



ORDINARY MEETING OF COUNCIL
MINUTES

26 MARCH 2019

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 26 MARCH 2019 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

DISCLAIMER:

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

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Mayor S Van Styn
Cr G Bylund
Cr D J Caudwell
Cr J Clune
Cr N Colliver
Cr J Critch
Cr S Douglas
Cr S Elphick
Cr L Freer
Cr S Keemink
Cr M Reymond
Cr V Tanti

Officers:

R McKim, Chief Executive Officer
P Melling, Director of Development & Community Services

B Davis, Director of Corporate and Commercial Services
C Lee, Director of Infrastructure Services
E Enright, Personal Assistant to Director, Infrastructure Services
S Moulds, PA to the Chief Executive Officer
M Connell, Manager Urban and Regional Development
J Kopplhuber, Communications Officer – Engagement

Others:

Members of Public: 12
Members of Press: 1

Apologies:

Cr R D Hall

Leave of Absence:

Cr N McIlwaine
Cr T Thomas

4 DISCLOSURE OF INTERESTS

Cr J Critch declared a Financial Direct interest in Item DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu as she is a shareholder of CBH.

Cr J Clune declared a Financial Direct interest in Item DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu as he is a shareholder in CBH and does business with CBH.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

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

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

Public question time commenced at 5.01pm.

Fiona Shallcross – PO Box 1976, Geraldton WA 6531

Item : DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu

Question

Why has an adequate landscaping plan not been requested or submitted for consideration? With all due respect it would seem inappropriate for a single officer to make a delegation on this, it is a public matter and impacts on neighbouring properties especially in relation to dust, noise and visual amenity impacts, as such we ask for transparency on the matter. We request a plan be submitted for consideration

detailing exactly how many trees, what species, what size earth mound wall, which boundary the landscaping will be positioned against. Details are required in order for residents and the public to adequately consider the proposal

Response

The landscaping component of the application is not a critical determining factor in deciding whether to grant development approval or refuse the application. Rather it is an element of the application where the details can be provided later, once a decision on whether the application is approved or not.

Also Council is bound to consider the application within the statutory timeframes imposed by legislation. Landscaping was not proposed in the original application and has been considered in light of the submissions received.

Question

Why are the full plans for the CBH development not considered in this submission. CBH have previously indicated to members and to a meeting of the neighbouring residents that this site will be a major receival point and more than just the 180,000 tonnes. There are five future open bulkhead storage facilities included on the plans submitted to Council. Why isn't the whole development considered now rather than a piecemeal approach?

Response

Council is bound to consider only the application that is presented to them. Any future expansion will be subject to a further application and assessment.

Question

CBH have described they will use phosphine for grain fumigation. They also state that *Phosphine causes depression of the central nervous system and impairment of the respiratory function. Inhalation of phosphine may produce symptoms including but not limited to nausea, vomiting, diarrhoea, headache and chest-pain.* Our house is 600 metres from the nearest bin and in direct wind path. How will our health be protected?

Response

The Environmental Protection Authority has produced the *Environmental Assessment Guideline for Separation distances between industrial and sensitive land uses*. This guideline provides the EPA's expectations on how separation distances should be considered in the land use planning decision making process. Its purpose is to provide advice on which land uses require separation, and recommend the appropriate separation distances. A separation distance is the recommended distance to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid adverse impacts to human health and amenity. This approach relies on the knowledge that impacts on the environment generally decrease with increasing distance from the source of emissions.

The guideline recommends a separation distance of 500 metres from sensitive land uses (e.g. dwellings) for grain loading and unloading facilities using conveyor belts etc.

Additionally CBH advise:

Fumigation is governed by the Health Act 1911 which consolidates the laws relating to Public Health. The Health (Pesticides) Regulations 2011 are the regulations – related to fumigation – associated with the Act.

CBH are obliged to comply with these regulations which outline the requirements for fumigation to ensure all reasonably practicable measures are taken to minimise the risk to people, property and environment.

CBH's fumigation technicians are trained and licensed. A fumigation plan and risk assessment must be undertaken to identify any hazards which may be present, the potential consequences (to fumigation personnel, other nearby persons, surrounding residents, to the environment, and any others), and the appropriate control measures to address the hazards identified.

A fumigation can only occur if a licensed technician has ascertained by personal inspection that –

- The structure is effectively sealed to prevent the escape of any fumigant.
- A risk area is established during the application of the fumigant (minimum 3m wide).
- Gas detection equipment is in place to monitor fumigant concentration within the fumigation structure and surrounding risk area for the duration of the fumigation.
- Seal, secure and fasten all entry points to the fumigation area.
- Attach warning signs to the fumigation enclosure entry points and fumigation area.
- Venting of fumigant shall include the establishment of a risk area free of any unprotected persons.
- Venting of fumigant shall control the rate of release to ensure the exposure standard for the fumigant is not exceeded outside the risk area.
- On completion of venting the licensed technician must test the concentration of fumigant in the fumigation area to ensure that the concentration in all parts of the fumigation area is less than that specified for that fumigant in NOHSC:1003 (below exposure standards).

Vicki Hallett – PO Box 4011, Geraldton WA 6531

Item : DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu

Question

If the proposed use is considered to fit neatly under the stockpiling definition /use classification, and is entirely compatible with the Rural zoning. The impacts are determined to be manageable in accordance with both the rural location and rural zoning, and there are no issues with the use being considered Industrial, can local government provide the reasons they have to address compatibility with a future industrial precinct and location within an area of transition.

Response

Council is required to take into consideration the impacts of a proposed development on the amenity of the locality. 'Amenity' is defined as *all those factors which combine to form the character of an area and include the present and likely future amenity*. Therefore it is necessary to consider not only the existing amenity but also the likely future character of the wider area, not just the site itself in isolation and this is why the proposed industrial zoning is brought in to the report.

Question

CBH have advised at a Growers Meeting in Dec18 that further development of the site will be undertaken to ensure CBH can meet future demand. The application plans also demonstrate future development. Can council please clarify that they have, will, and take into consideration the cumulative effect of impacts (as in change to rural character, noise, dust, odour, visual intrusion and impact on amenity) from the intended multiple stages of development?

Response

Council's determination of the application must be undertaken based on only the application presented, and the relevant planning matters associated with that application can only be considered. If the City were to receive any application for any future for expansion it will need to be determined in accordance with the standards applicable at that time and address those potential impacts.

Question

The local government has noted that a best fit approach can be used to determine use class, and its quoted "in this instance it is considered that the proposal best fits the stockpiling use class". Can the local government please explain the specific elements of the use that have been used to classify the proposal to be a stockpiling use ,and not Industry, in this instance.

Response:

The definition of 'Stockpiling' *means the temporary storage of raw or manufactured materials for a given purpose in an enclosed or an open environment*. From the information provided in the Development Application the function of the facility is to stockpile grain (a raw material) from growers until sold (therefore on a temporary basis) with the vast majority of the grain transported to the Geraldton Port for export.

Summary of supplementary verbal questions and responses taken at the meeting.

Ms Hallett asked what is considered temporary – is it a year, two year, three years ?

Mr Melling advised that when considering grain storage we know that it is stored until a market is found, which can be in general within a few months and can occasionally be up to 2 years. To clarify, the approval itself is proposed (in this

recommendation) to be permanent, but the activity is temporary – that is depending on crop yields in each harvest you can't guarantee that the grain storage is going to be there all year/ or even if any will be stored on site in poor harvest years.

Harold McCashney – 29 Hackett Road, Waggrakine

Item : DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu

Question

It is unreasonable to assert that because a land use is reliant on the success of the agricultural sector, that it automatically is assumed to be compatible. These terms have different meanings (reliant; dependent on something or someone; Compatible; able to exist, live, and work with something else.) Can local government please explain how 'complete reliance' on the Agricultural sector automatically mean the proposal is compatible with the rural area?

Response

The facility is one that relies entirely on the productive use of rural, agricultural land. It is intrinsically linked to grain growing primary production and therefore is considered consistent with the objectives of the 'Rural' zone.

Question

Would council support this landholding being rezoned to Industry, or introducing an Industry-Rural Land use class to the town planning scheme to accommodate this development in an appropriate zone?

Response

The CBH landholding is not identified in the City's Local Planning Strategy for future general industry. The use class 'Industry-Rural' is not in the model or deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which requires all local planning schemes/ amendments to be drafted in accordance with.

Mr Max Correy, 52 Bayview Street, Geraldton WA 6530

Question

In correspondence to Fr Robert Cross and a number of stakeholders with respect to the Corella fiasco including myself the Mayor has stated:

1. Discharging firearms in the streets, in the vicinity of roofs and lights.
2. There have been changes to the law.
3. Setting up poisonous feed that also takes out any other bird that may be around and having dead birds strewn throughout our City.

What is meant by 1, 2 and 3 above?

Mr Correy provided photos of :

1. *Front entrance to his office at Bill Sewell Complex*
2. *Grounds at Bill Sewell Complex*
3. *Corellas in trees*

4. Corellas in trees

Which were shown at the Council Meeting.

Response

Thank you for your question/s. I note they have been asked outside of standard times but I do note the genuine concern of yourself and others, concerns I myself share and I am happy to provide a formal response tonight.

Firstly a fiasco is defined as a complete failure, especially a ludicrous or humiliating one. I do not feel that the natural and annual, nationwide migration of protected, native wildlife to our urban areas is, as you state, a fiasco and feel that is an entirely inappropriate use of the word and a completely unwarranted slight.

Corellas and their management is a problem faced by Councils right across Australia. Only two weeks ago I was in Kiama New South Wales, discussing with their Mayor the Corella problems that they hand, that were occurring at the same time as ours.

The Corellas were a protected species under State Law in WA until 1 January 2019. The City had in earlier years applied for culling permits as required by law that saw licenses issued of the destruction of only a few hundred or so birds annually.

I am sure you would agree that would of provided little to no relief. Additionally the conditions placed on the destruction were so onerous that they resulted in practical implementation of the permit being rendered impossible.

In relation to your specific question of what I meant where I stated in an email in correspondence to an email from Fr Robert Cross and a number of stakeholders with respect to Corellas:

1. *Discharging firearms in the streets, in the vicinity of roofs and lights.*
2. *There have been changes to the law.*
3. *Setting up poisonous feed that also takes out any other bird that may be around and having dead birds strewn throughout our City.*

What is meant by 1, 2 and 3 above?

The Mayor answered the following

Fr Cross had sent an email of which you too were cc'd stated "...*With our local knowledge and contacts, we might then be able to develop a workable and more **immediate** strategy towards a solution...*"

In so far as the law changes effective 1 January 2019 of which we were notified on 21 February 2019, we no longer need to apply for culling permits.

