



ORDINARY MEETING OF COUNCIL  
MINUTES

25 MARCH 2014

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 25 MARCH 2014 AT 1.30PM**  
**MULLEWA DISTRICT OFFICE**

**MINUTES**

**DISCLAIMER:**

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

*In the absence of the Mayor and Deputy Mayor, the Chief Executive Officer (CEO), Ken Diehm, opened the meeting.*

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 DECLARATION OF OPENING**

The CEO declared the meeting open at 1.33pm.

*The Chief Executive Officer sought nominations for a Councillor to act as Mayor in the absence of the Mayor and Deputy Mayor.*

*Cr J Clune Nominated Cr R Hall to act as Mayor.*

*No further nominations were received.*

**MOTION****MOVED CR CLUNE, SECONDED CR DOUGLAS**

That Council by Simple Majority pursuant to section 5.35 of the Local Government Act 1995 RESOLVES to:

1. **APPOINT Cr R Hall as Acting Mayor until the Mayor is able to take his seat at the meeting.**

**CARRIED 12/0**

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

*Cr R Hall chaired the meeting from 1.35pm.*

**3 ATTENDANCE**Present:

Mayor I Carpenter at 1.56pm

Cr D Brick

Cr D J Caudwell

Cr J Clune

Cr J Critch

Cr R deTrafford

Cr S Douglas

Cr P Fiorenza

Cr L Graham

Cr R D Hall

Cr S Keemink

Cr V Tanti

Cr T Thomas

Officers:

K Diehm, Chief Executive Officer

P Melling, Director of Sustainable Communities

B Davis, Director of Corporate and Commercial Enterprises

A Selvey, Director of Creative Communities

N Arbuthnot, Director of Community Infrastructure

S Moulds, PA to the Chief Executive Officer

K Seidl, Manager Community Law & Safety  
B Wilson, Manager Mullewa District office

Others:

Members of Public: 5  
Members of Press: 1

Apologies:

Cr S Van Styn

Leave of Absence:

Cr N McIlwaine

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5 PUBLIC QUESTION TIME**

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

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

**Ian Grant (no address supplied)**

Question relates to Item SC137 Proposed Local Planning Scheme Amendment – Additional Use and Special Control Area Rezoning, Kojarena

Question

What do they [Proponents] have in place to defend a fire at that place or defend the satellite base?

Response

A formal referral will be part of the amendment process including to the Department of Fire and Emergency services seeking their comment on the proposal if Council support the Executive Recommendation.

**Heather Cupitt, 2221 Geraldton Mount Magnet Road, Kojarena**

Question relates to Item SC137 Proposed Local Planning Scheme Amendment – Additional Use and Special Control Area Rezoning, Kojarena

Question

A previous proposal was rejected by Council in 2011. Did you give equal weight to safety of residents who live in rural areas?

Response

Yes, safety of all residents is considered when accessing proposals.

The earlier proposal was located on the same property; the question of the buffer zone requirement is part of the advice that is provided in the Department of Mine and Petroleum Guidelines. The City does consider the views expressed by residents when a scheme amendment is advertised. The issue of the use not being located into a zoned industrial area relates to the buffer zone requirements and the difficulty to find a zoned piece of land in existing industrial areas that satisfies the separation distance requirements.

**Student - Andre, Our Lady of Mount Carmel School, Mullewa**

The school of Our Lady of Mount Carmel were wondering about the trees that were planted near the pool area and died due to lack of care, will they be replaced? And if so, will they be cared for?

Our next question is about the playground equipment at the rec centre, will they be replaced? And if so can they be with suitable equipment for older student or the rec centre?

Response

The trees will be replaced as part of the normal replacement programme if they are on Council land, with suitable species.

The equipment was removed for safety reasons late last year. In order to replace the equipment funding would need to be allocated in the capital works program. Currently no funding is available and the project would need to receive priority in the program to attract funding. It is unlikely that funding would be available in the near future.

**Student - Jonty, Our Lady of Mount Carmel School, Mullewa**

Question

I would like to bring to your attention the dog dilemma in Mullewa. This trouble has been going on for years now. These dogs are hungry and hurt and wander the streets looking for food. The ranger does not seem to come out often enough to collect all the dogs. We were wondering if Mullewa could start their own pound or shelter and have a permanent ranger. The shelter or pound could feed, vet check and clean the dogs and sell them off. Thank you for your time and I hope you share our opinion.

Response

The City of Greater Geraldton does have a Pound in Mullewa and this was completed in the last financial year. It is not feasible to have a Ranger permanently assigned to Mullewa. The City of Greater Geraldton Rangers travel to Mullewa regularly and often stay overnight. Prior to this a Contract Ranger was in place, who would come into the area for a few hours.

Rangers also attend to investigate dog attacks or conduct specific operations around dog registrations and wandering dogs in Mullewa. This financial year alone the City has impounded 86 dogs from Mullewa. On a positive note the number of registered dogs in Mullewa has increased in the last year and reports from the community are positive with regard to the impact the service is having.

Further operations are planned, as are events for discounted micro chipping and Ranger awareness. It is hoped that the strong relationship that the Rangers have forged with the community can be enhanced further in coming months.

#### Question

We have been noticing the empty land and abandoned houses. Our solution is to knock down the houses and create community gardens. These veggie gardens would create jobs and work for people in Mullewa. The created veggies could be sold off to Thurkles, Yarrumba and Geraldton.

#### Response

City staff are preparing a community garden policy to support the existing six gardens one of which is in the Mullewa area and it will also provide direction and guidelines for proposed new gardens.

We'd be pleased to explore ideas in Mullewa separate to the issue of abandoned houses which are dealt with under a different program. Ownership of land needs to be considered within the proposed community garden policy and the community will be consulted as part of the process.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

### **Existing Approved Leave**

<b>Councillor</b>	<b>From</b>	<b>To (Inclusive)</b>
Cr N McIlwaine	24 March 2014	28 March 2014
Cr N McIlwaine	7 April 2014	11 April 2014
Cr L Graham	16 April 2014	23 April 2014

### **COUNCIL DECISION**

#### **MOVED CR KEEMINK, SECONDED CR BRICK**

**Cr V Tanti request for Leave of Absence be approved for 15 April 2014 to 26 May 2014.**

**Mayor I Carpenter request for Leave of Absence be approved for 22 April 2014.**

**Cr S Van Styn request for Leave of Absence be approved for 26 March to 6 April 2014.**



**CARRIED 12/0**

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

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS**

Nil.

**8 DECLARATIONS OF CONFLICTS OF INTEREST**

Cr S Douglas declared an impartiality interest in Item CI070 RFT29 1314 Conservation and Adaptive Reuse of the Original Railway Station Lot 2842 Marine Terrace Geraldton as MWDC are involved in the funding of restoration works.

Cr S Douglas declared an impartiality interest in Item CC148 HMAS Sydney II Memorial Advisory Committee as a MWDC officer he is directly involved with the expansion of the Geraldton Museum which has a Sydney II component.

Cr S Douglas declared an impartiality interest in Confidential Item CC149 as MWDC is involved with the development.

Cr S Douglas declared an impartiality interest in Confidential Item CC151 as grant funding is being sought from MWDC.

Cr S Douglas declared an impartiality interest in Item SC142 Oakajee-Narngulu Infrastructure Corridor Draft Alignment Definition Report as MWDC is involved in securing funding.

Cr L Graham declared an impartiality interest in Item SC139 Lease of Lot 542 (200) Seventh Street as he is a friend of the applicant.

Cr J Clune declared an impartiality interest in Item CI070 RFT29 1314 Conservation and Adaptive Reuse of the Original Railway Station Lot

2842 Marine Terrace Geraldton as a family member is involved in one of the tenders.

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

RECOMMENDED that the minutes of the Ordinary meeting of Council held on 28 February 2014 as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR THOMAS, SECONDED CR CLUNE**

RECOMMENDED that the minutes of the Ordinary meeting of Council held on 28 February 2014 as previously circulated, be adopted as a true and correct record of proceedings.

**CARRIED 12/0**

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

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
26 February 2014	February Citizenship Ceremony 2014	Deputy Mayor Neil McIlwaine
26 February 2014	Tenth Anniversary Dinner – Tallering Peak Mine	Deputy Mayor Neil McIlwaine
4 March 2014	Concept Forum – Behind Closed Doors	Deputy Mayor Neil McIlwaine
5 March 2014	Meeting with Local Members and City of Greater Geraldton	Deputy Mayor Neil McIlwaine
6 March 2014	Special Concept Forum	Deputy Mayor Neil McIlwaine
15 March 2014	Unveiling Plaques at Gwalla Railway Station Northampton	Cr Jerry Clune
15 March 2014	Honourable Liza Harvey, Minister for Police, Tourism, Road Safety	Deputy Mayor Neil McIlwaine & Mayor Ian Carpenter
15 March 2014	Official Opening Stage 2 Building and Presentation of Scholarships by Minister Terry Redman	Mayor Ian Carpenter
18 March 2014	Presentation to Council by Paul Plummer, University of WA	Mayor Ian Carpenter
18 March 2014	Agenda Forum 2014 – Public Meeting	Mayor Ian Carpenter
19 March 2014	Launch of the Point Moore Lighthouse Fresnel Lens Display	Mayor Ian Carpenter
20 March 2014	Independent Review Committee	Mayor Ian Carpenter
21 March 2014	Regional Capitals Australia – Teleconference	Mayor Ian Carpenter
23 March 2014	Midwest Black dog Ride	Mayor Ian Carpenter
24 March 2014	Meeting with Darren West & Senator Louise Pratt	Mayor Ian Carpenter
25 March 2014	Bus Tour of Mullewa	Mayor Ian Carpenter
25 March 2014	Ordinary Meeting of Council 2014 – Mullewa	Mayor Ian Carpenter

## 11 REPORTS OF COMMUNITY INFRASTRUCTURE

CI069	COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) SMALL GRANTS
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<b>AGENDA REFERENCE:</b>	<b>D-14-15111</b>
<b>AUTHOR:</b>	<b>M Atkinson, Manager Infrastructure Planning &amp; Design</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot, Director Community Infrastructure</b>
<b>DATE OF REPORT:</b>	<b>20 February 2014</b>
<b>FILE REFERENCE:</b>	<b>GS/1/0012</b>
<b>APPLICANT / PROPONENT:</b>	<b>Geraldton Pistol Club</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

### EXECUTIVE SUMMARY:

The objective of this report is to provide Council with an opportunity to review and provide a formal Council position on the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants applications. The City of Greater Geraldton received one application for assessment in this CSRFF Small Grants round from the Geraldton Pistol Club to build range walls and side berms to current safety standards.

### EXECUTIVE RECOMMENDATION;

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

1. SUPPORT the CSRFF application for the Geraldton Pistol Club Inc facility safety upgrade;
2. LIMIT the City of Greater Geraldton contribution to no more than matching the contribution made by the Department of Sport and Recreation through the CSRFF process; and
3. ADVISE the Geraldton Pistol Club Inc that any shortfall in funding is to be the responsibility of Geraldton Pistol Club Inc and must be confirmed prior to commencement of the project.

### PROPONENT:

The proponent is Geraldton Pistol Club Inc.

### BACKGROUND:

The State Government through the CSRFF provides funding to assist sporting groups improve their facilities. The fund is administered through the Department of Sport and Recreation (DSR) and organisations must discuss their projects in depth with the local representative before submitting applications.

In the majority of CSRFF applications, grants are offered on the basis of 1/3 funding from the applicant sporting body, 1/3 DSR and 1/3 local government. Some applications will be eligible for up to one half of the project cost if project meets key development principles. The total state pool for CSRFF grants is \$20 million per annum distributed across the nine DSR regions this

year. CSRFF Small Grants are available to apply for twice a year with total project cost not exceed \$150,000. For successful applications, funding will be available in the 2014/15 financial year.

The Geraldton Pistol Club was established in 1961 and has maintained a strong membership over the past 50 years, including emphasis on encouraging junior membership. The Geraldton Pistol Club is looking at hosting the Western Australian International Sport Shooting Federation (ISSF) State Championships in the future. This event has lead Geraldton Pistol Club to reviewing current range standard regulations and identifying some significant shortfalls in safety standards. The review showed that the walls between the firing ranges and side berm are currently non-compliant with the required standard and require to be in line with the legislation as set by the Western Australia Police for firearms ranges.

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

#### **Economic:**

There are no economic issues identified.

#### **Social:**

There are no social issues identified.

#### **Environmental:**

There are no environmental issues identified.

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

There are no cultural & heritage issues identified.

### **RELEVANT PRECEDENTS:**

Previously, CSRFF small grants have been supported by the City to improve safety and amenity of sporting facilities in the City. The City supported La Fiamma Sporting Club to lodge a CSRFF Small Grants application for installation of replacement floodlights on main pitch in year 2009.

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

The club has consulted with the City and Department of Sport and Recreation. The City is not aware of any consultation with councillors.

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

Under the endorsed Minor Sporting Facility Development Funding Policy CP058, it is recommended that for development of sporting clubs less than \$75,000 can be exempt from inclusion in the Sporting Futures Report.

