with the City. She has also highlighted her views in regard to the improbability of the City finding another doctor willing to take on the Mullewa practice, especially in the current environment of high crime and security risk. The doctor also conveyed her gratitude to the City for support provided during her recent experience as a victim of crime, at the same time acknowledging the outpouring of support that she has received from the Mullewa community as another factor influencing her desire to stay into the future.

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

#### **Community:**

There are no adverse community impacts, with the opportunity presented by this proposal to satisfy the doctor's current needs likely to secure ongoing provision and ensure local delivery of general practitioner services to the Mullewa community.

#### **Economy:**

There are no adverse economic impacts.

#### **Environment:**

There are no adverse environmental impacts.

#### **Leadership:**

Governance impacts of this proposal would be review and revision of the Mullewa Medical Centre Service Agreement 2019. It had already been identified that changes since the agreement was last enacted had triggered this need.

### **RELEVANT PRECEDENTS:**

Since the current doctor commenced practice at Mullewa Medical Centre in 2016, there has been reviews of the terms of the Agreement, including June 2016 when the Executive Management Team considered a revised level of service to the doctor to secure ongoing services in Mullewa. This resulted in endorsement of an ICT upgrade and additional housing support.

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

Consultation has occurred by Officers with the doctor to clarify her request and advise her of a commitment to review her request for provision of a vehicle as part of the incentive package in regard to the agreement to provide medical services in Mullewa. The doctor has been advised that any consideration and determination on provision of a vehicle would be required to be made by Council.

Five WA councils were contacted with a request to share information in regard to the incentive packages they provide for medical services in their locations, with three responses received.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Whilst there is no legislative requirement for the City to support provision of general practitioner services in Mullewa, it is common practice across local government in regional and rural communities in order to ensure provision of a local doctor service to enable residents to feel safe and stay healthy.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The financial implications of supporting the request by the General Practitioner for the City to provide a vehicle has been estimated at approx. \$40,000 (excl. GST) and \$5,000 operating costs.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.4	Community safety, health and well-being is paramount.
Outcome 1.7	Reconciliation between Indigenous and non-Indigenous communities is supported.
Outcome 1.8	Active living and recreation is encouraged.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.1	Local business is empowered and supported.

**REGIONAL OUTCOMES:**

The Mullewa community receives general practitioner services from a doctor who has been in place since 2016, with relationships and trust built over time delivering positive outcomes in regard to health and wellbeing of residents. Location of general practitioner services in Mullewa provides access to health services without the impost of significant travel time and costs for those in need.

The anticipated negative impact on the region is the potential loss of general practitioner services in Mullewa. In a community that supports a large Aboriginal population and in the current COVID environment this could see an increasing burden on the health system in other locations, including Geraldton.

**RISK MANAGEMENT:**

Should the proposed revised level of service through provision of a fully maintained vehicle for the Mullewa General Practitioner not be endorsed, it is possible the doctor may withdraw her services to the community and leave the region to seek work elsewhere. This could place the Mullewa community and the City in a position where no general practitioner services are available in Mullewa and the closest general practitioner service is located 100km away. The City is also aware that there is an identified shortfall issue in regard to rural GP services across WA.

Previously, when the City released an expression of interest seeking to attract GP services to Mullewa in 2015 it was unsuccessful, with the current doctor subsequently contacting the City and entering into an agreement. This, combined with awareness of the challenges of several rural and regional councils to attract general practitioners, including Shire of Irwin, suggests that attracting a replacement GP should the current doctor leave, may prove unlikely.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

An alternative option considered:

1. INCLUDE the request for a vehicle as part of the negotiation in entering into a new agreement with the doctor in early 2022.

This has been considered a less preferable option in light of the recent additional circumstances of the doctor being subjected to theft and destruction of her private vehicle.

Should a revised level of service not be endorsed, it is likely that the doctor will not consider renewing the agreement for medical services provision in Mullewa when it is due in April 2022 and may result with withdrawing her services to the Mullewa community when presented with offers in alternate locations.

**12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES****CCS651 COUNCIL POLICY 4.6 INTEGRATED STRATEGIC PLANNING FRAMEWORK**

<b>AGENDA REFERENCE:</b>	<b>D-21-127266</b>
<b>AUTHOR:</b>	<b>T Palmonari, Manager Strategic Planning and Economic Development</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>29 October 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/19/0008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>
	<b>A. Council Policy 4.6 Integrated Strategic Planning Framework (v2)</b>
	<b>B. Integrated Planning and Reporting Framework and Guidelines</b>
	<b>C. Draft Council Policy 4.6 Integrated Planning &amp; Reporting Framework (v3)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to retire Council Policy 4.6 Integrated Strategic Planning Framework.

There is no legislative requirement for Councils to have such a policy in place. Review of other Council's Policy Manuals showed that other Local Governments had not established or put in place such a policy, and WALGA also had no model policy in place.

**EXECUTIVE RECOMMENDATION:**

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

1. RETIRE Council Policy 4.6 Integrated Strategic Planning Framework; and
2. REMOVE the retired Council Policy from the Register.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Policy 4.6 Integrated Strategic Planning Framework was last reviewed by Council on 27 August 2019 (Item No. CCS433) and is due for biennial review.

Historically, the City of Greater Geraldton first introduced Council Policy CP005 Strategic Planning, to enable the City to plan for the future as part of the good corporate governance requirements which is transparent, accountable, just, fair, democratic, participatory and responsive to all stakeholder needs (Item No. CS001 1 July 2011).

CP005 was revised on 12 October 2011 to align with the new Integrated Planning and Reporting (IPR) process introduced in Western Australia and renamed 'Integrated Strategic Planning Framework' – Item No. CS027 - Adoption of Interim Strategic Community Plan.

With the introduction of the Council Policy Manual, the policy was transposed onto the new template and reapproved by Council as Council Policy 4.6 – Item No. CCS231 – City of Greater Geraldton Council Policy Manual.

The objective of the policy is to outline the City's obligation to the Local Government Act 1995 in maintaining integrated strategic planning processes and to provide a framework in which these processes will operate.

All local governments are required to plan for the future of their district under Section 5.56 (1) of the Local Government Act 1995. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this. The minimum requirement of the plan for the future is the development of:

- A Strategic Community Plan; and
- A Corporate Business Plan.

The City complies with and follows the Department of Local Government Integrated Planning and Reporting Framework and Guidelines (2016) that is replicated within the existing CP 4.6 Integrated Strategic Planning Framework.

As the policy incorporates information prescribed in the Department of Local Government Integrated Planning and Reporting Framework and Guidelines, Local Government Act 1995 and Local Government (Administration) Regulations 1995, it is recommended that the policy is retired.

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

### **Community:**

There are no adverse community impacts, as the City of Greater Geraldton would still be required to plan for the future in accordance with the legislative requirements under section 5.56 of the Local Government Act 1995.

### **Economy:**

There are no adverse economic impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Leadership:**

As per the Integrated Planning and Reporting Framework, Guidelines and Advisory Standard 2016, all local governments are required to plan for the future and as a minimum have:

- A Strategic Community Plan; and
- A Corporate Business Plan.

Retirement of the policy would not impact the need to comply with the legislative provisions of section 5.56 of the Local Government Act 1995.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council Policy 4.27 Entry Conditions Local Government Buildings was formally retired by Council on 23 March 2021 – Item No. CCS581.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The City has reviewed and researched other Local Governments Policy Manuals and did not come across any similar policies that have been put in place. WALGA also has no model reference to any like policy.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Pursuant to section 5.56 of the Local Government Act 1995 the role of Council includes planning for the future:

**5.56 Planning for the future**

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Understanding the aspirations of the community through the planning framework assists with financial and resource allocations.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

**REGIONAL OUTCOMES:**

There is no impacts to regional outcomes.

**RISK MANAGEMENT:**

There is no risk in approving the recommendation as the City would still be required to comply with the legislative requirements under section 5.56 of the Local Government Act 1995.



**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The alternative option is to retain the policy, and endorse the recently reviewed version 3 – Attachment No. CCS651C. This is not recommended as we would merely be duplicating the regulatory requirements prescribed under the Local Government Act 1995 and Integrated Planning and Reporting Framework and Guidelines.

1. APPROVE Council Policy 4.6 Integrated Planning and Reporting Framework, version 3.

CCS652	COUNCIL POLICY	4.28	MANAGING	UNREASONABLE CUSTOMER CONDUCT
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<b>AGENDA REFERENCE:</b>	<b>D-21-126394</b>
<b>AUTHOR:</b>	<b>N Hope, Manager Organisational Development</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>28 October 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/19/0008</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Council Policy 4.28 Managing Unreasonable Customer Conduct (v2)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of reviewed Council Policy 4.28 Managing Unreasonable Customer Conduct, version 2.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE Council Policy 4.28 Managing Unreasonable Customer Conduct, version 2.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Policy *4.28 Managing Unreasonable Customer Conduct* was originally endorsed by Council as a new policy in 2019. The policy is now due for its biennial review and has been amended without significant change. Version 2 is presented for Council approval, Attachment No. CCS652.