There are only a few "immediate" actions one could take no matter what strategy eventuates longer term.

- 1) Conduct a cull of birds occupying the CBD utilising firearms

- 2) Poison birds in the CBD
- 3) Continue with our scaring program

As has been discussed also in the email chain to which you refer, our scaring/relocation programme has been withdrawn by staff due the birds becoming accustomed to the noise and as such, its efficacy has greatly reduced.

As for points, one and two there is no way I could personally envision, and I trust any sane person would feel this way too, that organising a mass cull of birds on our urban streets using firearms and/or poison would be acceptable to many in our community.

The City remains committed to seeking out a solution to the annual Corella problem and is reviewing a range of, (however limited) cases of management reports about Corellas from right around Australia. We are thankful to the Hon Laurie Graham MLC and his staff for assistance in collating this information with us to date.

Summary of supplementary verbal questions and responses taken at the meeting.

Mr Correy advised that pigeon's have been shot in town, why can't we shoot corellas. No difference, same firearm, they are a lot easier as they just sit in the trees. Mr Correy referenced the mess that they are making around the CBD.

The Mayor advised he would take this as a supplementary question and advised that the law only changed three to four weeks ago, corellas are seen by society as a very different beast to pigeons and they are a very different beast which to shoot.

Mr Correy referenced poisoning and asked what the Mayor was referring to there, what is the issue?

Mayor advised that the issue would be that spreading 1080 poison, or other poison, inside grain inside the CBD and then the City would have ill and dying birds falling in to people's back yards and surrounding businesses. He would have thought that would be a very unfortunate circumstance not acceptable to many.

Public Question Time concluded at 5.23pm.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr N McIlwaine	22 March 2019	12 April 2019	28/8/2018
Cr M Reymond*	22 March 2019	26 March 2019	23/10/2018
Cr T Thomas	26 March 2019	29 March 2019	26/02/2019
Cr G Bylund	18 April 2019	11 May 2019	26/02/2019
Cr S Douglas	27 April 2019	26 May 2019	18/12/2018
Cr G Bylund	25 July 2019	5 August 2019	26/02/2019

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

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

**Cr Reymond was noted as on approved leave of absence, but attended this meeting.*

COUNCIL DECISION

MOVED CR REYMOND, SECONDED CR CRITCH

Cr S Douglas requests for leave of absence for the period 24 June to 28 June 2019 be approved.

Cr L Freer requests for leave of absence for the period 2 July to 31 July 2019 be approved.

CARRIED 12/0

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

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 February 2019, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR CAUDWELL

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 February 2019, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 12/0

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

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

DATE	FUNCTION	REPRESENTATIVE
27 February 2019	Tourism WA Visit	Mayor Shane Van Styn
28 February 2019	Spirit Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
3 March 2019	City of Greater Geraldton 10s Aside Rugby Comp	Cr Robert Hall
4 March 2019	Cruise Ship Plaque Handover - Silver Muse	Cr Steve Douglas
5 March 2019	Parliament House – Pass Collection	Mayor Shane Van Styn
6 - 8 March 2019	Australian Coastal Council Conference – Kiama, New South Wales	Mayor Shane Van Styn
11 March 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
11 March 2019	Lighting Tower Lift – Alexander Park	Mayor Shane Van Styn
11 March 2019	Citizenship Ceremony	Mayor Shane Van Styn
12 March 2019	Audit Committee Meeting	Mayor Shane Van Styn
12 March 2019	Growth Plan	Mayor Shane Van Styn
14 March 2019	City Centre Local Planning Policies	Mayor Shane Van Styn
14 March 2019	Clayton Consulting – Regional Cities Alliance	Mayor Shane Van Styn
14 March 2019	Growth Plan Workshop	Mayor Shane Van Styn
15 March 2019	Consul General of Indonesia – Potential Economic, Language and Cultural Relations	Mayor Shane Van Styn
16 March 2019	Harmony Festival Opening	Mayor Shane Van Styn
16 March 2019	2019 Campaign Launch - the Hon Melissa Price MP, Member for Durack	Mayor Shane Van Styn
17 March 2019	Mid West Ports Authority VIP 50th Anniversary Sundowner	Mayor Shane Van Styn
18 March 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
18 March 2019	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
19 March 2019	Bendigo Bank State Conference - Presentation	Mayor Shane Van Styn
19 March 2019	Agenda Forum - Mullewa	Mayor Shane Van Styn
19 March 2019	Bendigo Bank State Conference – Gala Dinner	Mayor Shane Van Styn
20 March 2019	Proposed Houtman Abrolhos Islands National Park - Visitor Master Plan Workshop Invitation	Mayor Shane Van Styn
21 March 2019	Meeting with Hon Colin de Grussa MLC - Local Matters	Mayor Shane Van Styn
22 March 2019	Evening and Prayer and Candlelight Vigil	Cr Steve Douglas

22 March 2019	Western Power– Power Reliability in Mullewa	Mayor Shane Van Styn
22 March 2019	Mid West Chamber of Commerce Business Leaders Lunch	Mayor Shane Van Styn
23 March 2019	Memorial Ceremony for Pte Leon Briand (formerly Unknown Soldier)	Mayor Shane Van Styn
23 March 2019	Geraldton Yacht Club Deck – Official Opening	Mayor Shane Van Styn
25 March 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
25 March 2019	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
25 March 2019	Chinese Seniors Tourism Group - Welcome	Mayor Shane Van Styn
25 March 2019	Geraldton Regional Workshop - Parliamentary Inquiry into Regional Airfares	Mayor Shane Van Styn
25 March 2019	Regular Meeting with Local Member - Hon Laurie Graham MLC, Member for the Agricultural Region and City of Greater Geraldton	Mayor Shane Van Styn
25 March 2019	Wind on Water (WoW) Fest Sponsorship Photo's - Iluka	Mayor Shane Van Styn
26 March 2019	Wind on Water (WoW) Fest Sponsorship Photo's – Northgate	Mayor Shane Van Styn
26 March 2019	Meeting with Commanding Officer of The Pilbara Regiment	Mayor Shane Van Styn
26 March 2019	Wind on Water (WoW) Fest Promotional Filming	Mayor Shane Van Styn
26 March 2019	Houtman 400 Balayi-Open Your Eyes Festival - Batavia Coast Maritime Heritage Association	Mayor Shane Van Styn
26 March 2019	Ordinary Meeting of Council	Mayor Shane Van Styn

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS403 PROPOSED STOCKPILING (GRAIN) – ARTHUR ROAD, NARNGULU

AGENDA REFERENCE:	D-19-015657
AUTHOR:	M Connell, Manager Urban and Regional Development
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	6 March 2019
FILE REFERENCE:	TP18/266 & A9203
ATTACHMENTS:	Yes (x5) 2 x Confidential
	A. Development Application
	B. Technical Reports
	C. Development Plans
	D. Confidential - Submissions
	E. Confidential - Response to Submissions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for a grain stockpiling facility on Lot 15 Arthur Road, Narngulu.

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

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 development approval for Stockpiling (Grain) on Lot 15 Arthur Road, Narngulu;
2. MAKE the determination subject to the following conditions:
 - a. development shall be in accordance with the attached approved plan(s) dated 26 March 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - b. the landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the *CBH Dust Management Plan Operational Activities* as lodged with the local government;
 - c. the landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in

-
- accordance with the *CBH Noise Management Plan Operational Activities* as lodged with the local government;
- d. any existing crossovers not included as part of the proposed development on the attached approved plan(s) being closed and the verge reinstated at the proponent's cost;
 - e. accessible car parking bays being provided in accordance with the Building Code of Australia and AS2890 Part 6 2009;
 - f. the area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:
 - i. be installed to the approval of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the approval of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - iv. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - v. be drained and sealed with an all-weather seal coat to the approval of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
 - vii. be designed in accordance with AS2890;
 - g. satisfactory arrangements being made with the local government for the full cost of upgrading Arthur Road, 100 metres south of the southern boundary of the land, to a sealed standard;
 - h. the 'Truck Marshal Area' to be sealed to a minimum 2 coat bitumen standard;
 - i. all stormwater is to be disposed of on-site to the approval of the local government in accordance with the *CBH Stormwater Report* as lodged with the local government;
 - j. the existing facility is to be removed and land rehabilitated to the approval of the local government within 3 months from completion of grain receivals for the 2019-20 harvest, or longer period as approved in writing by the local government;
 - k. prior to an application for building permit a landscaping plan incorporating native or locally acceptable trees (with a mixture of semi mature trees capable of growing to 5 metres in height) and shrubs is to be submitted to and approved by the local government. The landscaping is to be located adjacent to the eastern boundary of Lot 7 Edward Road and the southern boundary of Lot 11 Arthur Road for the purpose of screening the development from the neighbouring dwellings. The approved landscaping plan is to be implemented in full prior to commencement of the approved use and maintained thereafter to the approval of the local government;
 - l. the operating times shall be limited to the hours of 6am to 10pm, 7 days a week during October to January and 6am to 10pm, 6 days a week (Monday to Saturday) during February to September unless otherwise approved in writing by the local government; and
-

m. a pre and post construction dilapidation report is to be undertaken for habitable buildings within one kilometre of the open bulkhead storage facility.

PROPONENT:

The proponent is Co-operative Bulk Handling Limited (CBH).

BACKGROUND:

The Site:

The subject land is located approximately 14.5 kilometres from the Geraldton CBD and Geraldton Port and approximately two kilometres to the south-east of the Narngulu Industrial area. The Geraldton Regional Prison is located one kilometre to the west and the Geraldton Airport approximately two kilometres to the north.

The subject land is situated at the transition of land identified for future industrial uses to the west and rural land that extends out to the east. The subject land is surrounded by a mixture of rural land uses. On the corner of Arthur Road in close proximity to the subject land is a livestock sale yard and surrounding land is largely being used for broadacre agricultural activities including crop production, livestock operations and hobby farms.

Existing Development:

In September 2014 development approval was granted for the stockpiling of grain, with construction of the facility completed in 2018.

The subject land currently contains six (6) open bulkheads with a storage capacity of 180,000 tonnes. There are two bitumen sealed crossovers providing separate entry and exits with compacted gravel access ways within the site. An existing drainage basin is located to the west of the bulkheads for the collection of stormwater and drainage for the site.

Proposed Development:

The proposal ultimately seeks the approval of a new stockpiling facility for the storage of up to 180,000 tonnes of grain. This will include the construction of four (4) open bulkheads for the storage of grain, sampling facility, weighbridge facilities and staff amenities.

The existing grain stockpiling facility will be removed from the site. Therefore this application is not for additional storage capacity, but essentially to relocate the existing grain storage area to an alternative location in order to improve internal access and enable the installation of the weighbridge and sampling facilities in the most operationally efficient location.

