



ORDINARY MEETING OF COUNCIL

AGENDA

24 JUNE 2014

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 24 JUNE 2014 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 DECLARATION OF OPENING

3 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr J Critch

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Barry Thompson, PO Box 90, Geraldton WA 6530

Question

Prior to the final vote being taken by council to evict the Geraldton Greenough Historical Society from the Greenough property, did Councillors get any significant emails, circulars, postings etc. providing advice from reputable outside sources that gave significant support to the Historical Society retaining their 46 year old tenure on the building. If so what were they, and did they choose to ignore them?

Response

Further to your question enquiring about the communication and information provided to Councillors to assist in their deliberations regarding the lease of the Greenough Pioneer Museum – specifically advice from external sources supporting the Geraldton Greenough Historical Society (GGHS) retaining tenure, please find the following response.

During the period from May 2011 until August 2012, a plethora of correspondence which included e-mails, letters and postings regarding the lease of the building and grounds of the Museum was made available to Councillors. Copies of these can be viewed by contacting Wendy Cowley, PA to the Director of Creative Communities on wendyc@cgg.wa.gov.au or 9965 6781.

City officers sought advice from various external sources including the National Trust Western Australia, WA Museum, lawyers and an independent person engaged by the City to act as a mediator between GGHS and the Community Group of Greenough. This advice ensured the City's approach towards resolving the lease of the Greenough Pioneer Museum was robust and recognised the valuable contributions of stakeholders by offering the lease to the Geraldton-Greenough Historical Society which included joint management arrangements.

This external advice formed the basis for the Executive Recommendation made in Agenda Item CC033 *Museum Leases* at the Ordinary Meeting of Council on 28 February 2012, when Council resolved to:

ENTER into a lease agreement with the Geraldton-Greenough Historical Society Inc. for the lease of the Greenough Pioneer Museum buildings and grounds, and include as an addendum to the lease the attached Management Agreement.

Mr Thompson was provided a formal response to the question taken on notice.

5 PUBLIC QUESTION TIME

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

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

Barry Thompson, PO Box 90, Geraldton WA 6530

Question

Could the CEO Mr Diehm please advise me of the cost incurred in council appointing a professional mediator in the Greenough Museum saga please?

Responses will be provided at the Meeting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)
Cr J Critch	22 June 2014	2 July 2014

Cr Thomas request for leave of absence for the period 14 July to 19 July 2014 be approved.

Cr Thomas request for leave of absence for the period 17 August to 23 August 2014 be approved.

Cr Clune request for leave of absence for the period 12 August to 25 August 2014 be approved.

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

8 DECLARATIONS OF CONFLICTS OF INTEREST

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary meeting of Council held on 27 May 2014 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

Events attended by the Mayor or his representative

DATE	FUNCTION	REPRESENTATIVE
28 May 2014	Australia China Business Council (ACBC) WA/Chamber of Commerce & Industry (CCI) WA Regional Tour with Chinese Consul. General	Mayor Ian Carpenter
28 May 2014	ACBC WA/CCI WA Cocktail Reception with the Chinese Consul. General	Mayor Ian Carpenter
29 May 2014	Midwest Investment Plan Board Meeting	Mayor Ian Carpenter
29 May 2014	WA Museum Geraldton Advisory Committee	Mayor Ian Carpenter
31 May 2014	Unveiling of the No Smoking Sport Signage at Eadon Clarke Oval	Mayor Ian Carpenter
3 June 2014	WA Regional Capitals Alliance Meeting – Port Hedland	Mayor Ian Carpenter
4 June 2014	Minister Marmion Visit to Mullewa	Cr Bob Hall
5 June 2014	Concept Forum 2014	Mayor Ian Carpenter
6 June 2014	Regular Meeting with Local Members	Mayor Ian Carpenter
7 June 2013	Midwest Chamber of Commerce & Industry Business Excellence Awards 2014	Mayor Ian Carpenter
9 June 2014	Midwest WALGA Roadshow	Mayor Ian Carpenter
12 June 2014	Seth Byron Appeal Afternoon Tea	Mayor Ian Carpenter
15 June 2014	Official Opening of the “Scruffy” Burges Grandstand	Cr Peter Fiorenza
15 June 2014	Australian Local Governments Association Conference	Mayor Ian Carpenter
17 June 2014	Regional Capitals Australia Executive Board Meeting – Canberra	Mayor Ian Carpenter
17 June 2014	General Assembly Dinner – Canberra	Mayor Ian Carpenter
17 June 2014	Agenda Forum 2014	Cr Bob Hall
18 June 2014	Launch of the City’s Midwest Heritage Series – Geraldton’s Story	Cr Jerry Clune
18 June 2014	Regional Capitals Australia Networking Breakfast - Canberra	Mayor Ian Carpenter
19 June 2014	Hon. Terry Redman	Mayor Ian Carpenter
19 June 2014	Special Concept Forum 2014	Mayor Ian Carpenter
19 June 2014	Department of Fire & Emergency Services –	Cr Bob Hall

	Commendation Ceremony	
23 June 2014	WALGA Northern Country Zone Meeting	Mayor Ian Carpenter
23 June 2014	2014 WA Australian of the Year Tour of Honour – Public Forum	Mayor Ian Carpenter
24 June 2014	2014 WA Australian of the Year Tour of Honour – Civic Reception	Mayor Ian Carpenter
24 June 2014	Viewing of the 'Banners in the Terrace' Entry by Geraldton Senior College	Mayor Ian Carpenter
24 June 2014	Ordinary Meeting of Council 2014	Mayor Ian Carpenter
24 June 2014	Special Concept Forum 2014	Mayor Ian Carpenter

11 REPORTS OF COMMUNITY INFRASTRUCTURE

CI073	RFT 28 1314 – RELOCATION OF WATER MAIN AT VERITA ROAD, COLUMBUS BOULEVARD AND ACKLAND ROAD
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AGENDA REFERENCE:	D-14-37306
AUTHOR:	M Fates, Karloo/Wandina Site Services Manager
EXECUTIVE:	N Arbuthnot, Director Community Infrastructure
DATE OF REPORT:	2 June 2014
FILE REFERENCE:	PM/4/0067
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x 1 Confidential

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's approval to award RFT 28 1314 for the Relocation of Water Main at Verita Road, Columbus Boulevard and Ackland Road as a Lump Sum Contract to the preferred tenderer.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Section 3.57 of the Local Government Act RESOLVES to:

1. AWARD the contract to the preferred tenderer for RFT 28 1314 Relocation of Water Main at Verita Road, Columbus Boulevard and Ackland Road; and
2. RECORD the tendered amount in the Council minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Part of the Verita Road Construction Scope of Work is to relocate three of water mains at Verita Road, Columbus Boulevard and Ackland Road.

RFT 28 1314 was advertised for qualified contractors with the Water Corporation. Only two tenders were received Central Earthmoving Company Pty Ltd and Double L Construction.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation on the tender process. A full community notice will be advertised prior to works commencing.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The project budget allocation, within the Verita Road Construction budget provisions for these essential works, exceeds the tendered Lump Sum amount for the materials supply and construction.

INTEGRATED PLANNING LINKS:

Title: Economy	Transportation
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

The major risk associated with this tender is the failure to undertake the commissioning of the three water mains in two shutdowns each not exceeding six hours in duration as directed by the Water Corporation. The City has identified the likelihood and the consequence of this risk and shall work closely with the recommended tenderer and the Water Corporation to mitigate this risk. The work is to be undertaken during the winter months where water consumption is generally at its lowest. Bypass options may be available for two of the three work sites. Both the timing of the works and the bypass options significantly reduce the risk.

ALTERNATIVE OPTIONS CONSIDERED

There were no alternative options to be considered. The water main closures and replacements are a requirement of the Water Corporation. The executive recommendation was based on the best value and least risk to the City.

CI074	RFT 33 1314: ARCHITECTURAL SERVICES FOR THE DESIGN AND DOCUMENTATION OF THE MULTI USER FACILITY AND THE YOUTH PRECINCT IN GERALDTON
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AGENDA REFERENCE:	D-14-40968
AUTHOR:	G Sherlock, Manager Project Delivery & Infrastructure Manager
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	17 June 2014
FILE REFERENCE:	PM/4/0030
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x1 (Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 33 1314 - Architectural Services for the Design and Documentation of the Multi User Facility and the Youth Precinct to the preferred tenderer.

EXECUTIVE RECOMMENDATION;

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

1. AWARD the contract for RFT 33 1314: Architectural Services for the Design and Documentation of the Multi User Facility and the Youth Precinct to the preferred tenderer; and
2. RECORD the tender amount in the Council minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Redevelopment of the Geraldton Foreshore commenced in the early 2,000's with the aim of turning an industrial brownfield site, with a rail line and fence separating the ocean from the CBD, into a landscaped public area making the most of the beachfront.

The West End Project comprises the Eastern Breakwater (Esplanade), restoration and refurbishment of the Original Railway Station building, Multi User Facility and Youth Precinct. Work on the redevelopment of the West End started in 2013 with the Esplanade followed by the commencement of the restoration and refurbishment of the Original Railway Station building this financial year. The design and documentation leading to construction of the Multi User Facility and Youth Precinct in 2014/15 are the remaining elements to be provided bringing to completion of the West End Project.

The future users of the Multi User facility have conducted a basic needs analysis and provided a list of their requirements to the City along with, preliminary concepts for a Youth precinct developed as part of a series of

community workshops. These have formed part only of the design brief which is to be reviewed and further developed with the preferred Architect.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The project will create a new Multi User Facility to house various stakeholders together with a Soundshell and public open space for small to large events.