This policy covers all employees, volunteers, elected members, community members and customers of the City. Given Local Government has no established guidelines or legislation to deal with vexatious, repetitive or nuisance complainants/customers, the City originally sought legal advice with the development of a policy, ensuring alignment with the WA Ombudsman and the City's statutory compliance with the legislation referenced below:

- WA Ombudsman – *Managing unreasonable complainant conduct: Practice Manual*;
- WA Ombudsman – *Guidelines: Dealing with unreasonable complainant conduct*;
- *Equal Opportunity Act 1984 (WA)*
- *Occupational Safety and Health Act 1984 (WA)*; and
- *Local Government Act 1995 and Regulations (WA)*.

The objectives of this policy is to provide the principles and guidance as to the basis for a fair, equitable and transparent mechanism for dealing with unreasonable conduct by customers that will achieve an effective balance between:

- Meeting the genuine needs of customers fairly and equitably;
- Providing a safe working environment for staff, volunteers and elected members;
- Providing a safe experience for customers of the City; and
- Ensuring that City resources are used efficiently, effectively and equitably, to manage the City's responsibilities to discharge its statutory functions and represent the interests of all persons in the District.

Council Policy *4.28 Managing Unreasonable Customer Conduct* is further supported with the Operational Policy - *OP030 Unreasonable Customer Conduct*, which provides the processes and templates by which the City achieves a consistent approach to managing unreasonable customer conduct.

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

### **Community:**

This policy is aimed at conduct that falls well outside of community norms and is expected to affect only a very few persons, who will receive prior warning of the consequences of their conduct or behaviour.

### **Economy:**

Failure to address this growing issue will continue to result in unnecessary costs to the productivity and operational efficiency of the City, as well as costs associated with stress-related impacts on employee's health, safety, wellbeing and productivity.

### **Environment:**

There are no adverse environmental impacts.

### **Leadership:**

Council endorsement of the Executive Recommendation demonstrates our ongoing commitment to the health, safety and wellbeing of employees, volunteers and elected members, by providing a safe working environment. As well as ensuring a safe experience for customers of the City.

This policy supports the City's *Safety Management Plan HS-PLN-039* and the pending regulations contained within the *Work Health and Safety Act 2020* due in January 2022.

### *Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council Policy 4.28 – *Managing Unreasonable Customer Conduct*, version 1 was originally adopted by Council on 24 September 2019 – Item No. CCS443.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

The current Council Policy 4.28 – *Managing Unreasonable Customer Conduct* has been reviewed without significant change, therefore as per the City Promapp process, if there is no significant changes Officers are required to proceed straight to preparing an agenda item for the Ordinary Meeting of Council.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**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:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.2	We are a community accountable for our actions.
Outcome 1.4	Community safety, health and well-being is paramount.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.1	Meaningful customer experiences created for the people we serve.
Outcome 4.5	A culture of safety, innovation and embracing change.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

Council Policy 4.28 and its associated processes is wholly associated with mitigating the risk to City employees and the users or attendees at City facilities.

Ensuring that the Council Policy Register is current and comprehensive supports the role of 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.

<b>CCS653 CITY OF GREATER GERALDTON PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2021</b>
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<b>AGENDA REFERENCE:</b>	<b>D-21-122999</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>27 October 2021</b>
<b>FILE REFERENCE:</b>	<b>LE/5/0001-003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Draft City of Greater Geraldton Public Places and Local Government Property Amendment Local Law 2021</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to recommend adoption of the proposed *City of Greater Geraldton Public Places and Local Government Property 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 Public Places and Local Government Property Amendment Local Law 2021*, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the amendments shown 'marked up' on the attachment to the report to Council;
2. DIRECT the CEO, in accordance with section 3.12(5) of the *Local Government Act 1995*, to cause the local law 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 or on the City's website; and
4. DIRECT that following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, the CEO send a copy of the local law and duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City is in the process of updating, amending and replacing most of its local laws. The *City of Greater Geraldton Public Places and Local Government Property Local Law 2020* was published in the Government Gazette on 5 January 2021, Special Gazette No.2.

The WA Parliamentary Joint Standing Committee on Delegated Legislation (the Committee) 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 6 January 2021.

The Committee subsequently requested that the City amend the *City of Greater Geraldton Public Places and Local Government Property Local Law 2020* to:

- a) *delete Clause 5.5*
- b) *correct reference errors in clause 7.1 and*
- c) *make all necessary consequential amendments.*

The Committee also requested that *“Until the Local Law is amended in accordance with the above undertaking:*

- d) *The City will not enforce the Local Law in a manner contrary to the undertaking.*
- e) *Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City’s website), ensure that it is accompanied by a copy of these undertakings.”*

Council agreed to provide the undertaking at its meeting held on 27 July 2021 (Item No. CCS621), and endorsed a draft City of Greater Geraldton Public Places and Local Government Property Amendment Local Law 2021 (the Amendment Local Law) at its meeting held on 24 August 2021 (Item No. CCS624).

As well as the amendments requested by the Committee, the Amendment Local Law dealt with other changes to the *Local Government Act 1995* which relate to appointment of ‘authorised persons’ by the CEO rather than the ‘local government’.

In addition, it was considered unwise to not regulate the keeping of animals on local government property altogether so as well as deleting clause 5.5 as requested by the Committee a replacement clause was included in the Amendment Local Law.

A draft *City of Greater Geraldton Public Places and Local Government Property Amendment Local Law 2021* was subsequently advertised for public comment which closed on 15 October 2021.

No comments were received from the public, however the Department of Local Government, Sport and Cultural Industries suggested that the wording of the proposed replacement to clause 5.5 be amended as shown 'marked' on the updated copy of the Amendment Local Law attached – Attachment No. CCS653.

The suggested change achieves the same outcome sought in the original version of the Amendment Local Law and as such is considered minor.

The Amendment Local Law can now be adopted and will come into effect 14 days after publication in the Government Gazette. The principal local law (the *City of Greater Geraldton Public Places and Local Government Property Local Law 2020*) will then in turn be duly amended.

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

#### **Community:**

Ensuring that the provisions of the *City of Greater Geraldton Public Places and Local Government Property Local Law 2020* are correct will assist in the effective management, care and control of property under the care, control and management of the City including thoroughfares.

#### **Economy:**

There are no adverse economic impacts.

#### **Environment:**

There are no adverse environmental impacts.

#### **Leadership:**

The *City of Greater Geraldton Public Places and Local Government Property Local Law 2020* was adopted by Council on 24 November 2020 and gazetted on 5 January 2021. The City provided the Joint Standing Committee on Delegated Legislation with an undertaking to amend the local law on 27 July 2021.

The final step to 'make' the Amendment Local Law will discharge that undertaking.

#### *Disclosure of Interest:*

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

### **RELEVANT PRECEDENTS:**

Council provided an undertaking to amend the local law to the Committee at its meeting held on 27 July 2021 (Item No. CCS621).



**COMMUNITY/COUNCILLOR CONSULTATION:**

The process to make or amend a local law requires a local government to provide local public notice, and to provide copies of the proposed local law or amendment to the Minister responsible for the legislation under which the local law is being made.

This has been undertaken. The City must also give local public notice of when the proposed Amendment Local Law will come into effect, which will be done if adopted by Council and then published in the Government Gazette.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The process to make or amend a local law is set out in section 3.12 of the *Local Government Act 1995*.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are costs involved in preparing, advertising and final Gazettal of an amendment local law. The advertising and gazettal costs are approximately \$500.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.

**REGIONAL OUTCOMES:**

There are no regional outcomes.

**RISK MANAGEMENT:**

The Council gave an undertaking to the Joint Standing Committee on Delegated Legislation on 27 July 2021, to amend the *City of Greater Geraldton Public Places and Local Government Property Local Law 2020* within six months from the date of the resolution. Therefore an amendment to the local law must be completed prior to December 2021 to comply with the City's undertaking to the Committee.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City Officers.

CCS654 CITY OF GREATER GERALDTON CODE OF BUSINESS ETHICS 2021
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<b>AGENDA REFERENCE:</b>	<b>D-21-126527</b>
<b>AUTHOR:</b>	<b>B Pearce, Manager Corporate Compliance and Safety</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>27 October 2021</b>
<b>FILE REFERENCE:</b>	<b>FM/16/0005</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Code of Business Ethics 2018</b> <b>B. Draft Code of Business Ethics 2021</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of the City of Greater Geraldton Code of Business Ethics 2021, version 3.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE the City of Greater Geraldton Code of Business Ethics 2021, version 3.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

As a local government undertaking extensive contracting, the City of Greater Geraldton is required to have robust ethical management systems in place. For City employees and Council members, the City has Codes of Conduct, which are supported by comprehensive internal management processes.

The Code of Business Ethics (the Code) was implemented in 2018 and fulfils two primary purposes. Firstly it enables the City to publish a clear stance to the community of the ethical management of procurement (or commercial dealings); and secondly, the Code informs all City contractors of the ethical requirements for working with the City.

