



ORDINARY MEETING OF COUNCIL  
MINUTES

26 SEPTEMBER 2017

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 26 SEPTEMBER 2017 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 5pm.

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to respectfully acknowledge the Yamaji 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 Yamaji people.

**3 ATTENDANCE**

Present:

Mayor S Van Styn  
Cr G Bylund  
Cr D J Caudwell  
Cr N Colliver  
Cr J Critch  
Cr S Douglas  
Cr L Graham  
Cr L Freer  
Cr R D Hall  
Cr M Reymond  
Cr T Thomas

Officers:

R McKim, Chief Executive Officer  
B Davis Director of Corporate and Commercial Services  
P Melling, Director of Development & Community Services

C Lee, A/Director of Infrastructure Services  
S Moulds, PA to the Chief Executive Officer  
L Pegler, Executive Support Secretary  
B Robartson, Manager Land and Regulatory Services  
P Radalj, Manager Treasury & Finance  
D Emery, Manager Sport and Leisure  
J Kopplhuber, Communications Officer - Engagement  
E Smith, Coordinator Sport and Leisure  
P Kingdon, Coordinator Communications

Distinguished Visitors

I Blayney MLA, Member for Geraldton

Others:

Members of Public: 62

Members of Press: 2

Apologies:

Nil.

Leave of Absence:

Cr N McIlwaine

Cr V Tanti

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

Nil.

**5 PUBLIC QUESTION TIME**

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

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

*Public Question Time commenced at 5.01pm*

**Mr Sean Hickey – e-mail address supplied**

Question

The Council 'local law', requiring that public questions be submitted by 12 noon the day preceding the meeting makes communication from the public difficult and is clearly unworkable in certain instances.

This meeting, with a public holiday preceding it being an example. Unless of course, Council considers another local law requiring staff to be working on the public holiday preceding such meetings' necessary.

Do Council agree with me that communication and therefore 'questions to council' should revert back to such questions requiring lodgement of a couple of hours?

Response

No. The requirement to submit before 12 noon on the preceding day only applies to questions that require a written answer in the minutes. Notwithstanding the above, as per the local law:

(i) where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;

(j) where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;

So in summary

If anybody wants responses to actually be provided at the Council meeting, in response to Questions to Council, sufficient time is required for officers to research the matter, and prepare a considered response.

Otherwise questions will simply be taken on notice at Council meetings, with insufficient time to prepare considered responses, with responses to subsequently be provided in writing at a later time, not via the minutes.

Council meetings are scheduled and advertised well in advance, and with few exceptions ordinary meetings of Council are scheduled on the 4<sup>th</sup> Tuesday of every month, giving members of the community ample time to submit questions to Council. In similar vein, the Community knows many months in advance when public holidays are scheduled, so the rare exceptions where we might have a public holiday immediately preceding an ordinary Council date are known well in advance.

Question

The sand extraction at Southgates raises many issues that from all accounts, hearsay and observation are far from adequately assessed-or it would appear so.

Does Council agree that there is a body of information that sufficiently and soundly supports continuing sand extraction?

In arriving at your decision have you considered:

- the sand transportation study for the DoT by Curtin University published in 2013-where much information confirms the immense ongoing value of the natural sand transportation system-inclusive of the whole Southgates system.

- the CHRMAP process and the many issues and projections it raises- least of all that climate issues and coastal erosion are an evolving process with perhaps dire outcomes for our future generations.
- that sand has a set of broad values taken from its natural state, an array way more than its obvious capacity to control increasing acidic ph. in agricultural soils. It is reported for example that Vietnam will have a dire shortage of affordable sand by 2020.
- that the dunes need to be further investigated for their tourism potential as natural landforms - especially so in a world where future generations will be increasingly looking for nature experiences.
- that the sand approaching Brand Highway is doing so rapidly because of a lack of vegetation in the area - and that this situation is exacerbated by the activities of 4WD vehicles and sand extraction itself.
- that the public, visitors and tourists want iconic clean presentation - not a regional centre with unwelcoming signage and general appearance.
- that a cared for natural heritage of landscape is more than a worthwhile inheritance for our kids.
- that consultants respond to client's briefs.

Clearly more issues can be questioned on this extremely important matter. It is more than just an environmental issue.

#### Response

Yes

#### **Paul Brown, 2 Wavecrest Circle, Drummond Cove 6532**

*DCS343 POINT MOORE LEASES – CROWN RESERVE 25459*

#### Question

Question: Can the Chair please inform the meeting about the relevant scientific data or advice that was used to determine the requirement for biennial inspections and formal assessments supplied to the city for the domestic septic systems of the 174 leaseholders in Point Moore?

If the answer is that there is no scientific data or advice that has been used by the city in determining that biennial inspections are the required time period for assessments of the septic systems and that it is purely an arbitrary time period that has been chosen, will the Council accept that adoption of triennial inspections for the domestic septic systems in Point Moore will have less of a financial impact for leaseholders and will also reduce the demand on the resources and finances of the city in the future?

#### Response

The April 2014 Council decision required officers to undertake an environmental health assessment prior to lease renewals being considered. The resulting report is attached to the agenda. This report indicated that a significant number of the existing septic systems

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examined were in a poor condition and require remedial works and in some cases replacement. If a large number of systems fail, this would create an environmental health issue, which would impact lease extensions.

Officers in liaison with the Department of Health and City legal advisers have recommended the concept of requiring the leaseholders to advise the city that their septic system is 'functioning'. The frequency with which these assessments were required was debated and included in the survey to those that attended the community workshop (Question 5 in the report). At the time of preparing the report, officers were thinking every 12 months, but upon consultation, extended this to once every two years. With reference to question 5 and noting that no time frame was included (12 months in brackets), 81% of respondents advised that they could live with this.

It should be noted that having a functioning system is in the best interests of the leaseholder/tenant. The blocks are small and if the system is not working, health issues may result. It is for these reasons the Executive recommendation is for a biennial plumbing inspection.

### **Mark Reid – 10 Captains Crescent, Point Moore**

#### *DCS343 POINT MOORE LEASES – CROWN RESERVE 25459*

##### Question

With regard to improvements to the site including homes, transportable homes/ buildings, garages, sheds and any other structure.

Shall the lessee have the option to remove these prior to the termination of the proposed new lease?

##### Response

Clause 17.2 of the proposed draft lease provides for the lessee to remove from the premises all property of the lessee which is not a fixture. Clause 4.2 specifically deals with the demolition levy and use of this levy by the lessor only to allow for the removal of all improvements, including homes, transportable homes/ buildings, garages, sheds and other infrastructure from the site upon termination of the lease/s.

##### Question

We were issued a building permit in 2015 by CGG to make improvements that didn't meet the current health requirements with regard to our sewerage system?

Shall this approval be valid for the duration of the proposed new lease?

##### Response

This question will be taken on notice and a response provided accordingly.

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**Helen Moxham – 10 Captains Crescent, Point Moore****DCS343 POINT MOORE LEASES – CROWN RESERVE 25459**Question

My question refers to Clause 15 of the new draft lease:

I understand the City's reasoning behind including Clause 15-'No Hire, Subletting or Assignment' unless otherwise approved by the Lessor and the Minister for Lands, in writing' as per s.18 of the Land Administration Act 1997.

The Act states that:

*“The Minister may, before giving approval under this section, in writing require –*

- a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
- b) information in compliance with a requirement under paragraph (a) to be verified by statutory declaration.”*

What will be the requirement, process, timeframe and associated costs to obtain the required permission, from the City and the Minister for Lands, under the proposed new lease to rent and/ or sell the beach cottages?

Response

If a lessee wishes to sublet the property, a formal sublease is to be required to be registered on the Certificate of Crown Title with Landgate.

The process is as follows:

- Lessee to submit a request in writing to the City requesting consent to sublet (rent)
- Such request will be determined by the City under its Common Seal
- Should the City agree to the sublease, the lessee is to organise a draft sublease to be endorsed by the City
- The lessee may require a settlement agent to arrange consent from the City and the Minister for Lands, and the registration with Landgate.
- All costs involved will be borne by the lessee
- A separate sub lease will be required for each subsequent sub lessee

Please note that the above is based on the advice from the Department Planning, Lands and Heritage.

The Residential Tenancies Act does not apply to the leasehold land at Point Moore.

Question

In the Public Review Agenda for Council Agenda forum – 19/9/17.



Executive consider that in all reality it has become very clear from the submissions and workshop responses that conditions imposed that will prevent subletting/renting transfer or assignment would not receive support from the leaseholders.

The executive needs to consider that for many leaseholders who, for a myriad of reasons, currently have their houses tenanted under the Residential Tenancy Act would be put in a precarious situation if they were to sign the new lease.

In order to sign the new lease before July 1/2018 it would appear that these leaseholders would firstly have to had evicted their tenants so as not to be in breach of the new lease condition. Clause 15, which could lead to potential legal ramifications through the Residential Tenancy Act, if leaseholders were to end their tenants' residential lease before their agreed end date.

Then, after signing the new lease, lessees would need to apply to the City and Minister of Lands for written approval to rent their homes again and if successful, find a new tenant, after having displaced the previous one. Approval to rent would need to be granted, within a period of not more than 60 days. As this is the amount of time given by many insurers to have a vacant property before all insurances are null and void.

A similar scenario would occur if the leaseholder was in the process of selling their property.

In order to ensure that the leaseholders are not put in a situation that would see them in breach of the new lease and hold possible legal ramifications through the Residential Tenancies Act would be to obtain written pre-approval from the CGG and Minister of Lands.

Would the City consider this option?

#### Response

The reason the Residential Tenancies Act does not apply to the leasehold land at Point Moore is that Section 5(2)(f) of the Residential Tenancies Act states the Act does not apply in the following circumstances:

#### **5. Application of Act**

*5(2) This Act does not apply to any residential tenancy agreement in any of the following circumstances –*

*(f) where the agreement is entered into as lessor, whether generally or in prescribed circumstances, by any prescribed person or agency being a person or agency that is acting on behalf of the Crown.*

Therefore as the Point Moore properties are a lease on Crown Land and the leases are issued under the Land Administration Act the clause above applies. This has also been tested in Court and confirmed.

Question 3

After consideration of the lease options by City officers at today's meeting. Point Moore leaseholders will be seeking their own legal advice pertaining to the new lease, if offered.

Once this legal advice has been received, will the City provide leaseholders with future opportunities for further discussions and negotiations?

Response

If Council adopts the Executive Recommendations tonight the answer will be no. It is also noted that the draft lease is based on the existing leases drafted in 2014 with the addition of trigger points as drafted by the City's lawyers.

The draft lease and the conditions are consistent with all Crown land leases. Crown leases and those standard terms contained therein are considered non-negotiable and are offered as a real option to those Lessees wishing to extend their current lease period. Lessees who not wish to take up the offer of a new lease will have their current lease terminate on the date contained in their current lease.

*Public Question Time concluded at 5.18pm*

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

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>	<b>Date Approved</b>
Cr N McIlwaine	23 August 2017	2 October 2017	28/02/2017
Cr V Tanti	8 September 2017	19 October 2017	27/06/2017
Cr R Hall	14 October 2017	1 December 2017	27/06/2017

*\*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*

Nil.

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS**

The Mayor congratulated Cr Simon Keemink with his WALGA Diploma in Local Government, which he recently completed.

**8 DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 22 August 2017, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR THOMAS, SECONDED CR FREER**

**RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 22 August 2017, as previously circulated, be adopted as a true and correct record of proceedings.**

**CARRIED 11/0**

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

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
23 August 2017	ABC Interview – Council Matters	Mayor Shane Van Styn
23 August 2017	Spirit Radio – Council Matters	Mayor Shane Van Styn
24 August 2017	Randolph Stow Young Writers Award Presentation Night	Cr Bob Hall
28 August 2017	Northern Country Zone Meeting – Mingenew	Cr Tarleah Thomas
28 August 2017	Regular Catch up - Mayor and A/CEO	Mayor Shane Van Styn
28 August 2017	Regular Catch up - Marketing & Media	Mayor Shane Van Styn
28 August 2017	Senior Bows at the QEII Centre	Mayor Shane Van Styn
29 August 2017	Meeting with Todd West from Mid West Development Commission	Mayor Shane Van Styn
29 August 2017	Citizenship Ceremony	Mayor Shane Van Styn
29 August 2017	Candidates for Council - introduction to Local Government	Mayor Shane Van Styn
30 August 2017	Strathalbyn Christian College – Talk on initiatives of Local Government	Mayor Shane Van Styn
30 August 2017	Progress Midwest - Influencing all levels of Government	Mayor Shane Van Styn
31 August 2017	Geraldton Yacht Club – Business Case	Mayor Shane Van Styn
1 September 2017	Mid West Development Commission Board Meeting	Mayor Shane Van Styn
1 September 2017	Official Acknowledgment & Recognition Lunch for Hon Murray Criddle	Mayor Shane Van Styn
1 September 2017	Regular Meeting: Local member Hon Colin de Grussa with City of Greater Geraldton	Mayor Shane Van Styn
5-6 September 2017	Regional Capitals Australia - Canberra	Mayor Shane Van Styn
6 September 2017	Welcome Speech - A Collaborative Approach to Community Development	Cr Bob Hall
6 September 2017	1:1 Meeting with Minister Nash – Local Issues	Mayor Shane Van Styn
6 September 2017	GWN TV interview regarding release of Sex-Offender into the community	Mayor Shane Van Styn
6 September 2017	Triple J radio interview – Lobster Festival	Mayor Shane Van Styn
8 September 2017	ABC Interview – Budget	Mayor Shane Van Styn