Social:

This project will complete the four West End elements creating opportunities for further activation of the West End. The completed project will provide a significant event space for medium to large public gatherings.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There will be no cultural or heritage impacts as the Railway Building Project & Merry Go Round will not be affected by any of the works.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillor and community consultation has been undertaken on various occasions as part of the general West End Revitalisation Project.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The available project budget is \$6,690,000 which is funded from the following sources:

\$3,170,000	- Regional Development Australia Funding (RDAF).
\$1,080,000	- City of Greater Geraldton.
\$1,940,000	- Department of Regional Development & Lands (R4R).
\$500,000	- Lotterywest.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

The completion of this project will connect all four (4) of the proposed pro West End projects and add a new vibrancy to be a place to meet people for social interaction.

RISK MANAGEMENT

The most significant risk factor to the overall project is to create a connection of the West End projects to ensure the functional use of the building for the various stakeholders. The preferred architect has demonstrated a very good understanding of what the City requires and their previous experience and knowledge is considered to be excellent. The systems and processes the preferred Architect has in place will ensure that any risks will be minimised.

ALTERNATIVE OPTIONS CONSIDERED

No other alternatives have been considered for this project.

12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS055 STATEMENT OF FINANCIAL ACTIVITY TO 31 MAY 2014

AGENDA REFERENCE:	D-14-36944
AUTHOR:	A Van Der Weij, Financial Coordinator
EXECUTIVE:	B Davis, Director of Corporate and Commercial Services
DATE OF REPORT:	6th June 2014
FILE REFERENCE:	FM/17/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x1

EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 31 May 2014. The statements include no matters of variance considered to be of concern.

EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the May 2014 monthly financial activity statements as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position to the end of May 2014 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$215,794	0.3%	Positive Variance
Operating Expenditure	\$3,509,464	4.8%	Positive Variance
Net Operating	\$3,293,670		
Capital Expenditure	\$12,607,249	27.7%	Positive Variance
Capital Revenue	\$1,750	0.0%	Positive Variance
Cash at Bank - Municipal	\$1,447,334		
Cash at Bank – Reserve	\$19,136,705		
Total Funds Invested	\$13,900,810		
Net Rates Collected	97.95%		
Receivables Outstanding	\$5,774,943		

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

The financial position represented in the May financials shows a positive variance of \$3,293,670 in the net operating result.

The closing funding surplus is due to:

1. Year to date Capital expenditure being less than YTD budget, as a result of timing of works for buildings, roads, plant & equipment, and timing of repayment of debentures and land held for development acquired; and
2. Infrastructure works in progress and other financial commitments of 10.7 million as at the end of May 2014.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options to consider.

13 REPORTS OF CREATIVE COMMUNITIES
Nil

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

15 REPORTS OF SUSTAINABLE COMMUNITIES

SC153	ADOPTION OF DRAFT (REVISED) RETAINING WALLS LOCAL PLANNING POLICY
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AGENDA REFERENCE:	D-14-34421
AUTHOR:	N Browne, City Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	23 May 2014
FILE REFERENCE:	LP/8/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x 1)

EXECUTIVE SUMMARY:

The amended Residential Design Codes (R-Codes) were gazetted on 2 August 2013 and the existing "Retaining Walls" local planning policy will need to be slightly amended to conform to the new R-Codes. This report recommends the adoption of the draft revised policy (included as Attachment No. SC153) for the purpose of public advertising.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Local Planning Scheme No. 2 (Mullewa), Part 2 of Local Planning Scheme No. 5 (Greenough) and Section 3.18 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the revised (version 4) "Retaining Walls" Local Planning Policy as a draft and advertise it for a period of 21 days;
2. ADOPT for final approval the revised (version 4) "Retaining Walls" Local Planning Policy should no objections be received during the advertising period; and
3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Under the previous R-Codes, Clause 5.3.7 'Site Works' included the following provision:

"excavation within a site and behind a street setback line shall have no limit."

The amended R-Codes that were gazetted on 2 August 2013 have replaced the above provision with the following:

“excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.”

Clause 5.1.2 of the current policy states:

“This policy only applies to land being retained (or filled) above existing natural ground level. No planning application or affected neighbour consent is required for excavation (i.e. below natural ground level) within a site and behind the street setback line.”

Given that no planning application or affected neighbour consent is currently required for excavation on a residential property, there is a conflict with the amended R-Codes. Effectively Clause 5.1.2 of the current policy allows for unlimited excavation and this is contrary to the amended R-Codes.

It is therefore proposed to amend Clause 5.1.2 of the policy as follows:

“This policy applies to land being retained (either above or below existing natural ground level).”

It should be noted that no other changes are required to the policy other than Clause 5.1.2.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Local planning policies are required to be advertised for a period of 21 days with a notice in a newspaper for two consecutive weeks.

There has been no Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local

government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

By not approving the revised policy the City would have a local planning policy that is in conflict with the R-Codes which is a State Planning Policy.

ALTERNATIVE OPTIONS CONSIDERED:

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that new policies be prepared and existing policies be revised.

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

The option to refuse is not supported as the existing policy is contrary to the provisions of the amended R-Codes.

SC154	FINAL ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO. 21 – HIGHWAY COMMERCIAL, FORMER SHIRE OF GREENOUGH ADMINISTRATION OFFICES, UTAKARRA
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AGENDA REFERENCE:	D-14-36095
AUTHOR:	M Thomson, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	29 May 2014
FILE REFERENCE:	LP/15/0019
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

EXECUTIVE SUMMARY:

The advertising period has concluded for Scheme Amendment No. 21 which proposes to rezone the former Shire of Greenough administration offices located on a portion of Lot 47 (No. 60) Horwood Road, Utakarra from the 'Public Purpose – Civic' Local Scheme Reserve to the 'Highway Commercial' zone with restricted uses.

This report recommends final approval of the Amendment and that it be forwarded to the Minister for Planning for final endorsement.

EXECUTIVE RECOMMENDATION:

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

1. DETERMINE the submissions as outlines in the 'Schedule of Submissions',
2. ADOPT for final approval Scheme Amendment No. 21 to Local Planning Scheme No. 5 (Greenough); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The subject land is located approximately 4 km east of the Geraldton City Centre and contains the former Shire of Greenough administration offices. Additionally on Lot 47 is the recreation ground commonly known as the "Greenough Oval".

Since 2007 the administration building has been occupied by City office staff, the Department of Sport and Recreation and the Midwest Regional Council.

In February 2011, remaining local government office staff and Council meetings were permanently relocated to the City of Greater Geraldton Civic Centre, thus making the entire building available for other uses.

Conditional approval has been granted from the WA Planning Commission to subdivide Lot 47 into two lots that effectively separate the administration offices from the recreation ground.

The administration offices are now superfluous to the City's requirements and can either be leased or disposed of by sale. Compatible uses of the site should be accommodated and hence the current zoning needs to change.

The current zoning of the site is reflective of the former use of the site as Shire administration offices. The rezoning of the site will enable a wider range of uses for the building. Given the significance and good condition of the building itself, it is envisaged that there would not be any desire to demolish the building but rather refurbish to suit future uses.

The Amendment document is included as Attachment No. SC154A.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The rezoning will introduce a greater range of uses permissible for the site and support the areas development as a service commercial precinct.

Social:

There are no social issues.

Environmental:

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

Cultural & Heritage:

The site is listed (place 182) on the Municipal Inventory as follows:

Management Category 5: Significant in contributing to local character and historical knowledge, individually or as one of a group of like places.

The place has social significance and/or contributes to the streetscape and/or built environment of the precinct. Provide encouragement to the owner to maintain or enhance.

The Amendment contains a condition that requires the front landscaping at the corner of Horwood and Edward Roads be maintained.

RELEVANT PRECEDENTS:

Council at its meeting held 23 April 2013 gave final approval to rezone Lot 207 Horwood Road, Woorree to the 'Highway Commercial' zone. The Minister granted final approval to the Amendment on the 8 August 2013.

COMMUNITY/COUNCILLOR CONSULTATION:

The Amendment was publically advertised in accordance with the provisions of the Planning and Development Act 2005.

The advertising period commenced on 4 April 2014 and concluding on 20 May 2014 and involved the following:

1. A notice appeared in the Geraldton Guardian on 4 April 2014;
2. Adjoining/nearby landowners within a 100m radius were written to and advised of the proposed Amendment;
3. A sign was place on-site;
4. The Amendment details were available on the City's website;
5. The Amendment details publicly displayed at the Civic Centre; and
6. The Amendment was referred to the following:
 - Water Corporation
 - Public Transport Authority of Western Australia
 - Western Power
 - Department of Health
 - Department of Fire and Emergency Services
 - Main Roads Western Australia
 - Department of Agriculture and Food
 - Department of Lands (State Lands)
 - Tourism Commission, Western Australia
 - ATCO Gas
 - NACC
 - Midwest Development Commission
 - Midwest Chamber of Commerce and Industry
 - State Heritage Office
 - Department of Water
 - Department of Indigenous Affairs
 - Department of Education and Training

Submissions

As a result of the advertising, a total of 9 submissions (1 objection) were received.

A 'Schedule of Submissions' is included as Attachment No. SC154B and copies of the actual submission are available to Council upon request.

LEGISLATIVE/POLICY IMPLICATIONS:

The subject property is currently a 'Public Purposes – Civic' Local Scheme Reserve under Local Planning Scheme No. 5 (Greenough). The current zoning of the subject site is reflective of its previous use as the Shire of Greenough administrative building and Council chambers.

The proposal is to rezone the site to the "Highway Commercial" zone which has the primary objective of providing for service commercial development. Also proposed is to restrict certain types of uses on the site. The uses chosen

for the site are those that are considered to be most appropriate given the location and existing building on the site. The following table describes what uses (under the “Highway Commercial” zone) are proposed to be restricted and those that may be permitted on the site.