The Code, covers the following in summary:

- Safety
- Ethics and integrity
- Governance
- Openness and effective competition
- Value for money
- Corporate social responsibility
- Gifts, travel contributions and personal benefits
- Sponsorship and related practices
- Conflicts of interest
- Confidentially
- Secondary employment

The Code is published on the City’s website and is written into all City contracts as a mandatory requirement.

The amendments proposed in version 3 are primarily formatting and grammatical improvements. The only additional clause wording added to the Code provides clarity with regards to sponsorship arrangements as follows:

Version 2	Version 3
<p><b>Sponsorship and Related Practices</b>                      The City will not ask for nor enter into any sponsorship or similar arrangement that is not open and transparent or if the sponsorship creates a perception of improper influence.</p>	<p><b>Sponsorship and Related Practices</b>                      The City will not ask for nor enter into any sponsorship (or similar arrangement) that is not open and transparent or if the sponsorship creates a perception of improper influence.</p> <p>The City shall not enter into a sponsorship with Contractors with whom it has commercial dealings.</p> <p>Where a local business is seeking to support a community program, and there are no perceived improper influences, the City may consider minor sponsorship.</p> <p>Significant sponsorship or similar arrangements shall require Council determination before commencement.</p>

**COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**

**Community:**

The Code ensures the responsible allocation and management of public resources. The Code also provides assurance to the community that the City takes ethical procurement processes seriously and implements ethical management systems in all procurement processes.

**Economy:**

Ethical management of procurement functions supports the broader economy. This is as a result of the transparent and fair allocation of contracts to local contractors.

**Environment:**

The Code reaffirms the City’s stance with regards to corporate social responsibility, which includes ensuring procurement practices take into account environmental management responsibilities.

**Leadership:**

The Code drawing from the *Local Government Act 1995* and the City's own codes of conduct; details the City's public position concerning ethical procurement practices. Establishing and implementing the Code has enabled the City to support and lead the community in transparent procurement practices.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

Council has determined procurement and conduct related policies in the past. In addition, other codes of business ethics have become a common local government practice across WA.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The *Local Government Act 1995* and the supporting *Local Government Functions (& General) Regulations 1996* detail clear ethical obligations.

These are further detailed in the following City policies and plans

- Council Policy 4.2 Code of Conduct Council Members, Committee Members and Candidates
- Council Policy 4.9 Procurement of Goods & Services
- Council Policy 4.19 Corporate Partnerships
- Operational Policy OP054 Employee Code of Conduct
- City of Greater Geraldton Fraud & Corruption Control Plan

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications. The City procurement framework and employee management systems already have provision for ethic and probity management.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce.
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

**REGIONAL OUTCOMES:**

As detailed above, the implementation of the Code supports the community, environment and local economy.

**RISK MANAGEMENT:**

The implementation of the Code is a risk mitigation strategy relating to potential fraud and corruption risks in procurement and procurement processes. The Code supports the City's established procurement management framework and Fraud & Corruption Control Plan.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternatives were considered, as the Code is a required document.

<b>CCS655 2022 COUNCIL MEETING SCHEDULE</b>
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<b>AGENDA REFERENCE:</b>	<b>D-21-126659</b>
<b>AUTHOR:</b>	<b>P Bennett, PA to Director Corporate and Commercial Services</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>4 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council adoption of the proposed Council Meeting Schedule (Concept Forums, Agenda Forums and Ordinary Meetings of Council) for the 2022 calendar year. The *Local Government Act 1995* and associated Regulations require publication of the meeting details for the ordinary council meetings before the beginning of the New Year.

**EXECUTIVE RECOMMENDATION:**

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

1. ADOPT the Council Meeting Schedule for 2022 as follows:

2022 Council Meeting Schedule	Concept Forum	Agenda Forum	Ordinary Meeting of Council
	1 <sup>st</sup> Tuesday	Tuesday before OMC	Last Tuesday of month
	Commencing 5:00 PM in Chambers, Cathedral Avenue, Geraldton		
	(** as above unless otherwise indicated)		
<b>January</b>	NO Concept Forum	18 January 2022	25 January 2022
<b>February</b>	1 February 2022	15 February 2022	22 February 2022
<b>March</b>	1 March 2022	22 March 2022 ** MULLEWA at 1.30pm	29 March 2022
<b>April</b>	5 April 2022	19 April 2022	26 April 2022
<b>May</b>	3 May 2022	24 May 2022	31 May 2022
<b>June</b>	7 June 2022	21 June 2022	28 June 2022
<b>July</b>	5 July 2022	19 July 2022 ** WALKAWAY at 5.00pm	26 July 2022
<b>August</b>	2 August 2022	23 August 2022 ** MULLEWA at 1.30pm	30 August 2022
<b>September</b>	6 September 2022	20 September 2022	27 September 2022
<b>October</b>	4 October 2022	18 October 2022	25 October 2022
<b>November</b>	1 November 2022	22 November 2022	29 November 2022
<b>December</b>	6 December 2022	** 13 December 2022	** 20 December 2022

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Section 5.3 of the *Local Government Act 1995* allows Council to hold ordinary and special meetings. It further requires ordinary meetings to be held not more than three (3) months apart.

Regulation 12 of the *Local Government (Administration) Regulations 1996*, requires the CEO to publish on the City's website the meeting details (date, time and place) for the ordinary council meetings.

This information must be published before the beginning of the year in which the meetings are to be held, with any change to the meeting details published as soon as practicable after the change is made.

**12. Publication of meeting details (Act s. 5.25(1)(g))**

- (1) *In this regulation —*  
**meeting details**, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
  - (a) *ordinary council meetings;*
  - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*

City Officers propose a slight change to the Ordinary Meeting of Council dates for 2022, to fall on the *last* Tuesday of the month as opposed to the *fourth* Tuesday. This change provides City Officers, like the Finance Team, more time to prepare reports to Council. In most cases the last Tuesday of the month is the fourth, this will only result in a change to March, May, August and November.

It is proposed that the following meetings be held in 2022:

- Concept Forum (Closed to Public) to be held on the first Tuesday of the month commencing at 5.00pm in the Civic Centre Function Room, Cathedral Avenue.
- Agenda Forum to be held on the Tuesday before the Ordinary Meeting of Council commencing at 5.00pm in the Council Chambers, Cathedral Avenue.
- Ordinary Meeting of Council to be held on the last Tuesday of the month commencing at 5.00pm in the Council Chambers, Cathedral Avenue.

- No Concept Forum to be held January 2022, due to the Christmas / New Year holiday period.
- March and August Agenda Forum to be held in Mullewa, commencing at 1.30pm.
- July Agenda Forum to be held in Walkaway, commencing at 5.00pm.
- The dates of the December Agenda Forum and Ordinary Meeting of Council to be brought forward by one week due to the Christmas / New Year holiday period. Agenda Forum to be held on the second Tuesday and Ordinary Meeting of Council on the third Tuesday in December.

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

### **Community:**

The City is committed to engaging with its community and recognises that providing opportunities for the community to attend council meetings will result in more informed and engaged residents.

### **Economy:**

There are no adverse economic impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Leadership:**

It is an annual requirement under regulation 12 of the *Local Government (Administration) Regulations 1996*, to publish the dates, time and place of the ordinary council meetings.

### *Disclosure of Interest:*

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

## **RELEVANT PRECEDENTS:**

The 2021 Meeting Schedule was adopted at the Ordinary Meeting of Council held on 22 September 2020 (Item No. CCS534 – Council Meeting Schedule – January to December 2021).

## **COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were provided with the Council Meeting Schedule for 2022 via Briefing Note on 21 September 2021.

Further discussion was held at November Concept Forum, prior to Officers seeking formal endorsement from Council.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires the CEO to publish the meeting details of the ordinary council meetings before the beginning of the year in which the meetings are to be held.



**FINANCIAL AND RESOURCE IMPLICATIONS:**

The cost of advertising the schedule of meetings is contained within the 2021-22 budget. Whilst we aren't required to give local public notice requiring publication in local newspapers, this is still a preferred method for getting the meeting information out to the community.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

It is a legislative requirement under regulation 12 of the *Local Government (Administration) Regulations 1996* to publish the ordinary meetings details for the 2022, before the beginning of the year.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

**CCS656 STATEMENT OF FINANCIAL ACTIVITY TO 31 OCTOBER 2021**

<b>AGENDA REFERENCE:</b>	<b>D-21-127478</b>
<b>AUTHOR:</b>	<b>J Bagshaw, Senior Management Accountant/Analyst</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>5 November 2021</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0009</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Monthly Management Report for period ended 31 October 2021</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 October 2021.

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

**EXECUTIVE RECOMMENDATION:**

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

1. RECEIVE the monthly financial statement of activity for the period 1 July 2021 to 31 October 2021, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of October 2021 is detailed in the attached report and summarised as follows, the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	38,189	0.1%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	235,509	0.7%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	273,698	1.0%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	37,704	0.2%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	363,156	15.7%	over YTD Budget	<input checked="" type="checkbox"/>
Cash at Bank – Municipal	\$			38,568,519	
Cash at Bank – Reserve	\$			35,592,230	
Total Funds Invested	\$			73,829,163	

Current Rates Collected to October 2021	75.76%
Current Rates Collected to October 2020	74.50%
Rates Arrears Collected to October 2021	27.78%
Rates Arrears Collected to October 2020	26.60%

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 October financials show a YTD positive variance of \$273,698 in the net operating surplus/(deficit) result (this takes into account commitments).