9 September 2017	Home Grown Music Festival – Welcome Speech	Cr. Steve Douglas
11 September 2017	The Veteran Car Club of WA (VCC WA) - Rallywest - Start the Race - Rallywest 2017	Mayor Shane Van Styn
11 September 2017	Regular Catch up - Mayor and A/CEO	Mayor Shane Van Styn
11 September 2017	Regular Catch up - Marketing & Media	Mayor Shane Van Styn
11 September 2017	Progress Midwest meeting	Mayor Shane Van Styn
12 September 2017	ABC Telephone Interview – State Gov Funding, Upgrade Works & Qantas' call for cheaper fees at Regional WA Airports	Mayor Shane Van Styn
12 September 2017	The 72nd Anniversary of the Independence of the Republic of Indonesia Consul General of the Republic of Indonesia and Mrs. Dhani Padmo Sarwono - Perth	Mayor Shane Van Styn
12 September 2017	2017 WA Country Builders JJ Medal Count & Dinner	Cr Graeme Bylund
13-24 September 2017	2017 International Islands Tourism Conference in Zhoushan and visit strategic partner cities Zhanjiang and Linfen - China	Mayor Shane Van Styn
14 September 2017	Geraldton Museum Advisory Committee	Cr S Keemink
15 September 2017	The Veteran Car Club of WA (VCC WA) - Final presentation Dinner - Rallywest 2017	Cr S Keemink
17 September 2017	Geraldton Clay Target Club Crayfish Carnival	Cr Steve Douglas
18 September 2017	Review of Agenda Forum Agenda	A/Mayor Cr Tarleah Thomas
19 September 2017	Agenda Forum	A/Mayor Cr Tarleah Thomas
19 September 2017	Annual Midwest Cup	Cr Steve Douglas
26 September 2017	Regular Catch up - Mayor and A/CEO	Mayor Shane Van Styn
26 September 2017	Regular Catch up - Marketing & Media	Mayor Shane Van Styn
26 September 2017	Progress Midwest meeting	Mayor Shane Van Styn
26 September 2017	Presentation by Melissa Price MP : Midwest Sports Tourism Project – BBRF funding	Mayor Shane Van Styn
26 September 2017	Council Meeting	Mayor Shane Van Styn

## 11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

### DCS343 POINT MOORE LEASES – CROWN RESERVE 25459

<b>AGENDA REFERENCE:</b>	<b>D-17-70362</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>7 September 2017</b>
<b>FILE REFERENCE:</b>	<b>R25459</b>
<b>ATTACHMENTS:</b>	<b>Yes (x13) – Confidential x2</b> <b>A. MP Rogers - Point Moore Inundation &amp; Coastal Processes Study Report</b> <b>B. The Wider Stakeholder List for Point Moore Studies Distribution</b> <b>C. Schedule Summary of Submissions for Point Moore Inundation &amp; Coastal Processes Study Report</b> <b>D. GHD - Point Moore Residential Onsite Effluent Treatment &amp; Disposal Study Report</b> <b>E. Schedule Summary of Submissions for Residential Onsite Effluent Treatment &amp; Disposal Study</b> <b>F. Letters from State Government Departments &amp; City Legal Advisors</b> <b>G. Point Moore Discussion Paper – 6 June 2017</b> <b>H. Point Moore Discussion Paper Community Workshop – Collated Results</b> <b>I. The FOPMI Community Newsletters</b> <b>J. Schedule Summary of Submissions – Discussion Paper</b> <b>K. Proposed New Lease</b> <b>L. Confidential – Individual Submissions</b> <b>M. Confidential – Landgate Valuation Report</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to provide a summary of the issues relating to Point Moore in order to determine the future of leasehold properties in Point Moore beyond the current lease expiry dates of 2025 and 2028.

The report recommends the voluntary surrender of existing leases and the granting of new 21 year leases subject to set conditions.

The primary inclusion in the proposed new lease is Trigger Points that would conclude the leases should significant risks eventuate that result in the area no longer being safe for human habitation.

Those lessees who choose not to enter into a new lease will retain their existing lease, which conclude in 2025 or 2028 with no provision for extension.

**EXECUTIVE RECOMMENDATION:**

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

1. INVITE current lessees to surrender the current registered leases;
2. ENTER into new leases for those surrendered leases for a further period of 21 years commencing on the 1 July 2018;
3. SET the conditions of new leases to be based on the existing 2014 lease with the following additions:
  - a. That the lease term period will be 21 years unless the following risk triggers occur:
    - i. The City is ordered or directed in writing by the Chief Health Officer or Minister for Health to undertake actions due to immediate risk to public health as per the Health (Miscellaneous Provisions) Act 1911; and/or
    - ii. One or more Trigger Points to be included in the lease with respect to sea level rise, erosion, public health, power supply, wastewater and water supply, are realised requiring the leases to be mandatorily terminated;
  - b. The Trigger Points for Inundation/Erosion are determined and set at:
    - i. Where the most landward limit of the horizontal shoreline datum (HSD) is within 25m of the leasehold structure;
    - ii. Where a public road is no longer available or able to provide safe and legal access to the leasehold property due to coastal hazards;
    - iii. Where in any twelve month period any part of the leasehold property is flooded or inundated to a depth of 0.3m or greater from two or more separate hazard events;
    - iv. Where the leasehold property has sustained damage to the extent that is deemed irreparable or a total loss or is rendered uninhabitable for an extended period of time;
    - v. When water or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority;
  - c. The Trigger Points for mandatory termination of leases for Residential Onsite Effluent Treatment are determined and set at:
    - i. If an assessment of the onsite effluent system, via the biennial licensed plumber report or from a formally lodged complaint, determines that the system is failing and it cannot be repaired/upgraded to the current (at date of failure) requirements of the Australian New Zealand Standard 1547:2012 Onsite Domestic Waste Water Management, Health (Miscellaneous Provisions) Act 1911, Health (Treatment of Sewerage and Disposal of Effluent and Liquid

- Waste) Regulation's 1974 and Draft Country Sewer Policy WA as amended from time to time;
- d. Further investigation of onsite effluent and treatment systems compliance and efficiencies will occur if three consecutive samples from the City's summer/autumn period monthly beach water quality monitoring program exceed 500 \**Enterococci/100ml* at Page Beach North, Point Moore North and Separation Point as per the National Health and Medical Research Guidelines for Managing Risk in Recreational Water as amended from time to time;
4. MAKE the determination subject to:
    - a. Reference to the Coastal Inundation and Erosion Study being included within the lease agreement, with the full report being provided to lessees prior to signing the lease;
    - b. Reference to the Residential Onsite Effluent Treatment and Disposal Study being included within the lease agreement, with the full report being provided to lessees prior to signing the new lease;
    - c. All leaseholders, at their own cost, be required on a biennial basis to provide evidence from a licenced plumber that the septic system is in a functional state and good working order;
    - d. In the event a trigger point is reached, a leaseholder will be provided a written notice to vacate within 6 months from the site;
    - e. No commercial uses are permitted to be conducted on the leased land as per the conditions of the Management Order;
    - f. A demolition and rehabilitation levy of \$250 per annum to all leaseholders be established and placed in a separate trust reserve account;
    - g. A lease cannot be sublet/rented, transferred, or assigned unless approved by the City and Minister for Lands in accordance with s.18 of the Land Administration Act 1997;
    - h. Consent for the new lease is obtained from the Minister for Lands in accordance with s.18 of the Land Administration Act 1997;
  5. SET the lease rental fee payable at \$3,000 per annum, adjusted tri-annually by CPI;
  6. SET an administrative pensioner discount of 50% on the lease rental fee to be applied to all owner/occupier pensioners that are eligible in accordance with the Rates and Charges (Rebates and Deferments) Act 1992;
  7. NOTE that the lessee being responsible for separately paying;
    - a. all applicable rates, taxes, lease fees and other utilities;
    - b. legal and survey expenses associated with the, preparation, surrender, execution and registration of lease;
  8. NOT revisit the matter of extension of Point Moore leases and make no further offer of new leases to current leaseholders other than as worded in the resolution; and
  9. DELEGATE to the CEO authority to finalise the lease condition wording in accordance with the Council recommendation on this matter.
-



**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Point Moore residents only have leasehold tenure of their land, on a Crown Reserve vested in the City. They do not have freehold tenure of the land. All current leases have an expiry date with no provision for an extension of the lease term. Feedback obtained from some leaseholders via the community engagement process indicates there is a misunderstanding of 'leasing', with a notable proportion of leaseholders assuming that they have rights to perpetual lease renewals beyond the current lease term. This is evident from submissions and questions asked at the community workshop where it was mentioned that third parties had advised a number of current leaseholders that purchasing a lease with an expiry date wasn't an issue, as in the past, the Council had extended the leases. Expectations of some current leaseholders appear to be based on either misinformation or misunderstanding. Adequate due diligence at the time of entering, renewing or acquiring leases of Crown reserve land at Point Moore might have avoided such misunderstanding.

Council resolved at the April 2014 meeting not to consider any renewals of current leases (beyond the current lease expiry dates) until detailed studies on coastal inundation and erosion were undertaken and an environmental health assessment of the continued use of septic tanks in Point Moore were conducted. These studies and assessments have since been completed and the results provide the City with a clear understanding of the extent to which the Point Moore area is at risk from coastal erosion and inundation and how the aged septic systems present risks to the health of the community.

Based on independent, external advice from key State Government Agencies, Local Government insurers, and the City's legal advisors, Council is obliged to act to ensure the safety and wellbeing of the members of the Point Moore community. The City has sought to define a socially responsible solution to reduce its risks, and the risks of Point Moore residents, whilst providing leaseholders who genuinely want to reside in Point Moore with the opportunity to continue to do so. As described further in this report, the proposed solution is to offer current leaseholders the voluntary opportunity to surrender their existing leases (expiring variously in 2025 or 2028) in return for a new lease for 21 years which:

- Fully informs current, and potential new leaseholders, of the erosion, inundation and septic system related health risks involved in residing at Point Moore;
- Includes lease termination trigger points to ensure the safety, health and wellbeing of the resident community; and
- Includes lease termination trigger points to enable the City to undertake a managed retreat from the area when coastal erosion and inundation become an immediate risk to the safety of the community.

The history of Point Moore in brief is as follows:

Crown Reserve 25459 located in West End (Point Moore) was vested in the former Town of Geraldton on 7 December 1966 for the purpose of 'Recreation'. This came about because of the holiday cottages opposite the Port being demolished to allow for the Port expansion a few years previous.

The Point Moore lots were allocated individual Certificate of Crown Titles and leased on the proviso that lessees construct dwellings to the minimum specifications detailed within the lease. The vesting order also contained 'Clause K' which only allowed lessees to reside there for a maximum of three months in any 12 month period.

This 'Clause K' was never enforced and the Point Moore lessees successfully lobbied Council to request the removal of the 'Clause K' from the State. In 1988 the 'Clause K' was removed from the Vesting Order and a new Order was issued to the Town of Geraldton for the purpose of 'Beach Cottage and Recreation' allowing *permanent* residency on the leasehold lots.

In 2004, the City conducted a ground market valuation on the lots with a 2007 lease expiry date. At the same time, lessees were lobbying the Council to surrender their current lease and enter into a new lease with a longer tenure. This was due to there being only three years left before the expiry and the difficulty some were experiencing in obtaining mortgages, selling, etc. In 2005, Council resolved to invite the 2007 lessees to agree to an early surrender and set the lease fee at \$1,300 per annum adjusted every triennium by CPI. Of those 95 cottages due to expire in 2007, 44 lessees took up the offer.

In 2007, Council resolved to enter into 47 new lease agreements for the balance of the 2007 leases. Due to increased requests from the 2014 expiry lessees to surrender their leases early, Council also offered an early surrender and new lease agreement to all the 2014 lessees. A current ground market valuation was obtained at the time by Landgate who established a fair and reasonable market rent to be between \$5,000 and \$6,500 per lot per annum depending on the location and size of the land.

Council resolved at its meeting on 9 September 2008 to set the lease fees at \$3,000 adjusted every triennium by CPI and implement a 50% discount to eligible pensioners who held a lease at 30 June 2007. This discount was to alleviate the substantial increase in lease fees, which was also extended to eligible pensioners with a 2014 lease expiry who took up the early surrender option offered. A total of 46 leaseholders took up the early option to renew and were extended out to the 30 June 2028 leaving a balance of 34 to expire at their due date of 30 June 2014.

In 2014, Landgate undertook another ground market valuation for the balance of the expiring leases. The lease value of the lots at this time was between \$3,900 and \$4,150 per annum. The majority of the lots were valued at \$3,900 per annum, which Council resolved to set as the lease fee and to be adjusted

every triennium by CPI. The 50% discount to eligible pensioners was also implemented under the same terms previously resolved in 2008.

There are two current lease expiry dates being 31 December 2025 and 30 June 2028. The tables below shows the number of leases per expiry date, fee charged and applicable pensioner discount, if any.

**Leases commencing 2005/2006 (early surrender option) expiring 2025**

Number of leases in total	Lease fee (01/07/2017)	Number of Pensioners receiving discount	Pensioner lease fee
44	\$1580.14	0	\$0

**Leases commencing 2007 (2007 lease expiry) expiring 2025**

Number of leases in total	Lease fee (01/07/2017)	Number of Pensioners receiving discount	Pensioner lease fee
47	\$3669.00	11	\$1834.50

**Leases commencing 2008 (early surrender option) expiring 2028**

Number of leases in total	Lease fee (01/07/2017)	Number of Pensioners receiving discount	Pensioner lease fee
22	\$3513.09	10	\$1756.55

**Leases commencing 2007 (early surrender option) expiring 2028**

Number of leases in total	Lease fee (01/07/2017)	Number of Pensioners receiving discount	Pensioner lease fee
24	\$3669.00	4	\$1834.50

**Leases commencing 2014 (2014 lease expiry) expiring 2028**

Number of leases in total	Lease fee (01/07/2017)	Number of Pensioners receiving discount	Pensioner lease fee
34	\$3993.60	10	\$1950.00

Both leases do differ in their wording with one significant difference being the ability to sublet, as it is inconsistent in current leases. For example, leases prior to the 2014 expiry contained a clause allowing subletting whereas those leases commencing 1 July 2014 do not.