Uses that may be permitted	Restricted uses (i.e. NOT permitted)
Child Care Premises	Caretaker’s Dwelling
Civic Use	Club Premises
Community Purpose	Convenience Store
Consulting Rooms	Fast Food Outlet
Educational Establishment	Hospital
Exhibition Centre	Large Format Retail
Funeral Parlour	Lunch Bar
Industry Light	Market
Industry Service	Motor Vehicle, Boat or Caravan Sales
Medical Centre	Motor Vehicle Repairs
Office	Restaurant
Place of Worship	Service Station
Reception Centre	Shop
Recreation Private	Storage
Showroom	
Telecommunications Infrastructure	
Trade Display	
Veterinary Centre	
Warehouse	

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

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and budget implications with the rezoning of the site. Any future income generated from either the lease or sale of the site will be directed towards the potential relocation of the Rovers Football Club.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

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

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

Commercial Activity Centres Strategy:

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for

commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

Although the subject land is not specifically identified within the Strategy it is in immediate proximity to the future Geraldton Business Park 'Highway Commercial' precinct.

It is considered that expanding the range of uses permissible on the site will enhance the development of the immediate area that already includes 'Highway Commercial' and 'Light Industry' zoned land.

Rangeway Utakarra Karloo Precinct Plan:

The Rangeway Utakarra Karloo Precinct Plan (RUK) was compiled in response to the outcomes of the '2029 and Beyond Project' and recognises the important role the area plays in the growth of Greater Geraldton. The Plan identifies four precincts as logical locations for more intense activity. The subject site is located adjacent to the 'East Utakarra' Precinct.

The precinct planning process identified a range of potential initiatives to establish a new East Utakarra centre and integrate it with the existing residential and future commercial area around it. This included to '*plan for a new business park precinct to compliment the proposed and future commercial uses to the north of Horwood Road*'.

The site has been identified within the document as forming part of the 'gateway' sites into the RUK locality and states that particular attention is to be paid to the landscaping to provide a first impression to the locality. The protection of the existing landscaping is provided through the following condition within the R6 restricted use table:

Development should be sited to ensure existing landscaping on the corner of Edward Road and Horwood Road is maintained to the approval of the Local Government

City of Greater Geraldton Sporting Futures Report:

The objective of this report is to provide an overview of the key findings of previous research, submissions, concepts and City investigations to bring together an overarching master plan that will form the basis for sports infrastructure development for the community.

The area of Lot 47 outside the scope of this amendment contains the recreation ground commonly known as the 'Greenough Oval', which is home to the Rovers Football Club. The Report has identified Greenough Oval for having development opportunity due to the land being 'freehold' to the City, and recommends the relocation of the club to the future Southern Districts Sporting Facility near Verita Road. The land could then be developed for light industrial uses.

It is considered that this rezoning would complement the long term redevelopment proposed for the Greenough Oval.

RISK MANAGEMENT:

The administration offices are now superfluous to the City's requirements and can either be leased or disposed of by sale. This rezoning will broaden the types of uses permitted on the site. To refuse the Amendment could further jeopardise income generated from either the lease or sale of the site.

ALTERNATIVE OPTIONS CONSIDERED:

The current zoning of the subject site is reflective of its previous use as the Shire of Greenough administrative building and Council chambers. The rezoning of the site will enable a wider range of uses for the existing building and land area, yet will restrict some uses to form an appropriate land use buffer between existing industry/commercial uses and the surrounding Rural Residential landholdings.

The option to refuse the Amendment is not supported as it is considered that expanding the range of uses permissible for the subject land would complement the long term, strategic intent for the precinct which is generally consistent with the Commercial Activity Centres Strategy, the Rangeway Utakarra Karloo Precinct Plan and the City's Sporting Futures Report.

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

SC155	FINAL ADOPTION OF THE MORESBY HEIGHTS LOCAL STRUCTURE PLAN, WAGGRAKINE
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AGENDA REFERENCE:	D-14-36111
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	04 June 2014
FILE REFERENCE:	LP/9/0045
APPLICANT / PROPONENT:	CLE Town Planning & Design
ATTACHMENTS:	Yes (x2)

EXECUTIVE SUMMARY:

The advertising period has concluded for the Local Structure Plan which provides the planning framework to guide and facilitate the development of approximately 395 ha of land as a new residential neighbourhood supported by public open space, a primary school, tourism node, neighbourhood centre and regional open space protecting the Moresby Range.

This report recommends final approval of the Local Structure Plan and that it be forwarded to the WA Planning Commission for its endorsement.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to clause 5.17 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT the Moresby Heights Local Structure Plan over Lot 55 Cooper Street and Lots 80 & 81 Hackett Road, Waggrakine subject to the modifications as outlined in the 'Schedule of Submissions'; and
3. FORWARD the Local Structure Plan to the WA Planning Commission for its endorsement.

PROPONENT:

The proponent is CLE Town Planning & Design on behalf of the owners:

- Lot 55 Cooper Street P J Dossetter & V L Neil
- Lots 80 & 81 Hackett Road Seventh Wave Enterprises P/L

BACKGROUND:

The Local Structure Plan seeks to provide a comprehensive planning framework to coordinate the subdivision and development of the Moresby Heights estate area as a new residential neighbourhood.

The Local Structure Plan area is located approximately 10 km north-east of Geraldton CBD, on the foot and side slopes up to the Moresby Range, 4 km from the coast and abuts the Shire of Chapman Valley boundary to the north

and east. The majority of the site is currently used for rural purposes, principally for pasture.

Structure plan summary table:

Total area	395.1 hectares
Land uses	
Residential	187.7 hectares
Commercial (Local Centre)	3,5 hectares
Primary School	4 hectares
Rural Residential	68.5 hectares
Public Open Space	130.5 hectares
Estimated lot yield	1,500 – 2,000
Estimated number of dwellings	1,500 – 2,000
Estimated population (2.6 persons / dwelling)	3,900 – 5,200
Primary Schools	1
Estimated retail floor space	4,500 – 6,000m ²
Estimated employment	150 – 200
Public Open Space	
Regional Open Space	79 hectares
District Open Space	33.7 hectares
Other Open Space	19.3 hectares

The site is surrounded by Rural Residential developments to the south and west, which are subject to the Waggrakine Rural Residential Structure Plan. Land to the north and east is zoned 'Rural' and is subject to low intensity agricultural use.

The development of the site for urban purposes will require treatment of these areas to provide a transition in intensity of development. This has been addressed through the provision of rural residential and larger residential lots and / or open space around the periphery of the development.

The development will essentially represent an expansion of the Geraldton urban area to its north-easterly limits. Its separation from existing urban areas by the Waggrakine Rural Residential area will give it something of a 'village' character; however its proximity to Geraldton means that it will effectively form a suburb of the city.

The proposed Local Structure Plan provides for development of the site to accommodate:

- 79 ha of 'regional' open space, protecting the Moresby Range;
- A neighbourhood commercial centre and abutting Primary School, roughly in the centre of the site;
- Urban residential neighbourhoods both north and south of the neighbourhood centre, with potential for higher density in close proximity to the centre;
- Low density and Rural Residential around the periphery of the residential neighbourhoods, providing for a diversity of lot types and a graduation in density from adjoining rural residential and rural areas;
- An integrated network of parkland throughout the development, protecting areas of environmental significance, providing for

-
- integrated urban water management, and providing for local recreation and amenity to service the subdivision;
- 33 ha of District Open Space, provided in a linear spine through the development to link to the Moresby Range, and in a consolidated 14 ha block in the west of the site, to provide for District Recreation;
 - Two potential tourism facilities, including one on the Range Tops, where a low profile development could be designed to nestle in behind the Range 'edge' where it would be visually unobtrusive, but could benefit from the magnificent ocean views this location affords. In addition to accommodation, the site might also accommodate a cafe or restaurant, or possibly even a small tavern which would provide an attraction to the local Geraldton community as well as more distant visitors. The second, lower site appears more suited to eco-chalets or similar self-contained, low intensity accommodation.

The design is based on a 'modified grid' layout, providing an interconnected, legible and walkable area. The centre and school are provided at a key intersection within the subdivision, maximising accessibility and reinforcing their role as a physical as well as psychological centre point. Linear open space abutting the centre has been incorporated to protect areas of environmental significance, provide for integration of natural drainage function, create a local community parkland, and to provide a strong open space link or spine running through the site and connecting up with the Moresby Range open space in the east. It will accommodate areas for both passive and active recreation, cycle and walk paths and provide a strong link to through the estate to the Range.

A copy of the Local Structure Plan is included as Attachment No. SC155A and a full copy of all the appendices are available to Council upon request.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The Local Structure Plan is intended to facilitate the development of a range of uses which includes residential, commercial and tourism.

Social:

The development will provide an area of district open space to cater for the northern urban area and also facilitate access to the Moresby Ranges.

Environmental:

The design is highly responsive to natural features, facilitating the creation of a 'sense of place' within the community. The Local Structure Plan:

- Provides for the protection of the Moresby Range, and provides for public access to these;

- Integrates natural drainage lines into an open space network, allowing for best practice stormwater management;
- Retains and enhances the local damp lands / wetlands in the southern portion of the site;
- Locates the majority of remnant vegetation within open space or, in the case of vegetation in the very north of the site, on large conservation lots with restricting clearing; and
- Responds to the contours of the land, both with regards to road layout and in the concentration of residential densities in low lying areas and, placement of larger lots in higher areas where they may be more visible.

