



ORDINARY MEETING OF COUNCIL
AGENDA

25 SEPTEMBER 2018

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 25 SEPTEMBER 2018 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr R Hall

Cr S Elphick

Cr S Douglas

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question taken on notice at the Ordinary Meeting of Council 28 August 2018:

Dr Barry Thompson, PO Box 90, Geraldton WA 6531

Question

I would like to ask all councillors present if any of them has seen and / or studied this document '*Pioneer Museum Greenough 1966-2013*'. It comprises 105 pages. I do not expect anyone of them has seen it. If any councillor has seen it, I would like them to advise later as to what they understood from it and whether the matter ever became elevated to council discussion level.

Response

Issues associated with the Pioneer Museum lease that Dr Thompson may be referring to were dealt with and closed many years ago and no further responses will be provided. As per previous advice provided to Dr Thompson, if he believes there is still an outstanding issue associated with the museum lease, the City encourages him to report the matter to the relevant authority.

This response has been sent to Dr Barry Thompson.

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.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr R Hall	17 August 2018	23 October 2018	24/4/2018
Cr S Elphick	28 August 2018	26 September 2018	28/8/2018
Cr S Douglas	31 August 2018	5 October 2018	19/12/2017
Cr J Critch	28 September 2018	11 October 2018	28/8/2018
Cr G Bylund	4 October 2018	15 October 2018	24/7/2018
Cr G Bylund	2 November 2018	12 November 2018	24/7/2018
Cr N McIlwaine	16 November 2018	30 November 2018	23/1/2018
Cr N McIlwaine	22 March 2019	12 April 2019	28/8/2018

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

Cr S Keemink requests leave of absence for the period 1 October 2018 to 5 October 2018.

Cr M Reymond requests leave of absence for the period 15 November 2018 to 26 November 2018.

Cr V Tanti requests leave of absence for the period 19 January 2019 to 25 January 2019.

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr N McIlwaine declared a Financial Indirect interest in Item CCS356 RFT 21 1718 Geraldton Airport Renewal and Upgrade Works, as he is a salaried employee of a supplier to various Tenderers.

Cr N McIlwaine declared a Financial Indirect interest in Item IS180 RFT 23 1718 Geraldton SES Building Construction, as he is a salaried employee of a supplier to various Tenderers.

Cr G Bylund declared a Financial Indirect interest in Item IS180 RFT 23 1718 Geraldton SES Building Construction, as he has tendered to various tenderers.

Cr J Clune declared an Impartiality interest in Item DCS382 Proposed Renewal of Extractive Industry – Southgates, as he is a client of the proponent.

Cr J Clune declared a Proximity interest in Item IS180 RFT 23 1718 Geraldton SES Building Construction, as he has family members involved in the tender company.

Cr M Reymond declared a Proximity interest in Item DCS383 Proposed Local Planning Scheme Amendment – Urban Development Rezoning, Moresby, as his residence is in Strathalbyn and his son-in-law lives in Moresby.

Cr L Freer declared a Proximity interest in Item DCS384 Council Policy – CP1.5 Foreshore Use and Development, as he works for a business adjoining the proposed location.

Cr S Elphick declared an Impartiality interest in Item CCS357 Extended Trading Hours, as she works in retail.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 August 2018, as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR

Events attended by the Mayor or his representative

DATE	FUNCTION	REPRESENTATIVE
29 August 2018	Spirit Radio – Outcomes of Council Meeting	Mayor Shane Van Styn
29 August 2018	ABC Interview – Cruise Nomination	Mayor Shane Van Styn
29 August 2018	Spalding Urban Renewal Update	Mayor Shane Van Styn
2 September 2018	Radio Mama Interview	Mayor Shane Van Styn
3 September 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
3 September 2018	Australian Vanadium – Tour of Geraldton	Mayor Shane Van Styn
4 September 2018	WowFest Headline Act Selection	Mayor Shane Van Styn
4 September 2018	Lobster	Mayor Shane Van Styn
5 September 2018	ABC Interview – Larry the Lobster	Mayor Shane Van Styn
11 September 2018	Concept Forum	Deputy Mayor Cr Neil McIlwaine
13 September 2018	Sino-Australian Friendship Garden – Zhanjiang	Mayor Shane Van Styn
13 September 2018	City Planning Hall - Zhanjiang	Mayor Shane Van Styn
13 September 2018	Tourism Bureau & Outbound Tourism Operators – Tourism Marketing - Zhanjiang	Mayor Shane Van Styn
13 September 2018	Marine Science and Technology Industry Innovation Centre - Zhanjiang	Mayor Shane Van Styn
13 September 2018	Traditional Chinese Medical School - Zhanjiang	Mayor Shane Van Styn
13 September 2018	Meeting with Mayor of Zhanjiang	Mayor Shane Van Styn
13 September 2018	Mid-West Cup Carnival Opening	Deputy Mayor Cr Neil McIlwaine
14 September 2018	Geraldton Residential College - Annual Presentation Ceremony	Cr Natasha Colliver
14 September 2018	Ronghui Pearl Exhibition Centre - Zhanjiang	Mayor Shane Van Styn
14 September 2018	Guangdong Tongde Pharmaceutical Co. Ltd – Chinese Medicine Services Export to Australia - Zhanjiang	Mayor Shane Van Styn
14 September 2018	Xishe Cultural and Creative Centre - Zhanjiang	Mayor Shane Van Styn
14 September 2018	Dinglong Bay Resort – Tourism and Hotel Management - Zhanjiang	Mayor Shane Van Styn
16 September 2018	Zhoushan Museum - Zhoushan	Mayor Shane Van Styn
16 September 2018	Zhoushan Daily Newspaper – Co-operation on China-Connect Website - Zhoushan	Mayor Shane Van Styn
15 September 2018	Australian Products Experience Hall – Distribution of Illegal Tender Rum - Zhoushan	Mayor Shane Van Styn
17 September 2018	Citizenship Ceremony at Museum of Geraldton – in conjunction with National Citizenship Day and National Archives of Australia Exhibition 'A Ticket to Paradise'	Deputy Mayor Cr Neil McIlwaine

17 September 2018	Mayor of Zhoushan City	Mayor Shane Van Styn
17 September 2018	Zhoushan Tourism Development Commission & Zhoushan Commerce Bureau – Tourism & Trade Opportunities – Zhoushan	Mayor Shane Van Styn
18 September 2018	Meeting with CEO – Discuss Agenda	Deputy Mayor Cr Neil McIlwaine
18 September 2018	Xin Tiandi, Huamen Special Product Exhibition - Linfen	Mayor Shane Van Styn
18 September 2018	Agenda Forum	Deputy Mayor Cr Neil McIlwaine
19 September 2018	Meeting with Mayor of Linfen City and Signing of the Memorandum of Understanding on China-Australia Connectivity Project - Linfen	Mayor Shane Van Styn
19 September 2018	Linfen Museum - Linfen	Mayor Shane Van Styn
19 September 2018	Meeting with Leaders of Shanxi Provincial Government	Mayor Shane Van Styn
20 September 2018	Tourism Development Conference of Shanxi Province - Linfen	Mayor Shane Van Styn
20 September 2018	Central Regional TAFE - Sponsors Thank you Morning Tea	Deputy Mayor Cr Neil McIlwaine
20 September 2018	Staff Recognition Awards	Deputy Mayor Cr Neil McIlwaine
21 September 2018	Clontarf Presentation – Certificate of Appreciation	Deputy Mayor Cr Neil McIlwaine
21 September 2018	Beresford Foreshore – Site Visit	Deputy Mayor Cr Neil McIlwaine
25 September 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
25 September 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
25 September 2018	Regular Meeting with Local Member – Hon. Laurie Graham MLC, Member for the Agricultural Region	Mayor Shane Van Styn
25 September 2018	Ordinary Meeting of Council	Mayor Shane Van Styn

11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS382 PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY – SOUTHGATES

AGENDA REFERENCE:	D-18-068386
AUTHOR:	M Connell, Manager Urban and Regional Development
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	5 September 2018
FILE REFERENCE:	TP16/150 & A65947
ATTACHMENTS:	Yes (x1) Development Application – Extractive Industry - Southgates

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to renew, for a further 1 year, the current Extractive Industry (extraction of limesand) development approval on Lot 2453 Brand Highway, Cape Burney.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Schedule 2, Part 9, clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 1 year;
2. MODIFY conditions 2 and 3 to reference the *Southgates Dunes Management & Decommissioning Plan (Rev 4)* dated August 2018; and
3. REQUIRE any further renewal request to be referred to Council for its consideration.

PROPONENT:

The proponent is Doug Wilson from Mid West Sand Supplies in conjunction with MP Rogers & Associates Pty Ltd. The owner of the lot is Bayform Holdings Pty Ltd.

BACKGROUND:

Sand extraction has been occurring from Lot 2453 ('the land') for around 25 years. Sand extraction operations have been limited to the northern portion of the land which is part of a wider area commonly referred to as 'Southgates dunes' (or 'Southgates'). The removal of sand is for a range of agricultural and industrial uses, with the volume of sand varying from year to year dictated by demand from farmers and other users.

The extraction area is proposed to remain at around 23ha. The area extends approximately 560m from north to south (the total length of the western boundary of the land is approximately 790m).

In the coming few years, it is anticipated that extraction will be focused on a large, untouched sand dune front which is moving towards Brand Highway. This area is around 11ha in size (refer to 'Appendix A – Extraction Plan' of Attachment No. DCS382).

The volume of sand extracted from year to year is dependent on user demand. Due to envisaged fluctuations in the demand for limesand over the coming years the proponent is requesting that the maximum annual volume limit of 110,000m³ (168,000 tonnes) be replaced with an average limit of 110,000m³ (168,000 tonnes). This would have no net effect on the quantity of limesand extracted from the site and the total amount for the 3 year period would not change. In essence this allows for some years where more sand could be extracted and some years when less sand could be extracted (depending on demand).

Sand is extracted from a number of dune faces using bulldozers and front end loaders. The dune face is generally flattened by the bulldozer with the loader working at the base. If the sand is clean the loaders are able to place the sand directly into waiting road trains with the aid of loading ramps that have been set up on site. If there are no waiting road trains, the sand is stockpiled near the loading ramps.

It is predicted that around 50 to 60 road trains may enter and leave the site each day during the peak export season from January to March. Outside of this peak season, up to 20 road trains may enter and leave the site each day.

Sand is to be extracted above the +3m AHD contour across the site. This maximum excavation depth ties in with the approximate level of the vegetation on the western side of the lot. In reality, excavation is likely to remain higher than +3m AHD on the eastern flank given the level of the surrounding land.