It is important to note that even though the 'Infrastructure Planning Site Development – Stage 1' plan indicates a further five (5) 'Future Open Bulkhead' storage facilities these are not part of this development application. Should the proponent wish to proceed with them a further application and development approval will be required.

Proposed Operations:

Grain will be received from local producers which will be stockpiled on-site for future distribution upon sale and trucks will be used to move grain from the site to its final destination. As much of the grain is exported to other countries, trucks will be used to transport grain to the Geraldton Port to be loaded onto ships.

A full copy of the development application, technical reports and development plans are included as Attachment No's. DCS403A, DCS403B and DCS403C respectively.

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

The main community issue that arose from the public comment period was that of impacts to visual / lifestyle amenity. Amenity is defined as *all those factors which combine to form the character of an area and include the present and likely future amenity.*

Therefore in order to assess the impacts of a proposed development on the amenity of a locality, it is necessary to consider not only the existing amenity but also the likely future character of the area.

The area at present is characterised by predominantly broadacre cropping and is generally considered rural in nature. It could be reasonably argued that operations and facilities that intrinsically rely on agriculture can be considered acceptable in a rural landscape.

The likely future character of the area is best recognised in the City's Local Planning Strategy (refer to 'Regional Outcomes' section of this report).

The subject land lies on the eastern edge of an area identified for future general industry. This general industry area coincides with the Narngulu Industrial Area buffer that is intended to protect industrial land from the encroachment of sensitive land uses and to separate sensitive land uses from industrial emissions. To the west of the subject land the area is contained within the Geraldton Airport buffer which controls noise sensitive developments.

Given the above it is clearly evident that the likely future amenity of the area will be impacted by industry and buffers associated with industry and aircraft noise. It is considered reasonable to conclude that the area will be characterised as a transitional area between industries and rural, and that the proposed facility will have no detrimental effect on the future amenity of the area.

Environment:**(Draft 2015) Environmental Assessment Guideline for Separation distances between industrial and sensitive land uses:**

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

land uses require separation, and recommend the appropriate separation distances.

A separation distance is the recommended distance to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid adverse impacts to human health and amenity. This approach relies on the knowledge that impacts on the environment generally decrease with increasing distance from the source of emissions.

The separation distances are based on scientific information (where available) and knowledge and experience of technical experts and are also drawn from various codes-of-practice, guidance from other jurisdictions, and the EPA's previous guidance material.

The guideline recommends a separation distance of 500 metres from sensitive land uses (e.g. dwellings) for grain loading and unloading facilities using conveyor belts etc. The closest dwelling is located over 600 metres from the proposed facility.

In addition to the above recommended separation distances it is the responsibility of operators to minimise emissions through best practice design and operation of their facilities. The proponent has provided detailed dust and noise management plans that are considered acceptable in ensuring that emissions are minimised and that nearby sensitive land uses will not be adversely affected.

Economy:

Some submissions raised the issue of a decrease in property values however property value is not a relevant planning matter in itself. In essence, the issue for consideration by a local government is not whether a proposed development will adversely impact on the value of an adjoining property but whether the proposed development will have an adverse impact on the amenity of the locality overall.

A common objection made to any form of development/use is that of impacting negatively on property value, property values are set over a whole range of factors and importantly is heavily market dependant in terms of supply and demand.

The CBH harvest report for the Geraldton Port Zone (4 January 2019), states that the current harvest has produced close to record grain yields with a total of about 3.3 million tonnes, emphasising the need for storage facilities.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The existing stockpiling facility was granted development approval on 9 September 2014 with construction completed in 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

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

The advertising period was for 19 days (commencing 14 January 2019 and concluding on 1 February 2019) and involved the following:

1. All landowners within 1 kilometre of the proposed facility were written to and advised of the proposed development;
2. A sign was placed on-site;
3. The application details were available for viewing at the City's offices in Cathedral Avenue;
4. The application details were available on the City's website;
5. The application was referred to the following:
 - Department of Primary Industries and Regional Development;
 - Department of Water and Environmental Regulation; and
 - Main Roads WA.

Submissions:

As a result of advertising, a total of six (6) submissions were received (one (1) in support, three (3) indifferent and two (2) objecting to the application). Listed below is a summation of the main comments/concerns raised during the public advertising period.

- The grain storage stockpile is part of a regional agricultural facility, meeting the intent of State Planning Policy 2.5 – Rural Planning;
- Landscaping to neighbouring properties;
- Noise;
- Dust;
- Operating hours;
- Timing of relocating existing facility;
- Visual amenity;
- Loss of property value; and
- Definition and use should be 'industry' and therefore cannot be permitted.

Each of the issues raised are addressed in this report or dealt with via proposed conditions on the development approval.

A copy of the actual submissions is included as Confidential Attachment No. DCS403D and the response from the proponent on the issues raised is included as Confidential Attachment No. DCS403E.

LEGISLATIVE/POLICY IMPLICATIONS:State Planning Policy 2.5 – Rural Planning:

The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. One of the key policy directions is to:

continue to promote rural zones in schemes as flexible zones that cater for a wide range of land uses that may support primary production, regional facilities, environmental protection and cultural pursuits.

The Department of Primary Industries and Regional Development had no objection to the application and noted that *'the grain storage stockpile is part of a regional agricultural facility, meeting the intent of State Planning Policy 2.5 – Rural Planning'*.

City of Greater Geraldton Local Planning Scheme No. 1:

The subject land is currently zoned 'Rural' under the Scheme. The objective (relevant to this proposal) of the Rural zone is to:

- (a) *Provide for opportunities for a range of limited rural and related ancillary pursuits where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*

The facility is one that relies entirely on the productive use of rural, agricultural land. It is intrinsically linked to grain growing primary production and therefore is considered consistent with the zone objective.

The proposed use can be reasonably defined within the Scheme as 'Stockpiling', which is defined as:

'means the temporary storage of raw or manufactured materials for a given purpose in an enclosed or an open environment.'

It has been contended that the use should be defined as 'Industry', which is defined as:

'means premises used for the manufacturing, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises used for any of the following purposes:

- (a) *the storage of goods;*
(b) *the work of administration or accounting;*
(c) *the selling of goods by wholesale or retail;*
(d) *the provision of amenities for employees;*
(e) *incidental purposes.'*

'Stockpiling' is listed as an 'A' use in the Rural zone allowing Council to use its discretion to approve the use after publicly advertising the proposal. 'Industry' is listed as a 'X' use in the Rural zone and is not permitted.

Clause 3.15.3 of the Scheme states that '*a specific use class referred to in the zoning table is excluded from any other use class described in more general terms.*'

In addition, it is a well-established legal foundation that a 'best fit' approach be used to determine a use class. It is not permitted to strain to place the use (stockpiling) in a different use class (industry) just because an attribute(s) of the stockpiling proposal might also be referred to in the definition of industry.

In this instance it is considered that the proposal best fits the 'Stockpiling' use class even though aspects of the operations are referred to in the 'Industry' use class definition.

Planning and Development (Local Planning Schemes) Regulations 2015:

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

- (a) *the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to the Scheme that has been advertised or any other proposed planning instrument that the local government is seriously considering adopting or approving.*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- (n) *the amenity of the locality including the following:*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development.*
- (s) *the adequacy of:*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*
- (y) *any submissions received on the application.*

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

1. The proponent has agreed to provide landscaping that is intended to reduce the visibility of the facility from surrounding residences.
2. Refer to the 'Community' section of this report regarding amenity and social issues.
3. Refer to the 'Environment' section of this report regarding environmental issues.
4. The proponent has provided a detailed 'Transport Impact Assessment' and the likely traffic generation and vehicle parking is considered adequate.
5. Refer to the 'Community/Councillor Consultation' section of this report regarding the submissions received.

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
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:

Local Planning Strategy:

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

The subject land itself is identified as 'Higher Versatility Agricultural Land' with a clear intent to protect rural land from incompatible land uses. The stockpiling of grain is considered to be a compatible land use for the rural area given its complete reliance on the long-term viability of the agricultural sector.

The subject land is situated immediately east of an area identified for future 'General Industry'. The eastern extent of this general industry area coincides with the Narngulu Industrial Area buffer that is intended to protect industrial land from the encroachment of sensitive land uses and to separate sensitive land uses from industrial emissions. This buffer was proposed in the Narngulu Industrial Estate Study, prepared for the Geraldton Region Plan Review

Technical Committee and was subsequently adopted into the Geraldton Region Plan and Greater Geraldton Structure Plan.

To the west of the subject land, the area is contained within the Geraldton Airport buffer which controls noise sensitive developments.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The proposal best fits the 'Stockpiling' use class, even though aspects of the operations are referred to in the 'Industry' use class definition, and therefore can be approved by Council.

Whilst the area at present is characterised by predominantly broadacre cropping the subject land is situated at the transition of land identified for future industrial uses to the west and rural land that extends out to the east. It is therefore considered that the proposed facility will have no detrimental effect on the future amenity of the area.

The grain storage stockpile is part of a regional agricultural facility, meeting the intent of State Planning Policy 2.5 – Rural Planning and will be located outside of the EPA's recommended minimum separation distance to sensitive land uses.

The proponent has provided detailed dust and noise management plans that are considered acceptable in ensuring that emissions are minimised and that nearby sensitive land uses will not be adversely affected. 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. In any event, the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must determine an application for development approval within 90 days of receipt of the application (being 10 March 2019, however the proponent has agreed to an extension of time until 26 March 2019).

Cr J Critch declared a Financial Direct interest in Item DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu as she is a shareholder of CBH and left Chambers at 5.31pm.

Cr J Clune declared a Financial Direct interest in Item DCS403 Proposed Stockpiling (Grain) – Arthur Road, Narngulu as he is a shareholder in CBH and does business with CBH and left Chambers at 5.31pm.