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

#### **Community:**

There are no adverse community impacts.

#### **Economy:**

There are no adverse economic impacts.

#### **Environment:**

There are no adverse environmental impacts.

#### **Leadership:**

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

#### *Disclosure of Interest:*

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

### **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

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

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

As disclosed in the attached report.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

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.

### 12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS252	CITY OF GREATER Geraldton CLIMATE MITIGATION PLAN
<b>AGENDA REFERENCE:</b>	<b>D-21-126297</b>
<b>AUTHOR:</b>	<b>M Dufour, Manager Engineering Services</b>
<b>EXECUTIVE:</b>	<b>C Lee, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>5 November 2021</b>
<b>FILE REFERENCE:</b>	<b>Insert File Reference</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Achieving Net Zero Corporate Climate Change Mitigation Plan</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council adoption of the City of Greater Geraldton Achieving Net Zero Corporate Climate Change Mitigation Plan.

In December 2020, Council resolved to declare a Climate Emergency, and undertake an update of its 2010 Climate Change Adaptation Action Plan. The Council resolution identified the updated plan should focus on ways in which the City's operations can move towards a net zero carbon position by 2030.

City Officers subsequently engaged environmental consultants GHD, which delivered the attached Achieving Net Zero Corporate Climate Change Mitigation Plan (Plan). The completed Plan benchmarks the City's current operational carbon emissions and identifies opportunities to abate emissions to the goal of a net-zero carbon position by 2030.

#### **EXECUTIVE RECOMMENDATION:**

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

1. ADOPT the Draft City of Greater Geraldton Climate Mitigation Plan;
2. DEVELOP a 10 year Capital Works Program incorporating delivery of projects outlined in the Climate Mitigation Plan;
3. MAKE provision in the 2022-23 to 2031-32 Long Term Financial Plan (LTFP) to resource the required actions for inclusion in future budgets; and
4. DIRECT the Chief Executive Officer to provide regular reporting against the agreed action items via the City's Corporate Business Plan.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The City completed a Climate Change Adaptation Action Plan in 2010. This plan identified climate change adaptation actions required to be implemented across the Batavia Region of Councils (BROC) which comprised of the City of Greater Geraldton, Shire of Chapman Valley, and Shire of Northampton. The adaptation actions focussed on climate change risks to infrastructure, land use, community services, economic development and biodiversity.

In 2012, the City of Greater Geraldton (City) became a signatory of the Local Government Climate Change Declaration which acknowledges that:

- The science is clear – climate change is occurring and greenhouse gas emissions from human activities are the dominant cause;
- Climate change threatens human societies and the Earth's ecosystems;
- Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable; and
- A failure to adequately address this climate change emergency, places an unacceptable burden on future generations.

Subsequently the City has undertaken several initiatives over a number of years intended to address climate change such as:

- Installation of solar panels on various City facilities including the Queens Park Theatre, Art Gallery, Geraldton Library, and the Aquarena;  
Optimisation of the City's vehicle fleet;
- Investigations into the feasibility of moving towards hybrid or electric vehicles;
- Implementation of FOGO trials;
- Implementation of the City's Waste Management Strategy to increase recycling; and
- Monthly reporting to Council on operational water and energy usage.

These initiatives, while valuable, have not been part of a coordinated and organisation wide approach with clearly set goals and key performance indicators. As such, it has been difficult to measure the success of the initiatives in terms of carbon reduction to date.

In December 2020, Council declared a Climate Emergency and committed to addressing climate change and moving towards an operational position of net zero emissions by 2030.

With this declaration, the City joined 40 other Local Governments in Western Australia, representing 65% of the State's population, that have declared a climate emergency.

In May 2021, Council approved Council Policy 3.1 – Climate Change. The key objectives of the Climate Change Policy outlines the City of Greater Geraldton's commitment to addressing climate change. Key priorities include:

- Considering a pathway towards a zero-carbon community; and
- Minimising climate change risks to its operations/communities.

In May 2021, GHD was engaged to develop the Plan which maps and measures the City's baseline emissions within our operational boundary, and identifies key opportunities for emissions abatement with high level costings.

The resultant mitigating actions are prioritised firstly by reducing energy consumption, secondly by transitioning to renewables, and lastly by abating residual emissions through the purchase of responsibly sourced offsets.

The importance of completing this plan is emphasised in the Intergovernmental Panel on Climate Change (IPCC) updated report on climate change modelling released in August 2021. This report identifies, without climate change action, a global increase of more than 1.5 degrees Celsius could occur in as little as 10 years.

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

#### **Community:**

The Community Voice Project clearly demonstrated the importance to the community of environment, climate change and waste and recycling issues and opportunities. While the Plan being presented for adoption is a Corporate Mitigation Plan, its adoption by Council will demonstrate the City's commitment to the values held by the community.

#### **Economy:**

Adoption of the Plan will enable the City to advocate at Regional, State and Federal forums for greater action in this area. An example is that, the City can advocate to Western Power to upgrade streetlights to LED and smart street lighting.

#### **Environment:**

There is little doubt the Mid-West region will experience longer, hotter and drier conditions, with more frequent extreme storms and ongoing sea rise. These changes will have impacts on our environment, our infrastructure and assets, and our community. While the City's emissions may be small compared to the rest of the world, the City can be a regional leader with our emission reduction projects and influence our community and beyond.

#### **Leadership:**

Local Government play a crucial role in leveraging emissions reductions and helping communities adapt to climate change. Local governments are often the first to respond to localised climate change impacts, and their strong connections to the community and local knowledge mean they are often best-placed to lead climate change action. Adoption of the plan demonstrates the City's leadership on climate change action within the region, and to its community through the commitment to net zero greenhouse gas emissions by 2030.

#### *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 on 6 July 2010 Council determined to receive the Batavia Regional Organisation of Councils Climate Change Adaptation Plan.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were presented with an overview of the draft Corporate Climate Change Mitigation Plan and greenhouse gas emissions abatement opportunities at Concept Forum on 5 October 2021.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The report addresses Council Policy CP3.1 Climate Change:

- Considering a pathway towards a zero-carbon community; and
- Reviewing and updating its climate change adaptation actions.

The report also addresses Section 1.3(3) of the *Local Government Act 1995*:

- In carrying out its functions, a Local Government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Implementation of the Climate Change Mitigation Plan will require capital investment, and resources across the organisation. Funding of specific initiatives will be subject to annual budgets, long term financial planning considerations, and grant opportunities.

The Capital Works Program, Asset Management Plan, Long Term Financial Plan, and Corporate Business Plan will need to be updated to incorporate the required actions, and reflect the costs and savings possible through implementation of the Climate Mitigation Plan

The plan details all priority actions with high level resource implications, however additional work will be undertaken to tighten cost estimates, and expected returns on investment. Implementation of the plan creates the potential for significant energy and financial savings in the long term, as well as positioning the City to access external funding opportunities.

In anticipation of the increased resourcing required, the City's Environment and Sustainability Team has expanded to encompass the role of coordinating implementation of the plan.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>



Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community wellbeing.
Outcome 3.2	Regional leader in adapting to climate change.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Outcome 3.7	Moving towards a circular economy.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

### **REGIONAL OUTCOMES:**

The Climate Change Mitigation Plan offers a strategic framework that provides the City with the opportunity to fulfil the City's Strategic Community Plan Outcome 3.2 – 'Regional Leader in adapting to climate change'.

Implementing the Climate Change Mitigation Plan will provide opportunities to enhance Geraldton as a regional capital and a desirable place to invest in.

### **RISK MANAGEMENT:**

The proposed Corporate Climate Mitigation Plan is a risk management document. It offers a clear pathway for the City to manage risks to its operations resulting from climate change, and achieve its emission reductions and renewable energy targets in a financially responsible manner.

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

The following options were considered by City Officers:

1. NOT ADOPTING the City of Greater Geraldton Achieving Net Zero Corporate Climate Mitigation Plan.

The reputational risk of not undertaking climate change mitigation planning and implementation is very high hence this option is not supported.

**12.4 REPORTS OF OFFICE THE CEO****CEO084 ENDORSEMENT OF NOMINATIONS FOR MID WEST DEVELOPMENT COMMISSION BOARD – 2021**

<b>AGENDA REFERENCE:</b>	<b>D-21-126612</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>3 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) MWDC Board Membership Call for Nominations – Local Government Letter</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council endorsement for nominations for the Mid West Development Commission (MWDC) Board.

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the nominations for vacancies on the Mid West Development Commission for the following Elected Members:
  - a. Mayor Shane Van Styn; and
  - b. Deputy Mayor Cr Jerry Clune.