**Point Moore Leaseholders at a glance**

There are 176 leasehold properties at Point Moore. Of these, five are under the management of the City. This means there are 171 leaseholders in Point Moore.

Based on the information available to officers, approximately 22.7% or 38 leaseholders do not reside in the City of Greater Geraldton:

- 3.5% or 6 leaseholders live within the Mid West;
- 12.5% or 21 leaseholders live in other parts of Western Australia outside of the Mid West;
- 4.7% or 8 leaseholders live interstate; and

- 0.1% or 2 leaseholders live overseas.

Currently, 76.6% or 128 leaseholders reside within the City of Greater Geraldton:

- 51.4% or 87 leaseholders live at Point Moore;
- 11.3% or 19 leaseholders live elsewhere in the City; and
- 13.1% or 22 leaseholders use a Geraldton PO Box for their mail confirmation of place of residence cannot be made.

### **Coastal Erosion/ Inundation and Wastewater Systems**

*Council at its meeting on 22 April 2014 unanimously resolved the following:*

1. *ADVISE leaseholders that the City will not consider any further extension(s) to current leases (beyond this current extension) until a detailed study is prepared that examines:*
  - a. *coastal inundation / coastal protection assessment;*
  - b. *environmental assessment; and*
  - c. *health assessment of continued use of septic tanks the Point Moore area conformity with State coastal legislation requirements.*

The City has since completed the Point Moore Inundation and Coastal Processes Study and the Point Moore Residential Onsite Effluent Treatment & Disposal Study.

### **Coastal Inundation and Erosion**

The contract to undertake the inundation and coastal erosion study was awarded to M P Rogers and Associates, an experienced coastal engineering consultancy. Inundation and erosion modelling and assessments in line with the State Planning Policy 2.6 – State Coastal Planning Policy were undertaken between July and December 2015. The report was made available to Councillors, Point Moore Lessees, and wider stakeholder and the public in January 2016.

The inundation and processes allowances study shows that:

1. Over all the planning timeframes assessed (present day, 2030, 2070, 2110) Point Moore is at risk from 1 in 100 year and 1 in 500 year inundation events – inundating Point Moore from the north and west;
2. Over the planning timeframes assessed Point Moore is at increasing risk from shoreline recession from the south due to erosion;
3. If the shoreline recession for the 2030 planning timeframe is realised, Point Moore will also become vulnerable to inundation from the south; and
4. From the combined inundation mapping and erosion setback lines, in line with the State Planning Policy 2.6 – Coastal Planning Policy, Point Moore would not be suitable for development if it were a green field site.

The Point Moore Inundation & Coastal Processes Study is attached as Attachment DCS343A.

All relevant stakeholders were provided with the report for comment. A community information session was conducted on 13 January 2016 with MP Rogers presenting information regarding the finalised report findings and conclusions. The presentation was attended by 70 members of the Point Moore Community.

All Point Moore key stakeholders were provided a copy of the Point Moore Inundation & Coastal Processes report. Please see the Community Engagement section of this report for greater detail on how the City informed and engaged with the Point Moore community. The City opened a community submission period in which 113 community members made submissions.

All relevant government and non-government agency stakeholders were provided with the report for comment including Water Corporation, Main Roads WA, Western Power, LGIS, City legal advisors and the Departments of Lands, Planning, Parks & Wildlife, Regional Development, and Environment Regulation.

The Wider Stakeholder List for Point Moore Studies Distribution is attached as Attachment DCS343B.

A record of the submissions received is attached as Attachment DCS343C.

The Inundation study for Point Moore, Town Beach to Drummond Cove, and Greys Beach to Cape Burney form the hazard mapping component for a CHRMAP process. The adaptation hierarchy is a gateway process, which means every effort should be made to implement the first adaptation approach in the hierarchy before moving on to the next adaptation approach. The four adaptation approaches are in the hierarchy:

- Avoid the risk;
- Manage/Managed retreat from the risk;
- Accommodate the risk; and
- Protect from the risk.

If after exhausting all avoidance, managed retreat, and accommodation options, with protection being the only option there would be costs associated with protecting Point Moore from the erosion (south) and inundation (north and west). This would take the form of a revetment structure, and on current costings, this would be in the order of:

<b>Description</b>	<b>Unit Cost</b>	<b>Total Cost</b>
<i>Erosion Protection (South)</i>		
~1000m Revetment	\$7,000-\$10,000 per linear m	\$7.0M - \$10.0M
Typical detailed design costs	6% of construction	\$0.42M - \$0.6M
<i>Inundation (north and west)</i>		

~1800m Revetment	\$7,000-\$10,000 per linear m	\$12.6M - \$18.0M
Typical detailed design costs	6% of construction	\$0.75M - \$1.08M
	<b>TOTAL indicative costs</b>	<b>\$20.8M - \$29.7M</b>

In this context, both the Department of Planning and the Department of Lands are advising/recommending that to **avoid** the risk (from the inundation and erosion hazards) that the lease should not be renewed/extended. Further, LGIS and McLeod's Lawyers have advised that the City needs to **manage** the current risk up until the expiry of the current leases. In order to **manage** the current risk for a new lease, trigger points have been identified that allow for early termination of the lease, should the risk become too great.

### ***Residential Onsite Effluent treatment and Disposal Study***

The contract to undertake ROETD study was awarded to GHD, an experienced engineering and environmental services company.

The study had two phases. The first phase involving installation of statically placed bores to monitor ground water for contamination. Phase two involved individual inspections of waste water systems at individual properties to determine compliance with legislation with the final report being completed in November 2016.

GHD report provided the following conclusions:

1. Observations made during the field investigation indicated that a significant number of the existing septic tanks and leach drains/soak wells are in a poor condition and require remedial works and in some cases replacement.
2. The properties in the study area are significantly smaller than the minimum lot size currently permitted for onsite wastewater disposal (typically 2,000 m<sup>2</sup>), and many of the onsite systems do not comply with current standards in a number of respects (e.g. sizing, configuration, horizontal setbacks, vertical separation distance to groundwater). For many properties, it would not be possible to upgrade the existing onsite systems to meet current standards, or install alternative onsite systems that comply with current standards.
3. Though local groundwater is not used for irrigation or any other purpose, it does discharge to the nearby ocean, and residents or others could come into contact with groundwater when undertaking a range of land-based activities. In relation to public health risks:
  - The potential for contact with groundwater when undertaking land based sub surface activities such as excavation or trenching works is considered to represent a potential health risk to residents and others undertaking such activities in the study area.

This risk may increase over time as local groundwater levels increase as a direct consequence of sea level rise.

- It is considered unlikely that elevated levels of pathogens in groundwater flowing from the study area would pose a significant health risk to persons engaging in primary contact recreation in the ocean near Point Moore given natural purification processes in the aquifer and the high levels of dilution that would typically occur where the groundwater discharges into the ocean. However, under conditions of calm winds and low wave climate, rates of dilution may be greatly reduced, thereby increasing the potential health risk. These conditions typically occur late in the bathing season from March-May.
  - It is not possible to discount the possibility that onsite disposal of effluent from the Point Moore residential properties is at least partly responsible for the observed seasonal spikes in *Enterococci* levels at the CGG's local marine water quality monitoring sites.
4. In the long term, local groundwater levels will rise as sea levels rise, and the magnitude of the rise will severely constrain the potential to dispose of wastewater generated in the study area with the existing conventional onsite septic tank and leach drain/soak well systems approach.
  5. If residential properties are to remain at Point Moore for the long term then a reticulated wastewater collection system will need to be installed that routes wastewater to the Water Corporation's Geraldton wastewater scheme.
  6. An indicative cost estimate to design and to construct a conventional reticulated gravity sewer type collection system to serve all properties in the study area is \$8M to \$14M. At a unit cost of approximately \$70,000 to \$123,000 per property, this is likely to be prohibitively expensive. Whilst alternative wastewater collection technologies exist that may be able to be implemented at a significantly lower capital cost, ongoing costs for these systems would be higher.
  7. Whilst nutrient levels in sampled groundwater indicated elevated wastewater-induced contamination above the adopted assessment criteria for all monitoring rounds, given the high levels of dilution that typically occur where groundwater discharges into the ocean it is considered unlikely that elevated levels of nutrients in groundwater flowing from the study area are having any measurable impact on near shore marine ecosystems.

The Point Moore Residential Onsite Effluent Treatment & Disposal Study is attached as Attachment DCS343D.

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A community information session was conducted on the 7 December 2016 with GHD presenting information regarding the finalised report findings and conclusions. The presentation was attended by 52 members of the Point Moore Community.

All Point Moore key stakeholders were provided a copy of the final ROETD report. Please see the Community Engagement section of this report for greater detail on how the City informed and engaged with the Point Moore community. The City opened a community submission period for the ROETD study in which 13 community members made submissions. A schedule summary of the 13 submissions received are attached as Attachment DCS343E.

All relevant government and non-government agency stakeholders were provided with the final ROETD report for comment and a meeting was held with each to understand their position. The stakeholders included Water Corporation, Department of Health, Department of Environment Regulation, LGIS and the City legal advisors.

Department of Environment Regulation, Water Corporation and the City legal advisors provided a written response to the City regarding the ROETD study.

***Department of Environment Regulation*** stated the following:

DER concurs that nutrients discharging from the study site is unlikely to have a measurable impact on the near shore marine environment. However, recommends that further consideration be given to the potential ecological risk posed by ammonia in the near shore benthic environment.

Based on the information provided, the study site does not appear to require reporting under section 11 of the Contaminated Sites Act at this time.

DER letter attached as Attachment DCS343F.

***Water Corporation*** stated the following:

***Wastewater servicing options for Point Moore***

There is not an Infill Sewer Program possibility for this collective of leases. A privately funded and owned pump station for the site could be a consideration.

For this option, an indicative Infrastructure Contribution amount payable to the Corporation would be in the order of \$250,000.

***Water reticulation infrastructure***

The water reticulation network within the enclave is constructed of Asbestos Cement (AC) pipe and dates back to the 1960's. There is in the order of 2.6 kilometres of pipe involved. It is an anomaly of a legacy nature that the Corporation owns and operates a network of water reticulation mains within a leased landholding area.

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On this point for the sake of clarity, there is no inference that this situation will change if the status quo of this landholding remains and if left undisturbed there are no immediate concerns with the asset condition. However, were a major construction exercise, such as constructing a network of wastewater plumbing be undertaken in what are close confines, the integrity of and ability to protect the AC pipe network during the course of such an exercise could be problematic. Should it be that the water network would require replacement as a part of the sewer plumbing work then the Corporation would seek to normalise the servicing arrangements with the internal water pipework becoming private plumbing.

The indicative costing provided for replacement water reticulation is in the order of \$1M - \$2M and would not be funded by WaterCorp.

Water Corporation letter attached as Attachment DCS343F.

**Department of Health** stated the following:

1. An onsite waste water system would be deemed to be non-functioning when the system is no longer capable of adequately treating and disposing wastewater. For example, this may present itself in the form of wastewater overflowing or back flowing either from the land application area or from some portion of the plumbing connected to the onsite wastewater system.

2. In accordance with Section 107 (1) of the *Health (Miscellaneous Provisions) Act 1911 (the Act)* the local government is responsible to assure that all on-site wastewater systems within its district are installed and maintained in a way that will not pose a risk to public health:

*"The local government shall provide that all drains, sanitary conveniences, and any apparatus for the treatment of sewage within the district are constructed and kept so as not to be a nuisance or dangerous or injurious to health".*

Section 108 of the Act gives the local government power to enter the property, examine a system and issue a written notice to complete the necessary work to repair or replace a system that according to the local government's judgment poses a risk to public health. It is the local government's responsibility to examine the system and define whether or not the system '*appears to be in a bad condition*' or '*a proper condition*'.

Where a local government is of the opinion that an onsite wastewater system must be repaired or replaced or where an owner of a premise applies to repair, replace or install an onsite wastewater system; such repairs, replacements or installations are required to comply with current standards and practices. The process for seeking approval to conduct such work is described by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

3. Section 135 of the Act enables local government to declare any house or part thereof as unfit for human habitation. Section 99 of the Act describes the minimum requirements of a house.

4. The DOH does not approve alternative wastewater systems for a specific lot sizes. All domestic wastewater systems approved for the use in WA are published in the DOH website and have to be designed and installed in accordance with the site specific requirements (soil type, infiltration rate, setback distances etc.) in compliance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Department of Health letter attached as Attachment DCS343F.

City legal advisors **McLeod's Barristers and Solicitors** stated the following:

1. In relation to the 'failing septic systems' in the Point Moore area, the City is not under any legal obligation to take enforcement action under any of the provisions in sections 99, 135 and 354 of the Health (MP) Act;
2. In relation to the 'failing septic systems; in the Point Moore area, the City-
  - a) Were under a duty to take enforcement action under the Health (MPAct) or subsidiary legislation;
  - b) Failed to take that enforcement action.
3. It would be open to the Chief Health Officer or the Minister for Health to order or direct the City to take action (or arrange for someone else to take action and for the City to pay the costs);
4. For the purpose of the Health (MP) Act (and the Treatment of Sewage Regulations), including the services of notices-
  - a) The City is the 'owner' of each of the Point Moore sites and the buildings on those sites;
  - b) Each lessee is an 'occupier' of the leased premises and any building on those premises;
5. There is no legal obligation on the City to notify the lessees of a particular property of the potential for them to vacate the property if the septic system for the property fails but, once the City has clarified the legal position with the Department of Health, there may be good governance grounds for the City to notify lessees of a legal position that would apply if the septic system fails; and
6. It would not be necessary for the City to attempt to inform each person who proposes to sublet, or who is subletting, one of the leased premises of the potential public health risks to the area – but it would be prudent for information about those health risks to be publicly available, such as from the City's website.