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

The City is only required to nominate \$9,903 exc. GST for Council consideration in the 2014/15 operational budget if the application is successful in the next CSRFF Small Grant Funding Round.

**INTEGRATED PLANNING LINKS:**

Title: Social	Recreation and Sport
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.

**Regional Outcomes:**

New range walls and side berms will meet the Western Australia Police firearms ranges standards and may attract more events.

**RISK MANAGEMENT**

There are no inherent risks to the City.

**ALTERNATIVE OPTIONS CONSIDERED**

The alternative would be for the City to not support this application.

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

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

1. **SUPPORT** the CSRFF application for the Geraldton Pistol Club Inc facility safety upgrade;
2. **LIMIT** the City of Greater Geraldton contribution to no more than matching the contribution made by the Department of Sport and Recreation through the CSRFF process; and
3. **ADVISE** the Geraldton Pistol Club Inc that any shortfall in funding is to be the responsibility of Geraldton Pistol Club Inc and must be confirmed prior to commencement of the project.

**CARRIED BY ABSOLUTE MAJORITY 12/0**

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

CI070	RFT29 1314 CONSERVATION & ADAPTIVE REUSE OF THE ORIGINAL RAILWAY STATION Lot 2842 MARINE TERRACE, GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-14-15108</b>
<b>AUTHOR:</b>	<b>G Alexander, Project Support Officer</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot Director Community Infrastructure</b>
<b>DATE OF REPORT:</b>	<b>7 March 2014</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0057</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1 (Confidential)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award a contract for RFT 29 1314 Conservation & Adaptive Reuse of the Original Railway Station 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 RFT29 1314 Conservation & Adaptive Reuse of the Original Railway Station Lot 2842 Marine Terrace, Geraldton to the preferred tenderer; and
2. RECORD the tendered amount in the minutes.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The site identified as the Original Railway Station, Geraldton is located on Marine Terrace, between Fitzgerald Street and Ian Bogle Road on Crown Land, Lot 2842 Land Administration Diagram 85298 Certificate of Title Volume LR3039 Folio 312. The site is managed by the Western Australian Department for Planning and Infrastructure and leased to the City of Geraldton – Greenough (City of Greater Geraldton).

The works generally comprise of a complete refurbishment of all aspects of the existing Railway Station building with a view to adaptive reuse as a visitors centre whilst being sympathetic to the age and style of the structure in adherence with the 2007 conservation plan.

To conserve and restore the two storey limestone and face brick building with two storey timber verandah identified as the Original Railway Station to its original 1909 design.

To provide a building which is compliant to current building codes and standards including all necessary services, amenities and accessibility requirements in anticipation for its future use as the Geraldton Visitor Centre



The City has sought tenders from the market in relation to the refurbishment and upgrade of the Original Railway Station. Three tender responses were received.

1. Crothers Construction Pty Ltd
2. Geraldton Building Services & Cabinets Pty Ltd
3. Mid West Diverse Contracting Pty Ltd

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

### **Economic:**

The project will refurbish the Original Railway Station in preparation for its use as the new Geraldton Visitors Centre.

### **Social:**

The refurbishment of this neglected facility will provide value-added infrastructure and improved interaction of the community and in particular to visitors to Geraldton. It is expected that the project will be completed no later than December 2014.

### **Environmental:**

There are no perceived environmental impacts.

### **Cultural & Heritage:**

The Original Railway Station is currently listed on the City of Greater Geraldton's Municipal Inventory of Heritage Places. The building as it is now presented dates from 1909 and is considered a significant heritage structure.

The project has evolved to the current phase over an eighteen month period. The detail design for refurbishment of the Original Railway Station has been undertaken by Hocking Heritage Studio in conjunction with the State Heritage Office.

## **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 Conservation and Adaptive Reuse of the Original Railway Station budget is \$2,130,000 which is funded from the following sources:

- (1) \$1,000,000 Royalties for Regions via the Mid West Investment Plan
- (2) \$1,030,000 Loan Funds
- (3) \$100,000 Regional Development Australia Fund.

The full scope of works can be undertaken and completed from the available funding based on the executive recommendation.

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

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

#### **REGIONAL OUTCOMES:**

The completion of this project will sympathetically restore a significant Heritage listed structure in keeping with the 2007 conservation plan and enhance a particularly run down area of the foreshore. It will also provide the City with a first class tourist and visitor information centre.

#### **RISK MANAGEMENT**

The most significant risk factor to the overall project is the particular skills and capabilities of available contractors with regard to Heritage related issues. The preferred contractor however has demonstrated a successful track record in the careful and diligent refurbishment of listed buildings.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The option to defer or not to award the tender was disregarded as the project is a high priority for both the City and the community.

*Cr S Douglas declared an impartiality interest in Item CI070 RFT29 1314 Conservation and Adaptive Reuse of the Original Railway Station Lot 2842 Marine Terrace Geraldton as MWDC are involved in the funding of restoration works.*

*Cr J Clune declared an impartiality interest in Item CI070 RFT29 1314 Conservation and Adaptive Reuse of the Original Railway Station Lot 2842 Marine Terrace Geraldton as a family member is involved in one of the tenders.*

*Cr Clune and Cr Douglas left Chambers at 1.54pm.*

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

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

1. **AWARD** the contract for RFT29 1314 Conservation & Adaptive Reuse of the Original Railway Station Lot 2842 Marine Terrace, Geraldton to the Geraldton BSC Pty Ltd; and
2. **RECORD** the tendered amount in the minutes being \$1,695,070.00 excluding GST.

**CARRIED 10/0**

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

*Cr Clune and Cr Douglas returned to Chambers at 1.56pm*

*Mayor I Carpenter joined the meeting at 1.56pm and took the Chair. He thanked Cr R Hall for acting during his absence.*

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS035	AUDIT COMMITTEE MINUTES 4 MARCH 2014
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<b>AGENDA REFERENCE:</b>	<b>D-14-14124</b>
<b>AUTHOR:</b>	<b>M Adam, Executive Assistant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>5 March 2014</b>
<b>FILE REFERENCE:</b>	<b>Go/11/0020</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

### EXECUTIVE SUMMARY:

This report presents to Council the Minutes of the Audit Committee meeting held on the 4 March 2014.

### EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the Minutes of the Audit Committee meeting held on 4 March 2014; and
2. NOTE the recommendations made by the Audit Committee.

### PROponent:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

Minutes of the Audit Committee meeting held on the 4 March 2014 are attached to this report. The agenda for the meeting held on the 4 March 2014 included:

1. Review of Audit Committee Charter.
2. RFT 22 1314 External Audit Services 2014-2017.
3. Compliance Audit Return.
4. Internal Audit of Accounts payable.

The recommendations of the Audit Committee related to the External Audit Services 2014-2017, and the annual Compliance Audit Return, require specific resolutions of Council and are addressed separately in agenda items CCS036 and CCS037 respectively.

### 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:**

Minutes of the Audit Committee are required to be submitted to Council.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community consultation on this report.

The City of Greater Geraldton Audit Committee members have reviewed the contents of the Compliance Audit Return and the Tender Evaluation Report with the Chief Executive Officer and the Director of Corporate and Commercial Services.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Inclusive civic and community engagement and leadership.
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 associated with receiving the minutes of the Audit Committee and noting the recommendations of the Committee. Council actions arising from Committee recommendations contained in the minutes are addressed separately in agenda items CCS036 and CCS037:

- The Department of Local Government and Communities requires the Audit Committee to review the Compliance Audit Return and report the results to Council for adoption, prior to its submission to the Department. The Compliance Audit Return must be submitted to the Department by 31 March 2014.
- With reference to the appointment of the External Auditor, Section 7.3 of the Local Government Act requires:

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint \* a person, on the recommendation of the audit committee, to be its auditor.*

The appointment of the external auditor is required by 1 July 2014.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Receiving the minutes of the Audit Committee and noting the recommendations of the Committee are basic governance processes, so no other options were considered.

#### **COUNCIL DECISION**

##### **MOVED CR HALL, SECONDED CR CRITCH**

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

- 1. RECEIVE the Minutes of the Audit Committee meeting held on 4 March 2014; and**
- 2. NOTE the recommendations made by the Audit Committee.**

#### **CARRIED 13/0**

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

**CCS036 RFT 22 1314 EXTERNAL AUDIT SERVICES 2014-2017**

<b>AGENDA REFERENCE:</b>	<b>D-14-14103</b>
<b>AUTHOR:</b>	<b>A Van Der Weij, Coordinator Financial Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>19 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/11/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to award RFT 22 1314 to a qualified and experienced contractor as the City's External Auditor for the period 1 July 2014 to 30 June 2017, as recommended by the Audit Committee.

**EXECUTIVE RECOMMENDATION;**

That Council by Absolute Majority in accordance with Section 7.3 of the Local Government Act 1995 RESOLVES to:

1. AWARD the Contract for RFT 22 1314 to the preferred tenderer for provision of external audit services for the City of Greater Geraldton for the period 1 July 2014 to 30 June 2017 ;
2. APPOINT the individual partners of the preferred tenderer as Auditors for that period; and
3. RECORD the tendered rates for RFT 22 1314, and the names of the persons that are partners of the contracted firm to be appointed as auditors, in the minutes.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In April 2011 the City of Geraldton-Greenough awarded a three year contract to Grant Thornton Audit Pty Ltd for the audit of the City's financial statements and other audit services. The term of the contract expires on 30 June 2014.

Section 7.3 of the Local Government Act requires:

- (2) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint \* a person, on the recommendation of the audit committee, to be its auditor.*
- (3) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is –*
  - a. *a registered company auditor; or*
  - b. *An approved auditor*

A request for tender to provide External Audit Services – Financial Years 2014-2017 was advertised on the Western Australian Local Government Association Tenderlink e-Tendering Portal on 1 November 2013. The tender closing date was 4 pm Monday 2 December 2013.

Four (4) suppliers registered for the tender, however, only three (3) tenders received of which are listed below. The fourth withdrew on the grounds of a conflict of interest as it is already the City's Internal Auditors.

1. Grant Thornton Audit Pty
2. AMD Chartered Accountants
3. UHY Haines Norton Chartered Accountants

The Tender evaluation report was submitted to the Audit Committee meeting on 4 March 2014. The Committee endorsed the recommendation in the evaluation report.

The Audit Committee has recommended the preferred supplier to Council for approval (see agenda item CCS035 and its attachment, the Minutes of the Audit Committee Meeting 4 March 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 obliged under the Local Government Act to appoint external auditors, and has previously done so in accordance with that obligation.

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

There has been no community/councillor consultation.

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

Tenders were called in accordance with the provisions of the Local Government Act 1995 and with Local Government (Functions and General) Regulations 1996.

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

There are no additional financial or resource implications. Provision is made each year in the Budget for funds to meet external audit fees.

### **INTEGRATED PLANNING LINKS:**

Title: Governance	Inclusive civic and community engagement and leadership.
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Strategy 5.2.7	Ensuring efficient and effective delivery of service
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**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

The contract with the current external auditor expires at 30 June 2014. A new contract is required to take effect from 1 July. This process has been timed to ensure adequate time for selection and appointment of new auditors by Council, and adequate time for the necessary handover between professional auditors.

Failure by a Council to appoint an auditor by 30 November in any year empowers the CEO of the Department of Local Government & Communities to appoint a person, or the Auditor-General, to be the auditor for that financial year. (Section 7.7 of the Local Government Act 1995). Timing of the City's tender process, and opportunity for Council to appoint new auditors well ahead of November, fully mitigates the risk of that default arrangement.

**ALTERNATIVE OPTIONS CONSIDERED**

Council may appoint external auditors, as empowered by section 7.3 of the Act, or Council could default and fail to appoint auditors, in which case auditors would be appointed by the Department under section 7.7 of the Act.

The default option was not considered. On precedent, Council prefers to appoint its own external auditors. Accordingly, a public tender process was initiated, for accountability and transparency of process, for the purposes of selecting new auditors. The Audit Committee has reviewed the tender evaluation report and, as required under section 7.3(1) of the Act, has recommended auditors for appointment by Council.

Council does not have the option to appoint auditors other than the auditors recommended by its Audit Committee.

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

That Council by Absolute Majority in accordance with Section 7.3 of the Local Government Act 1995 RESOLVES to:

1. **AWARD** the Contract for RFT 22 1314 to AMD Chartered Accountants for provision of external audit services for the City of Greater Geraldton for the period 1 July 2014 to 30 June 2017 ;
2. **APPOINT** the individual partners of the preferred tenderer as Auditors for that period;
3. **RECORD** the tendered rates for RFT 22 1314 being \$40,300 inclusive of GST, and the names of the persons that are partners of the contracted firm to be appointed as auditors, in the minutes being:
  - a. Cliff Anderson, FCA, JP – Partner;
  - b. Stephen Down, CA – Partner;
  - c. Shaun O'Callaghan, CA – Partner;
  - d. Peter Manolas, CPA, CTA (Master of Taxation Law) – Partner;
  - e. Stuart Fricker, CPA, GAICD – Partner;
  - f. Tim Partridge, FCA, GAICD – Partner;
  - g. Maria Cavallo, CA – Partner; and
  - h. Shane Kaurin, CPA – Partner.