**PROPONENT:**

The proponent is the Mid West Development Commission

**BACKGROUND:**

The Mid West Development Commission is seeking nominations for one Local Government representative vacancy on its Board. In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancy must be members of the Council of a Local Government in the region and are to be endorsed for nomination by the governing Council in the region. All Local Governments in the Mid West region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment. The Commission is seeking nominees that:

- Possess knowledge and experience relevant to the region;
- Possess knowledge and experience of strategy, risk, governance and finance at an executive level;
- Have demonstrated involvement in the economic and/or social development of the region; and
- Have ability to work cooperatively to achieve agreed goals across a wide range of economic and social development issues.

Nominations are due no later than **4.00pm on 14 December 2021**. The nominated Councillors will need to complete and lodge the associated application forms by this time.

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

Being a Mid West Development Commission Board member provides Councillors with an opportunity to represent Greater Geraldton interests to the State Government.

**Economy:**

The MWDC Board makes recommendations that have the potential to positively impact the Mid West economy.

**Environment:**

The MWDC Board makes recommendations that have the potential to positively impact the Mid West environment.

**Leadership:**

Being a Mid West Development Commission Board member provides Councillors with an opportunity to represent Greater Geraldton interests to the State Government.

*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 does not currently have a Councillor on the MWDC board. Mayor Shane Van Styn was previously on the board. His appointment was endorsed by the Minister for Regional Development on 29 April 2016 with his term expiring in June 2019. (CEO039).

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were asked to express interest in being nominated to the MWDC Board via an e-mail from the Chief Executive Officer on Tuesday 2 November 2021.

**LEGISLATIVE/POLICY IMPLICATIONS:**

*There are no legislative or policy implications. Nominating Councillors to represent Greater Geraldton on the Mid West Development Commission Board is in keeping with the City's Strategic Community Plan.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or budget implications for the City.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.3	The voice of the community is heard at regional, state and national forums.

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<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

**REGIONAL OUTCOMES:**

Representation on the Board of the Mid West Development Commission would provide Councillors with the opportunity to participate in decision making processes that impact the Mid West region.

**RISK MANAGEMENT:**

There are no identified risks associated with Councillors nominating to be on this board to represent the Greater Geraldton Community.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Council may determine not to nominate any elected officials to be on the Mid West Development Commission Board.

**CEO085 RE-ESTABLISHMENT OF COUNCIL ADVISORY COMMITTEES**

<b>AGENDA REFERENCE:</b>	<b>D-21-126331</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>4 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0009</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Extract of DRAFT Committee Book 2021-23</b>
	<b>B. Nominations to Committees 2021</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to re-establish representation to Councils Committees until they expire at the next ordinary Election Day being 21 October 2023.

**EXECUTIVE RECOMMENDATION:**Part A

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. RE-ESTABLISH the following listed Council Committees:
  - a. CEO Performance Review Committee;
  - b. City of Greater Geraldton Audit Committee;
  - c. Greenough Bushfire Advisory Committee;
  - d. Mullewa Bushfire Advisory Committee;
  - e. Greater Geraldton Crime Prevention Committee;
  - f. Greater Geraldton Community Grants Committee;
  - g. Geraldton Regional Art Management Committee;
  - h. Queen Elizabeth II Seniors and Community Centre Advisory Committee; and
  - i. Heritage Advisory Committee.

Part B

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. REQUIRE each internal Council Committee at their first meeting held following this resolution to:
  - a. APPOINT by Committee resolution an Elected Member as Chairperson, and Elected Member as a proxy Chairperson for the Committee; and
  - b. REVIEW the terms of reference of the Committee and report to Council any required changes in relation to named membership of the Committee.

**Part C**

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the following elected members to the following Council Committees;
  - a. CEO Performance Review Committee (five members) :
    - i. Mayor Shane Van Styn;
    - ii. 6 further nominations;
  - b. City of Greater Geraldton Audit Committee (four members one proxy):
    - i. Mayor Shane Van Styn;
    - ii. 4 further nominations;
    - iii. 1 Proxy required (Proxy);
  - c. Greenough Bushfire Advisory Committee (three members):  
***This Committee has reached its membership quota***
    - i. Cr Jerry Clune;
    - ii. Cr Steve Cooper;
    - iii. Cr Kim Parker;
  - d. Mullewa Bushfire Advisory Committee (four members):
    - i. 5 Nominations;
  - e. Greater Geraldton Crime Prevention Committee (three members one proxy):
    - i. 5 Nominations;
    - ii. 1 Proxy required (Proxy);
  - f. Greater Geraldton Community Grants Committee (five Members):  
***This Committee has reached its membership quota***
    - i. Cr Simon Keemink;
    - ii. Cr Michael Reymond;
    - iii. Cr Victor Tanti;
    - iv. Cr Jennifer Critch;
    - v. Cr Michael Librizzi;
  - g. Geraldton Regional Art Management Committee (four members):
    - i. Cr Michael Reymond;
    - ii. Cr Steve Cooper;
    - iii. Cr Peter Fiorenza;
    - iv. 1 Vacancy;
  - h. Queen Elizabeth II Seniors and Community Centre Advisory Committee (four members):
    - i. 6 Nominations; and
  - i. Heritage Advisory Committee (5 Nominations):
    - i. 7 Nominations.

**Part D**

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the Chief Executive Officer or his delegate as Executive Support and Coordinator of each Internal Council Committee; and
  2. AMEND the Committee book accordingly.
-

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Committees dissolve at the time of a Local Government Election, which occur every two years, and therefore cannot meet until re-established by a Council decision. The Local Government Elections were held on 16 October 2021.

It has been determined that the HMAS Sydney II Memorial Advisory Committee and the Greater Geraldton Roadwise Committee not be re-established at this time.

The HMAS Sydney II Memorial Advisory Committee has overseen the development of the memorial. With the recent completion of the memorial's toilet block and tour guide storage room, the role for an on-going standing committee is limited. The role of the Warden is paramount to the ongoing management of the Memorial, and this critical role will remain. With the support of the Warden, the CGG will continue to maintain the Memorial to its current high standard, underpinned by the Conservation Framework. The current process for the appointment of the Warden will remain unchanged.

The City is a member of the Mid West Regional Road Group, an external group administered by Main Roads, therefore it is preferred to continue its membership with this external group only and liaise with WALGA on road safety initiatives. WALGA has advised that in not re-establishing the Roadwise Committee, this would not impact the current Roadwise Officer position and the services provided to the region.

The City of Greater Geraldton is required to re-establish the Committees and delegates after the Council election.

Section 5.8 of the Local Government Act 1995 allows Council to establish, by Absolute Majority, Committees of three or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to Committees.

The following Committees are being addressed in this report:

- a. CEO Performance Review Committee;
- b. City of Greater Geraldton Audit Committee;
- c. Greenough Bushfire Advisory Committee;
- d. Mullewa Bushfire Advisory Committee;
- e. Greater Geraldton Crime Prevention Committee;
- f. Greater Geraldton Community Grants Committee;
- g. Geraldton Regional Art Management Committee;
- h. Queen Elizabeth II Seniors and Community Centre Advisory Committee; and
- i. Heritage Advisory Committee.

Where there are more nominations than vacancies, a ballot will be conducted. The Mayor is a member of a committee of which he has expressed a wish to be a member of, as per Local Government Act – section 5.10(4).

As the above are Committees of Council, Elected Members are to be elected as Chairs at their first meeting ensuring that the members follow Council Policy 4.4 Operation of Advisory Committees and Meeting Procedures Local Law 2011.

Council can determine to increase or decrease the membership and reflect the changes in the TORs where required

Council members that are appointed to a committee are voting delegates. Without a quorum no decisions can be made at the meeting. Membership numbers do have a bearing on quorums of meetings. Meeting dates/times can be determined by the Committee to ensure a quorum is achieved for each meeting.

*Section 5.19 of the Local Government Act 1995*

*The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.*

Committee Membership and tenure continues, as per Section 5.11 of the Local Government Act 1995, until a person no longer holds the office by virtue of which the person became a member, the person resigns from membership, the committee is disbanded or at the next ordinary elections day.

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

### **Community:**

Council Committees cover various community interests, including heritage, arts & culture, crime prevention, seniors and governance matters. These committees are established to inform and advise the Council, make recommendations and are conduits for the community and other stakeholders.

### **Economy:**

Whilst there are no economic impacts, the City will ensure that growing our economy continues to be a commitment of Council.

### **Environment:**

Whilst there are no adverse environmental impacts, Council will ensure that their goal to protect the environment is considered in any decisions made.



**Leadership:**

Take a leadership role in matters that relate to the region and be a voice for the community.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

Council at their meeting of 29 November 2019 endorsed CEO058 Re-establishment of Council Committees. The tenure of the Council Committees for the period 2019-21 expired 16 October 2021 due to the 2021 Local Government Elections.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Membership to Committees were discussed at the Concept Forum held on 2 November 2021. Council Members were asked to submit their nominations in advance of the meeting, which are noted in Attachment No. CEO085B.

HMAS Sydney II Memorial Advisory Committee – The Committee Chair Cr N Colliver advised the members in a letter dated 18 October 2021, that the Sydney Committee would not be re-established. In addition, the City has individually and ‘face to face’ met with relevant members.