Southgates dunes is a highly mobile dune system, moving to the north at approximately 10m/yr. The sand dunes are expected to continue to move into the proposed extraction area for the foreseeable future and therefore stabilisation of the dune is not feasible. Any attempts at stabilisation and revegetation of the extraction area would likely be unsuccessful, as the on-going passage of the dune fronts would cover any stabilised or revegetated areas.

Rehabilitation and decommissioning works will therefore aim to return the extraction site to a natural dune state at the end of the works. The following actions are proposed for the decommissioning of the extraction site:

- Very high or unstable excavation faces will be battered and flattened off to reduce potential collapse. It should be noted that steep dune faces are likely to form naturally due to wind forces over time and this process currently occurs naturally.
- All of the screened debris and vegetation will be removed from the site and disposed of at an appropriate landfill site.

- All facilities and equipment will be removed from site at the end of the works.

The proponent has suggested that the continued sand extraction would have a number of benefits to the local community and to the City of Greater Geraldton as follows:

- Economic benefit with direct employment of 10 employees and indirect employment of around 100 other people from truck drivers to farm hands.
- Improved soil conditions on farms which have the lime sands applied.
- Reduced management of windblown sand onto Brand Highway and the Southgates Dunes access road.
- The expanded sand extraction area will provide the Mid West region with a low cost source of lime sands into the future.

At the Special Council Meeting held on 16 September 2016 Council approved the extractive industry (*DCS295 Proposed Extractive Industry*) subject to the following conditions:

1. *The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton.*
2. *Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 and subject to any modifications required as a consequence of any condition(s) of this approval.*
3. *The proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 as lodged with the local government. The proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Plan are implemented in full.*
4. *Prior to the commencement of the development a Transport Assessment is to be prepared and approved by the local government in consultation with Main Roads WA. The approved Transport Assessment is to be implemented in full prior to the commencement of the development.*
5. *The 'Southgate Dunes Access Road' is to remain open to the public and the portion of the road within Lot 2453 is to be maintained to the satisfaction of the local government.*
6. *The approved extraction area is to be clearly demarcated on-site to the approval of the local government and approved markers indicating the extent of the area are to remain in place for the duration of the operations.*
7. *This development approval is valid for a period of 12 months from the date of determination, after which the further renewal of the development approval by the local government is required annually. It is the responsibility of the proponent to apply in good time before expiration, and the local government will not automatically re-issue*

development approvals. As part of the annual renewal process the proponent is required to submit details regarding the extent of the extraction area, the amount of extracted material for the year and the AHD levels of the extraction area. Should there be any evidenced breaches of this development approval then the local government will not renew the development application and the development approval shall lapse.

- 8. Hours of operation shall be limited to 07:00am to 18:00pm Monday to Saturday with no operations on Sundays or public holidays, unless otherwise approved in writing by the local government.*
- 9. No excavation is permitted below the 3m AHD level.*
- 10. Limesand extraction is limited to and annual amount of 110,000m³ and arrangements are to be made to the satisfaction of the local government to ensure compliance with this annual amount.*

At the Council Meeting held on 26 September 2017 Council approved the renewal of the extractive industry (*DCS346 Proposed Renewal of Extractive Industry – Southgates*) subject to the following conditions:

- 1. GRANT renewal of the development approval for an extractive industry on Lot 2453 Brand Highway, Cape Burney for 1 year;*
- 2. MODIFY conditions 2 and 3 to reference the Southgates Dunes Management & Decommissioning Plan (Rev 3) dated August 2017; and*
- 3. REQUIRE any further renewal request at the expiry of 1. above to be referred to Council for its consideration.*

Condition 3. (above) requires the annual renewal of the application. The proponent is requesting a 3 year renewal (refer to Attachment No. DCS382) and additionally that the annual limit be changed to an average amount which has no nett increase in the amount of limesand extracted.

The Development Application is included as Attachment No. DCS382.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There is an economic benefit of limesand to the agricultural industry.

The Department of Mines and Petroleum have stated that the Southgate dune is a large long-term, high quality limesand resource supplying agricultural lime to the Mid-West agricultural areas.

Social:

Recreational value:

Whilst the recreational value of the dunes is acknowledged, it must be noted that this application is over freehold land and not public crown reserve land. The vast majority of the dune formation at present is contained in the UCL to the south and will remain.

Interface with public and safety:

The access road to the beach is on private freehold land and is not a public road. The owner and proponent have continued to allow for continued public access and have maintained the access road, with no reported safety incidents to the City.

Inspectors of the Mine Safety Branch (MSB) of the Department of Mines and Petroleum inspected the site on 18 March 2016 and identified issues that required corrective action. The MSB have confirmed that the matters have been addressed and the operations are required to comply with the *Mines Safety and Inspection Regulations 1995*.

Traffic:

In response to condition 4. (above) a Traffic Impact Assessment was submitted to Main Roads WA. The Southgates Access Road was required to be sealed for a distance of 30m, 8m in width with the seal edge widened to accommodate for turning truck movements. These works were approved by Main Roads WA in December 2016.

Noise:

The Extractive Industry local planning policy allows for working hours from 7:00am to 6:00pm six days per week (Monday to Saturday). The proponent has confirmed they intend to continue to operate within those hours.

A number of residents are located within 25m of Brand Highway. Noise from this major highway are reasonably expected to be louder than the sand mining operations 125 to 300m away. In addition, traditional reversing alarms have been removed from the loaders to reduce noise levels emanating from site.

In any event, the operations are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Environmental:

'Southgates dunes' coastal sediment supply:

Of note is that the land is subject to an amendment to the Scheme to rezone the land for urban development. As part of the amendment process the land was subject to a full environmental review under the *Environmental Protection Act 1986*. This involved a full coastal processes analysis into the movement of the Southgates dunes and its contribution to the coastal sediment supply.

Specialist coastal engineers, M P Rogers and Associates Pty Ltd (MRA), completed a study of the dunes as part of the environmental review process. The report shows extracting sand from the northern front of the dune system is considered to have very little or no impact on the sand feed into the coastal system.

'Southgates dunes' movement:

The Southgates dunes system is essentially a large mobile sand sheet that is migrating in a northerly direction through the action of the prevailing southerly winds. Analysis of rectified aerial photography suggests that the northern edge of the dunes moved approximately 100m between 2001 and 2010. This is a rate of around 11m/yr to the north.

The dune front to the east and west of the existing extraction area has continued to move to the north covering parts of the dune access road. The central portion of the northern dune face, influenced by the sand extraction, has been slowed in recent years (2010 to 2015). Without this extraction it is highly likely that the dune front would be further north than its current position.

The dune front is highly likely to continue moving to the north unless sand is removed. Without sand extraction in the north-east corner of the dunes, windblown sand impacts on Brand Highway and residential properties are expected. Significant volumes of windblown sand can occur up to approximately 100m north of the dune (with detectable levels of windblown material recorded several hundred metres from the dune front).

The adverse impacts of windblown material are therefore likely to be experienced well before the dune front actually reached Brand Highway or adjacent residential properties.

Vegetation:

There are adjacent areas of regionally significant vegetation to the east and north of the land. The sand extraction focuses on the removal of mobile dune sands while not impacting on adjacent vegetation.

A simple review of aerial photography shows that the dunes smother vegetation as it migrates to the north. Given the height of the northern dune front and the rate of movement, the vegetation is completely covered over by the dune and subsequently dies. New vegetation does not get a chance to establish in the highly mobile areas and can only establish on the southern edge of the dune, as the mobile sand dune moves north.

This dead vegetation needs a permit to be cleared and in August 2016 the Department of Environment Regulation issued a permit which is valid until September 2021.

Cultural:

A Registered Aboriginal Heritage site (ID 5287 Southgates Burial Site) is located in the centre of the land. No excavation is proposed within this area and in any event the site is protected under section 17 of the *Aboriginal Heritage Act 1972*, whereby a person who excavates, destroys, damages or in any way alters an Aboriginal site commits an offence.

RELEVANT PRECEDENTS:

Council at its meeting held on 22 March 2016 considered the Scheme amendment over the area and as part of those deliberations resolved to:

Direct the CEO to ensure that all conditions of the extractive industries permit issued in the area known as Southgates have been met, in particular as they relate to the volume of material removed annually and initiate a full review of the mining operations.

At the Special Council Meeting held on 16 September 2016 Council approved the extractive industry subject to a number of conditions and a 1 year extension of the approval was granted by Council at its meeting held on 26 September 2017.

The author is not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation however the original application went through an extensive consultation process.

Since re-commencement of the operations in December 2016, the City has received 2 formal reports from the public during 2017. One requesting the operations cease as it was 'a bad thing for Geraldton' and the second querying if the City was going to clear the Southgates Road down to the beach as it was getting boggy.

During 2018 a further two (2) formal reports from the public were received. One unsubstantiated claim that the mining was causing excessive dust in Mount Taroola and another claim that the operations were being conducted outside of the approved area. This was investigated by City Officers and found to be incorrect.

LEGISLATIVE/POLICY IMPLICATIONS:Town Planning Scheme 1A:

The land is a 'Local Scheme Reserve' for the purpose of 'Dune Preservation' under the Scheme. Where an application is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve.

Of note is that the land is designated as a 'Development Investigation Area' under the Local Planning Strategy (refer to 'Regional Outcomes' section of this report). It could therefore be reasonably argued that the ultimate purpose intended for the reserve is not purely for dune preservation.

It should also be noted that the land is private freehold land and is not part of any Crown reserve.

The land was subject to a scheme amendment to rezone the land for urban development (incorporating a foreshore reserve) however that amendment was refused by the Minister for Planning in June 2018.

City Officers are now pursuing the option to revoke Town Planning Scheme No. 1A and have the land included in Local Planning Scheme No. 1 (Greater Geraldton) an item will be prepared for Council consideration in this regard and presented at a future meeting. The operations will not prejudice any future statutory planning process over the land.

Extractive Industry local planning policy:

The objectives of this policy are:

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

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

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

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

There is no planning process available to seek either a royalty payment or charge a road use fee for this application. The land is held in freehold title and the adjacent road (Brand Highway) is under the care and control of Main Roads WA.

INTEGRATED PLANNING LINKS:

Title: Environment	2.1 Revegetation-Rehabilitation-Preservation
Strategy 2.1.2	Sustainably maintaining public open spaces and recreation areas.
Title: Economy	3.1 Growth

Strategy 3.1.2	Fostering a community where local business is supported.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:

Local Planning Strategy:

This Strategy represents the land use planning response to the City’s strategic community vision. It guides long-term land use planning and provides the rationale for land use and development controls.

The land has been identified in the Strategy within ‘Development Investigation Area 8 (Cape Burney)’. The Strategy considers the ultimate land uses may include urban, a district centre with community and public purposes subject to future rezoning and/or structure planning.

With regard to the coast, one of the key actions from the Strategy is to ensure land use decision making is based on the best available science regarding coastal processes. This has been previously provided by the proponent via the *Southgate Dunes Sediment Feed Analysis* report.