City legal advisors letter attached as Attachment DCS343F.

### ***Leasing Matters***

In light of the issues of inundation, erosion, sewerage and water, it is timely to determine Point Moore's future. Further, it is considered that a 'managed retreat' is important to ensure that leasing at Point Moore is not infinite and that

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the written advice of relevant State agencies are taken into consideration. In particular, the City notes the advice of the Department of Planning (DOP) that there is sufficient basis and details in the study to conclude against extension of the current leases.

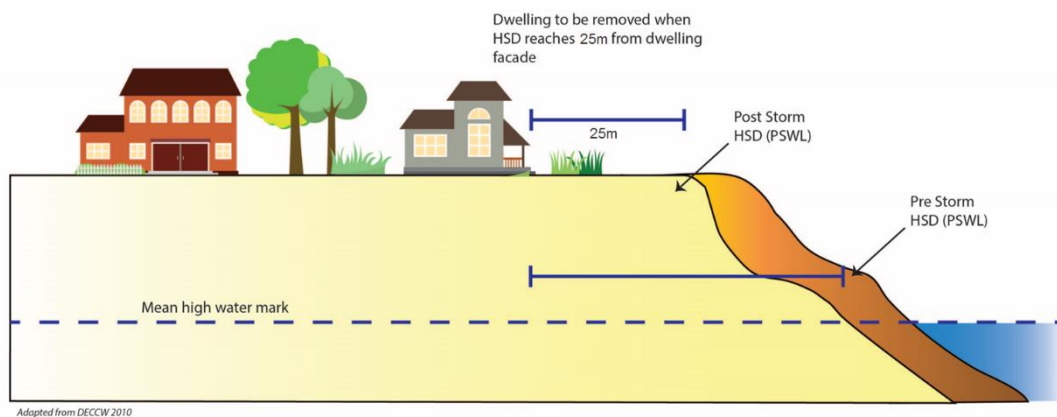
Further, DOP advises that, if their advice is not taken, consideration could be given to short term trigger based leases that include a risk notification. The former Minister for Planning reiterated this advice.

In addition, the former Minister for Lands stated that the Department of Lands and Department of Planning had collectively agreed that there is sufficient evidence to conclude that suitable adaption [sic] measures be put in place including the non-renewal of the residential leases beyond their current expiry date.

In regard to that advice, the Executive recommendation is formulated around trigger-based lease terminations that includes the applicable risk notifications and disclaimers.

The lease termination trigger points suggested for inundation and erosion are defined as follows:

- a) Where the most landward limit of the horizontal shoreline datum (HSD) is within 25m of the leasehold structure;



*In relation to trigger point a), the Diagram above for example  $S1=25m$ . For Point Moore, it is 23m, 5m, 26m depending on which way you are facing.*

- b) Where a public road is no longer available or able to provide safe and legal access to the leasehold property due to coastal hazards;
- c) Where in any twelve month period any part of the leasehold property is flooded or inundated to a depth of 0.3m or greater from two or more separate hazard events;

- d) Where the leasehold property has sustained damage to the extent that is deemed irreparable or a total loss or is rendered uninhabitable for an extended period of time; and
- e) When water, or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority.

The proposed lease termination triggers for onsite effluent are defined as:

If an assessment of the onsite effluent system, via the biennial licensed plumber report or from a formally registered complaint, determines that the system is failing and it cannot be repaired/upgraded to the current (at date of failure) requirements of the Australian New Zealand Standard 1547:2012 Onsite Domestic Waste Water Management, Health (Miscellaneous Provisions) Act 1911, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulation's 1974 and Draft Country Sewer Policy WA as amended from time to time.

The proposed lease trigger points for further investigation into onsite effluent and treatment systems compliance and efficiencies Residential Onsite Effluent Treatment are defined as:

Three samples in a row from the City's summer/autumn period monthly beach water quality monitoring program exceed 500 \**Enterococci*/100ml at Page Beach North, Point Moore North and Separation Point as per the National Health and Medical Research Guidelines for Managing Risk in Recreational Water as amended from time to time.

*\*Enterococci are bacteria found in large concentration in human faeces. They are an indicator bacteria used to detect and estimate the level of faecal contamination in water. They are not dangerous to human health but are used to indicate the presence of a health risk. Anything above this level may indicate a significant risk of high level of illness transmission.*

As part of the City's commitment to transparency regarding Point Moore, City staff prepared a Discussion Paper that provided a summary of the issues and obligations the City has with Point Moore concerning the risks associated with coastal erosion, inundation and the impact the aged wastewater disposal systems are having on the area. The objective of the Discussion Paper was to facilitate a better understanding of the issues and enable the City to engage with the community on possible lease options beyond the current lease expiry dates of 2025 and 2028.

Council at its meeting on the 27 June 2017 resolved the following:

1. *APPROVE the release of the Point Moore Discussion Paper for public comment and community engagement;*
2. *CONDUCT community engagement in late July early August 2017; and*
3. *LIST for determination at the September 2017 Council meeting.*

The Discussion Paper is submitted as Attachment DCS343G.  
***Community Feedback on possible lease options and conditions.***

The Point Moore Discussion Paper Community Workshop Report is attached as Attachment DCS343H.

**Possible Lease Options:** At the Point Moore Discussion Paper Community Workshop, 29 of the 52 workshop participants provided the following feedback on the three possible lease options. Comments regarding these lease options begin on Page 4 of the Workshop Report.

Don't offer new leases	2	7%
Offer new lease provided coastal/waste/water infrastructure is funded by the State Government	1	3%
Offer new lease with conditions	18	62%
Neutral or no preference provided	8	28%

**Possible Lease Conditions:** At the Point Moore Community Workshop 48 of the 52 workshop participants provided the following feedback on the three possible lease options. Comments regarding all lease conditions options begin on Page 6 of the Workshop Report.

1. Provide a new lease up to 21 years to 2038 and specifically state no lease extensions will be provided. Comments on Workshop Report page 6.

Can live with	28	58%
Cannot live with	18	38%
Neutral or no preference provided	2	4%

2. Reference to the Coastal Inundation and Erosion Study be included in the agreement and the report be provided as an annexure. Comments on Workshop Report page 7.

Can live with	37	77%
Cannot live with	9	19%
Neutral or no preference provided	2	4%

3. Reference to the Residential Onsite Treatment and Disposal Study be included in the agreement and the report be provided as an annexure. Comments on Workshop Report page 8.

Can live with	39	81%
Cannot live with	5	11%
Neutral or no preference provided	4	8%

4. Trigger points be included in the lease with respect to sea level rise, erosion, public health, wastewater, and water supply, which would require the leases to be mandatorily terminated should those trigger points be realised. Comments on Workshop Report page 8.

Can live with	16	33%
Cannot live with	25	52%

Neutral or no preference provided	7	15%
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5. Leaseholders be required to provide evidence on an 'XX' (e.g.12 month?) basis from a licenced plumber that the septic system is in a functional state and good working order. Comments on Workshop Report page 9.

Can live with	39	81%
Cannot live with	3	6%
Neutral or no preference provided	6	13%

6. No commercial uses are permitted on the leased land without the consent of the Minister and City. Comments on Workshop Report page 10.

Can live with	30	63%
Cannot live with	13	27%
Neutral or no preference provided	5	10%

7. Only owner-occupier (all) aged pensioners be provided a discount on lease fees. \*eliminates inequity. Comments on Workshop Report page 10.

Can live with	42	89%
Cannot live with	2	4%
Neutral or no preference provided	4	7%

8. A demolition and rehabilitation levy to be applied to all leaseholders of approximately \$500 per annum. Comments on Workshop Report page 11.

Can live with	23	48%
Cannot live with	17	35%
Neutral or no preference provided	8	17%

9. Leases to be terminated upon the death of the leaseholders. Comments on Workshop Report page 12.

Can live with	0	0%
Cannot live with	45	94%
Neutral or no preference provided	3	6%

10. Lease not to be sublet, transferred, or assigned (existing clause) \*Leases not provided for investment purposes. Comments on Workshop Report page 13.

Can live with	6	12%
Cannot live with	36	75%
Neutral or no preference provided	6	13%

11. Lease fees subject to CPI increases (existing clause) Comments on Workshop Report page 14.

Can live with	19	50%
Cannot live with	9	24%
Neutral or no preference provided	10	26%

12. To ensure compliance with all lease conditions leaseholders will be required to provide a biennial return certificate of residency. Comments on Workshop Report page 15.

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Can live with	20	41%
Cannot live with	20	42%
Neutral or no preference provided	8	17%

In summary, the majority of the workshop participants said they could live with:

- New lease specifically stating no lease extension will be provided;
- The two reports being included in a new lease as an annexure;
- Providing evidence from a plumber of their functioning septic system;
- No commercial uses permitted without consent from the City; and
- Only owner-occupier aged pensioners get a discount of lease fees.

More than half of workshop participants said they could not live with:

- Trigger Points being included in the lease;
- Lease being terminated upon death of the leaseholder; and
- Leases not to be sublet/rented, transferred or assigned.

There was no majority on whether or not participants could live with:

- Application of a demolition levy of approx.\$500/annum;
- Leases being subject to annual CPI increases; and
- Ensuring compliance via a biennial return certificate of residency.

The results of the community engagement were used to inform the Executive Recommendations in as such:

- A new 21 year lease with Trigger Points, which should these trigger points come into effect, it would no longer be safe or viable to live at Point Moore;
- Lease holders are to provide evidence from a licensed plumber their septic system is functioning and in good working order;
- No commercial uses permitted, and leases cannot be sublet, transferred or reassigned without approval of Council and the Minister for Lands;
- A 50% discount on lease fees to be applied to all eligible pensioners provided they reside at Point Moore;
- A demolition levy of \$500/annum be established; and
- After July 2028, a lease is to be terminated upon the death of the leaseholder and cannot be bequeathed unless approved by Council.

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

### **Economic:**

There are 176 leasehold properties at Point Moore and an estimated 300 people live in the community. If the leases were not renewed and these residents needed to find alternative housing simultaneously, this would have economic impacts on the local economy.

**Social:**

There are 176 leasehold properties at Point Moore and an estimated 300 people live in the community. Each leaseholder has their own experience of how they came to live in Point Moore and how their welfare, housing security, financial security and mental health will be impacted if leases are not renewed.

One of the most likely social impacts of failure to provide new leases or enacting a trigger that results in leases being terminated is housing insecurity. Submissions revealed that for many, their leasehold at Point Moore is their only home and if they were no longer able to reside at Point Moore, they would be vulnerable to homelessness; may need to reside with family members; be trapped in a long-term rental dependency; or have to live in public housing in a neighbourhood not of their choosing. The pensioner and single parent demographic in the community is particularly vulnerable to housing insecurity as they are less likely to secure a mortgage. Other residents may find themselves transitioning from being leaseholders to renters and may remain renters if they were not be able to sell their leasehold to recoup their investment. This could lead to long-term financial instability or financial hardship.

Although these impacts may be significant, they are impacts associated with entering into any lease agreement and are not specific to Point Moore. These impacts might have been avoided if current leaseholders had fully considered the consequences of lease non-renewal and undertaken sufficient due diligence of their own accord at the time of entering, renewing or acquiring leases of Crown Reserve land at Point Moore.

While the mental health of leaseholders is important, the physical health and wellbeing of the community in regard to continued residency at Point Moore must also be considered. The findings of the ROETD Study indicate septic systems are failing, which is resulting in potential health implications for leaseholders, their family members and visitors to the area.

While the WA Health (Miscellaneous Provisions) Act 1911 obliges the Government to regulate wastewater disposal, the City has a broader duty of care that goes beyond just statutory compliance with the Act. The City has a duty of care to act in the best interest of the community, to protect individuals from harming themselves and to prevent their actions from harming others. This compels the City to ensure the scenario of a member of the community becoming ill, or worse, from coming in primary contact with contaminated groundwater through simple activities such as digging a hole in the garden is prevented.

Therefore, the City has sought to define a socially responsible solution to reduce its risks, and the risks of Point Moore residents, which takes into consideration the feedback leaseholders provided via the community engagement process, considers the social impacts of not renewing leases, whilst providing leaseholders who genuinely want to reside in Point Moore with the opportunity to continue to do so whilst ensuring the health and safety of the community are maintained.



**Environmental:**

The environmental impacts are detailed within the body of the report and are covered within the attached Discussion Paper DCS343G.

**Cultural & Heritage:**

There is no formal cultural, heritage or Aboriginal impacts that relate to this proposal, as Point Moore does not have any formal heritage, cultural or Aboriginal listings. However, it is noted that leaseholders have stated that the community of Point Moore has become iconic to Geraldton since the 1960's and contributes to the nostalgia and tourism appeal of Geraldton.

Furthermore, a Conservation Assessment for the Point Moore Lighthouse carried out in 2000 acknowledged that even though there is no Aboriginal listings, heritage listings or cultural listings for the area of Point Moore, Aboriginal people did traditionally meet at Point Moore to fish. The assessment also notes that there may be some Aboriginal burial sites along all coastal areas including Point Moore but stated that there has been no evidence to confirm this and that any Aboriginal material present may have already been disturbed, destroyed or otherwise obscured as a result of a long history of development in the Point Moore area.

**RELEVANT PRECEDENTS:**

The history of Council decisions associated with the Point Moore leases are included within the Background section of this report. Other relevant precedent is as follows:

***Drummond Cove Leases***

The 23 leases on Reserve 24738 located on the foreshore at Drummonds Cove expired on 31 December 2016. At the end of the lease, the lessees were required to remove their entire infrastructure from the leased land.