Cultural & Heritage:

It is recognised that the Moresby Range is likely to have significance to the indigenous as well as the non-indigenous community, as is noted in the Moresby Range Management Plan. There is potential for development of the site to incorporate recognition of its cultural significance. This issue can be further considered and addressed in detailed site planning of the proposed tourism site on top of the Range.

RELEVANT PRECEDENTS:

Council at its meeting held on 28 February 2012 gave final approval to Amendment No. 5 which proposed the rezoning of the site to 'Development'. The Minister for Planning has granted final approval to the Amendment on 26 July 2012.

The author is not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The Local Structure Plan was publicly advertised in accordance with the provisions of the City of Greater Geraldton Local Planning Scheme No. 5 (Greenough).

The advertising period was for 30 days (commencing 20 February 2014 and concluding on 21 March 2014) and involved the following:

1. All landowners abutting the Local Structure Plan area were written to and provided extracts of the Local Structure Plan;
2. A public notice appeared in the Midwest Times on 20 February 2014;
3. Three signs were placed on site;
4. The Local Structure Plan details were available on the City's website;
5. The Local Structure Plan was referred to the following:
 - Department of Agriculture and Food;
 - Department of Education;
 - Department of Environmental Regulation;
 - Department of Health;
 - Department of Indigenous Affairs;

- Department of Planning (Tourism);
- Department of Water;
- Department of Fire and Emergency Services;
- State Heritage Office;
- Main Roads Western Australia;
- Mid West Chamber of Commerce and Industry;
- Mid West Development Commission;
- Department of Lands;
- Water Corporation;
- Western Power; and
- Shire of Chapman Valley.

Submissions:

As a result of the advertising, a total of 28 submissions were received (11 objecting). Listed below is a summation of the main comments/concerns raised for the public comment period.

- Destroy rural setting and current amenity of the area.
- Increased traffic, noise and light.
- Suitable land elsewhere in Geraldton for subdivision.
- Should be connected to sewerage scheme.
- Development is too dense.
- Impacts on visual landscape amenity.
- Well thought out and environmentally sensitive plan.
- Tourist site should be served by a road from the east not up the escarpment.
- Subdivision at a higher density than that recommended by the Moresby Range Management Plan.
- Tourism sites could set a precedent for future development in areas of high visibility.
- Loss of native fauna.
- The adjacent Waggrakine Rural Residential area cannot subdivide to this level and these developers will be unfairly favoured by being able to subdivide the land into suburban sized blocks.
- Allow only 2 – 4 ha lots.

In addition to the above the proponent has been in dialogue with the Department of Water regarding the Local Water Management Strategy that accompanied the Structure Plan and agreement has been reached regarding modifications required.

A 'Schedule of Submissions' is included as Attachment No. SC155B and copies of the actual submission are available to Council upon request.

The proponent presented a preliminary 'Development Concept Plan' to Councillors at the Concept Forum meeting held on 03 May 2011.

LEGISLATIVE/POLICY IMPLICATIONS:

The subject land is zoned 'Development' under Local Planning Scheme No. 5 (Greenough). The objective of the zone is: *to provide for comprehensive planning of large scale/broadacre development including residential, industrial and/or commercial through a structure plan to facilitate subdivision and development.*

FINANCIAL AND RESOURCE IMPLICATIONS:

The Local Structure Plan will facilitate land for future residential development. As part of this future development there will be increased income to the City via rates, and fees associated with development of the land. New roads and public open space will become the responsibility of the City to maintain in the future.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.
Strategy 5.2.3	Addressing cultural heritage issues and the preservation and enhancement of natural areas as part of the development process.

Regional Outcomes:**Greater Geraldton Structure Plan (2011):**

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as a 'Development Investigation Area' and states:

Development Investigation Area 3 – Rural land adjacent to the Moresby Range.

This area is situated immediately adjacent to the Moresby Range and is identified as 'rural.' It will be considered for future intensification. The relative proximity of the southern portion to Central Geraldton and the northern portion to the northern coastal corridor will be significant considerations in determining the most appropriate level of intensification.

General farming currently constitutes the predominant land use and as such most of the land is extensively cleared. Significant remnant vegetation however, does remain in parts of the development investigation area. The surrounding area is of significant visual landscape value and it is essential that the interface between any future development and the Moresby Range is considered.

Residential Development Strategy (2013):

The Strategy is a response to the changing local and regional economic environment and the need to provide a logical, coherent, highly liveable and sustainable model for residential development in the City to meet the needs of all residents and build strong communities. It broadly indicates the extent of residential and future residential land along with existing and proposed rural living areas.

The subject land is identified as a 'Future Residential Area' for:

- Rural Living
- Low Density Residential
- Single Density Residential
- Medium Density Residential
- Activity Centre

The Local Structure Plan has incorporated all of the above land uses.

Moresby Range Management Plan 2010:

This Management Plan presents a new vision for the section of the Moresby Range immediately south of White Peak Road and east of Geraldton. The major finding was that the community wanted the Range Precinct to be turned into a unique and iconic Park that would become an asset and resource. In order to secure the land the Plan promotes exchanges which involve a mix of purchase, land swaps or development opportunities.

Of particular relevance to the site, it defines the boundary of a proposed Regional Reserve incorporating the eastern portion of the site, within and to which rehabilitation and public access are promoted. The document states that current land owners are to receive a fair and reasonable exchange for their land through purchase, land swaps, and development opportunities.

The document also makes recommendations regarding appropriate forms of development to limit visual impact and promote an appropriate interface within the study area, suggesting that:

- the eastern portion of the site forms part of the '*broad landscape features that should be preserved and enhanced*';
- the northern portion of the lot is defined as a '*high visibility area, larger lots typically 2-4 ha*'; and
- the south-western pocket forms a '*lower visibility area, lots typically larger than 1 ha*'.

The Plan anticipated development in the area and, as such, the Local Structure Plan is not at odds with it, albeit contemplating development at a higher density than is notionally indicated in the Plan. This should, however, be acceptable, subject to satisfactory demonstration that this will not undermine the associated objectives of managing the visual impact of new development.

The development proposal assists in achieving a number of other Management Plan objectives including:

- establishment of the Range Reserve, through provision of around 80 ha of regional open space in the Range, in addition to local open space within the development;
- provision of public access to the scarp, with establishment of a strong green spine or link through the subdivision to the 'top', providing for integrated pedestrian and cycle access through a landscaped setting;
- creation of recreational opportunities associated with the Range, including walk and cycle trails and potentially other activities associated with the tourism site;
- preservation and enhancement of remnant vegetation within local open space and within the range parkland;
- retention and remediation of drainage lines within green open space links;
- revegetation of open space areas and through provision of landscaping along road reserves and within private land;
- limiting the visual impact through careful development siting and design; and
- application of design controls on colours, materials and building location.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED:

The Local Structure Plan sets out the spatial plan, strategy and framework to coordinate the subdivision and development of the Moresby Heights estate area as a new residential neighbourhood and will guide in the preparation and approval of detailed area plans, subdivision and development applications.

The Local Structure Plan will provide a comprehensive planning framework to guide and facilitate residential development supported by public open space, a primary school, tourism node, neighbourhood centre and regional open space protecting the Moresby Range.

The option to refuse is not supported as the Local Structure Plan is consistent with the regional planning direction and local planning policy framework as it applies to the area.

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

SC156	FINAL ADOPTION OF REVISED MULLEWA MUNICIPAL HERITAGE INVENTORY
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AGENDA REFERENCE:	D-14-36123
AUTHOR:	S Schewtschenko, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	30 May 2014
FILE REFERENCE:	LP/9/0049
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

EXECUTIVE SUMMARY:

A review has been undertaken of the Mullewa Municipal Heritage Inventory (MHI) which covers the former Shire of Mullewa area.

This report recommends final adoption of the revised Mullewa Municipal Heritage Inventory and forward it to the State Heritage Office.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to Section 45 of the Heritage of Western Australia Act 1990 RESOLVES to:

1. ADOPT the revised Mullewa Municipal Heritage Inventory; and
2. FORWARD the Municipal Heritage Inventory to the State Heritage Office.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The original Municipal Heritage Inventory (MHI) was prepared in 1996 and acts as a record of heritage places within the Municipality, whilst also offering management guidelines for the conservation of those places listed. Each listing contains details regarding ownership, use, history, significance, and other supporting information.

Entry of a place into the MHI is recognition of its importance to the community. A management category is allocated to each site depending on its level of significance, which provides a recommendation for the future conservation of the place.

The review of the MHI has involved the reassessing of all listed places and the introduction of a set of Management Categories. The management categories are identical to those used in both the Geraldton and Greenough MHI's as follows:

1. Exceptional Significance

Essential to the heritage of the locality.

Management Recommendation: Conservation of the place is considered essential. Any proposed change should not unduly impact on the significance of the place and be in accordance with either a Conservation Plan or Heritage Impact Statement.

2 Considerable Significance

Very important to the heritage of the locality.

Management Recommendation: Conservation of the place is highly recommended. Any proposed change should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible.

3 Moderate Significance

Important to the heritage of the locality.

Management Recommendation: Conservation of the place is recommended. Any proposed change to the place should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible.

4 Some Significance

Contributes to the heritage and/ or historical development of the locality.

Management Recommendation: Conservation of the place is desirable. Any proposed change to the place should be in sympathy with the heritage values of the place.

5 Historic Site

The site has historic significance for its previous use and its role in the historical development of the locality.

Management Recommendation: Proposed development may need to have regard to possible archaeological evidence remaining on the site. Recognise and interpret the site if feasible. This may be achieved through a variety of methods including, but not limited to, signage, public art, paving treatment and landscaping as well as design treatment of any new development which reflects the former use of the site.