RISK MANAGEMENT:

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

Given the mobile nature of the dune system, failure to adequately manage the mobility of the dune could result in an increased risk to public safety of Brand Highway road users and nearby residents.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Southgates dunes is a highly mobile dune system, moving to the north at approximately 10m/yr. The sand dunes are expected to continue to move into the proposed extraction area for the foreseeable future thereby creating a risk for surrounding residents and the Brand Highway.

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

The proponent has demonstrated compliance with all the conditions of the current development approval including road and safety upgrades. They have provided monthly reports to City staff and maintained the public road access to the beach.

Given the above, a 1 year renewal is recommended.

Council does have an option to approve a 3-year renewal as requested by the applicant to give some certainty to the continuation of the mining operation and allows the operator to even out the needs of the regions farmers' year on year based on the seasonal conditions.

The option to refuse the application is not supported as the operation has complied with the existing approval conditions and the majority of the material excavated and moved off site has assisted farmers in the region.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event the proponent is required to gain an annual renewal of the application.

DCS383 PROPOSED LOCAL PLANNING SCHEME AMENDMENT – URBAN DEVELOPMENT REZONING, MORESBY
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AGENDA REFERENCE:	D-18-068399
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Development & Community Services
DATE OF REPORT:	3 September 2018
FILE REFERENCE:	LP/14/0008
ATTACHMENTS:	Yes (x1) Scheme Amendment Report – Fairfax Drive Moresby Ranges

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to initiate a Local Planning Scheme Amendment ('amendment') to rezone Lot 28 Fairfax Drive, Moresby from 'Rural' to 'Urban Development' and to determine that the rezoning is a 'standard' amendment.

EXECUTIVE RECOMMENDATION:

Part A:

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

1. AMEND Local Planning Scheme No. 1 by rezoning Lot 28 Fairfax Drive, Moresby from 'Rural' to 'Urban Development'.

Part B:

That Council by Simple Majority, pursuant to Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. DETERMINE that the rezoning is a 'standard' amendment.
2. MAKE the determination on the following grounds:
 - a. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

PROPONENT:

The proponent is Roberts Day on behalf of the owner of Lot 28, Geraldton Land Pty. Ltd.

BACKGROUND:

The subject site is approximately 6km north-east from the Geraldton City centre and is situated between the Chapman River to the south, and the foothills of the Moresby Range to the north-east.

It is approximately 218ha in area with topography ranging in elevation from 20m in the south-west to 80m AHD in the north-west. The land has been

cleared for agricultural purposes and contains a natural drainage line that bisects the centre of the site, running in a north-south orientation down to the Chapman River.

It is proposed to rezone the site to the 'Urban Development' zone to facilitate the future preparation of a consolidated structure plan over the subject site and also the adjoining Lots 52 and 1011 which are already zoned 'Urban Development'. The structure plan will be prepared to ensure suitable integration with the surrounding landholdings and will determine the future land uses.

A copy of the Scheme Amendment Report is included as Attachment No. DCS383.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

As part of the amendment process, and prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the *Environmental Protection Act 1986*.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council at its meeting held on 13 November 2007 gave final approval to Amendment No. 115 to the former Town Planning Scheme No. 4 (Greenough). This amendment rezoned a large portion of land to the west (initially known as 'Woorree New Town' but now referred to as 'Geraldton Heights') to the 'Development' zone. The Minister for Planning granted final approval to the amendment on 08 January 2010. The structure plan for the land was endorsed by the WA Planning Commission in March 2010.

Council at its meeting held on 28 February 2012 gave final approval to Amendment No. 2 to the former Local Planning Scheme No. 5 (Greenough). This amendment rezoned Lots 1 and 52 Fairfax Drive, Moresby to the north to the 'Development' zone. The Minister for Planning granted final approval to the amendment on 16 May 2012.

The author is not aware of any other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate the amendment it is required to be publicly advertised for a period of not less than 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. There has been no Councillor consultation however, at the conclusion of public advertising period the matter must be presented back to Council which will include a schedule of submissions received. A resolution must then be passed to either support the amendment (with or without modification) or not support the amendment.

LEGISLATIVE/POLICY IMPLICATIONS:

Planning and Development Act 2005:

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

Planning and Development (Local Planning Schemes) Regulations 2015:

Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the local government resolution must specify whether, in the opinion of the local government the amendment is a basic, standard or complex amendment.

In essence a 'basic' amendment is one that corrects an administrative error in the scheme or rectifies a zoning anomaly.

A 'standard' amendment is one that is consistent with a local planning strategy, would have minimal impact on land in the area and does not result in any significant impacts on the land.

A 'complex' amendment is one that is not consistent with a local planning strategy and is of a scale that will have an impact that is significant relative to the development in the locality.

This amendment is considered to be a 'standard' amendment under the above criteria.

City of Greater Geraldton Local Planning Scheme No. 1:

The amendment proposes to rezone Lot 28 Fairfax Drive, Moresby to 'Urban Development'. The objectives of the 'Urban Development' zone is to:

- a) Identify areas that require comprehensive planning in order to provide for the coordination of conditions, land use and development; and
- b) Provide a basis for more detailed structure planning in accordance with the provisions of this scheme.

The 'Urban Development' zone will require a structure plan to be prepared that will create the basis for any further land use, development or subdivision within the area.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and resource impacts.

INTEGRATED PLANNING LINKS:

Title: Governance	4.2 Planning and Policy
Strategy 4.2.1	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:Geraldton Regional Plan:

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

Local Planning Strategy 2015:

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

The subject lots are identified as 'Development Investigation Area No. 3: Moresby – Moonyoonooka' on the Geraldton Urban Area Strategy Plan. The ultimate land use identified for this area is 'Urban / Rural Living'.

Further structure panning for the area will determine the future land uses.

RISK MANAGEMENT:

There are no inherent risks to the City in initiating this amendment.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The Geraldton Region Plan identifies the subject site as 'future urban' and the City's Local Planning Strategy identifies the site as a 'Development Investigation Area' for future urban / rural living.

The rezoning of the subject site to 'Urban Development' is considered to be consistent with the planning framework and as further structure planning will be required facilitate future land use and development, the option to refuse is therefore not supported.

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

DCS384 COUNCIL POLICY – CP1.5 FORESHORE USE AND DEVELOPMENT POLICY
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AGENDA REFERENCE:	D-18-068368
AUTHOR:	B Robartson, Manager Land and Regulatory Services
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	16 August 2018
FILE REFERENCE:	GO/14/0002
ATTACHMENTS:	Yes (x3) A. Council Policy 1.5 – Foreshore Use and Development Policy – Version 2 B. Comparison Table CP1.5 C. Beresford Foreshore Community Workshop Final Report (2016)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 1.5 – Foreshore Use and Development Policy – version 2, as amended that would enable Expressions of Interest (EOI) for potential operators to provide services and facilities at two specific locations along the Beresford Foreshore. The draft Council Policy 1.5 version 2 is attached as Attachment No. DCS384A.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 1.5 – Foreshore Use and Development Policy – version 2;
2. INITIATE an EOI process to invite potential operators to provide services and facilities at two specific locations along the Beresford Foreshore;
3. DETERMINE that the two areas are:
 - a. Zone 1– Reserve 42069 – (Midalia’s Beach locality) an area of approximately 415m² for multi-use commercial activities that are either temporary or transportable structures or Itinerant/ mobile in nature;
 - b. Zone 2 – Reserve 5660 – (Dean Street locality) an area adjacent to the Dean Street carpark of approximately 385m² for multi-use commercial activities that are itinerant/ mobile in nature; and
4. PROVIDE a report to Council on the results of the EOI process and recommendations thereto for determination.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy 1.5 – Foreshore Use and Development Policy was adopted by Council on the 24 November 2015. Within the biennial review process this policy is now subject to review.

The review is timely as the new developments at the Beresford Foreshore will enable both Crown Land Reserves 42069 (Lot 2959) and 5660 (Lots 748 and 749) to be incorporated in the policy.

The inclusion of the Beresford Foreshore under this policy provides an effective framework for the management of proposals for commercial business infrastructure development, recreational and other usages on the foreshore reserve in order to achieve a well management public foreshore.

The amendments to the policy are highlighted in the Comparison Table included as Attachment No. DCS384B.

Concurrently with the above policy update it is proposed to then go out to EOI seeking interested parties to provide services and facilities to the public for the enhancement and activation of the Beresford Foreshore that are in accordance with the six key principles of the policy.

The Beresford Foreshore Reserve is made up of the following two Crown Land Reserves. Reserve 5660 (Lots 748 and 749) and Reserve 42069 (Lot 2959) vested with the City of Greater Geraldton for the management, care and control with power to lease.

It is proposed that the Beresford foreshore reserve have available two distinct zones for commercial activities and provision of services that would form part of the EOI process. These are:

- Zone 1 - Crown Reserve 42069 (Midalia's Beach locality) that provides an area of approximately 415m² for multi-use commercially orientated activities that are either temporary or transportable structures or itinerant mobile in its operation. Lease or licence options would be available for use of operation. This area is fully serviced with power and water available; and
- Zone 2 – Crown Reserve 5660 (Dean Street Node locality) that provides an area of approximately 415m² for multi-use commercially orientated activities that are itinerant mobile in its operation. Short term lease or licence options are available for use of operation. This area is not serviced with power and water.

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

This policy provides a framework for the significant social, wellbeing and enhancement of facilities for the community for a well-managed public foreshore.

The cultural, heritage or indigenous impacts are covered within the policy.

Environment:

There are no environmental impacts relating to this policy.

Economy:

This policy provides a framework for the significant economic benefits for a well-managed public foreshore.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council first approved the policy on the 24 November 2015.

COMMUNITY/COUNCILLOR CONSULTATION:

Attached for reference is the Beresford Foreshore Community Workshop final report (2016) which identified amongst the priorities food / drink outlet (refer Attachment No. DCS384C). Council was briefed at the Concept Forum on 7 August 2018. The Executive Management Team reviewed the draft policy on 16 August 2018 and 11 September 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

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

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

Recent advice from the Department of Planning, Lands and Heritage (DPLH) has confirmed that the proposed amendment requested by the City to the Management Orders over both reserves to grant power to lease has been approved for a period of 21 years.

What remains outstanding for determination by DPLH is the length of term as the City did request a period of 42 years to be consistent with the Geraldton foreshore Management Order. The longer term has the benefits to assist with commercial investors and their financing securities for any proposed infrastructure developments and longer term future developments.

FINANCIAL AND RESOURCE IMPLICATIONS:

There is potentially an option for a small amount of revenue to be raised via leases/ licences but the priority is for activation of the Beresford Foreshore areas.