**CARRIED BY ABSOLUTE MAJORITY 13/0**

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

**CCS037 COMPLIANCE AUDIT RETURN 2013**

<b>AGENDA REFERENCE:</b>	<b>D-14-13906</b>
<b>AUTHOR:</b>	<b>T Mbirimi, Manager Governance &amp; Risk</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>27 February 2014</b>
<b>FILE REFERENCE:</b>	<b>RM/6/0020</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's adoption of the Compliance Audit Return 2013 (CAR) as required under the Local Government Act 1995.

**EXECUTIVE RECOMMENDATION;**

That Council by Absolute Majority and in accordance with Section 7.13(1) of the Local Government Act 1995 and regulation 13 of the Local Government (Audit) Regulations RESOLVES to:

1. ADOPT the 2013 Compliance Audit Return.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In accordance with section 7.13(1) of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996, the City is required to complete a Compliance Audit in relation to the period 1 January 2013 to 31 December 2013 against the requirements set out in the CAR.

The 2013 CAR continues in a reduced format, with the areas of compliance included restricted to those considered high risk.

**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 adopts the Compliance Audit Return each year, prior to its submission to the department.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The CAR was submitted to the Audit Committee to review and the Committee, at its meeting on 4 March 2014, endorsed the Local Government Compliance Audit Return for the period 1 January 2013 to 31 December 2013 (Refer to agenda item CCS035 and attachment)

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 7.13(1)(i) of the LGA and Regulation 13 of the Local Government (Audit) Regulations 1996.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

The Compliance Audit Return is a statutory compliance requirement for Local Governments and is subject to review first by the Audit Committee and then as a report to Council for adoption before being submitted to the Department of Local Government.

The City is required to provide this to the Department no later than 31 March 2014. The City does not have the option to not adopt the CAR as it would result in non-compliance with the Local Government Act 1995 and Local Government (Audit) Regulations 1996.

**ALTERNATIVE OPTIONS CONSIDERED**

No alternative options considered.

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

That Council by Absolute Majority and in accordance with Section 7.13(1) of the Local Government Act 1995 and regulation 13 of the Local Government (Audit) Regulations **RESOLVES** to:

1. **ADOPT** the 2013 Compliance Audit Return.

**CARRIED BY ABSOLUTE MAJORITY 13/0**

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

**CCS038 MID YEAR BUDGET REVIEW**

<b>AGENDA REFERENCE:</b>	<b>D-14-14850</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Business Planning Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>6 February 2014</b>
<b>FILE REFERENCE:</b>	<b>FM/7/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

This report seeks Council consideration of variations as per the attached financial statements, for the mid-year budget review and determination of whether or not to authorise these proposed variations according to both operating and capital income/expenditure (nature and type).

For compliance purposes, the attached financial statements include the budget figures as per the budget adopted by Council 2<sup>nd</sup> July 2013. The mid-year review figures (effectively presenting a proposed revised budget) incorporate all budget amendments already authorised by Council post budget adoption, up to the period of the budget review. Councillors should note the amendments to the budget adopted by absolute majority of Council at its meeting of 24 September 2013 (Agenda reference CCS002).

The original 2013-14 budget as adopted by Council forecast a net operating position (loss) from ordinary activities of \$5,970,918. The position after the mid-year review shows an operating loss of \$5,699,735 a reduction of \$271,183 in the expected loss.

The amount to be realised from the sale of assets (property and land held for resale) in this financial year has been downgraded by \$2.45m. It is still expected to realise funds from the sale of these assets but not in this financial year.

This downgrade and an adjustment to the opening cash position based on the audited financials from 2012-13, the City's untied forecast cash position as at the end of the financial year 30 June 2014 has been lowered from \$5.67m to \$2.78m.

**EXECUTIVE RECOMMENDATION;**

That Council by Absolute Majority pursuant to Part 6, Division 4, Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the proposed budget amendments as detailed in the attachments as Mid-Year Review Budget; and
2. AUTHORISE any unauthorised expenditure contained within the proposed amendments.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The proposed attached budget amendments have been identified under the following criteria:

- a. Provide resources to complete and/or undertake high or newly identified priority projects and activities;
- b. Identify incorrect postings to accounts;
- c. Account for deferred or cancelled budget items;
- d. Review allocations against current and projected figures and profiles;
- e. Realign the chart of accounts in accordance with the current organisational structure; and
- f. Review and correct any coding errors for income and expenditure nature & type.

**Income Statement Nature & Type (see attached financial statement):****Operating Income:**

Total operating income forecast for this financial year has been increased by \$1,687,000. The significant movements are:

- The following grants coding corrected from non-operating to operating:
  - \$1.38m Airport Technology Park
  - \$0.55m Works related grants not tied to capital projects.
- Correct coding on \$0.79m of sundry income related to unclaimed grants to operating grants.
- Reduction of \$0.15m in fees and charges primarily related to a downgrade in revenue from paid parking at the airport due to a change in timelines in respect to when the facilities will be operational.
- Upgrade in expected revenue from interest earnings of \$0.15m based on current investment profiles and cash outflows.

**Operating Expenditure:**

Total operating expenditure forecast for this financial year has been increased by \$1,415,817.

- \$0.16m increase in employee costs relate primarily to redundancy provisions on organisational restructure.
- \$1.3m of carried over grant related operating projects from 2012-13 (as per Council Budget Amendment Item – September 2013) added to

Materials & Contractors Expense. Budget allocation for planning and management strategies reduced by \$0.15m.

- \$0.22m increase in miscellaneous costs relates primarily to the increase to Elected Members fees and allowances authorised in September 2013 (Council Item CCS002 – Budget Amendments already approved).

**Non-Operating Grants:**

\$7.02m decrease in grants tied to capital projects. The derivations for this level of movements are:

- As previously mentioned \$1.93m previously coded as non-operating grants corrected to operating grants.
- \$2.5m loss in Country Local Government Funding (Royalties for Regions) when the 2013-14 funding round was withdrawn with no forewarning.
- \$2m of funding secured for the West End Project (Multi-Use Facility) now profiled for cash inflow in 2014-15.
- \$0.67m of funding withdrawn in relation to Council agreeing not to proceed with the Stormwater Harvesting Project at this time.

**Land Held for Resale:**

The timing of cash outflows in this financial year for acquisition and developments has been downgraded by \$7m due to the following:

- \$3m reduction in the required expenditure in this financial year associated with Olive St Development due to the extension in time taken to undertake due diligence processes in relation to the remediation component of the project.
- \$4m reduction in the expected cash outflow in 2013-14 for the Kempton St Development due to delays in Department of Land processes and current re-assessment of project options.

**Capital Revenue:**

The budget allocation associated with this revenue stream has been lowered by \$4.4m based on the following:

- Net decrease in borrowing of \$4.4m that includes a \$2.55m increase in borrowings authorised in September 2013 (Council Item CCS002 – Budget Amendments) that related to the “roll-over” of \$1.3m of loans from 2012-13 and a \$1.25m new loan for the Recreation Grandstand in lieu of the loss of 2013-14 Country Local Government Funds and a downgrade of \$6.95m in financing requirement for this financial year for land developments associated with Olive & Kempton St Developments.
- As previously noted in the Executive Summary, there is a downgrade in the expected proceeds from the sale of assets in 2013-14. In relation to capital revenue this is shown as a decrease of \$2m.



**Capital Expenditure:**

In the Budget amendments authorised in September 2013, there was an alignment in the definition of Asset Types and Classification which is reflected in the Mid-Year review allocations. At that time there was no impact on proposed budgeted works and/or budgeted allocations. The overall increase in capital expenditure of \$1,390,789 (excluding debt principal repayments) is represented as follows:

- Net increase in Capital Expenditure of \$5.1m as authorised in September 2013 (Council Item CCS002 – Budget Amendments) relating to the “roll-over” of projects from 2012-13.
- Reduction of \$2.2m in re-profiling cash outflow for the Multi-Use Facility (West End Project) to 2014-15.
- Reduction of \$1.4m in expenditure related to the suspension of the Storm Water Harvesting Project.
- Reduction of \$0.28m in re-profiling cash outflow for the Beresford Foreshore Redevelopment design component to 2014-15.
- Increase allocation of \$0.25m to complete the paid parking facilities at the Airport.

**Reserves:**

The increase of \$5.86m in funds allocated from Reserves is aligned primarily to unspent funds for projects carried over from 2012-13.

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

There are no economic impacts with this proposal.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

There are no cultural and heritage impacts with this proposal.

**RELEVANT PRECEDENTS:**

A mid-year budget review is a mandatory regulatory requirement.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation on this matter.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.8 of the Local Government Act requires any expenditure not included in the annual budget to be authorised by absolute majority.

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Local Government (Financial Management Regulations) 1996 regulation 33A requires that Council between 1 January and 31 March in each financial year, carry out a review of its annual budget for that year.

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

The position after the mid-year review shows an operating deficit from ordinary activities of \$5,699,735 a slight reduction in the expected deficit position of \$271,183 for the financial year ending 30<sup>th</sup> June 2014. This reduction supports the underlying basis of the Long Term Financial Plan in the gradual and fiscally responsible approach in the movement from a deficit position from ordinary operating activities to a surplus position.

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

Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

#### **Regional Outcomes:**

There are no regional outcome issues.

#### **RISK MANAGEMENT**

Associated risk would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. The proposed changes to the 2013-14 budget reduced the operating loss, compared to the original budget forecast, but also reduced the forecast balance of untied cash at year-end, constraining working capital flexibility.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Alternative options for adjustments to budget forecasts were considered by Directors and Managers, within every function. Proposed increase adjustments to particular expenditures were offset to the extent practicable by reducing expenditure allocations elsewhere in the budget, with the view to ensuring that the budget outcome for the year achieves or delivers a better overall result than the original budget. With a reduced operating loss, this budget review delivers an improved position.

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

That Council by Absolute Majority pursuant to Part 6, Division 4, Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. **APPROVE** the proposed budget amendments as detailed in the attachments as Mid-Year Review Budget; and
2. **AUTHORISE** any unauthorised expenditure contained within the proposed amendments.

**CARRIED BY ABSOLUTE MAJORITY 12/1**

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

**CCS039 STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2014**

<b>AGENDA REFERENCE:</b>	<b>D-14-14781</b>
<b>AUTHOR:</b>	<b>A van der Weij, Financial Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>7 March, 2013</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive view of the City's finances to 28 February 2014. The statements include no matters of variance from budget 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 February 2014 monthly financial activity statements as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

Operating Income	\$ 685,208	1.1%	Negative Variance
Operating Expenditure	\$770,035	1.4%	Positive Variance
Net Operating	\$84,827	0.8%	Positive Variance
Capital Expenditure	\$274,246	1.3%	Positive Variance
Capital Revenue	\$52,540	16.1%	Positive Variance
Cash at Bank - Municipal	\$5,786,508		
Cash at Bank – Reserve	\$23,822,465		
Total Funds Invested	\$22,647,310		
Net Rates Collected	93.8%		
Receivables Outstanding	\$1,175,400		

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 February financials shows a positive variance of \$84,827 in the net operating result. The closing funding surplus is due to capital expenditure being understated as a result of a lesser amount of buildings, roads, plant & equipment, repayment of debentures and land held for development acquired.

A number of adjustments to the adopted Budget are recommended as a result of the Mid-Year Budget Review, for which a separate report has been prepared for Council deliberation.

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

#### **Economic:**

There are no economic issues.

#### **Social:**

There are no relevant social issues.

#### **Environmental:**

There are no environmental issues.

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

There are no cultural or heritage issues.

### **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

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

No community consultation was undertaken.

### **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 regional outcomes associated with monthly reporting.

### **RISK MANAGEMENT**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED**

Monthly financial reporting to Council is mandatory.

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

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

- 1. RECEIVE the February 2014 monthly financial activity statements as attached.**

**CARRIED 13/0**

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

**CCS041 CBD REDEVELOPMENT AND REVITALISATION PROGRAM**

<b>AGENDA REFERENCE:</b>	<b>D-14-15905</b>
<b>AUTHOR:</b>	<b>R Smallwood, Project Consultant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>10 March 2014</b>
<b>FILE REFERENCE:</b>	<b>ED/5/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

The Geraldton City Centre Redevelopment and Revitalisation Incentives Program outlines proposed strategies, and proposes a suite of financial concessions and incentives, administration simplification, internal advocacy support, and other actions to remove identified barriers to the redevelopment and revitalization of the Geraldton Central Business District (CBD).

This report seeks Council endorsement in principle of the proposed program, for the purposes of further consultation with CBD stakeholders and the broader Community.

**EXECUTIVE RECOMMENDATION;**

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

1. ENDORSE in-principle the proposed Geraldton City Centre Redevelopment and Revitalisation Program, for the purposes of consultation with City Centre stakeholders and the broader Community; and
2. REQUIRE the program, amended if necessary as a result of the consultation process, to be submitted to Council at a later date for consideration for formal adoption.