MOTION**MOVED CR FREER, SECONDED CR COLLIVER**

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 development approval for Stockpiling (Grain) on Lot 15 Arthur Road, Narngulu;
2. MAKE the determination subject to the following conditions:
 - a. development shall be in accordance with the attached approved plan(s) dated 26 March 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - b. the landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the *CBH Dust Management Plan Operational Activities* as lodged with the local government;
 - c. the landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the *CBH Noise Management Plan Operational Activities* as lodged with the local government;
 - d. any existing crossovers not included as part of the proposed development on the attached approved plan(s) being closed and the verge reinstated at the proponent's cost;
 - e. accessible car parking bays being provided in accordance with the Building Code of Australia and AS2890 Part 6 2009;
 - f. the area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:
 - i. be installed to the approval of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the approval of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - iv. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - v. be drained and sealed with an all-weather seal coat to the approval of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
 - vii. be designed in accordance with AS2890;
 - g. satisfactory arrangements being made with the local government for the full cost of upgrading Arthur Road, 100 metres south of the southern boundary of the land, to a sealed standard;
 - h. the 'Truck Marshal Area' to be sealed to a minimum 2 coat bitumen standard;

-
- i. all stormwater is to be disposed of on-site to the approval of the local government in accordance with the *CBH Stormwater Report* as lodged with the local government;
 - j. the existing facility is to be removed and land rehabilitated to the approval of the local government within 3 months from completion of grain receivals for the 2019-20 harvest, or longer period as approved in writing by the local government;
 - k. prior to an application for building permit a landscaping plan incorporating native or locally acceptable trees (with a mixture of semi mature trees capable of growing to 5 metres in height) and shrubs is to be submitted to and approved by the local government. The landscaping is to be located adjacent to the eastern boundary of Lot 7 Edward Road and the southern boundary of Lot 11 Arthur Road for the purpose of screening the development from the neighbouring dwellings. The approved landscaping plan is to be implemented in full prior to commencement of the approved use and maintained thereafter to the approval of the local government;
 - l. the operating times shall be limited to the hours of 6am to 10pm, 7 days a week during October to January and 6am to 10pm, 6 days a week (Monday to Saturday) during February to September unless otherwise approved in writing by the local government; and
 - m.a pre and post construction dilapidation report is to be undertaken for habitable buildings within one kilometre of the open bulkhead storage facility.

Cr Tanti moved an amendment to the motion to amend point 2.k, which was considered.

During the debate Cr Douglas foreshadowed that the item be deferred should the motion be lost.

AMENDMENT TO MOTION

MOVED CR TANTI, SECONDED CR CAUDWELL

That Council amend point 2.k to read : Prior to an application for building permit a landscaping plan incorporating native or locally acceptable trees (with a mixture of semi mature trees capable of growing to 5 metres in height), shrubs and groundcovers is to be submitted to and approved by the local government. The landscaping is to be located on and around a stabilised 2 metre high earth bund, adjacent to the site's Northern boundary and Western boundary where it abuts Lot 7 Edward Road, Narngulu for the purpose of effectively screening the development and its activities from the neighbouring dwellings. The approved landscaping plan is to be implemented in full prior to commencement of the approved use and maintained thereafter to the approval of the local government.

CARRIED 9/1

Time: 5:51 PM

Not Voted: 5

No Votes: 1
Yes Votes: 9

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	NOT PRESENT
Cr. Critch	NOT PRESENT
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	NO

The amendment to the motion, as carried, became the substantive motion.

COUNCIL DECISION

MOVED CR FREER, SECONDED CR COLLIVER

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 development approval for Stockpiling (Grain) on Lot 15 Arthur Road, Narngulu;
2. MAKE the determination subject to the following conditions:
 - a. development shall be in accordance with the attached approved plan(s) dated 26 March 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - b. the landowner/proponent from time to time is responsible to ensure that the development/land use is carried out at all times and in all respects in accordance with the *CBH Dust Management Plan Operational Activities* as lodged with the local government;
 - c. the landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the *CBH Noise Management Plan Operational Activities* as lodged with the local government;
 - d. any existing crossovers not included as part of the proposed development on the attached approved plan(s) being closed and the verge reinstated at the proponent's cost;
 - e. accessible car parking bays being provided in accordance with the Building Code of Australia and AS2890 Part 6 2009;

-
- f. the area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:
 - i. be installed to the approval of the local government prior to the commencement of the approved use;**
 - ii. be maintained thereafter to the approval of the local government;**
 - iii. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;**
 - iv. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;**
 - v. be drained and sealed with an all-weather seal coat to the approval of the local government;**
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);**
 - vii. be designed in accordance with AS2890;****
 - g. satisfactory arrangements being made with the local government for the full cost of upgrading Arthur Road, 100 metres south of the southern boundary of the land, to a sealed standard;**
 - h. the 'Truck Marshal Area' to be sealed to a minimum 2 coat bitumen standard;**
 - i. all stormwater is to be disposed of on-site to the approval of the local government in accordance with the *CBH Stormwater Report* as lodged with the local government;**
 - j. the existing facility is to be removed and land rehabilitated to the approval of the local government within 3 months from completion of grain receivals for the 2019-20 harvest, or longer period as approved in writing by the local government;**
 - k. Prior to an application for building permit a landscaping plan incorporating native or locally acceptable trees (with a mixture of semi mature trees capable of growing to 5 metres in height), shrubs and groundcovers is to be submitted to and approved by the local government. The landscaping is to be located on and around a stabilised 2 metre high earth bund, adjacent to the site's Northern boundary and Western boundary where it abuts Lot 7 Edward Road, Narngulu for the purpose of effectively screening the development and its activities from the neighbouring dwellings. The approved landscaping plan is to be implemented in full prior to commencement of the approved use and maintained thereafter to the approval of the local government.**
 - l. the operating times shall be limited to the hours of 6am to 10pm, 7 days a week during October to January and 6am to 10pm, 6 days a week (Monday to Saturday) during February to September unless otherwise approved in writing by the local government; and**
 - m. a pre and post construction dilapidation report is to be undertaken for habitable buildings within one kilometre of the open bulkhead storage facility.**
-

CARRIED 7/3

Time: 6:15 PM

Not Voted: 5

No Votes: 3

Yes Votes: 7

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NO
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	NOT PRESENT
Cr. Critch	NOT PRESENT
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	NO
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	NO
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:
That Council update condition 2.k to provide the existing and future landowners with protection from the sites intended activities with a stabilised 2 metre high bund, for the purpose of effectively screening the development and its activities from the neighbouring dwellings.

Cr Critch and Cr Clune returned to Chambers at 6.13pm.

DCS404 PROPOSED DEMOLITION OF HERITAGE LISTED DWELLING – CHAPMAN ROAD, BERESFORD

AGENDA REFERENCE:	D-19-015857
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	28 February 2019
FILE REFERENCE:	TP19/022 & A12591
ATTACHMENTS:	Yes (x3) A. Structural Inspection and Assessment Report B. Heritage Impact Assessment C. Municipal Inventory of Heritage Places - Place Record

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the demolition of a heritage listed single residential dwelling on Lot 3 (No. 262) Chapman Road, Beresford, and to amend the Municipal Inventory of Heritage Places place record accordingly.

EXECUTIVE RECOMMENDATION:**PART A:**

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 development approval for the demolition of the existing single residential dwelling on Lot 3 (No. 262) Chapman Road, Beresford.

PART B:

That Council by Simple Majority pursuant to Part 5, Division 1, Section 45 of the *Heritage of Western Australia Act 1990* RESOLVES to:

1. AMEND the City of Greater Geraldton Municipal Inventory of Heritage Places by changing the Management Category for Geraldton Place No. 064 from category 4 to category 6 once the place has been demolished.

PROPONENT:

The proponent is Craig and Cheryl Johnston.

BACKGROUND:

The subject property is located along the east side of Chapman Road opposite the Beresford foreshore. The dwelling is a timber framed residence, in the Federation Bungalow style and is clad with weatherboards to window sill height and asbestos cement sheeting above. The hipped corrugated iron roof extends broken back to cover the front verandah which is supported on timber posts. A tall timber fence forms the property frontage while several outbuildings are also located on the site including an outdoor toilet and a well.

No date is available for the construction of the dwelling but it is considered to have occurred prior to the 1940's. Since this time, a number of changes have occurred which include enclosing veranda's, construction of rear patios and the removal of internal walls.

As part of the application for demolition the applicant has provided a Structural Inspection and Assessment Report and a Heritage Impact Assessment. A summary of the findings of these assessments is provided below.

- In its current condition the dwelling cannot be occupied.
- In order for the structure to meet the condition required by the *Building Codes of Australia* and its referenced documents, approximately 70% of the building fabric will need to be demolished and replaced.
- This level of remediation works risks compromising the aesthetic values of the building and defeats the intention to preserve the features of value as per the Municipal Inventory of Heritage Places (MI) place record.
- The value of the land greatly exceeds the value of the structure even after the required works are completed yielding a situation of commercial unsustainability.
- The place is included in MI as a Management Category 4 which means that it is not of the highest order of significance. The MI recommendations express a desire rather than mandate an action.
- An assessment of the dwelling was conducted in accordance with the State Heritage Office *Criteria for the Assessment of Local Heritage Places and Heritage Areas 2012* which found that the cultural heritage value of the place is low and its loss would not negatively impact on the stock of cultural heritage places in Geraldton.
- In the time since the original Statement of Significance within the MI was written, a number of framed dwellings on Chapman Road have been removed, depriving the streetscape of its heritage context.
- Given the ad hoc adaption of the house and its much diluted aesthetic value, the streetscape contribution is at best neutral.
- The proposal to demolish and replace with a single storey rendered brick dwelling is an appropriate outcome.

Full copies of the Structural Inspection and Assessment Report and the Heritage Impact Assessment, which includes photos of the dwelling, are included as Attachment No's. DCS404A and DCS404B.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The site is listed as Place No. 64 in the Geraldton volume of the Municipal Inventory of Heritage Places as follows:

Management Category: 4

Level of Significance: Some Significance – Contributes to the heritage and/or historical development of the locality.

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

The listing also contains the following Statement of Significance:

This house contributes to the streetscape of this section of Chapman Road. The simple form of the buildings and the construction materials are representative of building styles of that era.

A copy of the MI place record is included as Attachment No. DCS404C.

The application was forwarded to the City's Regional Heritage Advisor who has supported the demolition based on the following:

- The dwelling is of low-range heritage value having been assigned a Management Category of 4.
- The place is not located within a Heritage Area or Special Control Area as defined under the Local Planning Scheme. As such there are no precinct issues which need to be taken into consideration in assessing this application. Similarly, the dwelling is not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of a wider area. This has been further reinforced by the previous demolition of the adjacent residence c2009 and as well as others in the vicinity which were a similar era and style.
- According to the Structural Inspection and Assessment Report, in its current state of repair the dwelling cannot be legally occupied. In addition, in order to restore the building for habitable purposes it is estimated that approximately 70% of the built fabric will require replacing. This in itself would negatively impact on the heritage values of the building as this work would greatly lessen the amount of original built fabric remaining. Furthermore, given that the value of the land significantly exceeds the value of the structure, this work would not be commercially viable.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council adopted the Geraldton volume of the Municipal Inventory of Heritage Places at its meeting on 28 June 2011.

The most recent demolition along Chapman Road was considered by Council at the meeting held 17 October 2017. Council resolved to support the demolition of the Management Category 3 MI listed dwelling and associated buildings on Lot 72 (No. 206) Chapman Road, Beresford. The buildings were subsequently demolished in late 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:Heritage of Western Australia Act 1990:

Section 45 of the Act requires a local government to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The inventory is also required to be updated annually.