6 Municipal Inventory Archive

Place was previously included in the Municipal Inventory but has been removed due to demolition or diminished heritage significance.

Management Recommendation: The place does not form part of the relevant local Town Planning Scheme Heritage List. This category is for record keeping purposes only.

The review included on-site or street side assessment by the City's Heritage Advisor. The total number of places included on the revised MHI is 58, inclusive of 11 additional places being identified as follows:

- Place No.002** Mullewa War Memorial - 12 Jose Street, Mullewa
- Place No.014** Old Police Station and Residence - 5 Padbury Street
cnr Mills Street, Mullewa
- Place No.019** Tom Haley's Corner Store (former) - 1-3 Jose Street,
Mullewa
- Place No.020** Shop - 5 Jose Street, Mullewa
- Place No.021** Coniglio's Greengrocers (former) - 9 Jose Street,
Mullewa
- Place No.024** Barden Brothers (former) - 31 Jose Street, Mullewa
- Place No.025** Shop and Residence - 41 Jose Street, Mullewa
- Place No.033** Sam Diddams Grave Site - 40 Maley Street, Mullewa
- Place No.035** Mass Rock - Geraldton – Mt. Magnet Road, Mullewa
- Place No.048** Tardun Railway Siding and Crane - Tardun Pindar
Road, Tardun
- Place No. 055** Pindar Garage Residence - 3 Sharpe Street, Pindar

A copy of the new listings is included as Attachment No. SC156.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

The MHI is an authoritative, comprehensive list of places that are of cultural and heritage significance.

RELEVANT PRECEDENTS:

Council at its meeting held on 28 June 2011 adopted the revised Geraldton MHI which introduced the new management category listings.

COMMUNITY/COUNCILLOR CONSULTATION:

All landowners included on the MHI were written to on 3 April 2014 and provided with a copy of the listing of their particular property and brochure from the Office of Heritage with details on the Heritage Loan Subsidies.

The proposal was also included within the Midwest Times, and on the City's website. The document was also available for viewing at the Civic Centre and Mullewa Front Counters, with advertising concluding on 23 May 2014.

Submissions:

As a result of the advertising a total of three (3) submissions were received.

Listed below is a summary of comments received:

Property Details	Submitter	Comments
Place No. 032 Railway Water Tank and column 19 Darlot Road, Mullewa	Government of WA Dept. of Aboriginal Affairs	There are no Aboriginal heritage considerations on this property.
Place No. 046 Tardun Hall Lot 18 Railway Parade, Tardun	Tardun Progress Association	Advise of local contacts able to provide additional historical information.
Place No. 030 Mullewa Railway Station Lot 208 Maitland Road, Mullewa	Government of WA Public Transport Authority	The City leases the Mullewa Railway Station from the PTA and is required to maintain the building. PTA is not in a position to maintain buildings no longer required for operational purposes. PTA will only support the MHI listing if the City continued to lease and maintain the building as required, although preference is for it to be excluded from the MHI.

A copy of the actual submissions are available to Councillors upon request.

The MHI is a record of heritage places within the municipality, and as a record, individual places should not be removed from the inventory. The MHI should be a concise record of the locality's heritage assets and removal of places from the MHI results in an incomplete record of heritage places.

With regard to the PTA submission and Place No. 30 it was originally included on the 1996 MHI and has included on the State Register of Heritage Places (P6105) since 2005.

The matter of leasing and maintenance responsibility is a totally separate matter that has no relevance to the sites MHI listing.

Councillors were advised of the advertising of the MHI via a Briefing Note dated 4 April 2014.

LEGISLATIVE/POLICY IMPLICATIONS:

Heritage of Western Australia Act 1990:

Section 45 of the Act requires the Council of a municipality to compile and maintain an inventory of heritage places in its district which in its opinion are, or may become of cultural heritage significance.

The Act requires that the MHI be updated annually and reviewed every 4 years. During the review process places may be added and/ or deleted and additional information pertaining to the place histories and the thematic framework may be gathered from various sources including the individual property owners.

Heritage Strategy 2013:

The City's Heritage Strategy provides the overarching framework and strategic direction for heritage planning in the City for 2013 and beyond. The Strategy encompasses a range of activities either currently undertaken by the City or proposed as new activities in order to support, promote, protect and manage both heritage assets belonging to the City and all other significant heritage places in the community.

One key action of the Strategy is to review and identify places of heritage significance not already included in the MHI.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and budget implications.

INTEGRATED PLANNING LINKS:

Title: Culture	Our Heritage
Strategy: 1.1.1	Recognising and protecting our history and restoring heritage sites and buildings.

REGIONAL OUTCOMES:

State Planning Policy 3.5 Historic Heritage Conservation:

This Policy sets out the principles of sound and responsible planning for conservation and protection of WA's historic heritage.

One policy measure listed is "Identification and Assessment" where local governments should identify places of local significance through compilations and review of local government inventories.

RISK MANAGEMENT:

Not supporting the adoption of the revised Mullewa MHI will result in failure to comply with the Heritage of Western Australia Act 1990.

ALTERNATIVE OPTIONS CONSIDERED:

Entry of a place into the MHI is recognition of its importance to the Community. The MHI acts as an aid to the local government and the community to easily identify and recognise the essence of their surrounding heritage. The MHI is designed to contribute to the conservation of the City's heritage by:

- Contributing to the management of the community's resources and environment, and ensuring that change is managed with due regard to heritage values;
- Contributing to community projects such as townscape, main street, heritage trails, local history, cultural and community plans;
- Assisting in defining the community's sense of place by identifying places that are a physical representation of cultural, aesthetic, historical, scientific and social value; and
- Contributing to a body of reference information which will assist in determining the significant individual places.

Section 45 of the Heritage of Western Australia Act 1990 requires the MHI to be reviewed every four 4 years. Given that the original MHI was completed in 1996 it has been 18 years since a complete review of the MHI has been undertaken, and therefore the option to refuse is not supported.

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

SC157	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – ADDITIONAL USE AND SPECIAL CONTROL AREA REZONING, KOJARENA
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AGENDA REFERENCE:	D-14-36856
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	6 June 2014
FILE REFERENCE:	LP/15/0010
APPLICANT / PROPONENT:	Planwest
ATTACHMENTS:	Yes (x4 – 1 confidential)

EXECUTIVE SUMMARY:

An application has been received to initiate a Scheme Amendment to rezone a portion of Lot 2860 Yanget and Geraldton – Mt. Magnet Roads, Kojarena by adding an 'Additional Use' and 'Special Control Area' to permit the use of the land for "industry – hazardous" (storage and distribution of ammonium nitrate).

This report recommends that Council initiate the Amendment and seek consent to advertise it from the WA Planning Commission.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by adding an 'Additional Use' to Lot 2860 Geraldton – Mt. Magnet and Yanget Roads, Kojarena and associated 'Special Control Area' to permit the use of the land for "industry – hazardous" (storage and distribution of ammonium nitrate); and
2. SEEK consent to advertise the Amendment from the WA Planning Commission.

PROPONENT:

The proponent is Planwest on behalf of Blue Energy Explosives. The owner of the subject land is Coastal Dairy Supplies Pty Ltd and Midwest Reit Pty Ltd.

BACKGROUND:

On 28 November 2011 Blue Energy Explosives approached the City seeking advice as whether the land could be rezoned for use as an ammonium nitrate warehouse facility.

The City responded on 2 December 2011 advising that such a use would be defined in the Local Planning Scheme as 'Industry Hazardous' and this type of use is only permissible in the 'General Industry' zone. The City further raised concern with the proposal especially as a buffer was required for the facility.

On 12 December 2011 Blue Energy Explosives requested “special use” of the land without rezoning. The City, on 13 December 2011, advised that “special permission” cannot be legally granted under the provisions of the Local Planning Scheme.

On 9 July 2012 a formal application was lodged to rezone the adjacent portion of Lot 1 for the same ‘Additional Use’ and ‘Special Control Area’ to permit the use of the land for “industry – hazardous” (storage and distribution of ammonium nitrate).

Council at its meeting held on 23 October 2012 refused the application as follows:

1. *REFUSE to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to add an ‘Additional Use’ and ‘Special Control Area’ to permit the use of the land for the storage and distribution of ammonium nitrate on Lot 1 Yanget Road, Kojarena;*
2. *MAKES the determination on the grounds that:*
 - a. *Council is not prepared to initiate a scheme amendment that could potentially compromise the ongoing operations of the Australian Defence Satellite Communication Station facility which has been classified by the Australian Government as a vital critical asset for the protection of its people and interest;*
 - b. *Council considers the site to be unsuitable given the proximity to other important road, rail and communications infrastructure which can potentially be impacted upon; and*
 - c. *The site is located in the ‘Sandplain’ rural precinct which specifically lists industrial land uses as undesirable.*

On 15 October 2013, the applicant advised that, since the above determination, several factors have changed:

Firstly, *the Department of Mines and Petroleum (DMP) has formally reduced its buffer requirements for an ammonium nitrate storage facility.*

Secondly, *the proposed location of the facility is now more than 3 kilometres from the Australian Defence Satellite Communication Station facility, and does not affect the Highway, railway, communications or any other services adjacent to the Highway (or any other road).*

Thirdly, *the ammonium nitrate storage facility has almost no impact on any land that is not currently owned by the vendor.*

Fourthly, *the location of the facility is located within an area that is not sandplain although mapped as ‘Sandplain’ rural precinct in the Council’s Rural Strategy. Also the site avoids the areas of*

'Potential Future Hard Rock and Clay' and 'Gravel and Sand' raw materials areas.