**PROPONENT:**

The proponent is The City of Greater Geraldton.

**BACKGROUND:**

At a workshop held on 6 November 2013, City Centre stakeholders identified a range of specific barriers to redevelopment and revitalisation in the City Centre of Geraldton (CBD). Using the outputs from the stakeholder workshop and reviewing existing policies, fee structures and administrative requirements, the City has developed a proposed *Geraldton City Centre Redevelopment and Revitalisation Incentives Program* which sets out strategies including particular concessions and incentives, to address as many of these barriers as possible in areas where the City has the authority to control or influence fees, costs, administrative processes and policy.

Identified by CBD stakeholders, barriers to redevelopment and revitalisation of the Geraldton CBD include:

Barrier	Issue
Development Costs	Development costs per square metre to build in Geraldton (compared to other areas). End financial returns are outweighed by the development cost (purchase price per square metre/ lease fees per square metre), Cost of headworks e.g. water services, fire services.
Regulatory Processes	Multiple approval processes, cost of applications/ approval timeframes.
Role of Council	Key role for City to facilitate investment in City Centre / potential for City to "partner".
Vibrancy and Activation	Need to increase population (assists viability thresholds). Outer urban areas (urban sprawl) get the new facilities (footpaths etc.) over any City Centre investment.
Parking	Lack of parking. Concern at the cost of providing onsite parking/ City cash-in-lieu costs (if this option is selected).
Traffic and Public Transport	Traffic constraints (road network) and lack of public transport.
Finance Hurdles	Difficulty of obtaining affordable finance, restrictive criteria, lack of banking confidence in Geraldton economy.
Government Office Space	State Government financial restrictions have impacted on Government agencies investment in new office Government office space, (no demand).
Land Assembly	Multiple small lots. Difficulty of achieving suitable land areas / multiple ownerships.
Regional Accessibility	Limitations on good air links to other regional areas / centres (routes centred on to/ from Perth).
Physical Appearance and Amenity	Poor state of buildings / appearance, cleanliness etc.
Heritage Compliance	Cost to comply with heritage requirements.

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

### **Economic:**

Successful uptake by developers of the proposed incentives could result in significant improvement to the economic health of Geraldton's CBD by driving more targeted developments to the city centre that will generate additional commerce for the city's businesses. Additional development will in turn generate increased rates income for the City.

### **Social:**

In alignment with community feedback, a successful redevelopment of the city's centre would significantly improve the amenity of the area, providing increased opportunities for social activities, networking, events, dining, and other social engagement opportunities.

### **Environmental:**

Successful uptake of the program could potentially impact on the area's environment through development construction. This could include both



positive and negative impacts on water supplies, land contamination, foreshore and sea. All developments are subject to environmental protections and must conform to the City's Strategic Plan for the Environment.

**Cultural & Heritage:**

Components of the incentives provide assistance with heritage developments that would facilitate redevelopment of qualifying heritage-listed properties; increasing the amenity of the CBD area and preserving currently undeveloped heritage buildings.

**RELEVANT PRECEDENTS:**

There are no directly relevant precedents. The City has in the past agreed to certain concessions on rates and services charges, and fees and charges, to support development initiatives seen to be in City and Community interests.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The City conducted a community stakeholder workshop on 6 November 2013 with 34 representatives of various CBD stakeholder groups, to better understand the needs of the development community prior to the creation of the proposed redevelopment and revitalisation incentives program. Councillors have previously reviewed a draft of the proposed *Redevelopment and Revitalisation Incentives Program* with opportunity for discussion at the Concept Forum on 4 March 2014.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Should the proposed program be adopted by Council at a later stage, following further consultation, then the matters of proposed concessions and waiving of certain fees would be subject to the powers and constraints of the following sections of the Local Government Act 1995:

- Section 6.12 Power to defer, grant discounts, waive or write off debts; and
- Section 6.47 Power to waive or grant concessions in relation to rates and service charges.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Should the incentives offered by this Program be adopted by developers there may be short-term (1-3 years) impacts on rates and fees income from specific qualifying CBD properties however the concessions would be relatively modest and would be recovered from longer-term increased rates and charges on the newly-developed and revitalised properties. At present, there are no budget implications to the uptake of the program as there are no proposed or existing direct resources (beyond staff time) allocated to this program.

**INTEGRATED PLANNING LINKS:**

Title: Culture	Our Heritage
Strategy 1.1	Recognising and protecting our history and restoring heritage sites and heritage buildings.
Title: Environment	Sustainability
Title: Economy	Lifestyle and Vibrancy
Strategy: 4.1	Revitalising the CBD through economic, social and cultural vibrancy
Strategy 4.3	Supporting economic development initiatives and promotion of the region
Title: Governance	Community Engagement
Strategy 5.1	Providing consistent community engagement where constructive feedback results in action
Strategy 5.2:	Supporting decisions to create a long-term sustainable city.

**REGIONAL OUTCOMES:**

There are no direct regional outcomes.

**RISK MANAGEMENT**

There are no risks associated with the decision sought in this report, to endorse the proposed program in principle only, for the purposes of further consultation with CBD stakeholders and the community.

**ALTERNATIVE OPTIONS CONSIDERED**

Submission of the proposed program for immediate adoption by Council was discounted in favour of seeking endorsement in principle, and further stakeholder and community consultation.

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

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

- 1. ENDORSE in-principle the proposed Geraldton City Centre Redevelopment and Revitalisation Program, for the purposes of consultation with City Centre stakeholders and the broader Community; and**
- 2. REQUIRE the program, amended if necessary as a result of the consultation process, to be submitted to Council at a later date for consideration for formal adoption.**

**CARRIED 13/0**

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

### 13 REPORTS OF CREATIVE COMMUNITIES

CC148	HMAS SYDNEY II MEMORIAL ADVISORY COMMITTEE
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<b>AGENDA REFERENCE:</b>	<b>D-14-15243</b>
<b>AUTHOR:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

#### EXECUTIVE SUMMARY:

The purpose of this report is to establish the HMAS Sydney II Memorial Advisory Committee and nominate two Councillor Representatives and one Councillor proxy for the Committee.

#### EXECUTIVE RECOMMENDATION;

That Council by Absolute Majority pursuant to Section 5.8 the Local Government Act RESOLVES to:

1. ESTABLISH the HMAS Sydney II Memorial Advisory Committee;
2. APPOINT Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as Council representatives on the Committee;
3. APPOINT Councillor \_\_\_\_\_ as the proxy on the Committee;
4. SEEK one representative from each of the following organisations as per the HMAS Sydney II Memorial Conservation Framework;
  - a. Rotary Club of Geraldton;
  - b. Naval Association of Australia;
  - c. Returned and Services League;
  - d. Geraldton Voluntary Tour Guides Association Inc; and
  - e. HMAS Sydney II Memorial Warden (when appointed).
5. ADOPT the Terms of Reference as per attachment.

#### PROponent:

The proponent is the City of Greater Geraldton

#### BACKGROUND:

At the Ordinary Meeting of Council on 27 August 2013, Council adopted the HMAS Sydney II Memorial Framework. One of the actions arising from the Framework is to establish an Advisory Committee consisting of representatives from key stakeholder agencies to ensure continuity of community input into the management, marketing and long term planning for the Memorial. These agencies have been contacted and, pending the Council resolution on this matter, will nominate a representative and a proxy as per the terms of reference.

The Framework recommended Councillors be appointed to the Committee, but did not specify the number of Councillors. In recognition of the importance of the HMAS Sydney II Memorial to the City, and based on Council representation on other Committees, the recommendation by the Executive is that two Councillors and one proxy be appointed.

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

#### **Economic:**

The economic value of heritage tourism is recognised globally. Experience in Geraldton demonstrates that the HMAS Sydney II Memorial attracts large numbers of visitors to our City with significant flow on economic benefits. It is therefore beneficial to ensure the Memorial is well managed and retains its status as national tourism icon.

#### **Social:**

The HMAS Sydney II Memorial is a source of great pride in the community and generates a strong sense of community ownership and interest. The Advisory Committee would provide a vehicle for community input and involvement.

#### **Environmental:**

There are no environmental impacts.

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

The Municipal Inventory provides the following listing for the Memorial;  
Management Category - 1X

Level of Significance – Exceptional Significance

Given this high rating, it is essential proper governance structures are in place to ensure appropriate management.

### **RELEVANT PRECEDENTS:**

Council established an Advisory Committee in 20 December 2011 to develop a Conservation Framework. The Committee was disbanded once the Conservation Framework was endorsed by Council in August 2013. This new Committee will be required to progress the implementation of the Conservation Framework.

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

The Conservation Framework was developed by a sub-committee of the original HMAS Sydney II Advisory Committee. This sub-committee reported to, and consulted extensively with, members of the original Advisory Committee, including the Mayor, Cr Hall and (ex) Cr Ashplant, during the drafting of the Conservation Framework.

All organisations proposed as members of the new Advisory Committee been contacted, support the formation of the Committee and have agreed to nominate a representative for the Committee.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Governance	Inclusive civic and community engagement and leadership.
Strategy 5.1.2	Promoting community involvement in decision making so it is collaborative and transparent.

**REGIONAL OUTCOMES:**

The Memorial is recognised as a significant national asset. It attracts attention to the Mid West and Geraldton, bringing tourism and associated benefits to the Region.

**RISK MANAGEMENT**

The Terms of Reference will ensure the Committee understands its scope therefore mitigating the risk that the Committee may attempt to get involved in areas outside its scope.

The Memorial generates strong passion in our Community and with that comes the risk that decisions about the Memorial can occasionally attract criticism. An Advisory Committee would assist in mitigating that risk to some extent.

**ALTERNATIVE OPTIONS CONSIDERED**

In developing the Conservation Framework, the City undertook extensive consultation with all stakeholder organisations and the community. Forming the Advisory Committee is the first step in implementing the Council adopted Conservation Framework, therefore no other option has been considered.

*Cr S Douglas declared an impartiality interest in Item CC148 HMAS Sydney II Memorial Advisory Committee as a MWDC officer he is directly involved with the expansion of the Geraldton Museum which has a Sydney II component.*

*Cr Douglas left Chambers at 2.05pm*

*The Mayor called for nominations for the HMAS Sydney II Memorial Advisory Committee.*

*The following nominations were received:*

- a. Cr deTrafford;*
- b. Cr Hall; and*
- c. Cr Tanti (Proxy).*

*No other nominations were received.*

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

That Council by Absolute Majority pursuant to Section 5.8 the Local Government Act **RESOLVES** to:

1. **ESTABLISH** the HMAS Sydney II Memorial Advisory Committee;
2. **APPOINT** Councillor deTrafford and Councillor Hall as Council representatives on the Committee;
3. **APPOINT** Councillor Tanti as the proxy on the Committee;
4. **SEEK** one representative from each of the following organisations as per the HMAS Sydney II Memorial Conservation Framework;
  - a. Rotary Club of Geraldton;
  - b. Naval Association of Australia;
  - c. Returned and Services League;
  - d. Geraldton Voluntary Tour Guides Association Inc; and
  - e. HMAS Sydney II Memorial Warden (when appointed); and
5. **ADOPT** the Terms of Reference as per attachment.

**CARRIED BY ABSOLUTE MAJORITY 12/0**

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

*Cr Douglas returned to Chambers at 2.09pm*

**CC149 CONFIDENTIAL ITEM**

<b>AGENDA REFERENCE:</b>	<b>D-14-15245</b>
<b>AUTHOR:</b>	<b>C Budhan, Manager Arts, Culture &amp; Events</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1 (Confidential)</b>

*Confidential item, details of which have been circulated separately*

*Cr S Douglas declared an impartiality interest in Confidential Item CC149 as MWDC is involved with the development. He remained in Chambers, but did not vote.*

**EXECUTIVE RECOMMENDATION:**

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting.

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

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting.

**CARRIED 12/0**

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

CC150	MULLEWA REPRESENTATION	COMMUNITY	TRUST	COMMITTEE
<b>AGENDA REFERENCE:</b>		<b>D-14-15249</b>		
<b>AUTHOR:</b>		<b>B Wilson, District Manager, Mullewa</b>		
<b>EXECUTIVE:</b>		<b>A Selvey, Director Creative Communities</b>		
<b>DATE OF REPORT:</b>		<b>18 March 2014</b>		
<b>FILE REFERENCE:</b>		<b>GO/6/0015</b>		
<b>APPLICANT / PROPONENT:</b>		<b>City of Greater Geraldton</b>		
<b>ATTACHMENTS:</b>		<b>Yes x 1 (Confidential)</b>		

**EXECUTIVE SUMMARY:**

This report seeks a Council resolution regarding the community representative of the Mullewa Community Trust Committee. The purpose of the committee is to assess Mullewa-based projects for the disbursement of funds, from the Mullewa Community Trust with Mount Gibson Mining Ltd.