Should Council approve the demolition then the Management Category for the place should also be amended accordingly to a category 6, which is:

Municipal Inventory Archive: Place was previously included in the Municipal Inventory but has been removed due to demolition or diminished heritage significance. The place does not form part of the relevant Local Planning Scheme Heritage List.

Heritage Conservation and Development local planning policy:

Relevant objectives of the policy are:

- a. To conserve and protect places of cultural heritage significance.*
- b. To ensure development does not adversely affect the significance of heritage places.*
- c. To ensure that sufficient information is provided to enable the local government to make informed decisions.*
- d. To ensure that heritage significance is given due weight in local planning decision making.*

Clause 4.1 of the policy requires that a local government, in considering any application in relation to a place on the local inventory, will apply and have regard to; the structural condition of a place, and whether a place is reasonable capable of conservation and the level of heritage significance of that place.

The property has been assigned as a Management Category 4 on the MI, with the Statement of Significance being that the house contributes to the streetscape of that section of Chapman Road.

However, following from the previous demolition of MI listed dwellings along this street, this section of Chapman Road comprises a mixed style and combination of older and contemporary residential buildings. It may be considered that the section of Chapman Road no longer has a consistent streetscape character. As such, the property has diminished heritage significance and it is considered that the loss of this heritage building will not adversely affect the overall character of the streetscape.

Clause 4.3 of the policy, Structural Condition Assessment (in the case of demolition), states:

If structural failure is cited as justification for the demolition of a place in the local government's Inventory, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

The Structural Inspection and Assessment Report submitted as part of the application clearly demonstrates the amount of work necessary to bring the residence up to habitable standards in accordance with the *Building Codes of Australia*. In doing so, approximately 70% of the built fabric will be required to be removed and replaced which in turn will compromise the heritage value of the building. It is therefore not considered that the residence is reasonably capable of conservation while keeping the significant built fabric intact.

Given the evidence provided as part of the application and the advice received from the City's Regional Heritage Advisor, the application is considered consistent with the objectives of this policy and can be supported.

A local planning policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

Title: Community	1.1 Our Heritage and the Art
Strategy 1.1.1	Recording, recognising and preserving our social, environmental and built heritage.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no inherent risks with the proposed demolition.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Whilst it is noted that the Management Category afforded to the place states that 'conservation of the place is desirable' and there is an underlying intention to retain heritage buildings, it is considered that the particulars of this application warrant a departure in this instance.

The residence is of low-range heritage value, being a Management Category 4, and not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of the street or the wider area. Furthermore, the works necessary to make the residence habitable would require the removal of much of the built fabric which is responsible for its heritage significance. In light of these factors, and based upon the advice received by the City's Regional Heritage Advisor, the option to refuse is not supported.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event a deferral may trigger a review right under Schedule 2, Part 9, clause 75 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which states that the local government is to be taken to have refused to grant the development approval if it has not made a determination within 60 days of receipt of the application (being 15 April 2019).

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

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:

PART A

- 1. GRANT development approval for the demolition of the existing single residential dwelling on Lot 3 (No. 262) Chapman Road, Beresford.**

PART B:

That Council by Simple Majority pursuant to Part 5, Division 1, Section 45 of the *Heritage of Western Australia Act 1990* RESOLVES to:

- 1. AMEND the City of Greater Geraldton Municipal Inventory of Heritage Places by changing the Management Category for Geraldton Place No. 064 from category 4 to category 6 once the place has been demolished.**

CARRIED 11/1

Time: 6:23 PM

Not Voted: 3

No Votes: 1

Yes Votes: 11

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. Mcllwaine	NOT PRESENT
Cr. Reymond	NO
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

DCS405 PROPOSED DEDICATION OF RESERVE 39641 AS ROAD RESERVE – ONSLOW STREET, GERALDTON
--

AGENDA REFERENCE:	D-19-015558
AUTHOR:	M Connell, Manager Urban and Regional Development
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	6 March 2019
FILE REFERENCE:	RO/11/0018 and RC115
ATTACHMENTS:	Yes (x1) Aerial Plan

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to formally dedicate Reserve 39641 abutting Onslow Street, Geraldton as public road reserve.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to the Section 56 of the *Land Administration Act 1997*, RESOLVES to:

1. REQUEST the Minister for Lands to dedicate Reserve 39641 (as shown on Plan 186893 as Lot 2862) as a public road; and
2. INDEMNIFY the Minister against any claim for compensation.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Department of Planning, Lands and Heritage received a proposal to revoke the current Management Order over Reserve 39642, issued to the National Trust of Australia, and issue a new Management order to the Diocese of Geraldton. The proposal would not change the purpose of the reserve, which will remain for 'Heritage Place'.

As part of the Department's tenure investigations, it was identified that there is currently no legal road access to Reserve 39642, which contains the heritage listed 'Hermitage'.

To address this situation, the Department has requested the City consider dedicating all (or part) of the abutting Reserve 39641 as road reserve essentially providing an extension to Onslow Street.

Reserve 39641 has a Management order in favour of the City for the purpose of 'Lookout and Parking'. Currently the reserve contains a constructed carpark that continues on from Onslow Street and it provides access not only to the 'Hermitage' but also to the 'Juniper Hillcrest' residential care facility.

An aerial plan of the land is included as Attachment No. DCS405.

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

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

As the land is already a Reserve held by the Crown no public consultation is required. The dedication was however referred to the following servicing agencies:

- ATCO Gas Australia
- Western Power
- Telstra
- Water Corporation

Submissions:

Three submissions were received, all with no objection. Copies of the actual submissions are available to Council upon request.

There has been no Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 56 of the *Land Administration Act 1997* provides for the dedication of public roads. Where land is acquired for use by the public under the care, control and management of a local government, the local government may request the Minister to dedicate that land as a road.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Environment	2.3 Built Environment
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

The dedication would formalise the current use of the land as a public road.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The land currently contains a constructed carpark that continues on from Onslow Street and it provides access not only to the 'Hermitage' but also to the 'Juniper Hillcrest' residential care facility.

The option to refuse is not supported as the dedication will essentially formalise the current use of the land as a public road and provide legal road access to surrounding lots.

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

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

That Council by Simple Majority, pursuant to the Section 56 of the *Land Administration Act 1997*, RESOLVES to:

- 1. REQUEST the Minister for Lands to dedicate Reserve 39641 (as shown on Plan 186893 as Lot 2862) as a public road; and**
- 2. INDEMNIFY the Minister against any claim for compensation.**

CARRIED 12/0

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

DCS406 LEASE – THE MOONYOONOOKA HORSE AND PONY CLUB INCORPORATED PORTION OF RESERVE 9021

AGENDA REFERENCE:	D-19-014260
AUTHOR:	W Acton, Land and Leasing Officer
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	21 February 2019
FILE REFERENCE:	R9021
ATTACHMENTS:	Yes (x1) Letter of Agreement

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's consent to enter into a 21 year land lease over portion of Crown Reserve 9021.

The Moonyoonooka Horse and Pony Club Incorporated have supported a request by the City to enter into a lease agreement to formalise their tenure over a portion of Crown Reserve 9021, Geraldton-Mt Magnet Road, Moonyoonooka.

EXECUTIVE RECOMMENDATION:

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

1. TRANSFER the building asset identified as the Moonyoonooka Horse and Pony Club Incorporated Clubroom from the City to Moonyoonooka Horse and Pony Club Incorporated;
2. ENTER into a land lease agreement with the Moonyoonooka Horse and Pony Club Incorporated for portion of Reserve 9021;
3. SET the conditions as follows:
 - a. enter into a 21 year lease agreement commencing 1 May 2019;
 - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
 - c. should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution of Council to determine the consequences of this inaction.
4. MAKE the determination subject to consent from the Minister for Lands;
5. ADVISE the lessee they are responsible for separately paying:
 - a. relevant building insurance and other insurances;
 - b. all applicable rates, taxes and other utilities including power and water consumption and connection; and
 - c. legal and survey expenses associated with the preparation, execution and registration of the lease.

PROPONENT:

The proponent is the Moonyoonooka Horse and Pony Club Incorporated.

BACKGROUND:

Reserve 9021 is vested in the City of Greater Geraldton by way of a Management Order for the purpose of Racecourse, Polo and Recreation Ground with the power to lease for up to 21 years with Ministerial Consent.

The former Shire of Greenough established some of the infrastructure on the grounds for the Moonyoonooka Horse and Pony Club Inc. and the Moonyoonooka Polocrosse Club Inc. that included the building identified as the Moonyoonooka Horse and Pony Club Inc. Clubroom. The Clubs at the time formed part of a Management Agreement over the Grounds, which expired in 2009.

The Clubs continued to operate on an informal arrangement until Council resolved on 22 November 2016 to enter into a 21 year lease agreement with the Moonyoonooka Polocrosse Club Inc., commencing 1 January 2017. Part of this resolution was to transfer the City building asset identified as the Moonyoonooka Polocrosse Clubrooms to the Club.

The Moonyoonooka Horse and Pony Club Inc. were at the same time reluctant to enter into a formal lease agreement with the City until such time their maintenance issues on the City owned building were addressed by the City. The City has now addressed these issues and have now reached agreement with the Club on their responsibilities under a lease arrangement.

Under the current informal agreement arrangement the City is responsible for the maintenance of the Moonyoonooka Horse and Pony Club Clubroom which is inconsistent with other Clubs throughout the City. Formalising a land lease agreement over the Reserve will also incorporate the two other structures on the reserve that belong to the Moonyoonooka Horse and Pony Club Incorporated.

The City has been in consultation with the Club and as a result the Moonyoonooka Horse and Pony Club Inc. have confirmed that they wish to formalise a lease agreement for portion of Reserve 9021 indicated on the map below for the purpose of a Clubhouse and associated structures.



Please note: This map is for information only, as the final survey is yet to be finalised at the time of this report.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community

There are no adverse community impacts.

Environment:

There are no environmental impacts with this proposal as the Club is well established on the Reserve.

Economic:

There are no economic impacts.

Governance

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City leases portions of Crown Reserves to community and sporting organisations for a variety of recreational purposes in line with the relevant Management Orders.

COMMUNITY/COUNCILLOR CONSULTATION:

Staff have been in consultation with the Moonyoonooka Horse and Pony Club Incorporated.

LEGISLATIVE/POLICY IMPLICATIONS:

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

Regulation 30 of the Local Government Functions and General Regulations describes dispositions of property excluded from Section 3.58 of the Local Government Act 1995 for recreational, sporting and other like nature organisations.