Greater Geraldton Roadwise Committee - The City met with WALGA on 4 October 2021 to discuss the Roadwise Committee. WALGA recognise that these types of committees are being superseded by other initiatives and that the Roadwise Program is shifting focus or direction with the engagement of a ‘Road Safety Policies and Practices Officer’.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 5.8 of the Local Government Act 1995 allows Council to establish Committees to assist it in discharging its duties under the Act, with a minimum number of three (3) or more persons.

*5.8 A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

Council Policy CP4.4 details the Operation of Advisory Committees.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Committees established by Council all require allocation of Officer resources, for secretariat support and Committee coordination and in relation to the business of a Committee as provided in its terms of reference.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

**REGIONAL OUTCOMES:**

The establishment of Committees provides for regional issues relevant to the purposes of a particular Committee to be addressed in a consultative manner.

**RISK MANAGEMENT:**

Section 5.8 of the *Local Government Act 1995* provides that Council Committees may be established to assist the Council and to exercise the powers and discharge duties that may be delegated to Committees.

Some Committees, such as the Audit Committee, must be established under statutory or regulatory provisions, and their role is prescribed. Current terms of reference of the Audit Committee comply with the regulated prescriptions. Other Committees may be established at the discretion of the Council but must have their terms of reference and any delegated authority formally determined by Council resolution.

Council Committees have an important role in assisting Council to undertake its duties efficiently and effectively. In the absence of Council Committees established to address matters not necessarily requiring resolution by Council as a whole, or established to create conduits for community and other stakeholder input, or established to inform and advise the Council in particular fields, additional pressure may be placed on Council ordinary meetings and support processes, with inherent risks associated with workload pressures on the full Council.

Good risk management practice is for Committee workloads to be fairly shared across the elected members of Council. This ensures that individual Councillors do not suffer inequitable workload pressures. It also helps ensure that decision-making influence remains equitable across all Councillors.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Committees are required to support the business of Council. This report addresses re-establishment of Committees that previously existed and have an ongoing requirement to support Council business.

<b>CEO086 APPOINTMENT OF DELEGATES TO EXTERNAL BOARDS, COMMITTEES AND GROUPS</b>
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<b>AGENDA REFERENCE:</b>	<b>D-21-126627</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>4 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Extract of draft Committee Book 2021-23</b>
	<b>B. Nominations for External Membership 2021</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to appoint City of Greater Geraldton Council representatives to external Boards, Committees and Groups until their representation expires at the next Ordinary Election day being 21 October 2023 or as directed by the governing body.

**EXECUTIVE RECOMMENDATION:**Part A:

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

1. RE-ESTABLISH representation on the following listed External Boards, Committees and Groups:
  - a. Regional Capitals Alliance West Australian (RCAWA);
  - b. Museum of Geraldton Advisory Committee;
  - c. Batavia Regional Emergency Management Committee
  - d. Mid West Regional Road Group;
  - e. Mid West Sports Federation Inc Board of Management
  - f. Regional Capitals Australia (RCA);
  - g. Mullewa Trust Committee; and
  - h. WALGA – Municipal Waste Advisory Council.

Part B:

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

1. APPOINT the following elected members to the respective listed External Boards, Committees and Groups:
  - a. Regional Capitals Alliance West Australian (RCAWA):
    - i. Mayor S Van Styn;
  - b. Museum of Geraldton Advisory Committee:
    - i. *3 Nominations;*
    - ii. *1 Vacancy (Proxy);*
  - c. Batavia Regional Emergency Management Committee:
    - i. Mayor S Van Styn;
    - ii. *1 further nomination received;*
    - iii. *Cr M Librizzi (Proxy nomination);*

- d. Mid West Regional Road Group:
  - i. Cr Tarleah Thomas;
  - ii. *2 Nominations – 1 vacancy (Proxy)*;
- e. Mid West Sports Federation Inc. Board of Management:  
***Representation on this Board has reached its quota***
  - i. Cr M Librizzi;
  - ii. Cr N Colliver (Proxy);
- f. Regional Capitals Australia (RCA):
  - i. Mayor Shane Van Styn
- g. Mullewa Trust Committee:
  - i. *5 Nominations – 2 Vacancies*;
- h. WALGA Municipal Waste Advisory Council:
  - i. *2 Nominations – 1 Vacancy*; and
  - ii. *Cr N Colliver (Proxy nomination)*.

**Part C:**

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

1. APPOINT the Chief Executive Officer or his delegate as Executive Support and Coordinator of each external Board, Committee and Group;
2. ADVISE the external Board, Committee and Group of Council's Representatives; and
3. AMEND the Committee book accordingly.

**PROPONENT:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

In order to ensure that Council's position on different aspects of its business is understood, Council appoints delegates to Boards, Committees and Groups external to Council. These delegates are to represent Council's views on relevant topics and to report back to Council on the outcomes of meetings held.

The following external Boards, Committees and Groups are being addressed in this report:

- a. Regional Capitals Alliance West Australian (RCAWA);
- b. Museum of Geraldton Advisory Committee;
- c. Batavia Regional Emergency Management Committee
- d. Mid West Regional Road Group;
- e. Mid West Sports Federation Inc Board of Management;
- f. Regional Capitals Australia (RCA);
- g. Mullewa Trust Committee; and
- h. WALGA – Municipal Waste Advisory Council.

Where there are more nominations than vacancies, a ballot will be conducted. The Mayor is a member of a committee of which he has expressed a wish to be a member of, as per Local Government Act – section 5.10(4).

In order to ensure that Council's position on different aspects of its business is understood, Council appoints delegates to external groups. These delegates are to represent Council's views on relevant topics and to report back to Council on the outcomes of meetings held. When making decisions on behalf of Council at these meetings, members are to give regard to Council's Strategic Community Plan, Long Term Financial Plan, Corporate Business Plan and policies.

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

#### **Community:**

Council will advocate for the community to achieve long term mutual benefits for the region, while working collaboratively and in partnership with external Board, Committees and Groups.

#### **Economy:**

Whilst there are no economic impacts, the City will ensure that growing our economy continues to be a commitment of Council.

#### **Environment:**

Whilst there are no adverse environmental impacts, Council will ensure that their goal to protect the environment is considered in any decisions made.

#### **Leadership:**

Ensuring that the City's strategic plans and policies are considered when making decisions, therefore continuing to achieve long term goals set by these plans.

#### *Disclosure of Interest:*

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

### **RELEVANT PRECEDENTS:**

Council at their meeting of 29 November 2019 endorsed Item No. CEO059 Appointment of Delegates to External Boards, Committees and Groups.

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

Membership to Committees were discussed at the Concept Forum held on 2 November 2021. Council Members were asked to submit their nominations in advance of the meeting, which are listed in Attachment No. CEO087B for consideration.

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

Whilst there are no legislative requirements on representation to external Boards, Committees and Groups, Council Policy 4.4. Operation of Advisory Committees Section 9 references the role of Council when appointed to

External Bodies. Section 11.2 states that current sitting Council Members may remain on external committees, but new appointments require a Council Resolution:

*11.2. Representation on External Committees may remain unless there is a change in Elected Member. New appointments will require a Council Resolution.*

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

Boards, Committees and Groups representation by Council may require allocation of Officer resources, for secretariat support, coordination and for preparation of necessary reports. There are minor travel cost implications in the appointment of delegates to external Boards, Committees and Groups.

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

<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
<b>Strategic Direction: Leadership</b>	<b>Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.</b>
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

#### **REGIONAL OUTCOMES:**

Appointees to these Boards, Committees and Groups provide a regional voice to issues affecting the region and the State.

#### **RISK MANAGEMENT:**

Not appointing representatives will alienate Council having an input on issues of importance affecting the region and the State.

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

No alternative options were considered.

**CEO087 SUPER RUGBY UNION FESTIVAL**

<b>AGENDA REFERENCE:</b>	<b>D-21-129406</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>10 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4) 3 x Confidential</b>
	<b>A. Recreation Ground Layout</b>
	<b>B. Confidential - Support Request letter</b>
	<b>C. Confidential - Western Force proposal</b>
	<b>D. Confidential - Community Grant Application</b>

**EXECUTIVE SUMMARY:**

Following feedback from the November Concept Forum, the purpose of this report is to seek a Council decision on a further request for cash and in-kind support for the proposed Super Rugby Union Festival (including a match between the Western Force and the Queensland Reds) in February 2022.

**EXECUTIVE RECOMMENDATION:**

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

1. NOTE the \$5,000 in support the Council has already provided to the Geraldton Super Rugby Union Festival through round 25 of the Community Grants fund;
2. PROVIDE additional support to the Geraldton Super Rugby Union Festival as follows on the condition that the match between the Western Force and the Queensland Reds occurs:
  - a. In-kind support up to \$7,000 to prepare the Recreation Grounds to enable the game to be played with these funds coming from the City's event support budget; and
  - b. An additional \$5,000 cash contribution with the funds coming from the City's Community Grants budget.

**PROPONENT:**

The proponent is the Geraldton Regional Junior Rugby Union Association Inc.