**EXECUTIVE RECOMMENDATION;**

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. ACKNOWLEDGE the recommendations of the Mullewa Community Trust Committee;
2. APPOINT Barbara Thomas as the community representative on the Mullewa Community Trust Committee; and
3. DETERMINE the appointment to apply until October 2015.

**PROPONENT:**

The proponent is The City of Greater Geraldton.

**BACKGROUND:**

At the City of Greater Geraldton Ordinary Meeting of Council held on Tuesday 26 November 2013 the following was resolved in reference to the re-establishment of Council Committees:

1. *RE-ESTABLISH the representation on the Mullewa Community Trust;*
2. *APPOINT the following delegates to the Mullewa Community Trust:*
  - a. *Cr T Thomas;*
  - b. *Cr J Critch (Proxy);*
  - c. *Reappoint the external members which are:  
Nominee from Mullewa Community member; and  
Nominee from Mount Gibson Iron.*

Following the Council resolution, expressions of interest from prospective community representatives were sought. An advertisement was placed in the Public Notice section of the Geraldton Guardian on Friday, 7 February 2014. Notices were placed on public noticeboards at the Mullewa District Office.



Three nominations were received by the closing date of 20 February 2014 (please see confidential attachment).

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

#### **Economic:**

The Mullewa Community Trust, and the disbursement of monies from that trust have a significant economic impact on the Mullewa community.

#### **Social:**

This Committee determines the disbursement of funds from the Trust, which seeks projects, services or events which have long-term social benefit to the Mullewa community (wholly) or to a significant number of community members.

#### **Environmental:**

There are no environmental issues.

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

There are no cultural or heritage issues.

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

Nominees were discussed with Councils' Mullewa Community Trust delegates on 4 Mar 2014. The delegates discussed the applications received from three community members and has made a recommendation for the preferred candidate in confidential attachment, including justification as to how this recommendation was determined.

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

The Public Benefit Agreement of 26 March 2004, between the City (then Mullewa Shire Council) and Mount Gibson Mining Limited will be a guiding policy for relevant issues brought before this committee.

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

There are no financial or budget implications.

### **INTEGRATED PLANNING LINKS:**

Title: Governance	Community Engagement
Strategy 5.1.2	<b>Promoting community involvement in decision making so it is collaborative and transparent</b>

#### **Regional Outcomes:**

There are no regional outcomes.

### **RISK MANAGEMENT**

There are no inherent risks to the City.

**ALTERNATIVE OPTIONS CONSIDERED**

An alternative option of recommending the appointment of a different candidate (to the one recommended by the Committee) could be considered. This option is not recommended, as the Committee made a thorough and considered assessment to arrive at their recommendation.

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

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. **ACKNOWLEDGE** the recommendations of the Mullewa Community Trust Committee;
2. **APPOINT** Barbara Thomas as the community representative on the Mullewa Community Trust Committee; and
3. **DETERMINE** the appointment to apply until October 2015.

**CARRIED BY ABSOLUTE MAJORITY 13/0**

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

**CC151 CONFIDENTIAL ITEM**

<b>AGENDA REFERENCE:</b>	<b>D-14-15251</b>
<b>AUTHOR:</b>	<b>P Vorster, City Vibrancy Coordinator</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1 (Confidential)</b>

*Confidential item, details of which have been circulated separately*

*Cr S Douglas declared an impartiality interest in Confidential Item CC151 as grant funding is being sought from MWDC. He remained in Chambers, but did not vote.*

**EXECUTIVE RECOMMENDATION:**

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting.

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

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting.

**CARRIED 12/0**

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

**14 REPORTS OF OFFICE OF THE CEO**

Nil.

## 15 REPORTS OF SUSTAINABLE COMMUNITIES

SC136	SUNSET BEACH PRECINCT PLAN
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<b>AGENDA REFERENCE:</b>	<b>D-14-14577</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>4 March 2014</b>
<b>FILE REFERENCE:</b>	<b>CS/700/0012</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

### EXECUTIVE SUMMARY:

The City (in conjunction with the Curtin University and consultant Mackay Urbandesign) has prepared a draft Precinct Plan for Sunset Beach. This report recommends the adoption of the Precinct Plan as a draft for the purpose of public advertising.

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to clause 2.2 of both Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. ADOPT the Sunset Beach Precinct Plan as a draft and advertise it for a period of 21 days;
2. ADOPT for final approval the Sunset Beach Precinct Plan should no objections be received during advertising period; and
3. REQUIRE a further report to Council should there be any objections received during the advertising period.

### PROponent:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The precinct planning process for Sunset Beach was undertaken between April and July 2013 as a response to the outcomes of the '2029 and Beyond Project' undertaken by the City of Greater Geraldton.

Part of the City of Greater Geraldton's long-term vision is to continue to proactively plan for the population growth that is already occurring. By doing so the City of Greater Geraldton can ensure the infrastructure, services and amenities it delivers are more sustainable and will provide the community with a liveable and vibrant City.

Such a substantial growth in population warrants more sustainable urban design and strategic planning to ensure that optimal planning decisions made today will provide a positive and dynamic legacy for future generations.

The challenge in the City of Greater Geraldton is to identify the existing and future activity centres that can contribute to Geraldton becoming a network of interconnected activity centres, and how currently under-performing activity centres and their surrounding catchments can be enhanced, with input and support from local communities to become important components of a more sustainable and liveable city.

The Sunset Beach precinct is one such area that is able to play an important role in the growth of Greater Geraldton. It is also an area that needs planning and urban design input to identify and guide the improvements required for it to attract urban renewal investment and secure its future. The precinct planning process is the first step in identify what and where those improvements within the Sunset Beach area might be.

The Sunset Beach Precinct Plan is included as Attachment No. SC136.

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

In response to the concerns and aspirations that participants raised in relation to the Sunset Beach area, and with regard to best practice planning and urban design, the following suite of high-level principles was established for the Sunset beach precinct:

- Make the street and path networks more interconnected and understandable.
- Encourage the redevelopment or improvement of neglected uncared-for spaces.
- Plan places to be friendly to pedestrians and cyclists, and to encourage motorists to slow down.
- Prioritise pedestrian amenity (such as footpaths, and shade trees) to encourage walking as a pleasant and comfortable alternative to car use.
- Improve pedestrian and bike access to the beach and the Chapman River foreshore.
- Incorporate quality landscape, especially trees, into the design of streets and public spaces.
- Establish community spaces where members of the community can meet, relax, have a coffee, interact with each other, and hold community events.
- Establish places and activities that are worth walking to and will encourage pedestrian movement.
- Provide better play spaces for children and youths.
- Capitalise on the movement network to support the establishment of a greater range of local shops and services and the creation of more local jobs.
- Create a place that is better able to support a more frequent public transport service.
- Increase the diversity of homes within the area to provide different and relevant housing choices for different people.
- Focus development with higher residential densities in the core area adjacent to the village centre and close to public transport.

- Encourage redevelopment where it can provide passive surveillance opportunities to adjacent parkland.
- Identify a broader use of parks to make them more attractive and useable to everyone, and distribute park facilities to help differentiate the role of each park.
- Reinforce the identity of Sunset Beach through the use of landscape or landmark buildings or both at the main entrances to the precinct.
- Utilise funds from the development of any public land to improve recreational infrastructure, including any relocated elements such as the Pony Club.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 27 August 2013 gave final approval to the Rangeway Utakarra Karloo (RUK) Precinct Plan.

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

To achieve a precinct plan that would be relevant to, and supported by the local community, the City of Greater Geraldton recognised the process required a significant level of community engagement.

The engagement process revolved around a series of community engagement workshops held at the Geraldton Camp School just to the south of the Sunset Beach precinct between April and July 2013.

At the first workshop the participants, drawn from the local community and relevant stakeholder organisations, were provided with background information about the Sunset Beach precinct as well as current best-practice principles in regard to sustainable planning and urban design. Participants were also taken by bus to the existing Sunset Beach centre to stimulate discussion about the experience of the place around them. The majority of the workshop was dedicated to enabling the wide range of participants to provide their views on the Sunset Beach precinct.

In addition, urban design analysis was undertaken for the Sunset Beach precinct that identified a range of issues in relation to the structure and character of the place.

Based on the participants' answers to the workshop questions and the findings of the urban design analysis, a preliminary set of scenario plans was prepared for presentation back to the participants at a second workshop in June 2013. After the presentation at the second workshop, the participants provided feedback on each of the precinct planning scenarios to enable them to be subsequently refined into a preferred scenario that aimed to achieve an approach that best matched the participant feedback.

The subsequently refined plans and ideas were again presented to the community participants at a third workshop in July 2013, by which time there was broad agreement on the direction of the precinct planning.

The 3 workshops were attended by more than 75 members of the community.

There was extensive notification of the workshops via newspapers, community and school newsletters, media releases, the internet and radio.

Councillors were sent briefing notes prior to all three workshops with an invitation to attend.

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

Once adopted the Precinct Plan will be used to inform the preparation of the new Local Planning Scheme for the City. It will be used to inform zoning and residential density designations for particular areas.

The Precinct Plan will be adopted as a local planning policy pursuant to clause 2.2 of both Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough).

A Local Planning Policy 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: Environment	Sustainability
Strategy: 2.3.3	Promoting and planning innovative design for a sustainable lifestyle that enables low impact living and sustainable urban development.
Economy	Lifestyle and Vibrancy
Strategy: 4.1.1	Providing equity and choice in affordable and alternative housing to create urban village communities that will help to sustain our lifestyle.
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:**

##### Commercial Activity Centres Strategy:

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

The Strategy identifies the Sunset Beach Centre as a “Large Neighbourhood Centre” with active intervention by the City to encourage additional development.



**RISK MANAGEMENT:**

The precinct planning process was undertaken with a significant level of community engagement. To refuse the formal adoption of the precinct plan could further jeopardise other community planning exercises.

**ALTERNATIVE OPTIONS CONSIDERED:**

The purpose of the Precinct Plan is to create a vision for the Sunset Beach precinct and define the urban framework that will generate future growth potential. The fact that the precinct planning was undertaken with significant community input should provide the City with the confidence that it has an appropriate level of community support for the planning direction identified through the precinct planning process.

The revitalisation process is a long-term process and significant changes can't be expected in the short term. The important thing is to have a plan with patience and a commitment from as many stakeholders as possible to bring the plan to fruition, and therefore the option to refuse the Precinct Plan is not supported.

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

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

That Council by Simple Majority pursuant to clause 2.2 of both Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. **ADOPT** the Sunset Beach Precinct Plan as a draft and advertise it for a period of 42 days;
2. **ADOPT** for final approval the Sunset Beach Precinct Plan should no objections be received during advertising period;
3. **REQUIRE** a further report to Council should there be any objections received during the advertising period; and
4. **PROVIDE** an information flyer to all residences in the precinct.

**CARRIED 13/0**

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

<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>N/V</b>

SC137	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – ADDITIONAL USE AND SPECIAL CONTROL AREA REZONING, KOJARENA
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<b>AGENDA REFERENCE:</b>	<b>D-14-14886</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>5 March 2014</b>
<b>FILE REFERENCE:</b>	<b>LP/15/0010</b>
<b>APPLICANT / PROPONENT:</b>	<b>Planwest</b>
<b>ATTACHMENTS:</b>	<b>Yes x3</b>

**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; and*
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.*

The applicant has 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.*

**The Site:**

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

The closest two dwellings, one on Lot 2860 and another on Lot 2859, are 1.37km and 1.25km respectively from the proposed development site. It should be noted that the dwellings located on Lots 2860 and Lot 2859 are owned by the landowner of the subject property. However, aerial photography indicates that there are approximately 5 other dwellings (not including associated buildings and sheds) located less than 3.5kms from the boundary of the Special Control Area which are owned by different landowners. One of these dwellings located approximately 1.7km to the south of the Special Control Area boundary. There are no dwellings within the 1.11km 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 2.4ha and utilise about 10ha 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. SC137A.

**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. SC137B.

It is prudent for Council to be aware that 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. In the subdivision application the applicant made the following statements:

- *intention by the current owners to continue managing and owning the whole of the lots as a single farming unit;*
- *the intention is not to further fragment the land and not to encourage land uses unrelated to agriculture; and*
- *the new lots will provide for extensive agricultural uses over the lands which are compatible with the capability of the land. These uses will be identical to those that are currently being undertaken over the land holding and hence there will be no physical change over the land.*

From the above it is evident that the justification put forward by the proponent (which was the basis for the City supporting the subdivision) is misleading 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 1.1km 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](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:

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**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 1.1km 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 1.1km 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 1.7km northeast from the previous site proposed on Lot 1.

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. SC137C.

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 meeting held on 4 February 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 10ha of the 402ha, Lot 2860 and the following is proposed to be inserted into the Scheme:

<b>No.</b>	<b>Description of land</b>	<b>Additional Use</b>	<b>Conditions</b>
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).