As compensation to the lessees, the former Shire of Greenough offered vacant lots in the new subdivision located on the east side of Whitehill Road, Drummonds Cove via a ballot. The selected lots were located in Surf Place, Beach View, Tailer Street and Hester Street. These lots were sold to the lessees based on the 2005 valuation with an addition discount of 20% discount to leaseholders who held a valid lease as at 28 February 2005. In addition, the Lessees were offered an interest free loan to be repaid over a five-year period. Lessees were required to enter into an agreement with the City and pay a \$5,000 deposit.

To assist with the removal of their cottages, lessees were paid a 'Clean Up Bonus' by the City. A payment of \$12,500 plus a proportion of interest received on the \$312,500 held in trust for the Clean Up Bonus, was given to each lessee upon satisfactorily removing their cottages. This equated on average to around \$16,000 per property.

**Sunset Beach Holiday Park**

The City has a Management Order K985563 over Reserve 27317 Bosley Street, Sunset Beach for the purpose of Caravan Park and Parking with the Power to Lease for a period of up to 35 years.

Due to the risk of coastal erosion experienced along the northern foreshore area of Reserve 27317, two leases were issued concurrently commencing 1 December 2009. The first lease being for a 7056m<sup>2</sup> portion of the Reserve being the 'Managed Coastal Retreat Area' and the second lease being for a 5.7028 hectares portion of the Reserve being the 'Non-Managed Coastal Retreat Area'. The purpose of this is to give the Lessor (City) the power to issue the Lessee with a Deed of Surrender of Lease should it be determined in the Lessor's reasonable opinion the Premises become substantially affected by erosion.

On the 22 November 2016, Council agreed to a surrender of those leases and enter into new lease agreements to enable them to achieve long term financial security to their investment to a proposed development of the vacant land onsite.

The first lease area being the 'Managed Coastal Retreat Area' was amended accordingly to reflect current coastal setbacks as identified in the Inundation and Coastal Processes Study.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been extensive community engagement with Point Moore leaseholders, residents and other stakeholders regarding the results of the two studies. There were three opportunities for Point Moore stakeholders to learn about the issues facing the area via two community information sessions and a community workshop.

The first community information session held on 13 January 2016 to present the results of the Point Moore Inundation and Coastal Processes Study was attended by 70 members of the Point Moore community.

Promotion of the information session included mailing invitations to all Point Moore leaseholders and letters of invitation were hand delivered to all Point Moore residences to ensure sub-lessees were also invited.

Letters of invitation were also sent to:

- the owners of the Belair Caravan Park, who have a commercial lease agreement with the City;
- the Geraldton Volunteer Marine Sea Rescue Group have a lease agreement with the City for their operations located on the Point Moore Foreshore;
- The owner of 481 Marine Terrace; and
- The three State Government agencies who manage the Point Moore lighthouse (Dept. of Transport, State Heritage Office and the Australian Maritime Safety Authority).

The Study was presented by consultant MP Rogers and followed by a question and answer session where questions were written on index cards, collected, themed and answers provided by the consultant and members of the Executive Management Team. The City also provided written responses to the questions to all leaseholders. These were mailed to all leaseholders and hand delivered to all Point Moore residences. Both the study and the questions and responses were also published on the City's website.

The second community information session was held on 7 December 2016 to present the results of the Point Moore Residential Onsite Effluent Treatment & Disposal Study (DCS343D) was attended by 52 members of the Point Moore community.

Promotion of the Information session included mailing invitations to all Point Moore leaseholders and letters of invitation were hand delivered to all Point Moore residences to ensure sublessees were also invited.

Letters of invitation were also sent to:

- The owners of the Belair Caravan Park;
- The Geraldton Volunteer Marine Sea Rescue Group;
- The owner of 481 Marine Terrace; and
- The Dept. of Transport, State Heritage Office and the Australian Maritime Safety Authority who manage the lighthouse.

The Study was presented by consultant GHD and followed by a question and answer session where questions were written on index cards, collected, themed and answers provided by the consultant and members of the Executive Management Team. The City also provided written responses to the questions to all leaseholders. These were mailed to all leaseholders and hand delivered to all Point Moore residences. Both the Study and the questions and responses were also published on the City's website.

Council were also kept up to date on progress via Concept Forums presentations of both studies.

City officers have progressively met with executive members of the Friends of Point Moore Inc. (FOPMI) community group to provide updates on progress of the outcomes of the ROETD Study and to discuss the responses received from various third parties regarding the study results.

In turn, FOPMI agreed to update the Point Moore Community on the progress the City was making via their community newsletters published in March, July and August 2017. These newsletters were emailed to their 114 members and hand delivered to all residences in Point Moore.

The FOPMI Community Newsletters are submitted as Attachment DCS343I.

The Discussion Paper DCS343G was released for public comment on the City's website on the 28 June 2017. The deadline to make a submission was 7 August 2017 at 5pm. All Point Moore leaseholders were mailed a copy of the Discussion Paper and a letter of invitation to attend a community workshop on the Discussion Paper. A letter of invitation, which included the website link to the Discussion paper was also hand delivered to all residences in Point Moore to ensure sublessees were also invited.

A total of 83 submissions were received and a schedule summary of those submissions are submitted as Attachment DCS343J.

Individual submission papers have been supplied separately to Council.

On 19 July 2017, the City conducted the community workshop to present the issues the City is facing concerning Point Moore and gather feedback on the options or conditions on what could constitute a new lease. The workshop was attended by 50 leaseholders who represented 43 Point Moore leaseholds, and 2 non-residents. Only one leaseholder who registered was unable to attend.

Promotion of the community workshop included mailing invitations to all Point Moore leaseholders and letters of invitation were hand delivered to all Point Moore residences to ensure sublessees were also invited. The workshop was also promoted in the FOPMI community newsletter.

Letters of invitation were also emailed to:

- The owners of the Belair Caravan Park;
- The Geraldton Volunteer Marine Sea Rescue Group;
- The owner of 481 Marine Terrace; and
- The Dept. of Transport, State Heritage Office and the Australian Maritime Safety Authority who manage the lighthouse.

The community workshop featured a number of short presentations followed by a question, answer session, and concluded with a deliberation session where participants were encouraged to discuss what they had heard and provide their feedback on the lease options, possible lease conditions and a possible lease renewal process. A full report on the outcomes of the community workshop which included feedback on the possible lease options and conditions, written responses to 100 questions and the power point presentation was either mailed, emailed or hand delivered to all Point Moore leaseholders on Monday 7 August 2017. The full report was also published on the City's website. FOPMI also forwarded the workshop report to their members.

At the request of FOPMI, the City also extended the submission deadline to Friday 11 August 2017 to provide leaseholders with the opportunity to review the workshop report and make a submission. Leaseholders were informed of the deadline extension in a letter accompanying the workshop report.

The proposed new lease draft has been based on the 2014 current lease with the new conditions included. This is submitted as attachment DCS343K.

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**LEGISLATIVE/POLICY IMPLICATIONS:**

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

Section 18 of the Land Administration Act 1997 details various transactions relating to Crown Land to be approved by the Minister.

Planning and Development Act 2005 – Part 3 – State Planning Policy No. 2.6 State Coastal Planning Policy.

Health (Miscellaneous Provisions) Act 1911.

Australian New Zealand Standard 1547:2012 Onsite Domestic Waste Water Management, Health (Miscellaneous Provisions) Act 1911.  
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulation's 1974.

Draft Country Sewer Policy WA as amended from time to time.

National Health and Medical Research Guidelines for Managing Risk in Recreational Water (as amended from time to time).

Rates and Charges (Rebates and Deferments) Act 1992.

Contaminated Sites Act 2003

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The City will generate the following revenue in 2017-18 from Point Moore properties:

- Rates levied - \$198,254
- Lease fees - \$478,045

Based on any consideration to develop and install either or both required infrastructure relating to Foreshore Protection and Waste & Water Services, primary modelling has been undertaken to analyse the possible impacts to Council and leaseholders. At this time, the modelling only reflects the impacts per capital costs and are indicative figures.

Modelling has been based on preliminary estimates using the following low to high range cost scenarios:

Foreshore Protection Capital Costs:

Low Range - \$21m  
Medium Range - \$25m  
High Range - \$28m

Waste/Water Infrastructure Capital Costs:

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Low Range - \$8m  
 Medium Range - \$11m  
 High Range - \$14m

Modelling Underlying Principles:

- Council fully funds the proposed infrastructure
- Funding is via debt finance
- Period of financing 20 years and interest rate based on current WA Treasury Corp rates.
- Includes depreciation expenses

The following tables summarises the indicative costs to leaseholders if they were required to service the capital outlay (annual debt serving costs and additional depreciation expense) on the proposed infrastructure:

**Table 1: Cost per Leasehold per Annum (Based on 20 year scenario)**

<i>Project Description</i>	Cost per Leaseholder Per Annum		
	<i>Low Range</i>	<i>Mid Range</i>	<i>High Range</i>
	\$	\$	\$
Combined Foreshore Protection & Waste/Water Infrastructure			
Waste/Water Infrastructure Only	3,510	4,830	6,150

**Table 2: Overall cost per Leasehold (Based on 20 year payment scenario)**

<i>Project Description</i>	Overall Cost per Leaseholder		
	<i>Low Range</i>	<i>Mid-Range</i>	<i>High Range</i>
	\$	\$	\$
Combined Foreshore Protection & Waste/Water Infrastructure			
Waste/Water Infrastructure Only	70,200	96,600	123,000

The following table provides indicative figures in “today terms” for Council to service the costs of both proposed infrastructure capital outlays from general revenue via a “one-off” increase to rates that would be additional to the annual LTFP increase of 3.5% plus growth.

**Table 3: General Revenue Impact – Rating Adjustment**

<i>Project Description</i>	General Rates Increases		
	<i>Low Range</i>	<i>Mid-Range</i>	<i>High Range</i>
	%	%	%
Combined Foreshore Protection & Waste/Water Infrastructure			
Waste/Water Infrastructure Only	1.4%	1.9%	2.4%

In dollar terms, the impact in relation to the existing LTFP and over a ten year period, Council would be drawing between an additional \$26m to \$38m in rates from the community to enable it to service the cost of the capital outlay for the two infrastructure components which just represents 50% of the proposed period in servicing the costs.

The other key factor that by debt financing it reduces Council's capacity to borrow for other priority works in the future. Based on absorbing the indicative costs within Council's existing LTFP and without any change to the current annual indexing of rates, the inclusion of the proposed infrastructure could change the City's debt coverage ratio (one of the measures of financial sustainability and capacity) by up to 1.5 numeral points, which would place this ratio within the basic standard range. This ratio is both an indicator to Council on its ability to produce enough cash to adequately service its borrowings, and its capacity to obtain new finance. The other major impact would be on Council's reduced ability and capacity to manage unexpected peaks in capital expenditure that may result from future emergent works or other funding opportunities in support of major infrastructure projects that may have broader and more significant community based and economic benefits.

Landgate were engaged to provide an assessment of the ground rental for the 175 lease lots. Having regard to sales evidence applied, a value broadly in the range of \$100K to \$130K for the subject lots as if held as unencumbered freehold titles as been applied. The report suggests by applying a rate return or yield of around 3% for residential property of this nature to the above referred value range of \$100K to \$130K, the result would reflect rental levels at approximately \$3K to \$4K per annum.

Accordingly, assessment of ground rental has been made within this range, taking into account slight variations of factors, which may affect the overall vacant property value with such features including size, configuration, location and aspect being considered. Council have been provided a copy of the full report separately.

**INTEGRATED PLANNING LINKS:**

Title: Community	1.3 Community Health and Safety
Strategy 1.3.4	Encouraging initiatives to improve community safety.
Title: Environment	2.1 Revegetation-rehabilitation-Preservation
Strategy 2.1.1	Working with the community and environmental groups to identify and implement environmental initiatives.
Title: Governance	4.1 Community Engagement
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.
Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.1	Strengthening the governance role of Councillors by informing, resourcing, skilling and supporting their role.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

This report includes details of the associated risks and is further complimented by the attached Discussion Paper DCS343G that summarises the risks and issues, the works required to mitigate them, and the indicative costs.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were a number of options that were considered by City Executives and Officers, these are as follows:

1. Allow the current leases to run to the end of their term, i.e. 2025 and 2028 respectively and not renew the leases after that time; or
2. Offer a new lease of 21 years to 2039 (maximum allowable term) commencing 1 July 2018, subject to the State Government and the leaseholders agreeing to fund the necessary infrastructure works to mitigate the inundation, erosion, wastewater and water risks. This option would not mitigate the risks until such time that the infrastructure works are complete; or
3. Offer a new lease of 21 years to 2039 (maximum allowable term) commencing 1 July 2018, subject to the State Government agreeing to fund the necessary infrastructure works to mitigate the inundation, erosion, wastewater and water risks by 2020. This option would not mitigate the risks until such time that the infrastructure works are complete.

The Discussion Paper DCS343G also considered a condition as part of any new lease that required leases to be terminated upon the death of the leaseholder preventing any bequeathment to family or others. This was considered as a condition but was not included as an Executive recommendation given the impact of social and existing financial implications to the leaseholder.



A further condition within the Discussion Paper DCS343G for consideration was that any new lease could *not* be sublet/rented, transferred, or assigned.

These conditions remain an option for Council to impose in the interests of implementing a full managed retreat over the reserve; however, the Executive recommendation has provided this condition based on approval for this being received from the City and the Minister for Lands in accordance with s.18 of the Land Administration Act 1997.

Lease consistency is also an issue in that the ability to sublet is inconsistent in current leases. For example, leases prior to the 2014 expiry contained a clause allowing subletting whereas those leases commencing 1 July 2014 do not.

Executive consider that in all reality, it has become very clear from the submissions and workshop responses that conditions imposed that will prevent bequeathment, subletting/renting, transfer or assignment would not receive support from the leaseholders and would really be a case of the alternative option 1 above coming into force that the leases will expire at due date as they simply will not sign up to a new lease.