INTEGRATED PLANNING LINKS:

Title: Governance	4.1 Community Engagement
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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CCS352 COUNCIL POLICY CP 4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS AND COMMITTEE MEMBERS
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AGENDA REFERENCE:	D-18-066923
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	5 September 2018
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2) A. Draft Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members B. Comparison Table CP 4.2

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement of Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members version 3, as amended.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members version 3.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy CP 4.2 was last reviewed by Council on 23 May 2017, CCS254. On 20 June 2018 WALGA released an updated version of the model code of conduct for Council Members, Employees and Committee Members, on which the City's code is modelled, with a new clause inserted - *Personal Communication and Social Media*.

The details of the new clause were forwarded to councillors by briefing note on 31 July 2018, with the new WALGA recommended *Social Media and Communications Guidelines*. Councillors were asked to consider whether CP 4.2 should be amended to include the new clause.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

Inclusion of the *Personal Communication and Social Media* clause provides additional guidance to councillors regarding the conduct requirements for personal communications which may become public.

RELEVANT PRECEDENTS:

Council review Council Policies from time to time as required. Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members was last reviewed by Council on 23 May 2017, CCS254.

COMMUNITY/COUNCILLOR CONSULTATION:

Council were consulted via briefing note on 31 July 2018 and at the Concept Forum on 11 September 2018. The Executive Management Team reviewed the draft policy on 22 August 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

(1) The council —

(a) governs the local government’s affairs; and

(b) is responsible for the performance of the local government’s functions.

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

(a) oversee the allocation of the local government’s finances and resources; and

(b) determine the local government’s policies.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

CCS353 COUNCIL POLICY CP 4.8 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

AGENDA REFERENCE: D-18-066992
AUTHOR: M Adam, Coordinator Governance
EXECUTIVE: B Davis, Director Corporate and Commercial Services
DATE OF REPORT: 5 September 2018
FILE REFERENCE: GO/19/0008
ATTACHMENTS: Yes (x2)
A. Draft Council Policy CP 4.8 Legal Representation for Council Members and Employees
B. Comparison Table CP 4.8

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement of Council Policy CP 4.8 Legal Representation for Council Members and Employees version 2, as amended.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy CP 4.8 Legal Representation for Council Members and Employees version 2.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy CP 4.8 Legal Representation on Cost Indemnification was last reviewed by Council on 24 January 2017, CCS231. Within the biennial review process for the Council Policy Manual the policy is due for review prior to 31 December 2018. The objective of the policy is to provide a framework and guidance in the protection of Council members and employees involved in legal proceedings as a result of their employment.

The suggested amendments are detailed on the comparison table Attachment No. CCS353B.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

RELEVANT PRECEDENTS:

Council review Council Policies from time to time as required. CP 4.8 Legal Representation on Costs Indemnification was last revised by Council on 24 January 2017, CCS231.

COMMUNITY/COUNCILLOR CONSULTATION:

Council were consulted via Briefing Note on 1 August 2018 and at the Concept Forum on 11 September 2018. The Executive Management Team reviewed the draft policy on 22 August 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

- (1) The council —*
 - (a) governs the local government’s affairs; and*
 - (b) is responsible for the performance of the local government’s functions.*
- (2) Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government’s finances and resources; and*
 - (b) determine the local government’s policies.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

CCS354 COUNCIL POLICY CP 4.3 CIVIC CEREMONIES
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AGENDA REFERENCE:	D-18-068522
AUTHOR:	P Bennett, Administration Officer Corporate Services
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	4 September 2018
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2) A. Draft Council Policy CP 4.3 Civic Ceremonies B. Comparison Table CP 4.3

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for Council Policy CP 4.3 Civic Ceremonies version 2, as amended.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy CP 4.3 Civic Ceremonies version 2.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy CP 4.3 Civic Ceremonies was last reviewed by Council on 24 January 2017. Within the biennial review process for the Council Policy Manual the policy is due for review prior to 31 December 2018.

Consultation with Coordinator Events and Venues resulted in amendment to section 4 of the policy – Australia Day Community Citizen of the Year Awards Selection. The proposed amendments to the policy are detailed in Attachment No. CCS354B, for Council consideration.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

RELEVANT PRECEDENTS:

Council first approved CP 4.3 Civic Ceremonies on 24 January 2017 – CCS231.

COMMUNITY/COUNCILLOR CONSULTATION:

Council were consulted via briefing note on 31 July 2018 and at the Concept Forum on 11 September 2018. The Executive Management Team reviewed the draft policy on 22 August 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government’s finances and resources; and*
 - (b) *determine the local government’s policies.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Community	1.1 Our Heritage and the Art
Strategy 1.1.4	Fostering and facilitating community and cultural events.
Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

CCS355 COUNCIL POLICY CP 4.27 ENTRY CONDITIONS LOCAL GOVERNMENT BUILDINGS

AGENDA REFERENCE:	D-18-069126
AUTHOR:	J Graham, Manager Corporate Services
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	7 September 2018
FILE REFERENCE:	RM/6/0012
ATTACHMENTS:	Yes (x2) A. Council Policy CP 4.27 Entry Conditions Local Government Buildings B. Comparison Table CP 4.27

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement of the newly developed Council Policy CP 4.27 Entry Conditions Local Government Buildings (CP4.27). This policy has been identified as required to enforce provisions set out in the *City of Greater Geraldton Local Government and Public Property Local Law 2014* (Property Local Law) associated with the management of nuisance or anti-social persons accessing City facilities.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE Council Policy CP 4.27 Entry Conditions Local Government Buildings.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City over the last year has identified that of the safety incidents reported within City facilities on average a third of all incidents relate to a security issue. These security incidents generally relate to antisocial or violent behaviour against both City employees, visitors and property. While other incidents have involved serial vexatious litigants against the City.

As part of the assessment into the management of security incidents within City facilities a review of legislation, current policies and local laws was undertaken. This review confirmed that the Property Local Law provisions for the management and response to personal behaviour causing nuisance encapsulated the security incidents occurring at City facilities.

The following are extracts of the Property Local Law.

5. Definitions “nuisance” means —

- (a) *any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;*
- (b) *anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or*
- (c) *anything a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;*

11. Personal Behaviour

A person on any local government property shall not behave in a manner which causes a nuisance.

In addition to the above provisions associated with behaviour, the Property Local Law details the ability of the City to erect signage establishing the conditions of use for City facilities.

The City has drawn on these two provisions in the development of CP4.27, which once endorsed will be made public and link to the conditions of entry signage at all City facilities.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community consultation. The policy were issued to Councillors on 17 July 2018 with all feedback included in the attached policy comparison table. In addition the policy was presented at Concept Forum on 11 September 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 (1) and (2) of the *Local Government Act 1995* the role of Council includes determination of Council Policies.

As detailed above the *City of Greater Geraldton Local Government and Public Property Local Law 2014* directs how the City may impose conditions of entry to City facilities and its response and management of anti-social behaviour.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.4 Financial Sustainability and Performance
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.
Strategy 4.5.4	Ensuring Human Resource planning, policies and procedures support effective and safe Council service delivery.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

CP4.27 and its associated processes is wholly associated with the mitigation of security and safety risk exposures to City employees and the users or attendees at the City facilities.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The following options were considered by City Officers:

The City initially considered simply authorising Officers under the Property Local Law to be able to direct anti-social persons, serial vexatious litigants and abusive customers to leave City facilities. Upon further review however, it was confirmed that authorising Officers were only a part of the overall management requirements, and that to ensure facility users and City employees understood the requirements a policy and clearly posted entry conditions was recommended.

CCS356 RFT 21 1718 GERALDTON AIRPORT RENEWAL AND UPGRADE WORKS
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AGENDA REFERENCE:	D-18-069416
AUTHOR:	B Urquhart, Geraldton Airport Manager
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	05 September 2018
FILE REFERENCE:	PM/4/0029
ATTACHMENTS:	Yes (x1) Confidential Confidential - RFT 21 1718 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 21 1718 for Geraldton Airport Renewal and Upgrade Works 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 RFT 21 1718 Geraldton Airport Renewal and Upgrade Works to the preferred tenderer; and
2. RECORD the contract value in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFT 21 1718 sought tender prices to undertake renewal and runway upgrade works to the Geraldton Airport. Two options formed part of the Request for Tender.

The first option included the construction of an overlay of the existing airfield pavements and replacement of the aeronautical ground lighting infrastructure.

The second option, being subject to Building Better Regions Funding (since secured) included all of the first option, plus the construction of a runway extension to the south, runway shoulders for the full length, taxiway widening and shoulders, aircraft parking apron extension and additional aeronautical ground lighting, visual aids and apron floodlighting to suit the extended pavements.

The scope of works includes, but is not limited to, mobilisation, demobilisation, material supply, construction and quality/management/health and safety systems.

The RFT was advertised in West Australian on Saturday 21 April 2018 and Geraldton Guardian Friday 20 April 2018. The RFT was also advertised on the City's TenderLink e-Tendering Portal. Ninety eight (98) suppliers

registered to receive copies of the tender and five (5) submissions were received.

All submissions were deemed compliant against the City's compliance criteria. All submissions were then assessed against the following qualitative criteria.

- a. Tenderer's Experience (25%)
- b. Key Resources (25%)
- c. Occupational Safety, Health & Environment (OSHE) Management (10%)
- d. Price (40%)

Tenderers were required to provide prices as a lump sum.

Following the initial tender evaluations, two (2) Tenderers were selected to be further evaluated as part of the short listing process. The short listed tenderers were requested to attend an interview to discuss technical aspects of their submissions including programme and methodology and provide their best and final offer based on revised specification at the short listing stage.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The community will benefit from this project as a result of improved safety of aviation operations resulting from renewal of the existing runway surface, reducing risks for aircraft operations.

Environment:

There are no adverse environmental impacts. The works are confined to airport estate land owned by the City, for the long established airport. The City has established a development buffer zone surrounding the airport, via local planning policies, to prevent incompatible development.

Economy:

The preferred tenderer submission identified a significant amount of local content for the supply of the goods and services.

The Mid West Development Commission's *Mid West Regional Blueprint* planning process identified upgrade of the Geraldton Regional Airport to 'international standard' as being one of the key pieces of infrastructure required to drive economic growth in the region. Upgrading capacity of the airport is identified as a priority in the *Growing Greater Geraldton Plan*. Tourism and Trade development depend on upgrading airport capacity to enable operation of larger aircraft types.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

The City (with the airport then owned by the Shire of Greenough) previously undertook renewal and upgrade of the airport runway in 1999, with construction by contractor of an asphalt overlay. Subsequently, the City has upgraded capacity of the main airport Terminal building, and secondary aircraft apron pavements.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors have been provided with regular verbal and written updates of the Airport renewal and upgrade project process since its initiation in 2016. Separately, in prior year budgets, Council allocated funding for detailed design of the project works, to ensure it was 'shovel ready' to proceed when sufficient grant funding was achieved. The City initially applied, unsuccessfully, for grant funding under the National Stronger Regions Fund (NSRF), and again unsuccessfully under the first round of the Building Better Regions Fund (BBRF). Council made provision for the project in its annual budgets in each year, subject to receiving grant funding assistance from Federal and State Governments. Grant funding was then achieved, first under the State Government's Regional Airports Development Scheme (RADS), administered by the Department of Transport, providing leveraged funding to support application to the Commonwealth for additional grant assistance from the Building Better Regions Fund (BBRF). Following advice to Council on success with BBRF grant funding support, tenders were invited for the construction works.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act and regulations, and the City's Procurement policy were observed when preparing and recommending the award of this tender.