FINANCIAL AND RESOURCE IMPLICATIONS:

Lease fees will be in accordance with the City of Greater Geraldton Schedule of Fees and Charges for Sporting and Community Groups reviewed annually.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton’s identity and lifestyle.
Strategy 1.2.2	Encouraging informal recreation through well planned and developed public open space, cycle/walk paths and green streetscapes.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no identified risk management issues with this report.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The other option for consideration by Council is to not approve the lease, but this option is not supported as the Club have the potential to increase activation in the area and provide a stable future to the increasing membership with long term tenure.

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

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

1. **TRANSFER** the building asset identified as the Moonyoonooka Horse and Pony Club Incorporated Clubroom from the City to Moonyoonooka Horse and Pony Club Incorporated;
2. **ENTER** into a land lease agreement with the Moonyoonooka Horse and Pony Club Incorporated for portion of Reserve 9021;
3. **SET** the conditions as follows:
 - a. enter into a 21 year lease agreement commencing 1 May 2019;

- b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;**
 - c. should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution of Council to determine the consequences of this inaction.**
- 4. MAKE the determination subject to consent from the Minister for Lands;**
- 5. ADVISE the lessee they are responsible for separately paying:**
 - a. relevant building insurance and other insurances;**
 - b. all applicable rates, taxes and other utilities including power and water consumption and connection; and**
 - c. legal and survey expenses associated with the preparation, execution and registration of the lease.**

CARRIED 12/0

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

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS406 COMPLIANCE AUDIT RETURN 2018**

AGENDA REFERENCE:	D-19-015978
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	12 March 2019
FILE REFERENCE:	RM/6/0020
ATTACHMENTS:	Yes (x1) Compliance Audit Return 2018

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the Compliance Audit Return (CAR) 2018 as required under the *Local Government Act 1995*.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 7.13(1) of the Local Government Act and Regulations 14 and 15 of the Local Government (Audit) Regulations RESOLVES to:

1. ADOPT the 2018 Compliance Audit Return for the period 1 January 2018 to 31 December 2018; and
2. NOTE that the Compliance Audit Return for the period 1 January 2018 to 31 December 2018 will be submitted to the Department of Local Government, Sport and Cultural Industries.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In accordance with section 7.13(1) of the *Local Government Act 1995* and regulation 14 and 15 of the *Local Government (Audit) Regulations 1996*, a local government authority is required to carry out a compliance audit for the period 1 January to 31 December in each year and prepare a Compliance Audit Return in a form approved by the Minister.

Pursuant to regulation 14 (3A) of the *Local Government (Audit) Regulations 1996*:

(3A) The local governments audit committee is to review the compliance audit return and is to report to the council the results of that review.

The 2018 CAR was submitted to the Audit Committee Meeting on 12 March 2019 for the Committee to review and subsequently report the results of the review to Council.

The Audit Committee resolved to:

1. *ENDORSE the results of the Compliance Audit Return 2018.*
2. *REPORT to Council the results of the Audit Committee review of the Compliance Audit Return 2018, at the Ordinary meeting of Council on 26 March 2019.*

The Minutes of the Audit Committee Meeting 12 March 2019 are attached in Report to be Received CCS410.

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:

It is a legislative requirement under the provisions of the *Local Government (Audit) Regulations 1996* r. 14(3) that the Compliance Audit Return is presented to Council and adopted by the Council.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council adopts the Compliance Audit Return each year, prior to its submission to the department (CCS318 Compliance Audit Return 2017 – 27 March 2018).

COMMUNITY/COUNCILLOR CONSULTATION:

The CAR was submitted to the Audit Committee meeting on 12 March 2019 to review the results.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 7.13 of the *Local Government Act 1995* and Regulation 13 and 14 of the *Local Government (Audit) Regulations 1996*.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The Compliance Audit Return is a statutory compliance requirement for Local Governments and is subject to review first by the Audit Committee and then as a report to Council for adoption before being submitted to the Department of Local Government. The City is required to provide this to the Department no later than 31 March 2019. The City does not have the option to not adopt the CAR as it would result in non-compliance with the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR REYMOND, SECONDED CR FREER**

That Council by Simple Majority pursuant to Section 7.13(1) of the Local Government Act and Regulations 14 and 15 of the Local Government (Audit) Regulations **RESOLVES** to:

1. **ADOPT** the 2018 Compliance Audit Return for the period 1 January 2018 to 31 December 2018; and
2. **NOTE** that the Compliance Audit Return for the period 1 January 2018 to 31 December 2018 will be submitted to the Department of Local Government, Sport and Cultural Industries.

CARRIED 12/0

Time: 6:28 PM

Not Voted: 3

No Votes: 0

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

CCS407 LOCAL GOVERNMENT ACT 1995 – REVIEW PHASE TWO
--

AGENDA REFERENCE:	D-19-015993
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	12 March 2019
FILE REFERENCE:	GO/10/0001
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Submission – Local Government Act 1995 Review, Phase Two
	B. Confidential - Submission – Local Government Act 1995 Review, Sale for Rates Provisions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's endorsement of a submission to the Department of Local Government Sport and Cultural Industries on the *Local Government Act 1995* review, phase two.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the attached submission on the *Local Government Act 1995* review, phase two (Attachment No. CCS407A and CCS407B); and
2. DIRECT the CEO to lodge the submission with the Department of Local Government, Sport and Cultural Industries prior to 31 March 2019.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In 2017 the Government announced a review of the *Local Government Act 1995* to enable significant reform of local government. The review has two stages, and submissions for phase one closed on 9 March 2018. Submissions for the current review, phase two, close on 31 March 2019.

During the consultation period for the review the Department of Local Government, Sport and Cultural Industries (DLGSC) issued discussion papers and held public meetings to inform stakeholders and invite submissions on the review topics. The Western Australian Local Government Association (WALGA) provided support to member councils and obtained the views of member councils to inform a position statement for a collaborative WALGA submission on the review.

At the Ordinary Meeting of Council on 22 January 2019 (CCS392 – Review of Local Government Act) Council resolved to:

3. DIRECT the CEO to prepare a submission to the Department of Local Government's review of the *Local Government Act 1995* on behalf of the City of Greater Geraldton with a particular focus on:

- a. *additional, new rating models that may result in fairer rates allocations across varying areas within a Local Government area;*
- b. *providing Local Government the SOLE discretion to determine whether a property is eligible for a rates exemption; and*
- c. *any other matter that Council considers significant.*

Following consultation between City Managers and the Executive Management Team (EMT) a draft submission has been prepared, and was reviewed by EMT on 13 February 2019. The draft submission was listed at the Concept Forum on 5 March 2019 for review by councillors, and is now submitted for Council consideration.

Subsequent to the Concept Forum and on request, advice was sought and received by the City regarding actions a local government can take against rateable land using a recent matter as a case study. The City as an addendum (Confidential Attachment No. CCS407B) intends to submit this advice as part of the overall submission to be lodged with the Department.

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:

Amendments to the Local Government Act will directly address issues of governance for all Councils in Western Australia.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

CCS302 Review of Local Government Act – 28 November 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted at the Concept Forum on 5 March 2019.

LEGISLATIVE/POLICY IMPLICATIONS:

This report proposes a formal Council position statement on issues related to the review of the *Local Government Act 1995*, initiated by the State Government.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications noted at present, financial and resource implications resulting from any changes made to the Local Government Act 1995 will be considered when the Act review is finalised.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The Local Government regulatory framework detailed within the *Local Government Act 1995* governs the strategic and operational activities and outcomes of the City. The opportunity to make a submission into the review of the *Local Government Act 1995* provides the City with an avenue to address existing risk issues which initiate from current legislative requirements, thereby reducing potential City risks in the future.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers. Matters addressed in the proposed submission are matters for Council.

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

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

1. **ENDORSE** the attached submission on the *Local Government Act 1995* review, phase two (Attachment No. CCS407A and CCS407B);
and
2. **DIRECT** the CEO to lodge the submission with the Department of Local Government, Sport and Cultural Industries prior to 31 March 2019.

CARRIED 12/0

Time: 6:35 PM

Not Voted: 3

No Votes: 0

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

CCS408 LEASE BUSBY INVESTMENTS PTY LTD – LAND AND CAR HIRE BOOTH SPACE - GERALDTON AIRPORT

AGENDA REFERENCE:	D-19-015897
AUTHOR:	L Richards, Airport Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	7 March 2019
FILE REFERENCE:	PM/6/0006-02
ATTACHMENTS:	Yes (x1) Confidential Confidential - Market Valuation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to surrender the existing lease with Busby Investments Pty Ltd trading as Avis Australia and enter into a new lease agreement with Busby Investments Pty Ltd trading as Avis Australia and Budget Rent A Car.

EXECUTIVE RECOMMENDATION:

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

1. SURRENDER the current lease for Lot 6 Gordon Garratt Drive and Greenough Terminal Car Hire Booth No. 2;
2. ENTER into a new lease agreement with Busby Investments Pty Ltd trading as Avis Australia and Budget Rent A Car;
3. SET the conditions as follows;
 - a. enter into a three (3) year lease agreement for Lot 6 Gordon Garratt Drive and Greenough Terminal Car Hire Booths No. 1 and 2 with an option of three further terms of five years (5+5+5) commencing 1 July 2019;
 - b. set the commencement lease fee for Lot 6 Gordon Garratt Drive as \$22,230 plus GST;
 - c. set the commencement lease fee for Greenough Terminal Car Hire Booth No. 1 as 6% plus GST of the gross revenue generated for total car hire fees levied;
 - d. set the commencement lease fee for Greenough Terminal Car Hire Booth No. 2 as 6% plus GST of the gross revenue generated for total car hire fees levied;
4. MAKE the determination subject to:
 - a. advertising notice period of not less than 14 days inviting public submissions;
5. ADVISE lessee is responsible for separately paying;
 - a. all applicable rates, taxes and other utilities;
 - b. all other costs associated with the lease; and
6. REFER the matter back to Council for final consideration if any objecting submissions are received.

PROPONENT:

The proponent is Busby Investments Pty Ltd trading as Avis Australia and Budget Rent A Car.

BACKGROUND:

Busby Investments Pty Ltd entered into negotiations with WTH Pty Ltd, trading as Avis Australia to take over the Avis Australia franchise.

A deed of assignment has been executed between WTH Pty Ltd trading as Avis Australia (outgoing tenant) and Busby Investments Pty Ltd (new tenant) for land lease (Lot 6 Gordon Garratt Drive) and the Greenough Terminal Car Hire Booth No. 2.