			<p>2. The DAP should address the following:</p> <ul style="list-style-type: none"> <li>• Exact definition of the Additional Use area;</li> <li>• Vehicular access;</li> <li>• Landscaping;</li> <li>• Fire protection strategy;</li> <li>• Emergency response plan; and</li> <li>• Security measures.</li> </ul> <p>3. All development must be contained within the boundaries of the Additional Use area.</p> <p>4. Storage of ammonium nitrate is restricted to a maximum of 20,000 tonnes.</p> <p>5. Other than material contained within Intermediate Bulk Containers (IBC's) no other open storage of material is permitted.</p> <p>6. No vehicles transporting ammonium nitrate are permitted on Yanget Road.</p>
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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.*
- (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.
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 2.5ha of land that will contain the storage facility.

The proponent has stated that the footprint of the additional use (10ha) 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 1.1km 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.

*Cr Clune gave notice of a foreshadow motion should the Executive Recommendation be lost.*

#### **COUNCIL DECISION**

##### **MOVED CR GRAHAM, SECONDED CR THOMAS**

**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.**

#### **LOST 13/0**

<b>Mayor Carpenter</b>	<b>NO</b>
<b>Cr. Fiorenza</b>	<b>NO</b>
<b>Cr. Douglas</b>	<b>NO</b>
<b>Cr. Graham</b>	<b>NO</b>
<b>Cr. Brick</b>	<b>NO</b>

Cr. Clune	NO
Cr. Critch	NO
Cr. Keemink	NO
Cr. Thomas	NO
Cr. Tanti	NO
Cr. Hall	NO
Cr. McIlwaine	N/V
Cr. Caudwell	NO
Cr. deTrafford	NO
Cr. Van Styn	N/V

**NEW MOTION****COUNCIL DECISION****MOVED CR CLUNE, SECONDED CR BRICK**

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

1. **REFUSE** to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to add 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);
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.

**CARRIED 13/0**

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

SC138	FINAL ADOPTION OF THE GLENFIELD BEACH ACTIVITY CENTRE STRUCTURE PLAN
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<b>AGENDA REFERENCE:</b>	<b>D-14-14894</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>7 March 2014</b>
<b>FILE REFERENCE:</b>	<b>LP/11/0011</b>
<b>APPLICANT / PROPONENT:</b>	<b>Whelans</b>
<b>ATTACHMENTS:</b>	<b>Yes x2</b>

**EXECUTIVE SUMMARY:**

The advertising period has concluded for the Structure Plan which provides the planning framework to guide and facilitate the development of approximately 12ha of land for district commercial and residential purposes.

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 Glenfield Beach Activity Centre Local Structure Plan over portion of Lot 9000 Chapman Road, Glenfield; and
3. FORWARD the Local Structure Plan to the WA Planning Commission for its endorsement.

**PROPONENT:**

The proponent is Whelans on behalf of the owner North Bay Developments Pty Ltd.

**BACKGROUND:**

The Glenfield Beach Activity Centre Structure Plan has been prepared for a 12ha portion of Lot 9000 Chapman Road, Glenfield. The subject land is located 11km north of the Geraldton CBD within the Geraldton northern coastal urban growth corridor and is midway between Geraldton and the Oakajee Industrial Estate.

The Structure Plan provides the planning framework to guide and facilitate the development of the subject land for district commercial and residential purposes.

The Structure Plan forms part of a larger overall area referred to as the Glenfield Activity Centre Precinct. The boundary of the Glenfield Activity Centre Precinct has been largely determined by the planning of the Glenfield

Beach Local Structure Plan (west of Chapman Road) and the Glenfield Structure Plan (east of Chapman Road). It includes the 'Mixed Use/Residential R80/Activity Centre' and 'Residential R60' areas identified in the Glenfield Structure Plan and also Lot 55 to the south.

The Glenfield Activity Centre Vision section of the structure plan report (Part Two) forms the basis for the preparation of the Structure Plan for the 12ha site in the southwest corner of Lot 9000. Part One of the report contains the proposed Activity Centre Structure Plan specifically for Lot 9000.

It is envisaged that the Glenfield Activity Centre Precinct will be a vibrant and exciting gateway to the community of Glenfield, as well as being an employment centre. The Activity Centre will cater for the daily and weekly needs of visitors and residents living in Glenfield and the surrounding communities. This will be achieved through provision of a wide range of services and activities, including commercial, mixed use, community, bulky goods, residential and light/service industry.

The Structure Plan design provides for integration with adjoining land with an east-west "main street" connecting the Glenfield Beach Local Structure Plan area with the Glenfield Structure Plan on the eastern side of Chapman Road. A 'Residential R60' area in the northern portion is proposed which provides for a mixed use of medium density residential that could potentially provide for aged accommodation (i.e. retirement village).

A copy of the Structure Plan is included as Attachment No. SC138A and a full copy of all the appendices are available to Council upon request.

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

The vision for the Glenfield Activity Centre Precinct is based on the following key principles:

- Activity centres are community focal points. They include a range of activities such as non-retail commercial, retail, service businesses, higher density housing, entertainment, tourism, civic/community, medical services and small light industry.
- The size and diversity of a District Activity Centres varies according to a retail needs assessment.
- Activity centres should be distributed based on hierarchy in order to meet different levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.
- The activity centre hierarchy system should be applied as part of a long-term and integrated approach by public authorities and private stakeholders to the development of economic and social infrastructure.



- Successful activity centres contribute to the achievement of sub-regional employment self-sufficiency targets and improve land efficiency, housing variety and support centre facilities.
- Activity centres provide sufficient development intensity and land use mix to eventually support high-frequency public transport.
- Access to activity centres should be by maximised and modes such as walking, cycling and public transport should be encouraged whilst reducing private car trips.
- Development around activity centres should be based upon legible street network and quality public spaces.
- Activities that generate high numbers of trips should be concentrated within activity centres.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 23 November 2010 gave final approval to the Glenfield Structure Plan (east of Chapman Road). The WA Planning Commission endorsed the Structure Plan on 21 February 2011.

Council at its meeting held on 25 September 2012 gave final approval to Amendment No. 10 to Local Planning Scheme No. 5 (Greenough). This Amendment rezoned Lot 9000 to the 'Development' zone. The Minister for Planning granted final approval to the Amendment on 4 December 2012.

Council at its meeting held on 23 July 2013 gave final approval to the Glenfield Beach Structure Plan (west of Chapman Road).

Council at its meeting held on 27 August 2013 gave final approval to Amendment No. 19 to Local Planning Scheme No. 5 (Greenough). This Amendment rezoned Lot 55 Chapman Road to the 'Development' zone. The Minister for Planning granted final approval to the Amendment on 14 October 2013.

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The 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 36 days (commencing 23 January 2014 and concluding on 28 February 2014) and involved the following:

1. All landowners within and abutting the Structure Plan area were written to and provided extracts of the Structure Plan;
2. A public notice appeared in the Geraldton Guardian on 24 January 2014;
3. A sign was placed on site;

4. The Structure Plan details were available on the City's website;
5. The Structure Plan details were referred to the following:
  - Department of Environmental Regulation;
  - Department of Health;
  - Department of Indigenous Affairs;
  - Department of Water;
  - Department of Fire and Emergency Services;
  - Main Roads Western Australia;
  - Mid West Chamber of Commerce and Industry;
  - Mid West Development Commission;
  - Public transport Authority
  - Water Corporation;
  - Western Power; and
  - Drummond Cove Progress Association.

**Submissions:**

As a result of the advertising, a total of 7 submissions were received. Listed below is a summation of the main comments/concerns raised for the public comment period.

- Should include Lot 55 in the Structure Plan boundary within the 'Commercial' zone.
- Half of the front portion of our property falls within Stage 2 of the development and the other half in Stage 3 which could have a detrimental effect on the financial viability of developing our property.
- If we were to subdivide our property to suit the proposed plan we would have to demolish our house and the trees that are currently located in the middle of our driveway.
- Water connection points provided are conditional on the Geraldton northern water scheme having spare capacity.
- The section of Chapman Road within the Activity Centre boundary should have a 'detailed service report' as part of the 'detailed road layout plans' prepared.
- Unable to support the residential or non-compatible commercial development proposed within the recommended wastewater treatment plant buffer on the Structure Plan.
- The existing sand dune within the treatment plant site must be left undisturbed.
- All developments are required to comply with the provisions of the draft Country Sewerage Policy.
- opportunity to minimise potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities.
- Strong supporter of this proposal to allow commercial development at this site.

A 'Schedule of Submissions' is included as Attachment No. SC138B and copies of the actual submission are available to Council upon request.

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**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 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.

**REGIONAL OUTCOMES:**Commercial Activity Centres Strategy (2013):

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

The subject land is identified as a "District Centre".

The Strategy also requires the preparation of activity centre structure plans prior to approval of any major development within an activity centre to ensure a centre's development is integrated, cohesive and accessible.

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED:**

The Activity Centre Structure Plan sets out the spatial plan, strategy and framework to achieve the desired development outcomes and will guide in the preparation and approval of detailed area plans, subdivision and development applications.

The option to refuse is not supported as the 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.

*Cr Keemink left Chambers at 2.45pm.*

### **COUNCIL DECISION**

#### **MOVED CR BRICK, SECONDED CR HALL**

**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 Glenfield Beach Activity Centre Local Structure Plan over portion of Lot 9000 Chapman Road, Glenfield; and
3. **FORWARD** the Local Structure Plan to the WA Planning Commission for its endorsement.

#### **CARRIED 12/0**

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

SC139	LEASE – LOT 542 (200) SEVENTH STREET, WONTHELLA
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<b>AGENDA REFERENCE:</b>	<b>D-14-14903</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land &amp; Property Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>6 March 2014</b>
<b>FILE REFERENCE:</b>	<b>A15301</b>
<b>APPLICANT / PROPONENT:</b>	<b>Bilbe Enterprises Pty Ltd T/A Highway Autobarn</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council support to lease Lot 542 (No. 200) Seventh Street, Wonthella.

**EXECUTIVE RECOMMENDATION;**

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

1. LEASE Lot 542 (200) Seventh Street, Wonthella to Bilbe Enterprises Pty Ltd T/A Highway Autobarn;
2. SET the proposed conditions as:
  - a. enter into a five (5) year lease agreement with a further term option of two (2) years;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. set the commencement lease fee at \$15,000 plus GST per annum;
  - d. conduct a current market valuation prior to any further term option to establish the lease fee;
  - e. the lease may be terminated by the lessor at any time should the land be required for road aligning purposes giving the lessee no less than six (6) months written notice; and
3. CONSIDER the Lessee as being responsible for separately paying;
  - a. all applicable rates, taxes and other utilities; and
  - b. legal expenses associated with the preparation, execution and registration of the lease.

**PROPONENT:**

The proponent is Bilbe Enterprises Pty Ltd T/S Highway Autobarn.

**BACKGROUND:**

The City purchased Lot 542 (200) Seventh Street, Wonthella in September 1974 to be retained until such time as it is required for the realignment of Phelps Street into Eighth Street.

The proponent contacted the City requesting to lease the property to enable him to expand his current business located next door (Highway Auto Barn).



There are seven gum trees located on the property which have been recently reported as causing a potential fire risk. Consultation with City's Senior Environment and Sustainability Officer was undertaken regarding the removal of the trees and it was stated, whilst the trees are of high value for habitat, they are isolated from natural areas. It was recommended that the timber from the trees be utilised for a project if possible.

Under Delegated Authority of Council, the CEO approved the lease terms. Pursuant to Section 3.58(3)(a) of the Local Government Act the City is required to give local public notice of the intended disposition of property for a period of not less than two weeks inviting submissions. Public submissions closed on 5 March 2014 at which time one submission had been received opposing the disposition and the removal of the trees.

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

##### **Economic:**

There are no economic impacts related to this proposal.

##### **Social:**

There are no social impacts related to this proposal.

##### **Environmental:**

There are no environmental impacts related to this proposal.

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

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

**RELEVANT PRECEDENTS:**

The City leases freehold and Crown land to individuals, companies and not for profit organisations.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Public submissions were invited to be made regarding this matter for a period of two weeks pursuant to Section 3.58 of the Local Government Act. The advertisement was placed in the Geraldton Guardian on 17 February 2014. At the close of advertising on 5 March 2014, one submission was received. The main comments/concerns raised in the submission is attached as Attachment No. SC139.

A copy of the actual submission is available to Council upon request.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 provides for the disposing of property.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The commencement lease fee is \$15,000 plus GST per annum increased annually by CPI as at 1 July.

The total cost for the removal of the seven trees is \$5,500 plus GST to be paid by the City prior to the commencement of the lease.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

**REGIONAL OUTCOMES:**

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

**RISK MANAGEMENT**

There is a specific fire hazard risk relating to the seven trees on the property. If the City does not proceed with the request to lease this property, the trees will still be required to be removed or maintained at a cost to the City to reduce the risk.

**ALTERNATIVE OPTIONS CONSIDERED**

An alternative option to keep the property as a vacant lot and remove the fire hazard however this was disregarded as leasing the property will provide the City with an income until the end of the lease or the property is required for the road intersection.