**BACKGROUND:**

The Geraldton Regional Junior Rugby Union Association are hoping to hold a Super Rugby Union Festival in Geraldton in February 2022. As part of the Festival, they are wanting to attract a preseason match between the Western Force and the Queensland Reds. These two teams represent their respective States in the International Super Rugby competition.

The Association is proposing to hold the preseason match at the Geraldton Recreation Grounds and attract 1,000 spectators, with half of these travelling from Perth. To this end, the Association has been passionately seeking funding support to enable the festival to proceed.

*“The Western Force is the pride of rugby union in Western Australia. As a professional entity, the Force has a short but proud history, having been formed in 2004 and making its Super 14 debut in 2006 against the Brumbies at Subiaco Oval. The club has spawned several star Wallabies in Matt Hodgson, Nathan Sharpe, Matt Giteau, Cameron Shepherd, Ryan Cross, Drew Mitchell, David Pocock, James O’Connor, Scott Fava, Nick Cummins, Richard Brown, Tai Mclsaac, and local products Kyle Godwin and Dane Haylett-Petty. WA’s rugby community is built on passion, determination, and a never-say-die attitude that has provided inspiration in the toughest of times.*

*In 2020, the Western Force played in the Super Rugby AU tournament alongside the other four Australian clubs. Their participation heralded a deserved return to the highest level after they were controversially excluded from the wider Super Rugby competition, featuring teams from South Africa and New Zealand, at the end of the 2017 season. Their removal was necessitated by a decision to reduce the number of participating teams from 18 to 15, with Rugby Australia (RA) ruling that the Force be cut despite the club having completed one of its most successful Super Rugby seasons ever, finishing second in the Australian conference.*

*(Source: Western Force Website <https://westernforce.rugby/about/history>: 8 November 2021)*

The Western Force have provided City Officers with their field requirements. Officers will undertake preliminary testing on the Recreation Ground to determine its compaction and hardness to understand what actions would need to be taken to make the field compliant. Goal posts would need to be sourced or relocated from the Spalding Rugby ground. The city already undertakes and funds the general ground maintenance and these measures can be adjusted to reflect Rugby’s needs. Inclusive of relocating the Spalding goal posts, the in-kind assistance to prepare the field is estimated at \$7,000.

The Geraldton Regional Junior Rugby Union Association submitted an application to the Council’s September (Round 25) Community Grants Program (refer attached) seeking \$20,000. The Committee approved \$5,000. The Association has subsequently been lobbying for additional funds. A recent on-line meeting with Western Force representatives clarified the quantum of the funding request from the Western Force (refer to Confidential Attachment No. CEO087B) at \$50,000.

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

### **Community:**

Rugby Union is not a major sport in Geraldton. However, the Geraldton Community is very pro Sport. By supporting the Super Rugby Union Festival, the city would be facilitating the attraction of a National level Rugby Union Match to the City, an opportunity for the players to mingle with students from local schools and provide another sporting option for locals to participate in.



**Economy:**

The event aims to attract locals, regional visitors, and 500 visitors to the region from Perth. Visitors to the region have a positive impact to local businesses such as accommodation venues, food venues, and tourism opportunities. It also results in these visitors promoting the region to their family, friends and work colleagues upon their return home.

A Mid West Sport Federation (MWSF) study into sports tourism during the Australian Country Cricket Competition demonstrated that sporting tourism is an important economic benefit to the region.

**Environment:**

There are no adverse environmental impacts. The match would be played at the recreation grounds.

**Leadership:**

There are no adverse leadership impacts.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

In 2018, the Council sponsored the Australian Country Cricket Championships to facilitate this competition being held in Geraldton.

**COMMUNITY/COUNCILLOR CONSULTATION:**

This matter was discussed at Council's November Concept Forum. The original assistance request was presented to the Council's Community Grant Committee (Round 25). Towns Cricket Club have advised that they are supportive of the event. Accordingly, the Geraldton Regional Cricket Board will reschedule games away from the Recreation Ground.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The proponent did *initially* comply with the City's Community Grant Policy and lodge an application into the September (Round 25) Community Grants Program. The proponent requested \$20,000. The Committee approved \$5,000 (refer to Attachment No. CEO087D). Further approaches to Council for additional funding is not in keeping with the Council's Community Funding Guidelines. It is stated in the Community Grants Application and Community Funding Guidelines that amounts awarded to successful applicants are final and that there will be no opportunity for dispute against the final allocations, and that support can only be provided under one of the City's funding programs for any given proposal.

In this instance, the proponent has sought funds through the Mayoral Discretionary Fund (was advised by Officers that they were ineligible), and now directly to Council. Consequently, Councillors could determine that the Community Grants Committee made their decision and that should be supported as it sets a difficult precedent.

In the proponent's application to the Community Grants Committee, the proponent stated that if they did not receive the full amount of funding requested they would reduce the scope of the event in the area of engaging the school community. It would mean funds from other sources that are dedicated to that purpose will be spent on the travel and accommodation costs of the visiting teams from Queensland and Perth.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The City has budgeted \$150,000 for its 2021-22 Community Grants program. The September (first round for 2021-22) received applications for \$174,616 with \$76,414 allocated. The applicants were awarded \$5,000 in the first round. This demonstrates the high level of competition for funds, and how oversubscribed the pool is. The remaining \$73,586 will be allocated through the second 2021-22 grant round to be called in early 2022.

Should Council determine to provide additional cash funding for the Super Rugby Union Festival, Officers would recommend the source of funds is the remaining community grants allocation or the Mayors discretionary fund. The Community Grants allocation historically has been much higher: \$369,754 in 2014-15; reducing to \$211,670 in 2018-19 and \$209,000 in 2019-20. As a COVID response measure, the allocation was decreased in 2020-21 to \$100,000.

The Geraldton Regional Junior Rugby Union Association has advised that to date they have secured \$44,000 (includes the City's \$5,000) and they are currently awaiting the outcome of a request to the *Department of Local Government, Sport and Cultural Industries*.

### **INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

### **REGIONAL OUTCOMES:**

Supporting the Super Rugby Union Festival will have positive Regional Outcomes as detailed earlier within this report.

### **RISK MANAGEMENT:**

The Chief Executive Officer and Manager Sports and Leisure participated in an on-line meeting with representatives from Geraldton Regional Junior Rugby Union and Western Force on Wednesday 3 November 2021. The

Western Force representatives advised that for the match to proceed, the field must comply with Rugby's safety requirements and the game must come at zero cost to the Western Force.

Possibly the largest remaining risk to the match proceeding is the ability for the Queensland Reds to travel to Western Australia through the State border restrictions. The State has recently advised that the interstate border will be opened when Western Australia reaches a 90 percent vaccination rate for those aged 12 and over. The State anticipate this will be achieved in February 2022. From a Council perspective, this risk could be managed by making its funding contingent on the match occurring in Geraldton.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options are available to Council:

1. Not provide any further support in addition to the \$5,000 that has been provided by the Community Grants Committee.
2. Provide additional in-kind support only to the value of \$7,000.
3. Provide the requested \$50,000 in support requested by the Western Force and increase the operational budget accordingly.

**12.5 REPORTS TO BE RECEIVED****RR31 REPORTS TO BE RECEIVED - NOVEMBER**

<b>AGENDA REFERENCE:</b>	<b>D-21-129786</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>11 November 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4) 1 x Confidential</b>
	<b>A. DCSDD176 - Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. CCS657 - Corporate Business Plan - Quarter One Reporting – 2021-22</b>
	<b>C. CEO88 - WALGA State Council Agenda – December 2021</b>
	<b>D. Confidential - CCS658 – List of Accounts Paid Under Delegation October 2021</b>

**EXECUTIVE SUMMARY:**

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

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Development and Community Services:
    - i. DCSDD176 - Delegated Determinations and Subdivision Applications for Planning Approval;
  - b. Reports – Corporate and Commercial Services:
    - i. CCS657 - Corporate Business Plan - Quarter One Reporting – 2021-22; and
  - c. Reports – Office of the CEO:
    - i. CEO088 - WALGA State Council Agenda – 1 December 2021.

**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. CCS658 – Confidential Report – List of Accounts Paid Under Delegation October 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, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:****Community:**

There are no adverse community impacts.

**Economy:**

There are no adverse economic impacts.

**Environment:**

There are no adverse environmental impacts.

**Leadership:**

There are no adverse leadership impacts.

*Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

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

**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.

### 13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NM22	MULLEWA POOL ENTRY FEE
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<b>AGENDA REFERENCE:</b>	<b>D-21-129779</b>
<b>AUTHOR:</b>	<b>Cr J Critch</b>
<b>DATE OF REPORT:</b>	<b>11 November 2020</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>Council</b>
<b>ATTACHMENTS:</b>	<b>No</b>

#### COUNCILLOR COMMENT

The purpose of this motion is to seek Council support for a Mullewa initiative that has the potential to help reduce youth related crime in Mullewa during the school holidays.

Recently, a number of high profile crimes have been committed by youth in Mullewa. These have included break and entries, vandalism, destruction of public property and destruction of private property. In response, the Police held a community meeting on 3 November 2021 with approximately 30 people in attendance.