#### **COUNCIL DECISION**

#### **MOVED CR DOUGLAS, SECONDED CR HALL**

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

- 1. INVITE current lessees to surrender the current registered leases;**
- 2. ENTER into new leases for those surrendered leases for a further period of 21 years commencing on the 1 July 2018;**
- 3. SET the conditions of new leases to be based on the existing 2014 lease with the following additions:**
  - a. That the lease term period will be 21 years unless the following risk triggers occur:**
    - i. The City is ordered or directed in writing by the Chief Health Officer or Minister for Health to undertake actions due to immediate risk to public health as per the Health (Miscellaneous Provisions) Act 1911; and/or**
    - ii. One or more Trigger Points to be included in the lease with respect to sea level rise, erosion, public health, power supply, wastewater and water supply, are realised requiring the leases to be mandatorily terminated;**
  - b. The Trigger Points for Inundation/Erosion are determined and set at:**
    - i. Where the most landward limit of the horizontal shoreline datum (HSD) is within 25m of the leasehold structure;**
    - ii. Where a public road is no longer available or able to provide safe and legal access to the leasehold property due to coastal hazards;**
    - iii. Where in any twelve month period any part of the leasehold property is flooded or inundated to a depth of 0.3m or greater from two or more separate hazard events;**

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- iv. **Where the leasehold property has sustained damage to the extent that is deemed irreparable or a total loss or is rendered uninhabitable for an extended period of time;**
  - v. **When water or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority;**
  - c. **The Trigger Points for mandatory termination of leases for Residential Onsite Effluent Treatment are determined and set at:**
    - i. **If an assessment of the onsite effluent system, via the biennial licensed plumber report or from a formally lodged complaint, determines that the system is failing and it cannot be repaired/upgraded to the current (at date of failure) requirements of the Australian New Zealand Standard 1547:2012 Onsite Domestic Waste Water Management, Health (Miscellaneous Provisions) Act 1911, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulation's 1974 and Draft Country Sewer Policy WA as amended from time to time;**
    - d. **Further investigation of onsite effluent and treatment systems compliance and efficiencies will occur if three consecutive samples from the City's summer/autumn period monthly beach water quality monitoring program exceed 500 \*Enterococci/100ml at Page Beach North, Point Moore North and Separation Point as per the National Health and Medical Research Guidelines for Managing Risk in Recreational Water as amended from time to time;**
  - 4. **MAKE the determination subject to:**
    - a. **Reference to the Coastal Inundation and Erosion Study being included within the lease agreement, with the full report being provided to lessees prior to signing the lease;**
    - b. **Reference to the Residential Onsite Effluent Treatment and Disposal Study being included within the lease agreement, with the full report being provided to lessees prior to signing the new lease;**
    - c. **All leaseholders, at their own cost, be required on a biennial basis to provide evidence from a licenced plumber that the septic system is in a functional state and good working order;**
    - d. **In the event a trigger point is reached, a leaseholder will be provided a written notice to vacate within 6 months from the site;**
    - e. **No commercial uses are permitted to be conducted on the leased land as per the conditions of the Management Order;**
    - f. **A demolition and rehabilitation levy of \$250 per annum to all leaseholders be established and placed in a separate trust reserve account;**
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- g. A lease cannot be sublet/rented, transferred, or assigned unless approved by the City and Minister for Lands in accordance with s.18 of the Land Administration Act 1997;
  - h. Consent for the new lease is obtained from the Minister for Lands in accordance with s.18 of the Land Administration Act 1997;
5. SET the lease rental fee payable at \$3,000 per annum, adjusted tri-annually by CPI;
  6. SET an administrative pensioner discount of 50% on the lease rental fee to be applied to all owner/occupier pensioners that are eligible in accordance with the Rates and Charges (Rebates and Deferrals) Act 1992;
  7. NOTE that the lessee being responsible for separately paying;
    - a. all applicable rates, taxes, lease fees and other utilities;
    - b. legal and survey expenses associated with the, preparation, surrender, execution and registration of lease;
  8. NOT revisit the matter of extension of Point Moore leases and make no further offer of new leases to current leaseholders other than as worded in the resolution; and
  9. DELEGATE to the CEO authority to finalise the lease condition wording in accordance with the Council recommendation on this matter.

**CARRIED 10/1**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

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<b>DCS345 PROPOSED LICENCE – FUSIONS GELATO – GERALDTON FORESHORE RESERVE 50100</b>
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<b>AGENDA REFERENCE:</b>	<b>D-17-69167</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>26 September 2017</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Confidential – Proponent Submission</b>

**EXECUTIVE SUMMARY:**

This report seeks Council support to approve the intent to grant a licence to utilise two separate locations, not simultaneously, on the beach area on foreshore Reserve 50100 for the purposes of a commercial gelato kiosk.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:

1. GIVE local public notice of the intent to grant a licence for commercial gelato kiosk activities that will utilise portion of Crown Reserve 50100 to Fusions Gelato;
2. MAKE the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a one (1) year licence agreement with an option of a further two (2) years;
  - b. commence the licence on 1 November 2017;
  - c. set the licence fee at \$500 per annum inclusive GST;
4. ADVISE the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes;
  - b. all costs associated with:
    - i. the preparation and execution of the licence;
    - ii. all other costs associated with the licence; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received; and
6. DELEGATE authority to the Chief Executive Officer to approve further term licence options.

**PROPONENT:**

The proponent is Fusions Gelato.

**BACKGROUND:**

An application has been received for a proposal to operate from a modern, purpose built gelato kiosk that was built for Fusions Gelato in June of 2016 in Western Australia by leading caravan manufacturer, Elross Caravans.

The kiosk is towable, self-supporting with dimensions of 4 metres long by 2.4 metres wide. The kiosk has a front servery for the service of gelato and a side servery for the service of coffee. The total licence area requested is 20 metres square to allow for a small alfresco dining furniture area. The furniture is colour coded to match the colour design of the kiosk and it is proposed to supply stools and 3 to 4 low tables that cannot be blown over by the wind. All furniture will be removed from the site at the end of service each day.

The kiosk will serve a range of gelato flavours served in cones or sundae cups and specialty gelato desserts as well as barista coffee/teas and bottled water.

The kiosk is totally self-sufficient with regards to power and water. The kiosk is powered by an on board Honda 7Kva Invertor Generator.

The proponent is requesting access to two sites (not simultaneously) being the north Foreshore area: the site, which was approved by Council for the "Hire Shack", and not subsequently proceeded with, and the south Foreshore area youth precinct. The locations are shown below:



*Proposed Site 1*

Access will be via the Northern service entrance to the Foreshore.

*Proposed Site 2*

Access will be via the Southern service entrance to the Foreshore

The proposal is to move between the two locations depending on activity and seasonal demands. The proponents advise that observation over the years is that at the south end (now the youth precinct area) is busy during school holidays and therefore it makes economic sense to trade predominantly (but not exclusively) in this area during this period of time, however, it is very quiet outside of school holidays whereas the northern end is busier outside of school holidays so it equally makes economic sense to trade there during this period of time.

The proposed sites have adequate rubbish disposal facilities for use by customers and any rubbish generated in house will be disposed of off-site.

The gelato kiosk would be towed on and off site each day. The kiosk would be unhitched and the towing vehicle would be driven off site. To ensure the safety of Foreshore users, the proponent proposes to position the kiosk on site prior to 8:00am and to remove the kiosk after 4:00pm. A "walker" would be present when towing the vehicle on and off site to ensure safety to foreshore users.

The business operating hours are proposed as 6 days per week from 9:00am to 4:00pm and 7 days per week during the summer and Easter school holidays. It would also operate on public holidays should they fall on a Monday, whether inside or outside of school holidays. It would also be seasonal with the core trading dates being from mid-spring to mid-autumn, weather permitting. Operating times outside of this period would depend on the weather.

The licence term recommended is an initial term of one (1) year with an option of a further two (2) years. This is licence term, is considered to be in essence a trial period for this business operation on the foreshore and provides for an option for both parties to consider further term options.

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

#### **Economic:**

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to operate in a prime Geraldton location. Small businesses, such as this one may enhance tourism and add to the economic vibrancy and vitality of our community in this area.

#### **Social:**

A small business, providing the proposed service could enhance social quality of life by providing a product that is not currently available and would enhance the participation of families, tourists in these proposed locations.

#### **Environmental:**

This proposal may have environmental impacts upon the beach foreshore area being utilised, as the continual vehicle movement will disturb the beach area.

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

There is no cultural, heritage or indigenous impacts.

### **RELEVANT PRECEDENTS:**

The City provides licences for activities on Crown Reserves for a variety of purposes that are consistent with the uses under Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land and the Management Order.

Council at its meeting on the 20 December 2016 approved a licence for Ultimate Watersports PL to operate a water sports business on the Geraldton foreshore. Further, Council approved to lease land for a “Hire Shack” and an “Ice Cream and Desert Kiosk” at its meeting on 22 November 2016, both of which did not proceed at request of the proponents.

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

Community consultation on this proposal has occurred with the owner of 2 Foreshore Café being made aware by officers of the proposed application. The City has a formal lease for this business, which also contains a specific clause requiring the City to notify the lessee of any proposed lease or licence to be issued for uses over the foreshore land and inviting the lessee to make a submission as to whether the proposal ought to be granted.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 18 of the Land Administration Act 1997 – Crown land transactions that need Ministerial approval

Section 18:

- (1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown Land.*

The application for the proposed licence addresses the criteria and the objectives of Policy CPO39 – Foreshore Use & Development Policy and Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement licence fee of \$500 per annum inclusive of GST plus all other costs associated with the preparation and issue of the licence agreement.

This fee is in line with the Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land fee.

**INTEGRATED PLANNING LINKS:**

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy
Title: Governance	4.1 Community Engagement
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

**REGIONAL OUTCOMES:**

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

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The other option for consideration by Council is to not approve the licence and decline the proposal as submitted. This is not supported as the proposal has the potential to increase activation in these sections of the foreshore and offer a product different to that already available in the area.



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

That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:

1. **GIVE** local public notice of the intent to grant a licence for commercial gelato kiosk activities that will utilise portion of Crown Reserve 50100 to Fusions Gelato;
2. **MAKE** the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands;
3. **SET** the proposed conditions as:
  - a. enter into a one (1) year licence agreement with an option of a further two (2) years;
  - b. commence the licence on 1 November 2017;
  - c. set the licence fee at \$500 per annum inclusive GST;
4. **ADVISE** the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes;
  - b. all costs associated with:
    - i. the preparation and execution of the licence;
    - ii. all other costs associated with the licence;
5. **REFER** the matter back to Council for final consideration if any objecting submissions are received; and
6. **DELEGATE** authority to the Chief Executive Officer to approve further term licence options.

**CARRIED 11/0**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

DCS346 PROPOSED RENEWAL OF EXTRACTIVE INDUSTRY – SOUTHGATES
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<b>AGENDA REFERENCE:</b>	<b>D-17-69218</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development P Melling, Director Development &amp; Community Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>26 September 2017</b>
<b>FILE REFERENCE:</b>	<b>TP16/150 &amp; A65947</b>
<b>ATTACHMENTS:</b>	<b>Yes (x 1) Development Application</b>

**EXECUTIVE SUMMARY:**

An application has been received for renewal of the current Extractive Industry (extraction of limesand) development approval on Lot 2453 Brand Highway, Cape Burney. The area is part of a wider area commonly known as 'Southgates dunes'.

This report recommends renewal of the application for a further one year.

**EXECUTIVE RECOMMENDATION:**

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

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

**PROPONENT:**

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

**BACKGROUND:**

Sand extraction has been occurring from Lot 2453 ('the land') for around 25 years. Between 50,000 and 100,000 m<sup>3</sup>/year has been extracted and this year since January 2016 the sand extraction volume has increased to around 100,000 m<sup>3</sup>/year.

Sand extraction operations have been limited to the northern portion of the land which is part of a wider area commonly referred to as 'Southgates dunes' (or 'Southgates'). The removal of sand is for a range of agricultural and other uses,

with the volume of sand varying from year to year dictated by demand from farmers and from those other users.

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

In the coming few years, it is anticipated that extraction will be focused on a large, untouched sand dune front which is moving towards Brand Highway. This area is around 7.5ha in size.

The volume of sand extracted from year to year is dependent on user demand. However, it is envisaged that the maximum volume would continue to be 110,000m<sup>3</sup> (168,000 tonnes).

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

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

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

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

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

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

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

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

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

At the Special Council Meeting held on 16 September 2016 Council approved the extractive industry subject to the following conditions:

- a. The operations of the extractive industry are to comply with the conditions of the extractive industries licence issued by the City of Greater Geraldton.*
- b. Development shall be in accordance with the attached approved Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 and subject to any modifications required as a consequence of any condition(s) of this approval.*
- c. The proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Southgates Dunes Management & Decommissioning Plan (Rev 2) dated July 2016 as lodged with the local government. The proponent from time to time is additionally responsible to ensure that all post-closure obligations under the Plan are implemented in full.*
- d. Prior to the commencement of the development a Transport Assessment is to be prepared and approved by the local government in consultation with Main Roads WA. The approved Transport Assessment is to be implemented in full prior to the commencement of the development.*
- e. The 'Southgate Dunes Access Road' is to remain open to the public and the portion of the road within Lot 2453 is to be maintained to the satisfaction of the local government.*
- f. The approved extraction area is to be clearly demarcated on-site to the approval of the local government and approved markers indicating the extent of the area are to remain in place for the duration of the operations.*
- g. This development approval is valid for a period of 12 months from the date of determination, after which the further renewal of the development approval by the local government is required annually.*

*It is the responsibility of the proponent to apply in good time before expiration, and the local government will not automatically re-issue development approvals. As part of the annual renewal process the proponent is required to submit details regarding the extent of the extraction area, the amount of extracted material for the year and the AHD levels of the extraction area. Should there be any evidenced breaches of this development approval then the local government will not renew the development application and the development approval shall lapse.*

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

Condition g. (above) requires the annual renewal of the application. The proponent is requesting a 5 year renewal and their application is included as Attachment No. DCS346. The Executive recommendation is for a further one year renewal with all existing conditions applying.