Design for the airside infrastructure works has been undertaken in compliance with CASA requirements (MOS139).

FINANCIAL AND RESOURCE IMPLICATIONS:

The approved budget for this project, as endorsed by Council, excluding GST is \$24,000,000 as detailed below –

State Government Grant RADS	\$ 6.5m
Building Better Regions Fund (BBRF)	\$10.0m
Council Contribution	\$ 7.5m

In addition to the construction works for which this report recommends award of contract, the overall budget also covers retention of a specialist aviation works project manager, and retention of aviation-qualified works safety Officers.

INTEGRATED PLANNING LINKS:

Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.
Title: Environment	2.4 Asset Management
Strategy 2.4.1	Applying financial sustainability principles to ensure a coordinated and integrated approach to infrastructure planning, implementation, maintenance and renewal.
Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.1	Supporting local procurement.

REGIONAL OUTCOMES:

Awarding this contract will provide renewal of the existing runway, extension of the runway to 2400 metres, and expansion of the main apron, to enable the operation of larger aircraft such as Airbus A330. This will enable development over time of tourism and airfreight trade.

Beyond the Mid west, the airport capacity upgrade will deliver a wider benefit, providing enhanced alternative landing airport capacity in support of Perth Airport, thus assisting development of tourism and airfreight trade inbound to WA via Perth.

RISK MANAGEMENT:

The successful tenderer will be engaged under an AS4000 General Conditions of Contract providing industry standard mechanisms for managing risk during construction. The Project Manager and Work Safety Officers will provide technical and quality assurance support. CASA-compliant methods of works plans will cover all airside project activities. Project governance will include preparation of a comprehensive project risks register, to be updated and monitored progressively throughout the project. The project governance board includes the CEO and City Directors.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers. Construction of airside aviation infrastructure requires specialist capabilities, not available in-house, and the out-sourcing of construction to a competent contractor through a competitive open tender process is considered the appropriate method. Procurement of the construction through alternate methods would be less efficient and likely to increase costs given the complex scope and nature of the works.

CCS357 EXTENDED TRADING HOURS

AGENDA REFERENCE:	D-18-069891
AUTHOR:	P Vorster, Coordinator Economic Development
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	7 September 2018
FILE REFERENCE:	ED/3/0003
ATTACHMENTS:	Yes (x2) A. Progress Economics Report B. Post-Trial Community Survey

EXECUTIVE SUMMARY:

This report seeks Council approval to seek Ministerial approval for continuation of extended general retail trading hours in Geraldton, aligned with approved general retail trading hours for Metropolitan Perth, on an ongoing basis, as trialled.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE continuation of general retail trading hours in Geraldton aligned with approved general retail trading hours for Metropolitan Perth on an ongoing basis;
2. SEEK approval from the Minister for Commerce for continuation on an ongoing basis of General retail trading hours in Geraldton aligned with approved general retail trading hours for Metropolitan Perth as follows:
 - a. All shops are regarded as General Retail shops unless they fall under any one of the other categories including small retail shops, special retail shops, service stations or motor vehicle shops, hours for which are either deregulated or are regulated separate from general retailers;
 - b. Traders do not have to open, however may choose when they open within their approved trading hours;
 - c. General Retail trading hours:
 - i. 8.00 am – 9.00 pm on Monday, Tuesday, Wednesday Thursday and Friday;
 - ii. 8.00 am – 5.00 pm on Saturday;
 - iii. 11.00 am – 5.00 pm on Sunday;
 - iv. 11.00 am – 5.00 pm on public holidays; and
 - v. Closed on Christmas Day, Good Friday and ANZAC Day.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In early October 2017, the City of Greater Geraldton, with approval of the Minister for Commerce began a 12 month trial period of extended general

retail trading hours in the local government area of Greater Geraldton. That trial is to conclude in early October 2018.

The trial enabled Geraldton to come into line with hours permitted for General retailers in Perth. Smaller and specialty retailers already had unrestricted trading hours, so the trial made no difference to when they were permitted to trade. The trial enabled the larger retailers including Coles and Woolworths supermarkets to trade on weekends and public holidays, and to extend their opening times during the week as follows:

- i. 8.00 am - 9.00 pm on Monday, Tuesday, Wednesday Thursday and Friday;
- ii. 8.00 am - 5.00 pm on Saturday;
- iii. 11.00 am-5.00 pm on Sunday;
- iv. 11.00 am - 5.00 pm on public holidays; and
- v. Closed on Christmas Day, Good Friday and ANZAC Day.

All shops remained able to choose their actual opening times within the range of permissible hours.

In granting the trial, the Minister for Commerce and Industrial Relations requested that a comprehensive review of the trial be submitted by 30 July 2018, nine months into the trial period.

The review consisted of 2 independent surveys, commissioned by the City:

1. Survey of community views – undertaken by the firm Thinkfield; and
2. Survey of impact and views of the business community – undertaken by Progress Economics.

Both the Survey reports are attached to this report. In summary:

- There is majority support of 63% of the Community for continuation of the extended trading hours for general retail shops in the City of Greater Geraldton.
- Approximately 90% of respondents said their shopping habits were influenced by the extra hours that were enabled by the trial with 30% suggesting increased local expenditure and 30% more centrally located shopping.
- The trial was supported by National general retailers and a small number of local businesses such as cafes and gift shops.
- The main opposition to extended hours for general retailers came from some small retailers that already have unregulated trading hours
- 50% of businesses were employing the same amount of staff in full time equivalent (FTE) as before the retail trading extension.
- 16% claimed to be employing more staff.
- Overall there were small employment losses to full time and casual employment. These were offset by part time gains.
- In terms of tourism, cruise ship visits to Geraldton yielded an estimated crew and passenger spend in the local economy of \$91,250 per cruise ship visit.

- 43% of Geraldton Visitor Centre members (tourism businesses) surveyed experienced better business growth than the previous year, with 33% trading at around the same level.

A report was submitted in August to the Minister for Mines and Petroleum, Commerce and Industrial Relations indicating that in light of the consistently strong support demonstrated by the community in favour of the extension of the general retail trading hours, a report would be put to Council in September recommending that the general retail trading hours, as trialled, continue on an ongoing basis.

Retail trading in Geraldton during the trial reflected the general economic conditions, with some influence from factors such as online shopping.

Behaviour of shoppers in Geraldton was influenced in particular during the trial period by opening of the new Wandina shopping centre, which features a Woolworths supermarket, liquor outlet, newsagency, chemist, café, hairdresser, and an adjacent Medical practise. The new shopping centre attracted shoppers on the south side who previously had to travel to other locations for retail shopping, particularly on weekends and public holidays, changing retail trading patterns in the city.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts. The community survey undertaken prior to undertaking the trial, and the subsequent community survey, both indicated strong community support for the extended general retail trading hours.

Environment:

There are no adverse environmental impacts.

Economy:

The extended general retail trading hours have opened the City for business from travellers and tourists on weekends and public holidays. Retail precincts including non-retail businesses (e.g. food and hospitality) have opportunity for business improvement arising from increased activation during the extended weekday trading hours, and from Sunday and public holiday trading hours for general retailers.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

This report follows the trial of extended general retail trading hours, approved by Council, as an initiative identified in the Growing Greater Geraldton Plan.

COMMUNITY/COUNCILLOR CONSULTATION:

Two independent surveys were commissioned by the City. These are included in the attachments. Both show strong community support for extended general retail trading hours.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
Strategy 3.1.4	Supporting and facilitating implementation of the Growing Greater Geraldton plan.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy.

REGIONAL OUTCOMES:

Extended general retail trading hours in Geraldton enhance the role of the City as the primary business and services hub for the Mid West region.

RISK MANAGEMENT

There are no risk management issues associated with this initiative.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Council has the option of not approving continuation of extended general retail trading hours aligned with metropolitan Perth. That would leave Geraldton as the only regional City in WA without extended general retail trading hours, and that option is therefore not supported.

The recommendation in this report, to approve continuation of extended general retail trading hours, reflects the clear majority views of the community.

CCS358 RATES EXEMPTION – NGALA CHILDREN'S SERVICES

AGENDA REFERENCE:	D-18-069638
AUTHOR:	S Russell, Rates Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	6 September 2018
FILE REFERENCE:	RV/4/0003-02
ATTACHMENTS:	Yes (x4) 1 x Confidential A. Confidential Attachment - Legal Advice from McLeods Barristers & Solicitors B. Statutory Declaration C. Organisational Statement D. Charity Registration

EXECUTIVE SUMMARY:

Ngala Children Services have submitted an application for rates exemption for rates Assessment 478 – 20 Jose Street, Mullewa to Council to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* ("LGA") (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.26(2)(g) of the Local Government Act 1995 RESOLVES to:

1. APPROVE a rates exemption for Ngala Children Services on 20 Jose Street, Mullewa from the date of commencement of the family day care service on the basis that the properties are being used exclusively for a charitable purpose.

PROPONENT:

The proponent is Ngala Children Services.

BACKGROUND:

Ngala leases four (4) properties from the City under 'peppercorn' lease agreements which permit Ngala to use each property for the purpose of family day care and under which Ngala is obliged to, among other things, pay local government rates.

Ngala Children Services is a not for profit organisation which provides non-profit child care facilities, including but not limited to long day care (full-time and part-time), casual care, before and after school care to persons unable to afford fees for childcare. The properties are operated by different educators who all hold a Ngala Bright Stars Service Membership.

The educators pay a small weekly rent to the service to off-set the cost of the buildings utilities. The educators charge the families a fee to use the service and can have up to four children under four at any time, and three children out of school hours, charged at an hourly rate. The fee paid to the educators

goes towards providing transport, food and essentials to the children while they are in care and remuneration to the educators for providing the care

All educators are required to work with the National Quality Framework and deliver educational programs using the Early Years Learning Framework.

At the Ordinary Meeting of Council held on 23 January 2018, agenda item CCS305 it was resolved to grant an exemption to three (3) of the properties because they were currently being used exclusively for a charitable purpose and to reject the application for 20 Jose Street on the basis that the property was not being used for this purpose. At this time there were no educators operating at the Jose Street property.