With the finalisation of the deed of assignment Busby Investments Pty Ltd terminated their land lease (Lot 4 Gordon Garratt Drive) and moved all operations onto the Avis Australia land lease (Lot 6 Gordon Garratt Drive). Booth space for both car hire operators within the Greenough Terminal continue to operate independently under each franchise with some minor modifications to allow easy access for staff between the separate operational areas.

The proposed new lease agreement will incorporate Lot 6 Gordon Garratt Drive, Greenough Terminal Car Hire Booth Space No. 1 (Budget Rent A Car) and Car Hire Booth Space No. 2 (Avis Australia).

Due to an overall rental rate inconsistency amongst many of the Geraldton Airport leases, Geraldton Airport engaged the services of a licenced valuer during August 2017 to provide a comprehensive market valuation report on all Geraldton Airport leases.

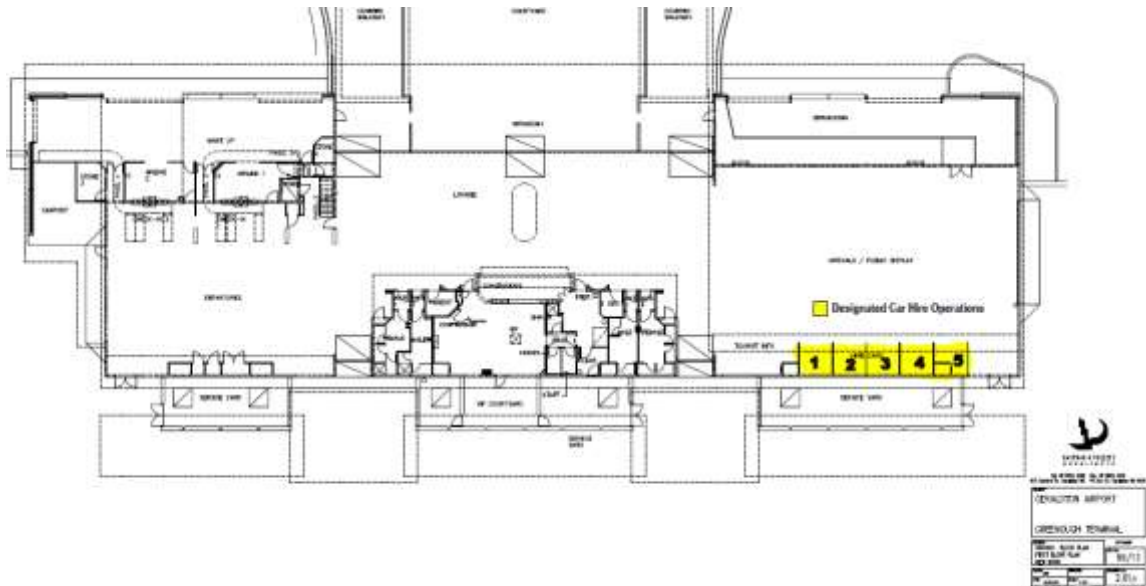
The use of this report to determine rental rates for all Geraldton Airport leases establishes a level playing field for all tenants. The confidential report is attached to the agenda item, Attachment No. CCS408.

The market valuation report determined the commencement lease fee for Lot 6 Gordon Garratt Drive as \$22,230 plus GST per annum. The commencement lease fee of 6% plus GST of the gross revenue generated for total car hire fees levied for Greenough Terminal car hire booth space is consistent with all current car hire operators at Geraldton Airport.

Prior discussion between car hire operators and Geraldton Airport identified the advantage of incorporating the separate existing car hire operators' land lease and separate Greenough Terminal booth lease into one lease. The advantages include:

1. Clear identification that booth space within the Greenough Terminal is only granted provided a land lease within the designated car hire land area is established.
2. Protection for already established car hire operators who were required to relocate their operations to the designated car hire land area when paid parking was introduced at Geraldton Airport in March 2014.

3. The alignment of lease expiring dates.



COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council grant approval to enter into a lease agreement with Busby Investment Pty Ltd, public submissions will be invited for a period of 14 days pursuant to Section 3.58 of the Local Government Act 1995.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the Local Government Act 1995 (as amended) – **Disposing of Property**

Section 3.58:

- (1) *In this section –*
 - “dispose”** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - “property”** includes the whole or any part of the interest of a local government in property, but does not include money
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition –*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL AND RESOURCE IMPLICATIONS:

A current ground rental market valuation was conducted in accordance with Section 3.58(4)(c).

The commencement lease fee of 6% plus GST of the gross revenue generated for total car hire fees levied is consistent with all current car hire operators at Geraldton Airport.

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: 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.

REGIONAL OUTCOMES:

The provision of car hire facilities at Geraldton Airport contribute to related economic activity in the services and tourism industries.

RISK MANAGEMENT:

There are no identified risk management issues with this report.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No other options were considered by City Officers.

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

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

1. **SURRENDER** the current lease for Lot 6 Gordon Garratt Drive and Greenough Terminal Car Hire Booth No. 2;
2. **ENTER** into a new lease agreement with Busby Investments Pty Ltd trading as Avis Australia and Budget Rent A Car;
3. **SET** the conditions as follows;
 - a. enter into a three (3) year lease agreement for Lot 6 Gordon Garratt Drive and Greenough Terminal Car Hire Booths No. 1 and 2 with an option of three further terms of five years (5+5+5) commencing 1 July 2019;
 - b. set the commencement lease fee for Lot 6 Gordon Garratt Drive as \$22,230 plus GST;
 - c. set the commencement lease fee for Greenough Terminal Car Hire Booth No. 1 as 6% plus GST of the gross revenue generated for total car hire fees levied;
 - d. set the commencement lease fee for Greenough Terminal Car Hire Booth No. 2 as 6% plus GST of the gross revenue generated for total car hire fees levied;
4. **MAKE** the determination subject to:
 - a. advertising notice period of not less than 14 days inviting public submissions;
5. **ADVISE** lessee is responsible for separately paying;

- a. all applicable rates, taxes and other utilities;
 b. all other costs associated with the lease; and
 6. REFER the matter back to Council for final consideration if any objecting submissions are received.

CARRIED 12/0

Time: 6:36 PM

Not Voted: 3

No Votes: 0

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. Mcllwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

CCS409 STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2019

AGENDA REFERENCE:	D-19-016556
AUTHOR:	T Machukera, Senior Treasury Officer
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	8 March 2019
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 28 February 2019

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 28 February 2019.

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 28 February 2019, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of February 2019 is detailed in the attached report and summarised below, the variances are between Year to Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$ 450,734	0.65% under YTD Budget
Operating Expenditure	\$ 1,025,717	1.9% under YTD Budget
Net Operating	\$ 574,983	3.90% positive variance
Capital Expenditure	\$ 1,830,671	3.20% under YTD Budget
Capital Revenue	\$ 691	0.01% under YTD Budget
Cash at Bank – Municipal	\$22,514,164	
Cash at Bank – Reserve	\$16,221,375	
Total Funds Invested	\$37,183,983	
Net Rates Collected	92.95%	
Net Rates Collected in February 2018	91.45%	

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 February financials shows a positive variance of \$574,983 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.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require 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.

COUNCIL DECISION**MOVED CR REYMOND, SECONDED CR FREER**

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 28 February 2019, as attached.**

CARRIED 12/0

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

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS192	CSRFF SMALL GRANT APPLICATION MIDWEST KART CLUB
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AGENDA REFERENCE:	D-19-015608
AUTHOR:	D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	26 February 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes (x1) Confidential Confidential - CSRFF Application Midwest Kart Club

EXECUTIVE SUMMARY:

The purpose of this report is to seek a Council resolution for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant applications for FY2019-20.

The City of Greater Geraldton received one application from the community within this stream from the Midwest Kart Club Inc. towards funding the renewal of their existing racetrack surface.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Midwest Kart Club Inc. CSRFF Small Grant application for \$42,305 excluding GST; and
2. ADVISE the Midwest Kart Club Inc. that any shortfall in funding for the project is the Club's responsibility to fund.

PROPONENT:

The proponent is the Midwest Kart Club Inc.

BACKGROUND:

The State Government, through the CSRFF program, offers funding to assist sporting groups with improvements to their facilities. The program is administered through the Department of Local Government, Sport and Cultural Industries (DLGSC) with organisations/clubs required to discuss their projects in depth with the local DLGSC representative before submitting applications.

CSRFF grants are offered as a one-third funding contribution from the DLGSC. The remaining two-thirds can be made up from the applicant sporting body and local government.

CSRFF small grants of \$2,500 – \$66,666 (excluding GST) are allocated to non-complex projects requiring only a basic level of planning. The total project cost for small grants must not exceed \$200,000 (excluding GST). Grants given in this category must be claimed in the financial year following the date of approval. The CSRFF small grants are opened twice yearly in February and July, and close on the last working day in March and August of each year.

City Officers assess each application in relation to Council Policy Manual Section 1.8 Community Funding Programs. Section 1.1.2 of this policy provides a maximum City contribution limited to the lesser of \$66,666 or 1/3 of the total project cost.

The Midwest Kart club sought funding from the City earlier in 2019, however were not supported on that occasion due to land tenure, cash contribution and compliance with funding guidelines.

The Midwest Kart Club have since taken the feedback provided from the City to improve the strength of their application by:

- a. Securing a long-term lease arrangement, providing a 20-year tenure over the land.
- b. Improve their financial position to allow the appropriate applicant cash contribution.
- c. Reducing the scope of their application to resurfacing of the racetrack only.

Application Summary - Midwest Kart Club Inc.

The Midwest Kart Club Inc. are seeking \$42,305 excluding GST from the City to renew the surface of their racing track.

The Club will coordinate the project through local contractors and members of their Club who have the relevant technical expertise and qualifications.

The project will consist of:

- Sweep and prep for asphalt.
- Supply and lay of AC 7 30mm Asphalt.
- Supply and lay line markings.
- Supply and lay kerbing.

These improvements will enable to the Club to generate further interest from the Karting industry, and further promote their bid to secure additional racing events to their calendar.

The Club have also actively engaged with local cycling clubs within Geraldton who could benefit from the renewed surface, as the Club seeks to explore multi-use opportunities in cycle circuit racing.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The Midwest Kart Club is the only Australian Karting association affiliated race track in Geraldton. The track is utilised by multiple sporting groups including the Super Motard Club (off road Motorcycles) and Spokes (Bicycle club). Without the track, multiple sporting groups within Geraldton would not have a safe and legal place to train and compete.

Environment:

There are no adverse environmental impacts.

Economy:

The renewal of the Midwest Karting Club surface will allow the club to be eligible for State and National competitions. These improvements will increase the economic viability of each club to host future events, thus increasing the economic sporting tourism and sustainability benefits to the City and club income.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

The City has recently considered the following surface renewals in previous Grant funding applications:

- Geraldton Netball Association (Successful).
- Wonthella Bowling (Successful).
- Spalding Park Tennis Club (Unsuccessful).