*Cr L Graham declared an impartiality interest in Item SC139 Lease of Lot 542 (200) Seventh Street as he is a friend of the applicant.*

*Cr Graham left Chambers at 2.46pm.*

### **COUNCIL DECISION**

#### **MOVED CR HALL, SECONDED CR BRICK**

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

1. **LEASE Lot 542 (200) Seventh Street, Wonthella to Bilbe Enterprises Pty Ltd T/A Highway Autobarn;**
2. **SET the proposed conditions as:**
  - a. **enter into a five (5) year lease agreement with a further term option of two (2) years;**
  - b. **adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;**
  - c. **set the commencement lease fee at \$15,000 plus GST per annum;**
  - d. **conduct a current market valuation prior to any further term option to establish the lease fee;**
  - e. **the lease may be terminated by the lessor at any time should the land be required for road aligning purposes giving the lessee no less than six (6) months written notice;**
3. **CONSIDER the Lessee as being responsible for separately paying:**
  - a. **all applicable rates, taxes and other utilities; and**
  - b. **legal expenses associated with the preparation, execution and registration of the lease.**

#### **CARRIED 12/0**

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

*Cr Graham returned to Chambers at 2.52pm*

*Cr Thomas left Chambers at 2.52pm*



SC140	FOSTERING FRIENDLY RELATIONSHIP BETWEEN LINFEN CITY, SHANXI PROVINCE, CHINA AND THE CITY OF GREATER GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-14-14993</b>
<b>AUTHOR:</b>	<b>HJ Davis, Economic Development &amp; Foreign Affairs Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>6 March 2014</b>
<b>FILE REFERENCE:</b>	<b>ED/2/0003</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

**EXECUTIVE SUMMARY:**

The purpose of this item is to seek Council's consideration and support on the establishment of friendly relationship between Linfen City, in Shanxi Province of China and the City of Greater Geraldton.

**EXECUTIVE RECOMMENDATION;**

That Council by Simple Majority pursuant to Section 3.1 of the Local Government Act 1995 RESOLVES to:

1. SUPPORT the formation of a Strategic Partnership with Linfen City, Shanxi Province, China; and
2. SUPPORT the progression of this relationship by:
  - a. Presenting and signing of the letter of Intent by the Mayor of City of Greater Geraldton and the Mayor of Linfen on the occasion of his proposed visit in May 2014; and
  - b. Subject to the approval by the Ministry of Foreign Affairs of China and the Chinese People's Association for Friendship with Foreign Countries signing of the official agreement.

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Linfen City expressed their interest in fostering a friendly relationship between City of Greater Geraldton and Linfen in September 2012.

Council at its Special Meeting on 29 January 2013 resolved:

*That Council request the reconsideration of an economic focused Strategic Partnership with the Linfen City, Shanxi Province, China, pending the provision of additional information and due diligence following the visit by the Mayor of Linfen in April 2013.*

Subsequently, the City's delegation visited Linfen in April 2013 and the Deputy Mayor of Linfen visited Geraldton in May 2013. Through these bilateral visits, further investigation and due diligence was undertaken by both cities.

Since that time, the connection between Linfen City and the Midwest Region through Shanxi Jianbang Group (based in Linfen) and Top Iron (based in Perth), has been very active and growing rapidly.

Mr Wu Xiaonian, Chairman of the Shanxi Jianbang Group and a major investor of Top Iron, has taken on an advocating and facilitating role between the City and Linfen City Government.

In September 2013, Geraldton Port Authority and Top Iron signed agreements that establish Top Iron as the next significant iron ore exporter from Geraldton Port.

In February 2014, Mr Wu Xiaonian facilitated a delegation tour for the GPA to learn from Lianyungang Port in China, to assist in solving the swell problem at the Geraldton Port.

In addition to the economic links, Top Iron is nearing completion of a draft Corporate Social Responsibility Strategy (CSRS), to broaden its existing connection to social, cultural and environmental interests in the Midwest.

In line with the CSRS, Top Iron has recently announced its sponsorship for the Rovers Football Club for 5 years plus and are working on an environmental initiative with the Port that includes landscape enhancements of the Port area and fits with the City's One Million Trees project.

The Council's International Relations Development Advisory Committee at its committee meeting on 24 February 2014 recommended:

*That the City to commit to foster a Strategic Partnership between Linfen City in Shanxi Province of China and the City of Greater Geraldton. The City staff to submit an Agenda Item with this regard to Council for consideration at its ordinary meeting in March 2014.*

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

### **Economic:**

Forming a Strategic Partnership (as proposed by Linfen City) will provide strong motivation and great opportunities for major enterprises and more business in Linfen to invest in Geraldton and the Midwest Region.

### **Social:**

There are no social impacts.

**Environmental:**

Cooperation between Geraldton and Linfen City in fields of environment protection and rehabilitation will see the City / Region benefiting from this proposed alliance.

**Cultural & Heritage:**

Development of relationships between the City of Greater Geraldton and historical cities in China, such as Linfen City, presents opportunities for promoting the diversity and sustainability of our Culture & Heritage.

**RELEVANT PRECEDENTS:**

Council approved the establishment of a Strategic Partner relationship between CGG and Zhoushan City, in Zhejiang Province of China in July 2012.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Fostering Strategic Partner relationship with Linfen City will enable further collaboration and information exchange through identifying potential areas where both could deliver benefits for the two cities and importantly enable the relationship to evolve and develop in the mutual future interests of both cities.

Fostering Strategic Partner relationship with Linfen City is recommended by the Council's International Relations Development Advisory Committee (IRDAC) at its committee meeting on 24 Feb 2014.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The relevant Council policy for this item is the current Policy CP024 Establishment of Sister City Relationships.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Goal 4: Economy	A dynamic Diverse and Sustainable Economy.
Outcome 4.1:	Lifestyle and Vibrancy.
Strategy 4.1.5:	Developing and promoting Greater Geraldton as a preferred cultural, environmental and agri/ aquaculture tourism Destination.
Outcome 4.3.	Employment.
Strategy 4.3.4:	Supporting economic development initiatives and promotion of the region.
Goal 5: Governance	Inclusive civic and community engagement and leadership.
Strategy 5.3.1	Active participation in regional, state and national alliances such as the Western Australian Regional Capitals Alliance and Regional Capitals Australia.

Strategy 5.3.2	Partnering with key international communities through Sister City partnerships and Strategic Alliances.
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### **REGIONAL OUTCOMES:**

The Agreement between the Geraldton Port Authority and Top Iron will establish Top Iron as the next significant iron ore exporter from Geraldton Port. This Agreement is a further significant step in the ongoing relations between the Midwest region and China.

This Agreement will secure the following economic benefit for the Region:

- a. Capital investment within the Midwest region of more than \$50M;
- b. Direct local employment of 100 workers during the construction phase and 110 for operations;
- c. Indirect benefits from the demand for general goods and services; and
- d. Workforce training and skills development.

Top Iron's Mummaloo project (south east of Perenjori), will supply about 10% of Shanxi Jianbang's annual demand for iron ore and is a significant project because this is the first time that Shanxi Jianbang has established direct investment in raw material supply in either China or Australia. Its success will be important to a further mine and infrastructure investment by the company in the Midwest.

### **RISK MANAGEMENT**

Given the existing connections between the City and Linfen City, also the close bond between the Chinese government and enterprises, the risk of rejecting or further delaying consideration of this proposal by the Mayor of Linfen City Government, may jeopardise the existing connection between the two business communities, and reduce the opportunity for more businesses in Linfen City to invest in the Midwest Region.

### **ALTERNATIVE OPTIONS CONSIDERED**

To not pursue this relationship with Linfen City is not recommended as it may create negative impact on the outcome of the City's International relations with Linfen City.

*Cr Thomas returned to Chambers at 2.54pm.*

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

That Council by Simple Majority pursuant to Section 3.1 of the Local Government Act 1995 RESOLVES to:

1. **SUPPORT** the formation of a Strategic Partnership with Linfen City, Shanxi Province, China;
2. **SUPPORT** the progression of this relationship by:
  - a. Presenting and signing of the letter of Intent by the Mayor of City of Greater Geraldton and the Mayor of Linfen on the occasion of his proposed visit in May 2014;
  - b. Subject to the approval by the Ministry of Foreign Affairs of China and the Chinese People's Association for Friendship with Foreign Countries signing of the official agreement; and
3. **REQUESTS** by the end of the 2014 Calendar Year, the development of specific outcomes targeted by all sister city and strategic partnerships along with an accompanying Budget for Council's consideration.

**CARRIED 12/1**

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

SC141	CITY OF GREATER GERALDTON LOCAL LAWS 2014
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<b>AGENDA REFERENCE:</b>	<b>D-14-14696</b>
<b>AUTHOR:</b>	<b>N Ferridge, Team Leader Local Laws</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>4 March 2014</b>
<b>FILE REFERENCE:</b>	<b>LE/5/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x3</b>

**EXECUTIVE SUMMARY:**

The attached City of Greater Geraldton local laws are provided for consideration by the Council to adopt under section 3.12 of the Local Government Act 1995. See Attachment Nos. SC141A, SC141B, SC141C.

**EXECUTIVE RECOMMENDATION;**

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.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Council at its meeting on 26 November 2013 resolved as follows:

1. *APPROVE the state-wide public notice of the following local laws in order to seek public comment:*
  - a. *Animals, Environment and Nuisance Local Law 2013;*
  - b. *Health Local Law 2014;*
  - c. *Local Government Property Local Law 2013;*
2. *SUBMIT to the Minister for Local Government a copy of all proposed local laws;*
3. *SUBMIT to the Minister for Health a copy of the Health Local Law 2013; and*
4. *SUBMIT to the Minister for Agriculture a copy of the Animal, Environment and Nuisance Local Law 2013.*

**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 Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the City is to give State wide public notice stating:
  - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
  - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;

- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
  - stating the title of the local law;
  - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

The proposed local laws are outlined below together with comments from the Department of Local Government along with the purpose and effect for each local law.

#### **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.

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.

#### **Local Government Property Local Law 2014**

Comments supplied from the Department of Local Government only made reference to formatting and terminology to ensure the City is consistent with other relevant legislation.

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

*Purpose:*

To regulate the care, control and management of all property of the local Government except on thoroughfares.

*Effect:*

To control the use of local government property and offences created for In appropriate behaviour in or on local government property and to remove obsolete and outdated local laws relating to the new district of the City of Greater Geraldton.



### **Animals, Environment and Nuisance Local Law 2014**

Comments supplied from the Department of Local Government only made reference to formatting and terminology to ensure the City is consistent with other relevant legislation, Codes & Standards.

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

*Purpose:*

To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

*Effect:*

To establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

### **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:**

Culture	Our Heritage
Strategy 1.1.1	Recognising and protecting our history and restoring heritage sites and buildings.
Environment	Revegetation-Rehabilitation-Preservation
Strategy 2.1.3	Preserving, rehabilitating and enhancing natural flora and fauna corridors.
Social	Community Health & Safety
Strategy 3.5.5	Creating safer communities.
Strategy 3.5.6	Supporting initiatives that address and/or discourage antisocial behaviour.
Governance	Planning & Policy
Strategy 5.2.3	Addressing cultural heritage issues and the preservation and enhancement of natural areas as part of the development process.
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community.

### **REGIONAL OUTCOMES:**

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

**RISK MANAGEMENT**

Not endorsing the Local law would cause insufficient ability to control health related issues.

**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 which finalise the local laws project in developing a consolidated suite of laws for Greater Geraldton.

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

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.**

**CARRIED BY ABSOLUTE MAJORITY 13/0**

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

SC142	OAKAJEE-NARNGULU INFRASTRUCTURE CORRIDOR DRAFT ALIGNMENT DEFINITION REPORT
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<b>AGENDA REFERENCE:</b>	<b>D-14-15371</b>		
<b>AUTHOR:</b>	<b>P Melling,</b>	<b>Director</b>	<b>Sustainable</b>
	<b>Communities</b>		
<b>EXECUTIVE:</b>	<b>P Melling,</b>	<b>Director</b>	<b>Sustainable</b>
	<b>Communities</b>		
<b>DATE OF REPORT:</b>	<b>10 March 2014</b>		
<b>FILE REFERENCE:</b>	<b>LP/9/0055</b>		
<b>APPLICANT / PROPONENT:</b>	<b>Department of Planning</b>		
<b>ATTACHMENTS:</b>	<b>No</b>		

**EXECUTIVE SUMMARY:**

This report provides information and recommendations on the Oakajee-Narngulu Infrastructure Corridor (ONIC) Draft Alignment Definition Report prepared by the Department of Planning.

**EXECUTIVE RECOMMENDATION;**

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

1. NOTE the Department of Planning's Oakajee-Narngulu Infrastructure Corridor (ONIC) Draft Alignment Definition Report;
2. ADVISE the Department of Planning that the City of Greater Geraldton believes that the Oakajee-Narngulu Infrastructure Corridor is of strategic importance to the City and the Midwest Region and is an essential component of both the Oakajee Port /Industrial area and the regional Infrastructure/transport linkages to warrant reservation and acquisition in the short term;
3. PROVIDE the Department of Planning with a submission that:
  - a. conveys the importance of Part 2 (above);
  - b. outlines a number of technical aspects that require the Department's consideration/further investigation; and
  - c. include those items identified in this report.