Ngala have now provided a Statutory Declaration stating that the property at 20 Jose Street will now be utilised for the provision of Family Day Care Services to cater to the local community. Registered educators will be using the venue to operate the service Monday to Friday each week commencing early October. The educators will pay a small weekly rent of \$50 to the service to off-set the cost of the buildings utilities.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

This Council and its predecessor Councils have previously approved rate exemptions for property utilised exclusively for charitable purposes, consistent with section 6.26(2)(g) of the Local Government Act 1995.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no Community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.26 of the Local Government Act provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”. Based on legal advice, Ngala meets the criteria for the ‘advancement of education’ category of charitable purpose.

‘Charitable purposes’ is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

The definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as trusts for one of the following:-

- *the relief of poverty;*
- *the advancement of education;*
- *the advancement of religion; and*
- *other purposes beneficial to the community;*

The High Court of Australia incorporated the Statute of Elizabeth into Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute Elizabeth; and
- (b) for the public benefit.

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth, or by Lord Macnaghten (above); and
- (b) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual value of the exemption based on the 2017-18 rates billing is estimated to be \$1,029.49.

INTEGRATED PLANNING LINKS:

Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Based on legal advice if Council declines this application then the City would likely be unsuccessful in defending its position to the State Administrative Tribunal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may decline the application for rate exemption on the basis that it considers Ngala Children Services is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

CCS359 STATEMENT OF FINANCIAL ACTIVITY TO 31 AUGUST 2018

AGENDA REFERENCE:	D-18-069662
AUTHOR:	T Machukera, Senior Treasury Officer
EXECUTIVE:	B Davis, Director of Corporate and Commercial Services
DATE OF REPORT:	6 September 2018
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 August 2018

EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 31 August 2018.

The statements in this report include no matters of variance considered to be of concern.

EXECUTIVE RECOMMENDATION:

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

1. RECEIVE the monthly financial statements of activity dated 31 August 2018, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

Operating Income	\$ 23,647	0.04%	under YTD Budget
Operating Expenditure	\$ 142,799	0.8%	under YTD Budget
Net Operating	\$ 119,152	0.3%	positive variance
Capital Expenditure	\$ 1,072,091	8.5%	over YTD Budget
Capital Revenue	\$ 27,760	1.6%	over YTD Budget
Cash at Bank – Municipal	\$37,401,391		
Cash at Bank – Reserve	\$16,221,375		
Total Funds Invested	\$52,499,428		
Net Rates Collected	58.26%		
Net Rates Collected in August 2017	56.45%		

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 revised budget. The

financial position represented in the August financials shows a variance of \$119,152 in the net operating result (this takes into account commitments).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

CCS360 SELF-CONTAINED RECREATIONAL VEHICLE STRATEGY	
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AGENDA REFERENCE:	D-18-069949
AUTHOR:	P Vorster, Coordinator Economic Development
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	10 September 2018
FILE REFERENCE:	ED/3/0005-02
ATTACHMENTS:	Yes (x1) City of Greater Geraldton Self Contained Recreational Vehicle Support Strategy

EXECUTIVE SUMMARY:

This report seeks Council approval of the proposed Self Contained Recreational Vehicle Strategy.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the Self Contained Recreational Vehicle Strategy.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

A Travellers Support Policy was adopted by Council on 27 February 2018 (CCS310). The aim of the Policy was to guide the review of subordinate strategies for different classes of Recreational Vehicles (RV's) in Geraldton.

The different types of vehicles are defined for City purposes as follows.

Self-Contained Recreation Vehicles (RV): Self-contained *Motorised* camping vehicles that provide internal sleeping accommodation, have internal kitchen and dining facilities including refrigerators and/or freezers, carry their own internal water supply, and have internal shower and toilet facilities with a holding tank that requires access from time to time to a liquid waste dump point. (*Excludes* all towed Caravans or towed camper trailers, whether self-contained or otherwise).

Camper Vehicles: *Motorised* camping vehicles of all types other than self-contained Recreation Vehicles as defined in this policy above. (*Includes* vehicles with roof rack-mounted camping facilities. For camping site compliance purposes also includes trucks, buses, vans, utility vehicles, station wagons, or sedans, in which people elect to sleep overnight. *Excludes* all towed caravans or towed camper trailers).

Caravans and Camper Trailers: *Non-motorised* vehicles that must be towed behind a motorised vehicle, which provide accommodation facilities that may range from:

- Basic camper trailers with little more than rudimentary cover for sleeping, and space for stowing conventional camping gear; through to
- Fully self-contained facilities, with internal sleeping accommodation, internal kitchen and dining facilities including refrigerators and/or freezers, own internal water supply, and internal shower and toilet facilities with a holding tank that requires access from time to time to a liquid waste dump point. (These are non-motorised and are expressly *excluded* from the definition of RV above).

Self-Contained Recreation Vehicles

This Strategy relates to fully self-contained recreational vehicles, defined for City purposes as follows:

“A self-contained and Motorised camping vehicle provides internal sleeping accommodation, has internal kitchen and dining facilities including refrigerators and/or freezers, carry its own internal water supply and has internal shower and toilet facilities with a holding tank that requires access from time to time to a liquid waste dump point”

Strategies for other classes of recreational vehicles will be submitted to Council independently.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts. The proposed strategy addresses and remedies adverse issues and community concerns arising during the first year of provision of limited free 24 hour parking for RVs, primarily associated with poor behaviour from users of non-self-contained camper vehicles.

Environment:

There are no adverse environmental impacts.

Economy:

The RV Friendly framework is designed to draw travellers in RVs into the City centre, to endeavour to capture some of the travellers that would otherwise bypass Geraldton, stopping only for fuel at stations on North West Coastal Highway, not stopping to utilise commercial Caravan Parks, and not venturing into the City centre. The framework aims to increase the revenue gained by City retail, food and hospitality businesses from the RV sector.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council previously determined to provide free 24 hour parking for a limited number of recreation vehicle at the Francis St vehicle parking area, supported by provision of a waste water dump point.

The broader Travellers' Support Policy was adopted, with detailed strategies to be developed in the light of experience from the first year of provision of limited free RV parking.

COMMUNITY/COUNCILLOR CONSULTATION:

An online survey was conducted amongst Councillors to get an indication of the span of preferences for where fully self-contained vehicles should be allowed to have 24 Hour Free Parking.

The results of that survey were circulated to Councillors, and submissions were sought from Councillors to inform the process of framing the strategy.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.2	Promoting events and unique tourism experiences that aid in attracting visitors and investment.
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy.

REGIONAL OUTCOMES:

Nationally, the RV Friendly framework has generally been recognised as a positive factor in activating local retail, food and hospitality business levels from travellers who, by utilising fully self-contained RVs, seek independent experiences different from those available in conventional caravan parks.

RISK MANAGEMENT

Current arrangements with City Rangers have proven satisfactory for policing compliance with this strategy, ensuring that travellers with self-contained RVs do not abuse the privilege of a 24-hour free parking limit.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The option of not providing 24-hour free parking at the Francis St carpark, where the waste water dump point has been established, was considered but discounted as an option, should the City wish to continue to have RV Friendly status.

CCS361 RISK MANAGEMENT FRAMEWORK REVISION

AGENDA REFERENCE:	D-18-069830
AUTHOR:	J Graham, Manager Corporate Services
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	10 September 2018
FILE REFERENCE:	RM/6/0012
ATTACHMENTS:	Yes (x2) A. 2018 Risk Management Framework (v.4) B. 2015 Risk Management Framework (v.3)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement and adoption the updated Risk Management Framework (RMF) version 4.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the Risk Management Framework version 4.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Full details associated with the RMF were presented to the Audit Committee at the March 2018 Committee meeting in reports AC063 and AC064. The Audit Committee endorsed the RMF and attached policies and required they be presented to Council for adoption.

Risk Management Framework structure

The City updated the RMF and split the document from a single comprehensive framework manual, to a framework made of component parts as follows.

1. Council Policy Risk Management - the current policy directing overarching principles for the management of risk within the City.
2. Council Policy Risk Appetite & Tolerance – a new policy that provided Council direction on the scope of risk the City is willing to accept to achieve its goals.
3. Risk Management Framework – a Council level document directing strategic intent for risk management.
4. Risk Management Procedures – an internal operational procedure that directed all staff in the process, roles, and responsibilities for risk management.
5. Risk Management Improvement Strategy – an internal operational management strategy for EMT to monitor and ensure the effectiveness of risk management within the City.

This rationalisation of the RMF into its component parts has enabled the City to overcome the prior issue faced where readers of the comprehensive framework manual were left confused and unclear regarding their roles and responsibilities for managing risks. The new format should clarify their requirements for management of risk.

The component parts have also enabled the document to be aligned to the areas of responsibility:

- the RMF and associated policies are Council documents
- the RM procedures direct staff
- the improvement strategy is corporate EMT responsibility

Risk Matrix

In addition to the restructuring of the City’s RMF the Risk Matrix used by the City was reviewed. It was found that the risk matrix as per the table below was inappropriate for City operations.

	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

2015 Risk Matrix (very conservative, aligned to other sectors)

This matrix based on LGIS guidance enabled risks that have insignificant or minor consequence (e.g. a “paper cut”) to escalate through to EMT for management.

An assessment confirmed that this risk matrix was more aligned to the financial sector and was very risk averse. This led to a significant volume of over reporting of acceptable low consequence risk issues.

The City determined that a better way of categorising risk was based on the consequence approach to risk rating, which main industry leaders are moving towards currently.

	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Low	Low	Moderate	Extreme	Extreme
Likely	Low	Low	Moderate	High	Extreme
Possible	Low	Low	Moderate	High	High
Unlikely	Low	Low	Low	Moderate	High
Rare	Low	Low	Low	Moderate	High

2018 Risk Matrix (consequence based)

Using the consequence approach to risk classification, the City classifies as low risk, all minor low priority risks (eg. negligible injury, minimal delay and low cost) that have no impact on City operations.

The other significant amendment when moving to the consequence based risk matrix is changing the Rare x Catastrophic score from previous moderate to high. The City determined the prior moderate rating was not adequate for a risk which included death.

The City has trialled the use of the above risk matrix extensively across all operations (since Nov 2017) and confirmed its effectiveness and suitability for management of City risk.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

This item has the following relevant precedents.

1. AC039 – Status of City Risk Management Activities
2. AC044 – Status of Risk Management & Compliance Activities
3. AC056 – Status of Business Continuity Plan
4. AC064 – Risk Management Report

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community consultation associated with this item.

The City presented the proposed risk, compliance and business continuity management to the Audit Committee in March 2018 (*AC063 Business Continuity Management* and *AC064 – Risk Management Report*) in the lead up to this item.