Police advised that the recent spate of crime in Mullewa was above the standard monthly averages, with 60 crimes attributed to one group of 4-6 boys aged 14-16 years allegedly responsible for the majority of recent burglaries and car thefts. 4 boys have been apprehended and charged, with 3 currently still in custody until their next scheduled hearing on 16 November, when it is anticipated that they may be released and return to the community.

Discussion at the meeting included issues of parenting, lack of support services on the ground in Mullewa, both for families and to meet the specific health and social needs of the young people, inadequate programs and services available for youth.

Several negative comments on these matters were directed at Council and its Youth Services, including criticism of the 'Mullewa Youth bus' being used for youth programs in Geraldton, and lack of coverage of the youth centre operating hours,

The concept of opening the pool to free entry was raised as a way of providing more for young people and families to do in the school holidays over Christmas. This formed part of a discussion about what more could be provided in town to minimise the negative influence of troublemakers. Some of the residents offered their support, such as mentoring, for young people and to get involved in programs such as on country camps if funding/resources could be sourced

Next steps identified by Superintendent Roger Beer, who chaired the meeting, were for him to arrange a meeting next week with key stakeholder organisations in regard to local service provision in Mullewa. There was also the suggestion of local police following up with residents and the specific

families in regard to broader and potentially more ongoing support, tailored to individual needs.

Helen Byron (a Mullewa senior) tried to obtain funding for free entry into the pool through the Mullewa Community Grants earlier this year, and even approached the Mullewa Community Group in June at their last meeting. The application was knocked back.

As a local Councillor, I would recommend that the Council support Helen Byron and attempt to seek grants funds from other sources.

**COUNCILLOR MOTION:**

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

1. DIRECT the CEO to waive all fees for the Doc Doherty Pool for the upcoming summer school holiday period;
2. DIRECT the CEO to seek support from other agencies for mentors to be present at the pool;
3. DIRECT the CEO to immediately close the pool if poor behaviour occurs within the centre; and
4. DIRECT the CEO to monitor numbers of patrons using the pool for this period, the incidents of poor behaviour within the pool to try and gauge the impact of this initiative on youth related crime.

**EXECUTIVE COMMENT**

Situated in Jose Street, Mullewa's main pool is 33 metres long with a children's wading pool adjacent. The entry fees are \$2.00 Child and \$2.50 Adult. Season tickets are also available, individually or as a family unit. The pool is open from October to April, Tuesday to Sunday, from 11am to 6pm. During Summer school holidays, the pool is open 7 days a week. The pool is operated by a local staff member. Additional staff are sent from Geraldton when needed to keep the pool open longer in the summer months. The revenue that would be foregone by the trial is estimated to be approximately \$3,500.





Officers recognise that the Doc Doherty Pool is a significant asset for the Mullewa community. As such, Council has completed a number of upgrades to the facility in recent times. These upgrades include but are not limited to installation of a change over switch and generator to enable the pool to remain open during power outages, replacement of the concrete concourse, installation of play equipment for young children, retiling in the change rooms, repainting of the front of the pool entry, refencing a large portion of the pool and replacement of pumps and associated equipment.

The three year average annual costs for running the pool are as follows:

Revenue:	\$ 7,200
Expenditure (incl. overheads):	\$150,000
<b>Net Operational Cost:</b>	<b>\$142,800</b>

In addition, the annual capital cost for the centre has been \$80,000 per annum.

Officers enquired of surrounding Shires as whether or not they provided free entry to their public swimming pools. The responses received are provided as follows:

- **Morawa:** Free Entry on Australia Day and Opening day/Special events.
- **Three Springs:** Free Entry on Australia Day. Spectators and children under. 4.
- **Carnarvon:** Free entry child under 4 and spectators. Entry fees waived for competitors on swimming events. Free entry tickets handed out at schools for good behaviour.
- **Meekatharra:** The youth centre children get free entry one afternoon a week as part of an arranged program with the youth centre. Child under 3 free.
- **Carnamah:** Only spectators.

The primary concern Officers have is that the centre only has one staff member present. If free entry results in regular incidents of poor behaviour occurring within the centre, it would be difficult for the officer to manage both the poor behaviour around the pool and his life saving responsibilities within the pool. The officer would be instructed to close the centre if poor behaviour occurred as the facility must comply with the State Government's Code of Practice. The requirements for a Class 1 facility (which the Mullewa Centre is) are as follows:

*"For Group 1 facilities, the minimum ratio of supervision shall be 1 lifeguard for up to 100 patrons in the water in accordance with Sect 4.4, Ratios, contained within Guideline SU 1.01 – Bather Supervision – 1996 of the Pool Safety Guidelines.*

*Supervisors of Group 1 and Group 2 facilities shall be located in a position to maintain supervision of the water. Supervisors shall not be assigned duties that would unduly distract them from supervising patrons or program participants at all times, or unduly inhibit their ability to provide immediate assistance to patrons or program participants in distress.”*

*(Source: Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities, January 2020)*

**14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****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.

*Livestreaming will be turned off if required.*

<b>CCS659 RFT 2122 01 ELECTRICAL MAINTENANCE SERVICES</b>
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<b>AGENDA REFERENCE:</b>	<b>D-21-126640</b>
<b>AUTHORS:</b>	<b>C Bryant, Coordinator Procurement K Smith, Manager Maintenance Operations</b>
<b>EXECUTIVES:</b>	<b>P Radalj, Director Corporate and Commercial Services P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>20 October 2021</b>
<b>FILE REFERENCE:</b>	<b>FM/25/0228</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential – RFT 2122 01 Evaluation Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award tender RFT 2122 01 Electrical Maintenance Services separable portions to the preferred tenderer. The contract is to run for a period of two years for delivery of budgeted electrical maintenance services.

The initial contract will be in place from 10 December 2021 to 9 December 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 2122 01 Electrical Maintenance Services separable portions 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 2122 01 Electrical Maintenance Services (RFT) was advertised in The West Australian on 11 September 2021 and in the Geraldton Guardian on 10 September 2021. The tender was also advertised on the City's TenderLink e-Tendering Portal. The RFT closed on 11 October 2021.

Nine suppliers registered to receive copies of the tender and one submission was received. The tender assessment was undertaken by a panel of seven (7) Officers with five (5) voting and two (2) non-voting. The recommended tenderer has a business 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 Supply of Electrical Maintenance Services, Compliance Testing and Minor Installations. RFT 01 1819 included two separable portions – Portion A (General Electrical Maintenance to Buildings, Compliance Testing and Minor Installations) and Portion B (Infrastructure Lighting Maintenance, Repair and Compliance Testing, Repairs and testing of pumps). Both portions were awarded to one tenderer.

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

#### **Community:**

Well managed electrical maintenance services for City owned buildings, airports, street carpark and open space lighting, compliance testing, inspections and minor installations reduces the likelihood of accidents or injury caused to members of the public and property.

#### **Economy:**

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

A two year supply contract also allows Maintenance Operations, Building Maintenance, and Airport Operations teams to carry out electrical maintenance services from proven accredited suppliers with planned costs.

#### **Environment:**

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

#### **Leadership:**

Successful tenderers are required to provide a comprehensive Safety Management Plan with works monitored by the City through Key Performance Indicator (KPI) checklists and safety management audits.

#### *Disclosure of Interest:*

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

**RELEVANT PRECEDENTS:**

The Council previously awarded a two year service contract RFT 01 1819 Supply of Electrical Maintenance Services, Compliance Testing and Minor Installations that included two separable portions – Portion A (General Electrical Maintenance to Buildings, Compliance Testing and Minor Installations) and Portion B (Infrastructure Lighting Maintenance, Repair and Compliance Testing, Repairs and testing of pumps). Both portions were awarded to one tenderer (Item No's. IS183 and IS184 - 27 November 2018). A variation to this contract to include the Airport was issued 19 June 2019.

The initial contract was in place from 10 December 2018 to 9 December 2020, with an extension approved until 9 December 2021.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Community and Councillor consultation does not occur with the award of 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 City's Procurement policy CP4.9 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:**

The approximate expenditure on electrical maintenance services is \$570,000 (excluding GST) per annum for all separable portions A, B, C, and D combined. Assuming all extension periods are exercised, the estimated total contract value over three years is \$1.7 million (excluding GST). These funds are sourced from the Maintenance Operations, Building Maintenance, and Airport Operations operational and capital budgets.

**INTEGRATED PLANNING LINKS:**

<b>Strategic Direction: Community</b>	<b>Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.</b>
Outcome 1.4	Community safety, health and well-being is paramount.
<b>Strategic Direction: Economy</b>	<b>Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.</b>
Outcome 2.1	Local business is empowered and supported.
<b>Strategic Direction: Environment</b>	<b>Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.</b>
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

The services carried out under this contract will ensure well managed electrical maintenance services for the City, reducing the likelihood of accidents or injury caused to members of the public and property. In addition the successful tenderer shall have documented management plans in place to ensure the safety and protection of works and the community in relation to t

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were 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:

Call for individual quotations and tenders for specific electrical maintenance services. 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.

**17 CLOSURE**



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

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