Council at its meeting held on 25 March 2014 again refused the application as follows:

1. *REFUSE to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to add an 'Additional Use' to Lot 2680 Geraldton – Mt. Magnet and Yanget Roads, Kojarena and associated 'Special Control Area' to permit the use of the land for "industry – hazardous" (storage and distribution of ammonium nitrate);*
2. *MAKES the determination on the grounds that:*
 - a. *Council is not prepared to initiate a scheme amendment that could potentially compromise the ongoing operations of the Australian Defence Satellite Communication Station facility which has been classified by the Australian Government as a vital critical asset for Australia's national security;*
 - b. *The site is located in the 'Sandplain' rural precinct which specifically lists industrial land uses as undesirable.*
 - c. *Concerns in relation to fire and emergency risks and response times from Geraldton; and*
3. *ADVISE the proponent that Council is supportive of the establishment of the facility in the region in an appropriate location.*

The proponent has now re-submitted further information regarding the proposal which is included as a Confidential Attachment No. SC157A and is summarised as follows:

- A. In relation to the ongoing operations of the Defence Satellite Communications Facility, the applicant confirms the Department of Defence has already agreed to the DMP distance from the base as being acceptable (3.5km). Other comments expressed in the submission are not supported as the storage of farm fertilisers are exempt under the DMP Guidelines.
- B. The applicant advises that he location in the "sandplain" rural precinct requires only 10 hectares and is a negligible proportion of the property. Comment is also made that if this reason is to be a determining factor they would employ a specialist to provide advice on the generalised nature of the current assessment.
- C. Concerns in relation to fire and emergency risks. The proponents will have a water storage tank of 1 million litres which will have the capacity to pump 1800 litres a minute and can run for 9 hours continuously. The facility is therefore not dependent on external emergency services for fire. It is also noted by City Officers that the DMP code of practice makes the following comment: "When a fire involving AN is judged to be out of control, or if the fire is engulfing the AN, everyone, including fire fighters, should be evacuated to a safe distance where they

will not be harmed if there is an explosion. The evolution of toxic brown nitrogen dioxide is a sign that immediate evacuation is required”.

A number of other points were made by the applicant which are subject to interpretation and are personal views on process which are not planning considerations for officers to consider in formulating the recommendation.

The Site:

Lot 2860 has an area of 402 ha and is currently farmed as is the surrounding privately owned rural farmland. The Australian Defence Satellite Communication Station is located approximately 3.7 km northwest of the site.

The closest two dwellings, one on Lot 2860 and another on Lot 2859, are 1.37 km and 1.25 km respectively from the proposed development site. There are no dwellings within the 1.11 km buffer radius of the development site.

The Proposal:

Ammonium nitrate will be imported from overseas manufacturers. The material will be shipped through the Geraldton Port and then truck transported to the subject site and stored ready for distribution. It is proposed to store up to 20,000 tonnes.

The detailed design and layout of the facility is not finalised however is expected to have a floor area of about 2.4 ha and utilise about 10 ha of the subject land.

The facility will employ the most advanced and state of the art technology by using, CCTV and infrared cameras along with imaging technology so as not to trigger false alarms. There will be a 24 hour / 365 days manned security guard at the facility and the entire facility will be fenced. Each bag stored will be barcoded, tagged and electronically accounted for. The storage facility could be monitored live from remote locations anywhere in Australia. The Department of Defence can have full access to the system and a full audit at random.

The visual impact of the site will be minimised with the installation of strategically placed landscaping ensuring that the planting does not interfere with the fencing or continued farming operations.

Access to the site will be via a new ‘loop’ road connecting south with the Geraldton – Mt. Magnet Road and west with Yagnet Road to be created as part of the subdivision of the land.

The applicant considers the Amendment proposal ideal in terms of:

- minimising any risk on surrounding activities;
- having easy access to the major transport network;

- minimising any impact on the continued agricultural activities in the region;
- minimising the visual impact of the proposal from the surrounding road network;
- limiting the use to that specified in the additional use Schedule; and
- limiting the extent of the additional use to that area specified in the additional use Schedule.

A copy of the Amendment document is included as Attachment No. SC157B.

Subdivision:

It should be noted that this land is currently the subject of a subdivision approval which involves Lots 2, 692, 1420, 1421, 1422, 1779, 2859, 2860 and 3145. A copy of the approved subdivision plan is included as Attachment No. SC157C.

The subdivision was approved on the basis that the lots were to have their boundaries rationalised to enable the continuation of existing broadacre farming operations and the approval of the subdivision should in no way be construed as any type of support for this Amendment.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The applicant purports that the provision of this facility is currently in demand with the agreement to provide ammonium nitrate to several mining operations in the region already proven, and that the multi-million dollar facility will be a valued activity in the Mid West region.

Social:

The Amendment proposes to prohibit residential development (and other sensitive uses) within a 1.1 km Special Control Area. Additionally the Amendment will require that any land uses or development within the Special Control Area must be compatible with the existing or proposed future use of the storage and distribution facility.

Environmental:

The storage of solid ammonium nitrate is classified as a "Dangerous Good" as per the *Dangerous Goods Safety Act 2004*. The Act is supported by Dangerous Goods (Safety and Handling of Non-explosives) Regulations 2007 and the Dangerous Goods Safety (Security Risk Substances) Regulations 2007.

Approved codes of practice provide safety recommendations to assist people in meeting their obligations under the Act and the Regulations. The 'Code of Practice – Safe storage of solid ammonium nitrate' has been produced to assist those storing or handling solid ammonium nitrate to meet their safety obligations under the *Dangerous Goods Safety Act 2004* and associated regulations.

It should be noted that (since the determination of the previous Amendment proposal) the code of practice has been updated to the third edition. The following is a brief explanation of the hazards of ammonium nitrate as described in the Code.

Ammonium nitrate has three main hazards:

- *Fire*
- *Decomposition with the formation of toxic gases*
- *Explosion*

Fire – *Ammonium nitrate is not combustible and does not burn but, being an oxidising agent, it can facilitate the initiation of fire and will assist the combustion of other materials.*

Decomposition – *If ammonium nitrate is heated, it will decompose to give off toxic gases.*

Explosion – *Ammonium nitrate is a potentially explosive substance because it comprises the oxidising nitrate ion in intimate contact with the fuel element, the ammonium ion.*

Given the nature of modern formulations of ammonium nitrate, explosions of solid ammonium nitrate without prior fire are very unlikely. If all potential sources of fuel can be eliminated, the chance of an accidental explosion is remote.

A full copy of the Code is available to Council upon request or can be obtained from the following link:

http://www.dmp.wa.gov.au/documents/Code_of_Practice/DGS_COP_Storage_SolidAmmoniumNitrate.pdf

The Code provides information on both Store Location and Separation Distances as follows:

Store Location:

“Explosions resulting from fires involving ammonium nitrate, even in recent years, have killed and injured emergency personnel and others. When a fire involving ammonium nitrate is judged to be out of control, or if the fire is engulfing the ammonium nitrate, everyone, including fire fighters, should be evacuated to a safe distance where they will not be harmed if there is an explosion.”

The Code recommends, for this particular proposal, an 890m minimum evacuation distance for emergency personnel.

Separation Distances:

“The location of an ammonium nitrate store is subject to acceptance by Resources Safety with respect to its proximity to sites such as residential

occupancies, places of public assembly, academic establishments, health care facilities and pipelines.

When considering the location of ammonium nitrate, it is advisable to maximise separation distances as far as is reasonably practicable.

The separation distances in Table 4.1 are best applied for town planning decisions and/or before licensing a site.”

For this particular proposal, Table 4.1 of the Code recommends a 1.1 km minimum separation distance for “Vulnerable facilities and critical infrastructure”.

The City contacted the Department of Mines and Petroleum (DMP) with regard to separation distances. DMP advised that, based on the information at hand, there would be no reason why the DMP would require larger distances than the maximum 1.1 km indicated in the Code.

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

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 23 October 2013 resolved to refuse to initiate an identical Amendment proposal on Lot 1 Yanget Road, Kojarena. The site for this Amendment (Lot 2860) is approximately 1.7 km northeast from the previous site proposed on Lot 1.

Council at its meeting held on 25 March 2014 resolved to refuse to initiate this Amendment on Lot 2860.

The author is not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Given the issues associated with ammonium nitrate (refer to Environmental Issues section of this Report), the City referred the Amendment to the Australian Defence Satellite Communication Station.

The Department of Defence advised that it appreciates that the establishment of the proposed facility would be a significant benefit to the mining industry in the Mid-West region.

Further that the Australian Defence Satellite Communications Station (ADSCS) is a vital critical asset for Australia’s national security and hosts cooperative Australian and American capabilities which ensure the safe and effective use of military personnel and assets.

The Department remains concerned that an incident at the facility may require the closure of Yanget Road and therefore have a severe impact on the ADSCS operations.

The proponent then provided further information to the Department of Defence and the Department requested that there be a condition restricting access onto Yanget Road and further that the Detailed Area Plan be referred to the Department for approval at the development stage.

Subsequently Conditions 1 and 6 of the 'Additional Use' have been amended to incorporate the above.

A copy of the Department of Defence 2 responses is included as Attachment No. SC157D.

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

The proponent made a presented to Councillors at the Concept Forum meetings held on 4 February 2014 and again on 5 June 2014.

LEGISLATIVE/POLICY IMPLICATIONS:

The subject land is currently zoned 'Rural' under Local Planning Scheme No. 5 (Greenough). The proposal to store ammonium nitrate is reasonably defined within the Scheme as 'Industry – hazardous' use class, which is defined as:

“an industry which by reason of the processes involved or the method or manufacture or the nature of the materials used or produced requires isolation from other buildings, but does not include a nuclear activity.”