LEGISLATIVE/POLICY IMPLICATIONS:

This item has compliance and policy implications as follows:

Local Government (Audit) Regulations 1996 Regulation 17 -

1. Local Government Operational Guidelines: Number 09 - The appointment, function and responsibilities of Audit Committees.
2. Local Government & Communities Integrated Planning Framework and Guideline.
3. City of Greater Geraldton Risk Management Framework.
4. Council Policy 4.7 Risk Management.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

The documents presented to Council are primarily associated with the ongoing management of risk throughout the City.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The City initially considered maintaining the Risk Management Framework in its prior form. However due to the reasons previously stated, this was rejected, as the new streamlined and compartmentalised structure will ensure the City is in line with current risk management best practice and adds clarity to stakeholders roles and responsibilities.

CCS362 BUDGET AMENDMENTS 2018-19

AGENDA REFERENCE:	D-18-070233
AUTHOR:	P Radalj, Manager Finance and Treasury
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	10 September 2018
FILE REFERENCE:	FM/7/0001
ATTACHMENTS:	Yes (x2) A. Statement of Financial Activity 2018-19 B. Cash Reserves Schedule 2018-19

EXECUTIVE SUMMARY:

This report seeks Council approval for proposed amendments to the 2018-19 Budget.

Council around September each year review and endorse amendments to the Budget that bring into account any unspent grant funds as at 30th June and funded expenditure items (commenced and in-progress projects not completed at year end) carried over from the previous financial year.

Final year-end accounting information for 2017-18 was not available at the time of formulation and adoption of the 2018-19 budget, hence the requirement (as is the case every financial year) to integrate brought forward funds and expenditure items into the Budget as early as is practicable after adoption of a budget and commencement of the financial year.

This annual process also enables Council if required to make amendments to its Budget to correct any minor errors or omissions in budget detail discovered after the budget process, any emergent works and adjustments to budget allocations based on information received post budget adoption.

EXECUTIVE RECOMMENDATION;

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

1. APPROVE the proposed budget amendments and AUTHORISE any unauthorised expenditure contained within the attached and revised Statement of Financial Activity; and
2. APPROVE and AUTHORISE the following revised transfers from Cash Reserves based on the amendment contained within the attached and revised Statement of Financial Activity and Cash Reserves Schedule.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The following table lists grant and/or external contribution funded operating projects where the funds were received in 2017-18 but were not fully expended, hence the unspent portion of those funds are carried over into 2018-19.

Project Description – Unspent Project Grants	Funds Carried Over to 18-19
The U-Turn Project	\$10,200.00
Challenge Camps	\$25,000.00
School of Rock / Battle of the Bands	\$6,682.00
Greenough River Nature Walk Trail - Stage 3	\$3,555.00
Fire as a Biodiversity Management Tool in the Midwest Region	\$8,000.00
Chapman River Regional Park Stage 5	\$5,422.00
Greenough River Nature Walk Trail - Stage 2	\$4,985.00
Mid West SirsiDynix Consortium	\$4,663.00
Regional Model	\$12,465.00
Geraldton Theatre Production (Raise the Roof)	\$80,000.00
Cruise Destination Welcome Initiative (Tourism WA)	\$5,000.00
Total	\$165,972.00

The following table lists the projects that have been supported through the City's Community Programs that are either still in progress and/or awaiting final acquittal of funds from 2017-18. The unclaimed portion of those funds are carried over into 2018-19.

Project Description – Community Programs	Funds Carried Over to 18-19
17/18CGR19-06 Community Group of Greenough	\$1,800.00
17/18CGR19-17 Geraldton Cultural Trust	\$500.00
17/18CGR19-04 Geraldton Yacht Club	\$2,000.00
17/18CGR19-13 Local Drug Action Groups Incorporated	\$1,500.00
17/18CGR19-18 Midwest Waitangi Committee Inc	\$700.00
17/18CGR19-15 Midwest Yamaji Mustic Aboriginal Inc	\$1,000.00
17/18CGR19-03 Mullewa District Agricultural Society Inc.	\$2,000.00
17/18CGR19-07 Ngala Community Services	\$1,370.00
17/18CGR19-08 Quaff Food & Wine Expo	\$800.00
17/18SA-05 Geraldton Surf Life Saving Club	\$15,000.00
17/18MDF-09 Geraldton Mabuhay Cultural Association Inc.	\$200.00
Total	\$26,870.00

The following table lists new capital projects that were not completed in 2017-18 and the unspent portion and/or the required budgeted expenditure allocation has been carried over into 2018-19.

Project Description – New Capital	Funds Carried Over to 18-19
Parks Upgrade Program	\$85,000.00
Meru Waste Transfer Station	\$90,000.00
Liquid Waste Pond optimisation	\$145,000.00
Meru Future Landfill Design	\$110,000.00
Chapman River Mountain Bike Track	\$102,000.00
NWCH Path	\$60,000.00
CBD Streetscapes (Revitalisation)	\$473,000.00
Total	\$1,065,000.00

The following table lists asset renewal projects that were not completed in 2017-18 and the unspent portion and/or the required budgeted expenditure allocation has been carried over into 2018-19.

Project Description – Asset Renewal	Funds Carried Over to 18-19
Sports Lighting Replacement Program	\$600,000.00
Meru Drainage Renewal	\$22,000.00
Allanooka Springs Road (RRG) – Shoulder and pavement renewals	\$250,000.00
Walkaway Nangetty Road (RRG) – Shoulder and pavement renewals	\$26,000.00
Hall Road - Resurface	\$31,000.00
QPT Lighting Upgrade	\$250,000.00
Front Reception Project	\$135,000.00
Replacing Large Grader	\$430,000.00
Furniture & Equipment	\$25,000.00
Total	\$1,769,000.00

All the expenditure items detailed in the three (3) tables are supported by cash back reserve funds held by the City as at 30 June 2018.

After determination of 2017-18 actual expenditure the following table details changes to the capital works in progress budgets relevant to the cost to complete in 2018-19.

Project Description	Current Budget	Revised Budget
Beresford Foreshore	\$5,925,000.00	\$6,600,000.00

The above adjustment does not reflect an increase to the Beresford Project budget, it is a representation of the actual carry forward (\$6.6m) against the forecast budget (\$5.92m) carry forward.

Apart from the carry forward adjustments, the revised budget also takes into account the following which have had no material effect to budgeted bottom line:

- The adoption Council Policy 1.8 – Community Funding Programs (24 July 2018).
- Council acquisition of Lot 1239 (201) Lester Avenue (22 May 2018) – supported by a transfer from Cash Reserves.
- Amendments to the Budget to correct any minor errors or omissions in budget detail discovered after the budget process and adjustments to budget allocations based on information received post budget adoption.
- On advice from the City’s auditors the budget for the Altus Project (new corporate software development) has been reclassified in the Statement of Financial Activity) under ‘Purchase Furniture & Equipment’ instead of ‘Purchase Intangibles’.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse environmental impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

RELEVANT PRECEDENTS:

Post financial-year-end adjustments to succeeding year Council budgets are necessary *every financial year*. Annual timing of the Budget process, before the end of each preceding financial year, means that year-end accruals have not been transacted and final end-of-year accounting figures are not available at the time of framing and adopting the next budget, and therefore the determination of any unspent grant monies or project carry-overs cannot be accurately stated in the budget process for the succeeding year. As well,

amendments to budget details may be necessary to recognise any recent changes that impact on proposed revenue streams and/or expenditure levels.

Precedent practise is to identify unspent grant funds and funded project carryovers, and any minor budget amendment requirements, as early as is practicable after commencement of the new financial year, to enable Council to integrate them into its adopted Budget.

COMMUNITY/COUNCILLOR CONSULTATION:

At the Concept Forum held on 11 September 2018, Councillors were provided with a briefing note that detailed the carry forward expenditure items.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.8 of the Local Government Act 1995 requires any expenditure not included in the annual budget to be authorised by Absolute Majority.

FINANCIAL AND RESOURCE IMPLICATIONS:

The net impact to the 2018-19 Budget is as follows:

- Mainly as a result of the related operating expenditure carry overs from 2017-18, the surplus from Ordinary Operating Activities per the attached Statement of Financial statement has been reduced from \$437,563 to \$253,118.
- The City's overall End-of-Year budgeted cash position has immaterially improved by \$7,897.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED

No alternative option considered.

13 REPORTS OF INFRASTRUCTURE SERVICES

IS179	APPOINTMENT OF THE HMAS SYDNEY II MEMORIAL WARDEN
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AGENDA REFERENCE:	D-18-069370
AUTHOR:	D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	6 September 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x1) Meeting Minutes of HMAS Sydney II Memorial Advisory Committee – 3 September 2018

EXECUTIVE SUMMARY:

This report seeks Council approval on the appointment of the HMAS Sydney II Memorial Warden based on recommendation by the HMAS Sydney II Memorial Advisory Committee.

EXECUTIVE RECOMMENDATION:

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

1. APPOINT Don Rolston to the role of HMAS Sydney II Memorial Warden;
2. COMMENCE the appointment on 19 November 2018 for a period of two (2) years ending 19 November 2020; and
3. SET the role and responsibilities of the Warden and Sub-Warden as per the HMAS Sydney II Memorial Conservation Framework.

PROPONENT:

The proponent is the HMAS Sydney II Memorial Advisory Committee.

BACKGROUND:

In accordance with the HMAS Sydney II Memorial Conservation Framework, which guides the management of the Memorial, Council is to annually appoint a Warden selected from eminent Citizens of Geraldton and representatives from organisations who have assisted servicemen and women in war and peace. The Warden's role is confined to the commemorative space as defined in the Conservation Framework and is to offer the following support and advice to City staff;

- a. attend to all matters of customs, traditions and protocols for the overall conduct of commemorative ceremonies;
- b. consult with the City on any concerns regarding maintenance or any significant issues arising from daily care; and
- c. assist in determining approval for any requests from ex-service organisations wishing to honour the men of HMAS Sydney II.

In early 2018, the HMAS Sydney II Memorial Advisory Committee undertook a review of the process and timing to appointment a Warden and Sub Warden. The outcome of the review was that future nomination requests for the role of Warden should be formally advertised to the public for a period of two (2) years.

Committees of Council are dissolved on the day prior to Local Government elections and re-established at the first Ordinary Meeting of Council following the election process. The Committee recommended that future appointments of Warden be determined on alternate years to the election cycle, ensuring there is no delay in appointment of the Warden annual commemorative service.

Accordingly, at its meeting on 12 February 2018, the Advisory Committee recommended:

1. *In 2018, the nomination process will commence in July by publicly advertising the position of Warden.*
2. *The recommendation for Warden will be made to Council at the September Ordinary Meeting of Council.*
3. *That the appointment for Warden from 19 November 2018 be for a period of two (2) years.*

This recommendation was followed by City Officers, with advertisements calling for the nomination of Warden appearing in the Geraldton Guardian on 10 and 17 August 2018. A single nomination was received and considered by the Committee. At its meeting on 3 September 2018, the Advisory Committee recommended:

“That the Committee accept the nomination of Don Rolston for the role of Warden of the HMAS Sydney II Memorial, for the two year period commencing 19 November 2018.”