**PROponent:**

The proponent is the Department of Planning.

**BACKGROUND:**

The need for an infrastructure alignment between Oakajee and Narngulu was first identified in the 1976 Geraldton Region Planning Study and has been an on/off again scenario since that time.

The draft Alignment Definition Report for the Oakajee-Narngulu Infrastructure Corridor (ONIC) released by the Department of Planning for community comment is the culmination of considerable technical investigations, public and stakeholder consultation and deliberation by the Department of Planning and other State agencies. It needs to be noted that the design work to date

only involves planning for the ONIC to a sufficient level of detail to define a corridor suitable for possible future reservation and construction.

The Oakajee Narngulu Infrastructure Corridor is needed to:

1. provide a co-located strategic infrastructure linkage between the Oakajee and Geraldton ports, Narngulu and Oakajee industrial estates, and the broader regional transport network;
2. provide a bypass route to remove the increasing number of heavy vehicles and freight from the Geraldton urban area, which will improve the safety and utility of roads within the Geraldton urban area and provide a more efficient route for freight travelling within and through the region;
3. avoid duplication and minimise impacts associated with planning for individual infrastructure corridors;
4. ensure multiple rail connections to meet the long-term requirements of the Oakajee Port and Industrial Estate and Geraldton Port and Narngulu Industrial Estate; and
5. accommodate the delivery of utility services as and when required.

There are a number of aspects/considerations that will need to be addressed by the Department of Planning that will form part of the City's submission, these include (but not limited to):

- Potential impacts of the realignment of the Geraldton-Mount Magnet Road on the City's Airport. The City noting that no road widening will be supported that impacts on the City's airport land.
- The need to seriously consider linking the southern portion of the road component to the Narngulu industrial area via an upgraded Narngulu-Moonyoonooka Road/Rudd's Gully Road with links to the expanded Narngulu Industrial Area to form an integrated transport hub rail, road and air.
- That it is essential for the ONIC to be integrated with planning/investigations being undertaken by other agencies to provide a cohesive and whole of government supported approach to Greater Geraldton and the Mid West's Strategic Infrastructure needs.
- That the reservation and acquisition is dealt with by the State Government in a timely manner thereby putting to an end the uncertainty for land owners impacted by the proposed corridor.

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

### **Economic:**

The ONIC is one component of the broader Oakajee Mid West Development Project which is being coordinated by the Department of State Development, with the aim to establish an integrated port and industrial estate at Oakajee; supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region.

**Social:**

Every effort has been made throughout the planning of the ONIC to avoid and minimise impacts to private property wherever possible. This includes attempts to maintain a reasonable distance between the ONIC and residences to minimise nuisance from noise and vibration, as well as severance to property and the local road network.

**Environmental:**

The majority of the identified corridor is cleared agricultural land. Specific environmental constraints will exist at river crossings, a small number of nature reserves and in the vicinity of the Wokatherra Gap where significant flora and Aboriginal heritage sites are located.

The route also crosses the Chapman River at three locations. Since 2009, the Department of Planning has commissioned a number of environmental studies to inform definition of the ONIC alignment.

The information gained from the various environmental studies is being used to inform development of a draft environmental referral to assist environmental approvals under the *Environmental Protection Act 1986* and *Environment Protection and Biodiversity Conservation Act 1999*.

One area identified within the City of Greater Geraldton is the Cutubury Nature Reserve which is a 15 hectare 'A' Class nature reserve, managed by the Department of Parks and Wildlife (DPAW) and is located approximately 2.5 kilometres north of Moonyoonooka, along both the east and west sides of the Moonyoonooka-Yuna (also known as Narra Tarra-Moonyoonooka Road) Road. It also includes a section of the Chapman River in its eastern section.

Other environmental constraints/impacts are identified in the report which are located in the Shire of Chapman Valley.

The Department of Planning commissioned Lloyd George Acoustics to undertake a noise and vibration study of the road and rail line components of the Oakajee Narngulu Infrastructure Corridor to ensure impacts on the environment and community are minimised and managed, as well as ensuring that the proposal meets the relevant State Government legislation and policy objectives.

Based on noise modelling and a draft noise management plan prepared by Lloyd George Acoustics for the ONIC, it is anticipated that any required noise mitigation would involve protection to individual premises rather than the use of noise barriers. In determining the appropriate noise control package, a consultation program would be required which includes surveys of the residences and discussion with the residents following progression of the environmental approval and prior to construction of road or rail infrastructure.

**Cultural & Heritage:****European Heritage**

There are a number of European sites identified on the City of Greater Geraldton municipal inventory that are either in close proximity to the ONIC with two sites being within the ONIC corridor. The latter two sites are:

- Sievewright Cottage ruin; and
- St Martin's Anglican Church site.

Sites will be addressed as per the relevant legislation.

**Native Title**

The Oakajee Narngulu Infrastructure Corridor traverses land that is subject to three native title claims. Consultation with Native Title claim groups has occurred on heritage matters. Specific consultation on Native Title matters will occur if and when the Government commits to and commences acquisition of the Oakajee Narngulu Infrastructure Corridor.

**Indigenous Heritage**

An ethnographic and archaeological Aboriginal heritage investigation of the Oakajee Narngulu Infrastructure Corridor was undertaken in 2012 and 2013 by Terra Rosa Cultural Resource Management (Terra Rosa) with the assistance of representatives from the Amangu, Naaguja and the Mullewa Wadjari Native Title claim groups.

The archaeological and ethnographic field survey did not identify any new Aboriginal heritage sites; however, four registered heritage sites found within the proposed ONIC alignment (or in the case of the rivers, intersected the alignment) were reassessed.

Any disturbance of the four registered sites (DAA Site ID 30063 (Chapman River); DAA Site ID 30271 (Wkgst01); DAA Site ID 24415 – Buller River; and DAA Site ID 30134 – Piaas03) will require consent from the Minister for Aboriginal Affairs under section 18 of the *Aboriginal Heritage Act 1972*. A draft section 18 application has been prepared and it is intended that the draft application and supporting survey report will be available for future section 18 processes, as and when required.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Over the years of planning for the ONIC there have been various levels of consultation both with Council and in the broader community, the draft alignment has been included in a number of plans including the current Greater Geraldton Structure Plan (WAPC 2011).

The Department of Planning has also been meeting one on one with individual landowners located in the path of the corridor.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The Corridor ultimately needs to be recognised under the City's operative Town Planning Scheme (once acquisition of the corridor land is committed).

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The only financial or resource implications for the City is the possible loss of rateable land within the corridor. The City will also need to ensure that any amendments to the local road network required as a result of the development of the ONIC need to be factored into the overall project cost and not borne by the City's ratepayers.

**INTEGRATED PLANNING LINKS:**

Economy	A dynamic and Diverse Sustainable Economy.
Outcome 4.2	Transportation.
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle.
Outcome 4.3	Employment
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities.
Governance	Inclusive civic and community engagement and leadership.
Outcome 5.2	Policy and Planning
Strategy 5.2.6	Supporting decisions to create a long term sustainable city.
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

**REGIONAL OUTCOMES:**

The defining and reserving of the ONIC is a key strategic component of the Oakajee project. The acquisition of land for the corridor would give proponents more certainty that options exist for the locating and construction of key infrastructure to the Port and Industrial area. The defining and reservation of the corridor also reduces significantly the potential for proponents to put forward alternate corridors and the resultant community angst that is generated.

**RISK MANAGEMENT**

If the State Government fails to move forward with the acquisition of the ONIC it will place greater emphasis on existing infrastructure connections and require potentially incremental upgrades on both State and Local roads etc.

Potentially, not proceeding with the ONIC process would add further uncertainty to the Oakajee project as a whole and could lead to significant delays to a project whilst the formal process is followed. It could also cause alternate proponent sponsored schemes developed utilising other legislative mechanisms such as the Mining Act to achieve the outcome desired.

**ALTERNATIVE OPTIONS CONSIDERED**

Council could defer consideration of this item on the basis that it has specific concerns that the report has not addressed. It is noted however that there has been numerous studies to support the draft alignment and additional information can be provided if there are specific matters that need to be highlighted/addressed.

An option also exists in not providing a submission to the Department of Planning and letting them make the call on the alignment definition and its timing for acquisition. This approach is not supported as there is a need to bring about a conclusion to the process and to give lot owners some certainty on the corridor in a timely manner.

*Cr S Douglas declared an impartiality interest in Item SC142 Oakajee-Narngulu Infrastructure Corridor Draft Alignment Definition Report as MWDC is involved in securing funding.*

*Cr Douglas left Chambers at 3.06pm*

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

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

1. **NOTE** the Department of Planning's Oakajee-Narngulu Infrastructure Corridor (ONIC) Draft Alignment Definition Report;
2. **ADVISE** the Department of Planning that the City of Greater Geraldton believes that the Oakajee-Narngulu Infrastructure Corridor is of strategic importance to the City and the Midwest Region and is an essential component of both the Oakajee Port /Industrial area and the regional Infrastructure/transport linkages to warrant reservation and acquisition in the short term;
3. **PROVIDE** the Department of Planning with a submission that:
  - a. conveys the importance of Part 2 (above);
  - b. outlines a number of technical aspects that require the Department's consideration/further investigation; and
  - c. include those items identified in this report.

**CARRIED 12/0**

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

*Cr Douglas returned to Chambers at 3.09pm*



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

<b>AGENDA REFERENCE:</b>	<b>D-14-16301</b>
<b>AUTHOR:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>No</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0002</b>
<b>DATE OF REPORT:</b>	<b>14 March 2014</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Creative Communities
    - i. CC152- Reconciliation Committee Minutes – 11 February 2014;
    - ii. CC153 – Public Arts Advisory Committee Minutes – 6 February 2014;
  - b. Reports – Sustainable Communities:
    - i. SCD0084 – 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. CCS040 - Confidential Report – List of Accounts Paid under Delegation February 2014.

**PROPONENT:**

The proponent is 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:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**COUNCIL DECISION**

**MOVED CR TANTI, SECONDED CR THOMAS**

**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. **CC152- Reconciliation Committee Minutes – 11 February 2014;**
    - ii. **CC153 – Public Arts Advisory Committee Minutes – 6 February 2014;**
  - b. **Reports – Sustainable Communities:**
    - i. **SCD0084 – 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. **CCS040 - Confidential Report – List of Accounts Paid under Delegation February 2014.**

**CARRIED 13/0**

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

**17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

## 19 DEFERRED MATTERS

*Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting will be closed to the public due to its confidential nature.*

*Cr S Douglas declared an impartiality interest in Confidential Item CC149 as MWDC is involved with the development.*

*Cr S Douglas declared an impartiality interest in Confidential Item CC151 as grant funding is being sought from MWDC.*

*Cr Douglas left Chambers at 3.11pm.*

### **EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority RESOLVES to MOVE behind closed doors.

### **COUNCIL DECISION**

#### **MOVED CR HALL, SECONDED CR KEEMINK**

That Council by Simple Majority RESOLVES to MOVE behind closed doors.

#### **CARRIED 12/0**

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

**CC149 CONFIDENTIAL ITEM**

<b>AGENDA REFERENCE:</b>	<b>D-14-15245</b>
<b>AUTHOR:</b>	<b>C Budhan, Manager Arts, Culture &amp; Events</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1 (Confidential)</b>

*Confidential item, details of which have been circulated separately*

**EXECUTIVE RECOMMENDATION:**

As per the confidential item.

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

That Council by Simple Majority pursuant to section 3.18 **RESOLVES** to:

1. **ENDORSE** the principles embodied in the draft Memorandum of Understanding between the City of Greater Geraldton and the Western Australian Land Authority (LandCorp); and
2. **DELEGATE** authority to the CEO to negotiate and finalise the aforementioned Memorandum of Understanding in accordance with the endorsed principles.

**CARRIED 12/0**

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

**CC151 CONFIDENTIAL ITEM**

<b>AGENDA REFERENCE:</b>	<b>D-14-15251</b>
<b>AUTHOR:</b>	<b>P Vorster, City Vibrancy Coordinator</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 March 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1 (Confidential)</b>

*Confidential item, details of which have been circulated separately*

**EXECUTIVE RECOMMENDATION:**

As per the confidential item.

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

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 **RESOLVES** to:

1. **ENDORSE** the revised business case to the MWDC for the purchase of Lot 601 Foreshore Drive;
2. **DELEGATE** authority to the CEO to enter into dialogue with the Mid West Development Commission and Landcorp regarding specific detail required to enhance the Business Case; and
3. **MAKE** non-substantive amendments to the Business Case as required.

**CARRIED 12/0**

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

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority RESOLVES to MOVE from behind closed doors.

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

That Council by Simple Majority RESOLVES to MOVE from behind closed doors.

**CARRIED 12/0**

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

*Cr Douglas returned to Chambers at 3.13pm*

**20 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**

Nil.

**21 CLOSURE**

There being no further business the Chairman closed the Council meeting at 3.13pm.



**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>