The 'General Industry' zone is the only zone in which an 'Industry – hazardous' can be approved, hence the request for this Amendment. The applicant has stated that:

All the land zoned for 'General Industry' in the Scheme is located in the Narngulu Industrial area. Due to the proximity of residential areas, the potential impact, or risk, on premises surrounding activities and the problems associated with assembling an area suited for such a proposal; the Narngulu area is not considered appropriate for the proposed activity.

The Amendment is proposed in two parts. The first is the introduction of an 'Additional Use' and the second is the insertion of a new 'Special Control Area'.

Additional Use:

Given that Narngulu remains unsuitable the Scheme area has no scope to provide for the proposed ammonium nitrate storage, without either:

- rezoning a new site to 'General Industry' or a 'Special Use' zone; or
- providing for an additional use in the rural area – away from conflicting land uses and with minimal impacts for the continued rural use of the land.

The concept of rezoning a specific site in a rural area for 'General Industry' or a 'Special Use' is not a preferred planning option as it may also provide for other industrial activities that would be better centralised and serviced in a formal industrial estate (i.e. Narngulu). In addition this could be considered as a 'spot' zoning; not a favoured planning option.

In order to allow the proposed development to proceed without changing the existing zoning it is proposed to allow for an 'Additional Use'. Clause 4.5 of Scheme provides for additional uses as follows:

4.5 Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

The additional use will only apply to 10 ha of the 402 ha, Lot 2860 and the following is proposed to be inserted into the Scheme:

No.	Description of Land	Additional Use	Conditions
1	Portion of Lot 2860 Geraldton – Mt. Magnet Road, Kojarena As shown on Scheme Map 1/12 as A1	“industry – hazardous” (Storage and distribution of ammonium nitrate)	1. Prior to any subdivision or development of the land a Detailed Area Plan (DAP) shall be prepared and endorsed by the Local Government (in consultation with the Department of Mines and Petroleum, Department of Environment Regulation, Department of Fire and Emergency Services, the Australian Government Department of Defence and any other agency as required). 2. The DAP should address the following: <ul style="list-style-type: none"> • Exact definition of the Additional Use area; • Vehicular access; • Landscaping; • Fire protection strategy; • Emergency response plan; and

			<ul style="list-style-type: none"> • Security measures. <ol style="list-style-type: none"> 3. All development must be contained within the boundaries of the Additional Use area. 4. Storage of ammonium nitrate is restricted to a maximum of 20,000 tonnes. 5. Other than material contained within Intermediate Bulk Containers (IBC's) no other open storage of material is permitted. 6. No vehicles transporting ammonium nitrate are permitted on Yanget Road.
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Special Control Area (SCA):

The addition of a new Special Control Area is proposed to be inserted in accordance with the separation distances stated by the Department of Minerals and Petroleum in its Code of Practice for the safe storage of solid ammonium nitrate (refer to Environmental Issues section of this Report).

It is proposed that the following be inserted into the Scheme:

6.7 Kojarena "Industry – Hazardous" Special Control Area (SCA 6)

6.7.1 *The Kojarena ammonium nitrate storage and distribution facility is a strategically located facility to service the mining sector of the region.*

6.7.2 *Purpose of the Special Control Area*

- a. *To identify land likely to be the subject of off-site impacts from the facility;*
- b. *To ensure that the use and development of the land in the vicinity of the facility is compatible with the approved use of the facility; and*
- c. *To prevent sensitive land uses from establishing within the Special Control Area.*

6.7.3 *Application Requirements for Subdivision and Development*

- a. *Planning approval is required for ALL development within the Special Control Area.*
- b. *No development of sensitive land uses (as defined by SPP 4.1 State Industrial Buffer and the Environmental Protection Authority's Guidance Statement No. 3 "Separation Distances between Industrial and Sensitive Land Uses") is permitted.*
- c. *No further subdivision of the land within the Special Control Area is permitted.*

6.7.4 *Relevant Considerations*

Before determining any application for planning approval the local government must have due regard for:

- a. *The provisions of SPP 4.1 State Industrial Buffer.*
- b. *The provisions of the Environmental Protection Authority's Guidance Statement No. 3 "Separation Distances between Industrial and Sensitive Land Uses".*
- c. *Whether the proposal is compatible with the approved use of the facility.*

6.7.5 *Referral of Applications*

Before determining any applications for planning approval the local government must consult with the Department of Mines and Petroleum, Department of Environment Regulation, Department of Fire and Emergency Services, the Australian Government Department of Defence and any other agency as required.

The area affected by the proposed Special Control Area has no impact on adjoining properties not already owned by the existing owner, who (the proponent has advised) is aware of the impacts of the proposal.

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

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and resource implications.

INTEGRATED PLANNING LINKS:

Title: Economy	Employment
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities.
Title: Governance	Planning and Policy.
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

REGIONAL OUTCOMES:

Local Rural Strategy:

This strategy guides future land use and subdivision decisions for rural areas. The subject land is located in the 'Sandplain' precinct. The principal objective of the precinct is to retain the land for agricultural purposes. Whilst the strategy states that industrial uses are "Undesirable Land Uses" it should be noted that the proposal will only involve approximately 2.5 ha of land that will contain the storage facility.

The proponent has stated that the footprint of the additional use (10 ha) is considered insignificant compared with the added value to the region in terms of turnover and employment.

RISK MANAGEMENT:

The purpose of the Amendment is specifically for the storage of ammonium nitrate and the risks associated with this product are detailed in the "Environmental" section of this report.

ALTERNATIVE OPTIONS CONSIDERED:

There is no disputing the fact that the land use is a dangerous good and that under the Scheme it can only be classified as a hazardous industry.

The Australian Defence Satellite Communications Station's primary concern appears to be access and the additional conditions restricting access from Yanget Road should deal with that issue.

The Department of Mines and Petroleum has also advised that the maximum 1.1 km separation distance indicated in the Code should be sufficient. For the reasons outlined above, the option to refuse the Amendment is not supported. The option to defer the matter is not supported as there is considered sufficient information for Council to determine the matter.

SC158	DELEGATED AUTHORITY ENVIRONMENTAL HEALTH AND OTHER OFFICERS 2014
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AGENDA REFERENCE:	D-14-36228
AUTHOR:	M Chadwick, Manager Environmental Health and Sustainability
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	28 May 2014
FILE REFERENCE:	PH/1/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

EXECUTIVE SUMMARY:

This report seeks Council delegated authority to persons and positions listed in the attached schedule of authorised officers. The list contains powers and functions of Health, Food and Caravan Park and Camping legislation, which empowers them to perform as authorised officers the functions of local government. The list is currently not up to date due to recent staff changes and needs to be made current. The schedule listed in this report requires Council delegated approval.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority exercise its delegated power under section 26 of the *Health Act 1911*, sections 118, 122 and 126 of the *Food Act 2008*, sections 17 and 23 of the *Caravan Parks and Camping Grounds Act 1995* and regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997* to:

1. AUTHORISE the persons listed in the schedule circulated with the agenda item to perform the functions under the relevant legislation as specified in the schedule listed below.

Schedule of authorised and designated officers
George William Mark Chadwick, Manager Environmental Health and Sustainability:
Appoint under section 26 of the <i>Health Act</i> to be the City's deputy with authority to exercise and discharge the following powers and functions of the City under the Act –
(a) enter premises;
(b) investigate offences;
(c) instigate prosecutions
(d) issue orders, directions and notices;
(e) approve and certify public buildings;

(f) any power or function under the City of Geraldton Health Local Laws 2004 and any local law adopted to replace those local laws.
Delegate the power under section 118(2) of the <i>Food Act</i> to, for the purposes of the Act –
(a) issue orders and notices; and
(b) register a food business.
Appoint as an authorised officer under section 122(1) of the <i>Food Act</i> with authority to exercise the following powers under the Act –
(a) enter premises;
(b) investigate offences; and
(c) instigate prosecutions.
Designate under section 126(13) of the <i>Food Act</i> as a designated officer for the purpose of giving infringement notices under section 126(2) of the Act.
Appoint as an authorised officer under section 17(1) of the <i>Caravan Parks and Camping Grounds Act</i> and grant authority under regulation 6 of the <i>Caravan Parks and Camping Grounds Regulations</i> to grant or renew a licence for a caravan park or camping ground.
Appoint under section 23(11) of the <i>Caravan Parks and Camping Grounds Act</i> as a person authorised to give an infringement notice under section 23(2) of the Act.

Schedule of authorised and designated officers

Environmental Health Officers
Hayley Williamson, Senior Environmental Health Officer; Jasmine Molloy, Environmental Health and Sustainability Officer; Viraj Ballanthudaachchige, Environmental Health Officer; Lloyd Evans, Authorised Officer (Onsite Effluent); Kelly Cripps, Senior Environmental Health Officer; Kerry Bowditch, Environmental Health Officer; Dion Spurgeon, Environmental Health Officer.
Appoint under section 26 and 27 (5) of the <i>Health Act</i> to be the City's deputies with authority to exercise and discharge the powers and functions of the City under the Act to enter premises and investigate offences.
Appoint as authorised officers under section 122(1) of the <i>Food Act</i> with authority to exercise the powers under the Act to enter premises and investigate offences.

Designate under section 126(13) of the *Food Act* as designated officers for the purpose of giving infringement notices under section 126(2) of the Act.

Appoint under section 23(11) of the *Caravan Parks and Camping Grounds Act* as persons authorised to give an infringement notice under section 23(2) of the Act.

Executive Officers

Ken Diehm (Chief Executive Officer)

Philip Melling (Director of Sustainable Communities)

Designate under section 126(13) of the *Food Act* as designated officers for the purposes of extending the period within which a modified penalty the subject of an infringement notice given under section 126(2) of the Act may be paid or withdrawing such a notice.