The Conservation Framework allows for any number of Sub-Wardens to assist the Warden, and states that the Sub-Wardens should be appointed by the Naval Association of Australia (NAA) in conjunction with the RSL. The review conducted by the Advisory Committee identified that, even though the role of Sub-Warden had previously been endorsed by Council, future appointments should be made by the NAA (in conjunction with the RSL).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The HMAS Sydney II Memorial is a source of great pride in the community. There is strong level of community ownership and therefore interest. The Conservation Framework acknowledges the social value of the Memorial and includes avenues for continued community involvement, one such avenue being the appointment of a Warden and Sub-Warden.

Environment:

The Memorial is a significant heritage site with significant military reverence.

Economy:

The economic value of heritage tourism is recognised globally. The HMAS Sydney II Memorial attracts large numbers of visitors to our City each year.

Governance:

The HMAS Sydney II Memorial Conservation Framework governs the protocols for the appointment of the Warden and Sub Warden.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council on 27 August 2013, Council resolved to adopt the HMAS Sydney II Memorial Conservation Framework. In keeping with the guidelines of the framework, Council has since appointed a Warden annually.

Page 11 of the Framework states:

“The HMAS Sydney II Memorial Conservation Framework outlines the appoint of Wardens at the memorial with the City of Greater Geraldton to appoint a Warden of the HMAS Sydney II Memorial annually, selected from eminent Citizens of Geraldton and representatives from organisations who have assisted servicemen and women in war and peace.

The Memorial commemorates the loss of sailors, airmen and civilians who were the Ship’s Company of HMAS Sydney, so appointment of Wardens will be from ex-Service persons from the Navy and Air Force or a suitably experienced non-Service person, either to be drawn from the Geraldton community. Wardens may be re-appointed at the discretion of City of Greater Geraldton.

In selecting a Warden for appointment, the City of Greater Geraldton will consult with the Naval Association of Australia, Geraldton Sub Section (NAA) and the Returned and Services League, Geraldton Sub Branch (RSL).”

COMMUNITY/COUNCILLOR CONSULTATION:

The Conservation Framework recommends that in appointment of the Warden, the City consult with the Naval Association of Australia, Geraldton Sub Section and the Returned and Services League (RSL), both these organisations are represented on the HMAS Sydney II Memorial Advisory Committee.

Councillors M Reymond, G Bylund, N Colliver and L Freer are the elected members on the HMAS Sydney II Memorial Advisory Committee, established on 28 November 2017. Other key stakeholder organisations represented on this Committee are the Rotary Club of Geraldton and the Volunteer Tour Guide Association.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.1 Community Engagement
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

REGIONAL OUTCOMES:

The HMAS Sydney II 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

Not approving the appointment of the Warden as recommended by the HMAS Sydney II Memorial Advisory Committee carries a risk of alienating individuals and organisations who volunteer their time.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The following option was considered by City Officers:

Council could chose to appoint a Warden on an annual basis in accordance with HMAS Sydney II Memorial Geraldton Conservation Framework however, this option is not recommended due to impacts on operational requirements associated with the Local Government election cycle.

AGENDA REFERENCE:	D-18-069377
AUTHOR:	M Fates, Project Manager
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	04 September 2018
FILE REFERENCE:	PM/4/0089
ATTACHMENTS:	Yes (x3) Confidential
	A. RFT 23 1718 Tender Evaluation Report
	B. RFT 23 1718 Tender Evaluation Worksheet
	C. DFES Funding Approval

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 23 1718 to construct the new Geraldton-Greenough State Emergency Service (SES) Building at Lot 200 Aeromedical Road, Geraldton 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 RFT 23 1718 for the new SES Building at Lot 200 Aeromedical Road Geraldton to the preferred tenderer; and
2. RECORD the Lump Sum contract value in the minutes.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFT 23 1718 sought tender prices for the construction of the new SES Building at Lot 200 Aeromedical Road Geraldton. The scope of work includes the construction of a new facility including an administration building, covered patio, a shed / garage, training tower, generator enclosure, leach drain and external works. Awarding this tender will allow the City to engage a contractor in accordance with legislative procurement requirements of the Local Government Act.

RFT 23 1718 was advertised in The West Australian on Saturday 19 May 2018. The RFT was also advertised on the City's TenderLink e-Tendering Portal. Forty-four (44) suppliers registered to receive copies of the tender. Eight (8) submissions were received.

Six (6) submissions were deemed compliant against the City's compliance criteria. Complying submissions were then assessed against the following qualitative criteria:

- a. Tenderer's Experience and Key Resources (10%)
- b. OSHE Management (10%)
- c. Sustainability – Local Content (20%)
- d. Demonstrated Understanding, Project Methodology and Construction Schedule (10%)
- e. Price (50%)

RFT 23 1718 is offered as a six (6) month Lump Sum Building Contract.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are approximately 30 volunteers in the Geraldton-Greenough SES. These volunteers provide an important preparation and response service when natural disasters occur such as major flooding, fires and severe storms. This service also extends to mass casualty events, emergency repairs to buildings, restoration of essential services and transportation of cargo and passengers.

The facility will be co-located with the buildings at the northern boundary of the Airport that were, until recently, utilised by an aero-medical entity but which have since reverted to its original designed purpose as an emergency response centre.

The Moonyoonooka Fire Brigade now utilises the shed to house its fire vehicles. This will see co-location of the SES, the bushfire brigade and the emergency response coordination centre. The City will provide the airport land for the SES facility, as its contribution to the project.

Environment:

There are no foreseen environmental impacts.

Economy:

Local economy will benefit from up to \$1.9m excluding GST being expended by the City on the construction of the new Geraldton SES Building and associated works.

Governance:

Once the facility is constructed, the Emergency Services Levy will fund the ongoing operation and maintenance of the facility whilst it is occupied by the Geraldton-Greenough SES. Should the SES relocate out of the facility in the future, the building will revert to Local Government ownership and control, as well as responsibility for operation and maintenance.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

This project was requested by the Geraldton-Greenough SES members, with support from by the Department of Fire & Emergency Services (DFES).

Significant consultation occurred with the Geraldton-Greenough SES members, and DFES staff, particularly during the planning and design phases

of the project. Five (5) meetings with stakeholders were held to ensure the parties were given opportunity to provide input for the facilities' floorplan, colour schemes, vehicle and equipment storage provisions, communications arrays, site accessibility requirements, and useability of the building.

Extensive community consultation has not occurred, as this project essentially sees the Geraldton-Greenough SES relocate from their current facility at corner Edwards and Davies Road to the Geraldton Airport entrance.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act and City's Procurement policy were observed when preparing and recommending the award of this tender. Safe work methods and environmental management in line with legislative requirements will be implemented during delivery of the contract.

FINANCIAL AND RESOURCE IMPLICATIONS:

There is no financial contribution required from the City. This project is fully funded by DFES, as per the attached email from the Grants Funding Officer at DFES.

The approved DFES budget is \$1,853,974 excluding GST.

INTEGRATED PLANNING LINKS:

Title: Community	1.3 Community Health and Safety
Strategy 1.4.1	Building resilience and capacity to manage natural and man-made emergency events.
Strategy 1.4.2	Undertaking a coordinated approach with relevant agencies to minimise the impact of disaster events.
Title: Environment	2.3 Built Environment
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.
Title: Governance	4.2 Planning and Policy
Strategy 4.2.1	Supporting local procurement.

REGIONAL OUTCOMES:

Approval of this item will enable the construction of a modern facility for the Geraldton-Greenough SES. The SES provide their services to all areas of the City of Greater Geraldton. Location of the SES facility at Geraldton Airport will see emergency-trained Officers located at the airport, with the potential to provide an additional layer of assistance in the event of an aircraft incident. The SES already participates in the Airport's annual emergency response exercises and, along with Police, Ambulance and the state's professional firefighters, the SES has specified roles in relation to airport emergency responses. Location of the SES at the airport will enhance the value of the SES role and function to the airport.

The ability to handle incidents in conjunction with other rescue bodies will also be of great benefit to the forthcoming airport expansion project.

RISK MANAGEMENT:

The primary risks to the City with the project are financial. In order to address this risk, frequent contact will be maintained with DFES (as the funding body) via monthly contract reporting summaries, quarterly project update meetings, and the provision of monthly budget reports. This risk is further reduced through constructing a facility designed by an architect that has designed multiple SES buildings throughout WA, contractor engagement via a lump sum contract, and the utilisation of experienced project management Officers.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Procurement of the construction of the new Geraldton SES Building through alternate methods such as a Cost Plus Contract; however this would be less efficient and likely to increase costs for the same level of service. Therefore a Lump Sum Contract is considered the appropriate option.

14 REPORTS OF OFFICE OF THE CEO

CEO053 COUNCIL POLICY CP4.15 AFFIXATION OF COMMON SEAL
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AGENDA REFERENCE:	D-18-069783
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	7 September 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x2) A. Draft Council Policy - CP4.15 Affixation of the Common Seal – Version 2 B. Comparison Table CP4.15 - Affixation of the Common Seal

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy CP4.15 Affixation of Common Seal, as amended.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the revised version of Council Policy CP4.15 Affixation of the Common Seal version 2.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

This Policy was previously adopted by Council on 24 January 2017. A review is now required.

There is one minor revision to Council Policy CP4.15 Affixation of Common Seal, being a change the responsibility of the policy to the CEO's Personal Assistant, as the Office of the CEO manages affixation of the common seal.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

RELEVANT PRECEDENTS:

Council review or amend Council Policies as and when required.

COMMUNITY/COUNCILLOR CONSULTATION:

Policy CP 4.15 was presented to Council at their Concept Forum held on 11 September 2018. The Executive Management team reviewed the draft Policy on 31 May 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

Affixation of the Common Seal is pursuant to s9.49A of the Local Government Act 1995.

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

There were no alternative options considered by City Officers.

15 REPORTS TO BE RECEIVED

SEPTEMBER - REPORTS TO BE RECEIVED

AGENDA REFERENCE:	D-18-070114
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	10 September 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x2) 1 x Confidential A. Delegated Determinations and Subdivision Applications B. Confidential Report – List of Accounts Paid Under Delegation August 2018

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:

PART A

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Development & Community Services:
 - i. DCSDD138 - Report - Delegated Determinations and Subdivision Applications.

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. CCS363 – Confidential Report – List of Accounts Paid Under Delegation August 2018.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be

presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

19 CONFIDENTIAL 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, if applicable, where confidential discussion is required.

Livestreaming will be turned off.

20 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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