COMMUNITY/COUNCILLOR CONSULTATION:

The Midwest Kart Club Inc. Committee approved club delegates to apply for CSRFF Grant funding.

LEGISLATIVE/POLICY IMPLICATIONS:

The Council allocate up to \$100,000 (excluding GST) per year for contributions towards CSRFF Small Grant Applications. If successful, the City contribution would be provided from this funding stream.

FINANCIAL AND RESOURCE IMPLICATIONS:

Council have not allocated any funding towards CSRFF applications in the 2019-20 nomination round, allowing up to \$100,000 for Council to consider for funding in this round.

Should Council support the project a total funding contribution of \$42,305 excluding GST is to apply in the 2019-20 Council budget.

The City's Finance team have reviewed the Karting Club application and advised the Kart Club has the working capital and "in kind support" available to meet their 1/3 contribution commitment towards this renewal project.

The Kart Club have added financial security in the availability of an interest free loan if they wish to call upon this as another option to fund their contribution and overall project.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
Strategy 1.2.2	Encouraging informal recreation through well planned and developed public open space, cycle/walk paths and green streetscapes.
Title: Environment	2.3 Built Environment
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

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

RISK MANAGEMENT:

The Midwest Kart Club Inc. provide facilities for the community that are safe and legal to undertake racing activities, these facilities assist in mitigating the risk of illegal racing. The executive recommendation supports the applicant to continue to provide these racing facilities.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

NOT SUPPORT the Midwest Kart Club Inc. CSRFF Small Grant application and advise the Midwest Kart Club Inc. of any relevant future funding opportunities; City Officers do not recommend this option for the following reasons:

- The Club have demonstrated a commitment to improve its assets by renewing and maintaining equipment, building appropriate storage areas and installing certified security monitoring equipment.
- The Club have developed successful relationships with the Motard Club and Spokes to continue to build its capacity to develop as a multi-use facility.
- A 20-year lease has recently been signed by the Midwest Kart Club for their current building and amenities.

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

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

1. **SUPPORT** the Midwest Kart Club Inc. CSRFF Small Grant application for \$42,305 excluding GST; and
2. **ADVISE** the Midwest Kart Club Inc. that any shortfall in funding for the project is the Club's responsibility to fund.

CARRIED 12/0

Time: 6:40 PM

Not Voted: 3

No Votes: 0

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

IS193 CSRFF CGG SMALL GRANT APPLICATION WOORREE PARK AND EIGHTH STREET WEST

AGENDA REFERENCE:	D-19-016299
AUTHOR:	D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	26 February 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes (x2) A. CSRFF Application Woorree Park B. CSRFF Application Eighth Street West

EXECUTIVE SUMMARY:

The purpose of this report is to seek a Council resolution for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant applications for FY2019-20.

City Officers are submitting two applications within this stream, one for Woorree Park (BMX) for the replacement of tower lighting luminaire fixtures; and the second, Eighth St West (Wonthella Soccer) for the replacement of tower lighting luminaire fixtures.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Woorree Park (BMX) CSRFF Small Grant application for \$20,973 excluding GST; and
2. SUPPORT the Eighth Street West (Wonthella Soccer) CSRFF Small Grant application for \$25,300 excluding GST.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The State Government, through the CSRFF program, offers funding to assist sporting groups with improvements to their facilities. The program is administered through the Department of Local Government, Sport and Cultural Industries (DLGSC) with organisations/clubs required to discuss their projects in depth with the local DLGSC representative before submitting applications.

CSRFF grants are offered as a one-third funding contribution from the DLGSC. The remaining two-thirds can be made up from the applicant sporting body and local government.

CSRFF small grants of \$2,500 – \$66,666 (excluding GST) are allocated to non-complex projects requiring only a basic level of planning. The total project cost for small grants must not exceed \$200,000. Grants given in this category must be claimed in the financial year following the date of approval. The CSRFF

small grants are opened twice yearly in February and July, and close on the last working day in March and August of each year.

City Officers assess each application in relation to Council Policy Manual Section 1.8 Community Funding Programs. Section 1.1.2 of this policy provides a maximum City contribution limited to the lesser of \$66,666 or 1/3 of the total project cost.

Application Summary - Woorree Park (BMX) and Eighth Street West (Wonthella Soccer)

Recent audits carried out by engineering consultants engaged by the City, identified and prioritised sports tower lighting renewals at Woorree Park (BMX) and Eighth Street West (Wonthella Soccer) as a priority, with both locations requiring replacement of lighting luminaire in FY2019-20.

Woorree Park and Eighth Street West are classified under the Crown reserve as public open space, which is the case for the majority of City sporting grounds used for football, rugby, cricket, softball and athletics. The City's application can apply for a 1/3 contribution from the CSRFF small grant program, with the remaining 2/3 of the project to be funded through the City.

For the replacement of lighting luminaires, the City is seeking \$20,973 excluding GST for Woorree Park (BMX) racetrack and \$25,300 excluding GST for Eighth Street West (Wonthella Soccer) sportsground.

The project will consist of:

- Remove and dispose of existing metal halide luminaires.
- Supply and installation of LED replacement luminaires.

The primary user group of Woorree Park is the BMX Club who traditionally train under lights for three hours per night, 2-3 nights a week between the months of February and September. Additionally state competitions are held under lights on a number of occasions throughout the year. General community users can also utilise the track when not booked for scheduled training or events.

The primary user of Eighth Street West is the La Fiamma Sportsman Club with 196 members (130 juniors, 66 seniors), who participate in a number of local and state competitions. La Fiamma traditionally train and compete under lights for three hours per night, 5-6 nights a week between the months of February and September.

In addition, the ground management committee for Eighth Street West consist of the Geraldton Hockey Club, Sportsman's Cricket Club and Little Athletics Club, all of which have healthy memberships that utilise this lighting for training and match preparation.

The projects align with the City of Greater Geraldton's Community Strategic Plan 1.2.1 & Corporate Business plan 1.2.1.1 and compliments the City's focus on renewing its existing infrastructure.

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

Due to the central location and proximity to well populated residential areas, Woorree Park BMX and Eighth Street West sportsground are highly utilised by the public and other sporting clubs.

The lighting projects will allow the community to train and play their designated sports during the evenings, which social and industry trends indicate is more convenient to the majority of the population.

Environment:

Woorree Park and Eighth Street West are both public open spaces within the City of Greater Geraldton. By replacing the luminaires, the City will improve its ability to light the area to the appropriate level required for sporting and recreational use. Having grounds available in the evenings increases opportunity for ground usage, and allows City Officers to better distribute training activities, decreasing pressure on other grounds.

Economy:

The replacement of luminaires at Woorree Park (BMX) and Eighth Street West (Wonthella Soccer) will allow the clubs to be eligible for State and National competitions. These improvements will increase the economic viability of each club to host future events, thus increasing the economic sporting tourism and sustainability benefits to the City and club income.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City of Greater Geraldton is actively focused on renewals, preventative maintenance and asset management with an emphasis on sustainability.

The City has recently considered the following surface renewals in previous Grant funding applications:

- Geraldton Netball Association (Successful).
- Wonthella Bowling (Successful).
- Spalding Park Tennis Club (Unsuccessful).

COMMUNITY/COUNCILLOR CONSULTATION:

Woorree Park and Eighth Street West ground users have been consulted through their respective Ground Management committees on the findings of the Sporting Facilities lighting review.

The Ground Management committees of Woorree Park and Eighth Street West have sent written support for the City's applications (refer Attachments A and B).

LEGISLATIVE/POLICY IMPLICATIONS:

The Council allocate up to \$100,000 per year for contributions towards CSRFF Small Grant Applications. If all applications are successful, the City contribution would be provided from this funding stream.

FINANCIAL AND RESOURCE IMPLICATIONS:

Council have not allocated funding towards CSRFF applications in the 2019-20 nomination round, allowing up to \$100,000 for Council to consider for funding this round.

Funding contributions are tabled below:

Project	Cost
Woorree Park (BMX)	\$20,973 excluding GST
Eighth Street West (Wonthella Soccer)	\$25,300 excluding GST

Should Council support both projects a total funding contribution of \$46,273 excluding GST is to apply in the 2019-20 Council budget.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
Strategy 1.2.2	Encouraging informal recreation through well planned and developed public open space, cycle/walk paths and green streetscapes.
Title: Environment	2.3 Built Environment
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

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

RISK MANAGEMENT:

The current lighting condition at Woorree Park (BMX) and Eighth Street West (Wonthella Soccer) are reaching end of life. Approving the executive recommendation will ensure ongoing compliance for the appropriate sporting usage and general users alike.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

NOT SUPPORT the Woorree Park (BMX) and Eighth Street West (Wonthella Soccer) CSRFF Small Grant application and budget for replacement in the FY2019-20; City Officers do not recommend, as any state contribution will reduce the overall cost of the project to the City.

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

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

1. **SUPPORT the Woorree Park (BMX) CSRFF Small Grant application for \$20,973 excluding GST; and**
2. **SUPPORT the Eighth Street West (Wonthella Soccer) CSRFF Small Grant application for \$25,300 excluding GST.**

CARRIED 12/0

Time: 6:44 PM

Not Voted: 3

No Votes: 0

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	NOT PRESENT
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

12.4 REPORTS OF OFFICE THE CEO

Nil.

12.5 REPORTS TO BE RECEIVED**RR03 REPORTS TO BE RECEIVED - MARCH**

AGENDA REFERENCE:	D-19-016741
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	15 March 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. Delegated Determinations and Subdivision Applications
	B. Audit Committee Minutes - 12 March 2019
	C. Confidential Report - List of Accounts Paid Under Delegation February 2019

EXECUTIVE SUMMARY:

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

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development and Community Services:
 - i. DCSDD144 - Report – Delegated Determinations and Subdivision Applications; and
 - b. Reports – Corporate and Commercial Services:
 - i. CCS410 – Report – Audit Committee Minutes - 12 March 2019

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. CCS411 – Confidential Report – List of Accounts Paid Under Delegation February 2019.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

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

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR FREER

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 and Community Services:**
 - i. DCSD144 - Report – Delegated Determinations and Subdivision Applications; and**
 - b. Reports – Corporate and Commercial Services:**
 - i. CCS410 – Report – Audit Committee Minutes - 12 March 2019**

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. CCS411 – Confidential Report – List of Accounts Paid Under Delegation February 2019.**

CARRIED 12/0

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

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

16 MEETING CLOSED TO PUBLIC

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

No confidential discussion was required relating to the confidential attachments therefore the meeting was not closed to the public.

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 6.43pm.

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>