There is no planning process available to seek a royalty payment or charge or road use on this application. The land is held in freehold title and the adjoining road is under the care and control of Main Roads WA.

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

### **Economic:**

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

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

### **Social:**

#### **Recreational value:**

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

#### **Interface with public and safety:**

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

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

Traffic:

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

Noise:

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

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

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

**Environmental:**

'Southgates dunes' coastal sediment supply:

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

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

'Southgates dunes' movement:

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

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

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

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

Vegetation:

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

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

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

**Cultural:**

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

**RELEVANT PRECEDENTS:**

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

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

At the Special Council Meeting held on 16 September 2016 Council approved the extractive industry subject to a number of conditions.

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

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

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

**LEGISLATIVE/POLICY IMPLICATIONS:**

**Town Planning Scheme 1A:**

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

Of note is that the land is subject to an amendment to the Scheme to rezone the land for urban development (incorporating a foreshore area). It could therefore be reasonably argued that the ultimate purpose intended for the reserve is not purely for dune preservation but rather some form of urban development. This is further reinforced by the lands designation as a 'Development Investigation Area' under the Local Planning Strategy (refer to 'Regional Outcomes' section of this report).

The City recently met with the Minister for Transport; Planning; Lands regarding the overall Local Planning Scheme Amendment No. 4 that covers this lot and the surrounding UCL rezoning proposal. The City is hopeful a final decision will be made within the next few months on the future of the Scheme Amendment and this may have an impact on the future use of this landholding.

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

**Extractive Industry local planning policy:**

The objectives of this policy are:

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



future use and development consistent with long-term planning intentions for the area.

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

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

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

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

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

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

Environment	Revegetation-Rehabilitation-Preservation
Strategy 2.1.2	Sustainably maintaining public open spaces and recreation areas
Economy	Growth
Strategy 3.1.2	Fostering a community where local business is supported
Governance	Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development

#### **REGIONAL OUTCOMES:**

##### **Local Planning Strategy:**

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

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

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

**RISK MANAGEMENT:**

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

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

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

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

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

Given the above the 5 year renewal request does have merit but given that the Minister may make a decision on the overall scheme amendment in the near term a further 1 year renewal is recommended at this time and the option to refuse the application 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 the proponent is required to gain an annual renewal of the application.

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

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

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

**CARRIED 11/0**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

### CCS280 STATEMENT OF FINANCIAL ACTIVITY TO 31 AUGUST 2017

<b>AGENDA REFERENCE:</b>	<b>D-17-69683</b>
<b>AUTHOR:</b>	<b>N Jane, Senior Treasury Officer</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>8 August 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Monthly Management Report for period to 31 August 2017</b>

#### **EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive report on the City's finances to 31 August 2017. 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 31 August 2017 monthly financial activity statements as attached.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

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

Operating Income	\$137,817	0.2%	Over YTD Budget
Operating Expenditure	\$ 526,486	3.2%	Under YTD Budget
Net Operating	\$664,303	1.7%	Positive variance
Capital Expenditure	\$591,467	6.9%	Over YTD Budget
Capital Revenue	\$7,868	2.2%	Under YTD Budget
Cash at Bank – Municipal	\$36,252,866		
Cash at Bank – Reserve	\$22,344,361		
Total Funds Invested	\$48,622,298		
Net Rates Collected	56.45%		

Net Rates Collected in  
August 2016 57.18%

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

The financial position represented in the August financials shows a variance of \$664,303 in the net operating result (this takes into account commitments).

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

#### **Economic:**

There are no economic impacts.

#### **Social:**

There are no social impacts.

#### **Environmental:**

There are no environmental impacts.

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

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

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

There has been no community/councillor consultation.

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

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

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

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

### **INTEGRATED PLANNING LINKS:**

Title: Governance	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.
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**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED:**

There are no alternative options to consider.

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

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

- 1. RECEIVE the 31 August 2017 monthly financial activity statements as attached.**

**CARRIED 11/0**

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

**CCS281 RATES EXEMPTION – MACEDONIAN SOCIETY OF GERALDTON INC.**

**AGENDA REFERENCE:** D-17-68255  
**AUTHOR:** S Russell, Rates Coordinator  
**EXECUTIVE:** B Davis, Director Corporate & Commercial Services  
**DATE OF REPORT:** 25 August 2017  
**FILE REFERENCE:** RV/4/0003  
**ATTACHMENTS:** Yes (x1)  
Application Letter – Macedonian Society of Geraldton Inc.

**EXECUTIVE SUMMARY:**

The Macedonian Society of Geraldton Inc. made a written request to Council on 21 August 2017 for its property at 839 (Lot 111) Chapman Road, Glenfield to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the Local Government Act 1995 (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE a rates exemption for the Macedonian Society of Geraldton Inc. on their property situated at 839 (Lot 111) Chapman Road, Glenfield on the basis that the property is being used exclusively for a charitable purpose.

**PROPONENT:**

The proponent is the Macedonian Society of Geraldton Inc.

**BACKGROUND:**

The Macedonian Society is a not for profit organisation which promotes the customs and involvement of Macedonian people in the Geraldton community and to encourage contributions by its members in the wider Geraldton Community and encourages involvement by the Geraldton community with Macedonian events, customs and history.

The land and hall was donated to the group by a private donor and the Society allow community groups to use its facilities free of charge as their aim is to encourage involvement with the community.

The City provided an annual donation of the rates back to the Society until approximately 9 years ago.

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

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

All other community groups are exempt from rates under a Council Decision on 27 March 2001, which was effective from 1 July 2001 which states:-

*That Council cease to rate community and sporting clubs occupying Council or DOLA lease land as of the beginning of the 2001-2002 year.*

The only other Community Groups which do not come under this council decision are the Tenindewa, Tardun and Pindar Progress Associations which are all on freehold land and have been granted individual exemptions by Council in the past.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been on Community/Councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26 of the Local Government Act provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is "used exclusively for charitable purposes".

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The annual value of the exemption based on the 2017-18 rates billing is estimated to be \$2,290.08.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

No risks identified.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

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



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

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

- 1. APPROVE a rates exemption for the Macedonian Society of Geraldton Inc. on their property situated at 839 (Lot 111) Chapman Road, Glenfield on the basis that the property is being used exclusively for a charitable purpose.**

**CARRIED 11/0**

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

**CCS282 WAIVER OF RATES – UNWANTED VACANT LAND IN MULLEWA**

<b>AGENDA REFERENCE:</b>	<b>D-17-68482</b>
<b>AUTHOR:</b>	<b>S Russell, Coordinator Rates</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>23 August 2017</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Application Letter – Brookmin Pty Ltd</b> <b>B. Aerial Map of Properties</b>

**EXECUTIVE SUMMARY:**

Mr Robert Brooks, Director of Brookmin Pty Ltd has made a written application dated the 11 August 2017 requesting a waiver of rates on 2 unwanted vacant blocks of land in the Mullewa Townsite.

The land parcels are Lot 24 (37) Short Street and Lot 35 (35) Short Street, Mullewa both of which are unsaleable with no interested parties to take ownership. Mr Brooks has commenced the process of applying to have these land parcels returned to the Crown.

Once the properties are transferred to the Crown they will become exempt from rates.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority under Section 6.47 of the Local Government Act 1995 RESOLVES to:

1. WAIVE the rates on Lot 24 (37) Short Street and Lot 35 (35) Short Street, Mullewa for the period of time that the application process to transfer the lots to the State is determined by the Department of Planning, Lands and Heritage;
2. NOTE that if the application to transfer the lots to the State is unsuccessful then the lots will become rateable from the date of the decision made by the Department of Planning, Lands and Heritage; and
3. NOTE that the waiver is confined to City rates and does not include the Emergency Services Levy which will remain due and payable.

**PROPONENT:**

The proponent is Mr Robert Brooks, Director for Brookmin Pty Ltd.

**BACKGROUND:**

The City received an offer from Mr Brooks in July 2017 to donate the 2 vacant blocks as a gift, however due to there being no need for any further land in Mullewa this offer was declined.

City staff sent relevant information to Mr Brooks to assist him with his application to have the land returned to the Crown.

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

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

This Council has previously approved rate waivers and donations towards rates for unwanted land, during the application process of reverting to the Crown.

A condition of the application to transfer is that the rates and charges must be paid in full. A write off has been processed for the following properties in the past under Council Policies for the transfer of land to take place.

11 Sharpe Street, Pindar  
13 Sharpe Street, Pindar  
16 Carlyon Street, Pindar  
67 Darlot Road, Mullewa  
6 Mills Street, Mullewa  
21 Mills Street, Mullewa  
18 Dalgety Street, Mullewa  
15 Sharpe Street, Pindar  
31 Sharpe Street, Pindar  
Lot 2 Geraldton-Mt Magnet Rd, Tenindewa

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.47 of the WA Local Government Act 1995 states:

*Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The value of the rates on the total properties for the 2017-18 financial year, is \$2,020.00.

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**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 specific risks related to this waiver.

**ALTERNATIVE OPTIONS CONSIDERED:**

The option of Council accepting these two land parcels as a gift was considered however, these land parcels would not provide for or generate any material gain and would only be a cost burden in relation to annual clearing and maintenance.

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

That Council by Absolute Majority under Section 6.47 of the Local Government Act 1995 RESOLVES to:

1. **WAIVE** the rates on Lot 24 (37) Short Street and Lot 35 (35) Short Street, Mullewa for the period of time that the application process to transfer the lots to the State is determined by the Department of Planning, Lands and Heritage;
2. **NOTE** that if the application to transfer the lots to the State is unsuccessful then the lots will become rateable from the date of the decision made by the Department of Planning, Lands and Heritage; and
3. **NOTE** that the waiver is confined to City rates and does not include the Emergency Services Levy which will remain due and payable.

**LOST 6/5 DUE TO LACK OF ABSOLUTE MAJORITY**

Mayor Van Styn	NO
Cr. Douglas	NO
Cr. Bylund	NO
Cr. Keemink	NO
Cr. Hall	YES
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	NO
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	NO
Cr. Thomas	YES

**CCS283 BUDGET AMENDMENTS 2017-18**

<b>AGENDA REFERENCE:</b>	<b>D-17-70350</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Finance &amp; Treasury</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>30 August 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Statement of Financial Activity 2017-18 Revised</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval for proposed amendments to the 2017-18 Budget.

These amendments bring into account any unspent grant funds as at 30 June 2017, and funded expenditure items (commenced and in-progress projects not completed at year end) carried over from the 2016-17 financial year.

Final year-end accounting information for 2016-17 was not available at the time of formulation and adoption of the 2017-18 budget, hence the requirement (*as is the case every financial year*) to integrate brought forward funds and expenditure items into the Budget as early as is practicable after adoption of a budget and commencement of the financial year.

This annual process also enables Council if required to make amendments to its Budget to correct any minor errors or omissions in budget detail discovered after the budget process and any emergent works.

**EXECUTIVE RECOMMENDATION;**

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

1. APPROVE the proposed budget amendments and AUTHORISE any unauthorised expenditure contained within the proposed amendments based on the following:
  - a. Table 1(Unspent Grants);
  - b. Table 2 (Carryover Projects);
  - c. Table 3 (New Grant Funded Projects);
  - d. Table 5 (Budget Amendments); and
2. APPROVE and AUTHORISE the following revised transfers to/from and between Cash Reserves based on the following:
  - a. Table 4(Reserves Transfers).

**PROPONENT:**

The proponent is City of Greater Geraldton.

**BACKGROUND:**

The proposed types of budget amendments have been identified as follows:

Table 1 denotes and accounts for unspent or prepaid grant funds from 2016-17 quarantined in Cash Reserves to be brought-forward into the 2017-18 budget.

**Table 1 (Unspent Grants)**

<b>Project Description</b>	<b>Current Budget</b>	<b>Revised Budget</b>
<b>Unspent Grants</b>		
<b><i>Operating Expenditure</i></b>		
Community Grants (subscribed funding not yet claimed)	\$175,000	\$211,262
Chapman & Greenough River Flood Project	\$50,000	\$250,000
CHRMAP Project	\$37,500	\$175,000
Chapman Wildlife Corridor CARE Stage 2	0	\$12,100
Caring for Bimarras Pools - Stage 1 - Greenough River	0	\$11,536
Implementation of the Chapman River Estuary Management Plan	0	\$4,884
Greenough River Estuary Nature Walk Trail - Stage 1	0	\$4,266
Mid West Estuaries – Stage 2	0	\$19,091
Green Army Programme	0	\$10,000
National Tree Day	0	\$485
Local Profile and Context Report Northern Planning Program	0	\$80,000
NACC Biodiversity Grant	0	\$11,000
SES Operating Grant	\$37,000	\$59,786
Visitor Centre -Signage	0	\$6,528
Kidsport Programme	\$141,670	\$158,232
Library Regional Activity Model	\$8,100	\$29,522
Randolph Stow Young Writers Award	\$4,800	\$5,900
Mid West China Connect	\$15,000	\$58,550
Roadwise Grants	0	\$10,127
Senior User-Friendly Business Program	\$10,500	\$19,500
<b>Total Unspent Grants</b>	<b>\$479,570</b>	<b>\$1,137,769</b>

Table 2 denotes funded projects of an operating and capital expenditure nature not completed or unexpended by 30 June 2017 and carried over from 2017-18.