Appoint under section 23(11) of the *Caravan Parks and Camping Grounds Act* as persons authorised for the purposes of extending the period within which a modified penalty the subject of an infringement notice given under section 23(2) of the Act may be paid or withdrawing such a notice.

Contracted Officers

Piotr Zenni, Environmental Health Officer

Appoint as an authorised officer under section 122(1) of the *Food Act* with authority to assist another person appointed as an authorised officer under that provision.

Officer Employed by others

Justin Hagan, Meat Inspector

Deon Hagan, Meat inspector

Paul Boardman, Meat Inspector

Michael Smith, Meat Inspector

Micheal Caporn, Meat Inspector

Appoint as an authorised officer under section 122 (1) of the *Food Act* with authority to inspect ante mortem and post mortem meat carcasses and use approved brand only at premises trading as Hagan Bros Abattoir, 35528 Brand Highway, Greenough.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City last renewed its Environmental Health Officer delegations pursuant to the *Health Act 1911, as amended* and *Local Government Act 1995* through Council resolution on 26 November 2013. Since then, there have been operational changes to staff that carry out regular administrative and enforcement responsibilities.

Whilst City Officers have up to date certificates of authorisation, the purpose of this agenda paper is to ensure Council authorised delegations remain current and recorded accurately on its corporate delegations register and made available to be audited by the relevant authority from time to time.

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

There are positive economic impacts through effective execution of environmental health legislative powers particularly in relation to the benefits of businesses reducing their risk of litigation as a result of serious harm to health and wellbeing as a result of unsafe practices.

Social:

There are positive social impacts through effective execution of environmental health legislative powers particularly in relation to health and wellbeing.

Environmental:

There are positive environmental impacts through effective execution of environmental legislative powers particularly in relation to the control of pollution.

Cultural & Heritage:

There are no cultural and heritage impacts with this item. Authorised officers are working in cross cultural situations.

RELEVANT PRECEDENTS:

The previous Council decision regarding these particular delegations was made in 26 November 2013.

COMMUNITY/COUNCILLOR CONSULTATION:

The City is required to liaise with the Department of Health regarding authorisations required to be made under the Health Act 1911, as amended and *Food Act 2008* and *Food Regulations 2009*. The City has contacted the relevant persons within the Health Department regarding changes to the existing authorisations and is satisfied with the advice received.

The Manager Environmental Health and Sustainability has consulted with the Manager, Governance and Risk and with Sustainable Communities Department Managers and relevant staff. MacLeod's Solicitors have provided advice in the setting out of the schedule of authorised and designated officers in this item.

LEGISLATIVE/POLICY IMPLICATIONS:

Council is able to execute by delegation specific powers in relation to its responsibilities under the *Local Government Act 1995*, *Health Act 1911*, *Caravan Parks and Camping Grounds Act 1995*, *Caravan Parks and Camping Grounds Regulations 1997*, *Food Act 2008* and *Food Regulations 2009*.

The delegation of such powers does not remove any of the responsibilities of the local government from exercising its powers.

There is no impact on existing policies or new policies proposed as a result of the authorisations.

FINANCIAL AND RESOURCE IMPLICATIONS:

No significant costs increases are associated with the delegated authority. There are increased service efficiencies through authorisation of building surveyor staff as authorised for plumbing inspections.

INTEGRATED PLANNING LINKS:

Title: Social	Community Health and Safety
Strategy 3.5.3	Promoting healthy lifestyle Initiatives and living standards.

REGIONAL OUTCOMES:

There may be positive regional outcomes where authorised officers are made available to other local government authorities on fee for service basis.

RISK MANAGEMENT

This proposal's purpose is to mitigate against potential risks associated with City officers performing their respective roles without holding the appropriate legal authority to do so as required by the relevant legislation. The wording of the delegated authority has been provided with advice from the City's appointed legal advisers and follows the published guidelines issued by the relevant statutory agencies and conforms with them. There is a consequential risk of misuse of powers or unlawful enforcement action if the officers exercising perceived powers have not been correctly authorised to do so and potentially resulting in the City and officers personally being exposed to legal and/or financial liabilities.

ALTERNATIVE OPTIONS CONSIDERED

The City is required to review its delegations regularly to ensure it remains current and meets the responsibilities to perform the required functions imposed by the relevant Acts and subsidiary legislation.

The current delegated authority schedule is no longer current and is required to be brought up to date to enable transparency and effective governance of the statutory powers required to be executed by local government. Therefore, there are not alternative options to consider.

SC159	CITY OF GREATER GERALDTON LOCAL LAWS 2014
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AGENDA REFERENCE:	D-14-36205
AUTHOR:	M Chadwick, Manager Environmental Health and Sustainability
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	26 May 2014
FILE REFERENCE:	LE/5/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x3)

EXECUTIVE SUMMARY:

To seek a Council resolution to rescind part (c) of the previous motion made on 25 March 2014 of the City of Greater Geraldton Health Local Law 2014 under section 3.12 of the Local Government Act 1995 and to adopt the changes within the Health Local Law which is attached as Attachment No. SC159C.

The adoption of the changes is required to ensure the laws are up to date and conform with the current requirements.

EXECUTIVE RECOMMENDATION;**Part A**

Council by 1/3rd Majority pursuant to Section 3.18 of the Local Government Act 1995 RESOLVES to CONSIDER TO RESCIND part of the Council Decision made at the Ordinary Meeting of Council on 25 March 2013 being:

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

1. *ADOPT for final adoption the following local laws:*
 - c. *Health Local Law 2014.*

Part B

Council by Absolute Majority pursuant to section 3.18 of the Local Government Act 1995 RESOLVES to RESCIND part of the Council Decision made at the Ordinary Meeting of Council on 25 March 2013 being:

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

1. *ADOPT for final adoption the following local laws:*
 - c. *Health Local Law 2014.*

Part C

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

1. *ADOPT the following local law:*
 - a. *Health Local Law 2014.*

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Council at its meeting on 25 March 2014 resolved as follows:

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

1. *ADOPT for final adoption the following local laws:*
 - a. *Local Government Property Local Law 2014;*
 - b. *Animal, Environment and Nuisance Local Law 2014; and*
 - c. *Health Local Law 2014.*

Subsequent to this decision it has been identified that the copy of the Health Local Law presented to Council on the 25 March 2014 was not the most recent version. This was brought to the City's attention by the Department of Health on 19 May 2014, prior to being signed by the Executive Director of Public Health. The advice of the Department of Health and Department of Local Government to rectify the issue is to rescind Council's previous decision to adopt the local law and make a new motion to adopt the recent version of the local law.

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

There are no economic issues.

Social:

The provision of effective local laws assists with contributing toward the safety and security of the community.

Environmental:

Local laws assist with the effective management and protection of City of Greater Geraldton environment.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The City advertised the proposed local laws in the West Australian on Saturday, 7 December 2013, with the closing date for submissions being Monday, 20 January 2014. The City also advertised the proposed local laws in the Geraldton Guardian on Monday, 9 December 2013.

At the close of the submission period no community comment had been received.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.12 of the Local Government Act 1995 and the Department of Health guidelines for making local laws outlines the procedure for making local laws.

This procedure is followed in making local laws. There is no existing Council policy associated with this report.

Health Local Law 2014

Comments supplied from the Department of Local Government only made reference to formatting and terminology consistent with other relevant state documents and laws. Comments from the Department of Health Western Australia made reference to updates to reference documents, definitions of terms and buffer distance for piggeries managed under another government agency. As a result the section of the local law relating to buffers for Piggeries was removed to avoid duplication and complications should associated laws change in the future.

The purpose and effect of this local law is as follows:

Purpose:

To provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community.

Effect:

To allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

FINANCIAL AND RESOURCE IMPLICATIONS:

The costs of the advertising and publication of the local laws in the Government Gazette have been allowed for in the current budget.

INTEGRATED PLANNING LINKS:

Title: Social	Community Health & Safety
Strategy 3.5.5	Creating safer communities.

Regional Outcomes:

The provision of effective local laws further enhances Greater Geraldton as a Regional Centre.

RISK MANAGEMENT

There are risk management issues should the consolidation of existing Health Local Laws not be adopted. Should this occur the City would continue to operate with three sets of local laws (i.e. Mullewa, Geraldton and Greenough) which may cause unnecessary confusion to enforcement officers and within the community. There is a likely risk of inconsistent or incorrect application of laws where some differences may exist between several health laws in force within the one municipality.

ALTERNATIVE OPTIONS CONSIDERED

The local laws presented have undergone due process including drafts endorsed by Council for advertising and public consultation. The local laws are in line with legislative needs of Greater Geraldton. Deferral or any other option is not recommended as this would delay the implementation of these laws and potential risk for incorrect application or understanding.

17 REPORTS TO BE RECEIVED**REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-14-37650
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	10 June 2014
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Creative Communities
 - i. CC165 - HMAS Sydney II Memorial Advisory Committee Meeting 30 April 2014
 - ii. CC166 – Public Arts Advisory Committee Meeting 1 May 2014
 - iii. CC167 - Reconciliation Committee Meeting 6 May 2014
 - iv. CC168 - Australia Day Committee Meeting 20 May 2014
 - b. Reports – Sustainable Communities
 - i. SCDD087 – Delegated Determinations

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services;
 - i. CCS057 - Confidential Report – List of Accounts Paid Under Delegation May 2014

PROponent:

The proponent is the City of Greater Geraldton

BACKGROUND:

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

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including

Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

20 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: <http://www.cgg.wa.gov.au/your-council/meetings>