**Table 2 (Carryover Projects)**

<b>Project Description</b>	<b>Current Budget</b>	<b>Revised Budget</b>
<b><i>Operating Expenditure</i></b>		
Call Centre Service	\$50,000	\$120,000
Library SirsiDynix Project	0	\$2,900
<b><i>Sub-Total Operating</i></b>	<b>\$50,000</b>	<b>\$122,900</b>

**Table 2 (continued)**

<b>Project Description</b>	<b>Current Budget</b>	<b>Revised Budget</b>
<b><i>Capital Expenditure</i></b>		
Library Carpark	0	\$32,000
Fifth St Road Renewal	0	\$18,000
Kultown Drive Bus Shelter	0	\$8,300
Glynn Rd Road Renewal	0	\$8,500
Roe Close Road Renewal	0	\$8,500
Bradley St – Pathway	0	\$2,100
Abalone Place Drainage	0	\$20,000
Dorothy St Drainage	0	\$5,500
Ritchie Way Drainage	0	\$1,500
Bayview St Drainage Grated Gully Pits	0	\$66,000
Dorset Drive Drainage Sumps	0	\$17,000
Airport Car-Parking Facilities	0	\$90,000
Airport CCTV (Server & Storage)	0	\$50,000
Airport RPT Terminal Renewal Works	\$12,000	\$40,000
Airport Security Screening & Baggage Handling	\$588,100	\$651,500
Mullewa Airport Fencing	0	\$12,000
Aquarena Building Management System	0	\$70,000
Aquarena Lighting	0	\$40,000
Aquarena Geothermal	0	\$35,000
HMAS Sydney Bollard Replacement	0	\$35,000
Sporting Fields Tower Lighting Review	0	\$50,000
Chapman River Corridor	\$11,500	\$61,500
Community Nursery Shed	0	\$120,000
Flat Rock Coastal Area – Relocate Water Tank	0	\$30,000
Derna Parade Toilet	0	\$200,000
IT Infrastructure	\$230,000	\$455,000
Land Developments (Cape Burney) & Acquisitions (POS Reserves)	0	\$385,000
Olive St Redevelopment (Readjust budget to reflect unspent portion from 16-17)	\$1,812,024	\$1,456,927
Public Art Initiatives	0	\$40,000
Walkaway Recreation Centre Roof Upgrade	0	\$25,000
Mullewa Sewer System	0	\$50,000
Environmental Projects Signage	0	\$50,000
<b><i>Sub-Total Capital</i></b>	<b>\$2,653,624</b>	<b>\$4,134,327</b>

Table 3 denotes new grant funded projects post budget adoption.

**Table 3 (New Grant Funded Projects)**

<b>Project Description</b>	<b>Current Budget</b>	<b>Revised Budget</b>
<b><i>Operating Revenue</i></b>		
Derna Parade Nature Park – Contributions & Donations	0	\$48,000
<b><i>Capital Revenue</i></b>		
Derna Parade Nature Park – RGS Grant	0	\$149,167
New SES Building & Amenities – ESL Grant	0	\$830,000
<b><i>Total Revenue</i></b>	<b>\$0</b>	<b>\$1,027,167</b>
<b><i>Capital Expenditure</i></b>		
Derna Parade Nature Park	0	\$197,167
New SES Building & Amenities	0	\$830,000
<b><i>Total Expenditure</i></b>	<b>\$0</b>	<b>\$1,027,167</b>

Table 4 denotes transfers to/from reserves. These transfers include movement of funds between reserves in relation to new reserves created from 1 July 2017 and funds held in existing reserves as at 30 June 2017. For example, the movement includes capital renewals funds held in the Unexpended Capital Works Reserve as at year-end 2016-17 transferred to the newly created Asset Renewal Reserve. The amount of funds represented by the movement between the two reserves is a product of unspent renewal funds from prior years that have accumulated over a 'period of time'. As per adopted budget, Council strategy to create an Asset Renewal Reserve to fund unbudgeted emergent and/or emergency renewal works is already realising its purpose via a provisional allocation of funds to cover an urgent requirement to replace some of the Sporting Tower Lights without impacting on Council's, existing Long-Term Financial Plan.

**Table 4 (Reserve Transfers)**

<b>Description</b>	<b>Transfer to</b>	<b>Transfer From</b>
<b><i>Asset Renewal Reserve</i></b>		
Aquarena Renewal	\$110,000	
Carpark Renewal	\$35,000	
Drainage Renewal	\$470,847	
Fleet Replacement	\$551,250	
Foreshore Stabilisation	\$548,423	
Furniture & Equipment	\$50,000	
IT Equipment/Capital Projects	\$225,000	
Kerbing Renewals	\$150,000	
Lighting Renewals	\$700,000	
Park Renewals	\$390,000	
Pathway Renewals	\$400,000	
Road Renewals	\$530,000	
Sport & Leisure Renewals	\$220,000	
<b><i>Total Revised Budget Transfer to Asset Renewal Reserve</i></b>	<b>\$4,380,520</b>	
<b><i>Transfer From Unexpended Capital Works &amp; Restricted Grants Reserve</i></b>	<b>A</b>	<b>\$4,380,520</b>



**Table 4 (Reserve Transfers) Continued**

<b>Description</b>	<b>Transfer to</b>	<b>Transfer From</b>
<b>Asset Renewal Reserve</b>		
Library Carpark		\$32,000
Fifth St Road Renewal		\$18,000
Kultown Drive Bus Shelter		\$8,300
Glynn Rd Road Renewal		\$8,500
Roe Close Road Renewal		\$8,500
Bradley St – Pathway		\$2,100
Abalone Place Drainage		\$20,000
Dorothy St Drainage		\$5,500
Ritchie Way Drainage		\$1,500
Bayview St Drainage Grated Gully Pits		\$66,000
Dorset Drive Drainage Sumps		\$17,000
Aquarena Building Management System		\$70,000
Aquarena Lighting		\$40,000
Aquarena Geothermal		\$35,000
HMAS Sydney Bollard Replacement		\$35,000
Sporting Fields Tower Lighting Review		\$50,000
Flat Rock Coastal Area – Relocate Water Tank		\$30,000
IT Infrastructure		\$225,000
Furniture & Equipment Renewal		\$50,000
Replace Sporting Fields Lighting Towers (Provisional Sum)		\$700,000
<b>Total Revised Budget Transfer from Asset Renewal Reserve 2017-18</b>		<b>\$1,422,400</b>
<b>Unexpended Capital Works &amp; Restricted Grants Reserve</b>		
Current Budgeted Transfer	<b>B</b>	\$7,189,194
<b>Additional Transfers:</b>		
Unspent Grants (Per Table 1)	<b>C</b>	\$658,199
Projects:		
Call Centre Service		\$70,000
Library SirsiDynix Project		\$2,900
Airport Car-Parking Facilities		\$90,000
Airport CCTV (Server & Storage Upgrade)		\$50,000
Airport RPT Terminal Renewal Works		\$28,000
Airport Security Screening & Baggage Handling Upgrade		\$63,400
Mullewa Airport Fencing		\$12,000
Chapman River Corridor		\$50,000
Community Nursery Shed		\$120,000
Derna Parade Toilet		\$200,000
Land Developments (Cape Burney) & Acquisitions (POS Reserves)		\$385,000
Public Art Initiatives		\$40,000
Walkaway Recreation Centre Roof Upgrade		\$25,000
Mullewa Sewer System		\$50,000
Environmental Projects Signage		\$50,000
Mullewa Swimming Pool Play Equipment		\$10,000

**Table 4 (Reserve Transfers) Continued**

Description	Transfer to	Transfer From
Projects: continued		
Mullewa Community Projects		\$30,000
<b>Total Projects</b>	<b>D</b>	<b>\$1,276,300</b>
<b>Reduced Transfers:</b>		
Olive St POS Development	<b>E</b>	<b>-\$355,097</b>
<b>Internal Transfers:</b>		
Unexpended Capital Works & Restricted Grants Reserve	<b>F</b>	\$399,990
Major Initiatives Reserve	\$399,990	<b>G</b>
(Note: This additional transfer accounts for land acquisition Old Depot Site)		
<b>Revised Budget Transfer from Unexpended Capital Works &amp; Restricted Grants Reserve 2017-18</b>	<b>A+B+C+D+E+F</b>	<b>\$13,549,106</b>
<b>Major Initiatives Reserve</b>		
Current Budget Transfer (internal)	\$1,436,665	<b>H</b>
<b>Revised Budget Internal Transfer to Major Initiatives Reserve 2017-18</b>	<b>\$1,836,655</b>	<b>G+H</b>

Table 5 denotes any omissions and/or emergent activity realised after the budget process and not countered by a transfer from reserves.

**Table 5 Budget Amendments**

Description	Current Budget	Revised Budget
<b>Operating Revenue</b>		
Land & Property (recognising acquisition of 3 Point Moore properties)		\$180,000
<b>Operating Expenditure</b>		
Visitor Centre Wifi Point	0	\$7,550
Meru Landfill – Greenwaste Mulching	\$100,000	\$210,000
Depreciation Expense (adjustment for EOY 2016-17 position including revaluations)	\$21,400,660	\$21,770,436
<b>Sub-Total Operating Expenditure</b>	<b>\$21,500,660</b>	<b>\$21,987,986</b>
<b>Capital Expenditure</b>		
Land & Property (recognising acquisition of 3 Point Moore properties)	0	\$180,000

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

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The net impact to the 2017-18 Budget is detailed below:

Income & Expenditure Category	Current Budget	Revised Budget	Budget Movement
Transfer from Reserves	\$7,189,194	\$14,971,506	\$7,782,312
Operating Revenue	\$77,906,484	\$78,134,484	\$228,000
Capital Revenue	\$40,728,874	41,708,041	\$979,167
<b>Sub-Total Positive Cash Movement (A)</b>	<b>\$125,824,552</b>	<b>\$134,814,031</b>	<b>\$8,989,479</b>
Transfer to Reserves	\$2,536,665	\$7,317,175	\$4,780,510
Operating Expenditure	\$79,232,904	\$80,451,329	\$1,218,425
Capital Expenditure (excludes borrowings)	\$63,184,198	66,662,068	\$3,477,870
<b>Sub-Total Negative Cash Movement (B)</b>	<b>\$144,953,767</b>	<b>\$154,430,572</b>	<b>\$9,476,805</b>
Less Non-Cash Items (C)	\$19,105,206	19,474,982	\$369,776
<b>Net Cash Movement – Surplus (Deficit) (A+C-B)</b>			<b>-\$117,550</b>

As previously indicated, these budget amendments are mainly dealing with unspent grants, carryovers and cash reserves provisions from 2016-17 and are therefore, “cash backed” and have no cash related impact on the 2017-18 budget. The additional cash allocation from the 2017-18 budget as proposed in this item amounts to \$117,500 and consists of additional funds to undertake mulching of green-waste (\$110,000) and install Wifi point at the visitor centre (\$7,500).

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

Title: Governance	4.4 Financial Sustainability and Performance
Strategy 4.4.1	Preparing and implementing short to long term financial plans

#### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

#### **RISK MANAGEMENT:**

There are no risks to be considered.

#### **ALTERNATIVE OPTIONS CONSIDERED:**

No alternative option considered.

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

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

1. **APPROVE** the proposed budget amendments and **AUTHORISE** any unauthorised expenditure contained within the proposed amendments based on the following:
  - a. Table 1(Unspent Grants);
  - b. Table 2 (Carryover Projects);
  - c. Table 3 (New Grant Funded Projects);
  - d. Table 5 (Budget Amendments); and
2. **APPROVE** and **AUTHORISE** the following revised transfers to/from and between Cash Reserves based on the following:
  - a. Table 4 (Reserves Transfers).

**CARRIED BY ABSOLUTE MAJORITY 11/0**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	YES
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

### 13 REPORTS OF INFRASTRUCTURE SERVICES

IS157	HMAS SYDNEY II MEMORIAL PUBLIC FACILITIES
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<b>AGENDA REFERENCE:</b>	<b>D-17-69047</b>
<b>AUTHOR:</b>	<b>D Emery, Manager Sport and Leisure</b>
<b>EXECUTIVE:</b>	<b>C Lee, Acting Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>6 September 2017</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0021</b>
<b>ATTACHMENTS:</b>	<b>Yes (x6)</b>
	<b>A. Letter from HMAS Sydney II Memorial Advisory Committee and Supporting Documentation</b>
	<b>B. Eastman Polletti Sherwood Design</b>
	<b>C. Smith Sculptors Concept Design</b>
	<b>D. HMAS Sydney II Memorial Advisory Committee Meeting Minutes</b>
	<b>E. Opinion of Probable Cost – EPS Option 1 and 2</b>
	<b>F. Opinion of Probable Cost – Rotary Club Option</b>

#### EXECUTIVE SUMMARY:

This report requires Council to consider design options for the provision of upgraded toilet and storage facilities on the grounds of the HMAS Sydney II Memorial.

#### EXECUTIVE RECOMMENDATION:

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

1. ACKNOWLEDGE the Volunteer Groups and HMAS Sydney II Memorial Advisory Committee for their invaluable contribution towards the Memorial;
2. APPROVE Eastman Poletti Sherwood Architects concept design **Option 2** as the preferred option for the Memorial's toilet facilities;
3. APPROVE expenditure of up to \$20,000 within the 2017-18 Mid-Year Budget Review to complete detailed designs and construction cost estimates for the preferred option;
4. SEEK external grant funding contributions for the construction of the preferred option; and
5. CONSIDER providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.

#### PROPONENT:

The proponent is the HMAS Sydney II Memorial Advisory Committee.

**BACKGROUND:**

The HMAS Sydney II Memorial (the Memorial) located atop of Mt Scott is a prominent Geraldton landmark. The Memorial did not initially have an on-site toilet and approximately six years ago the City installed a single unisex, universal toilet adjacent the car park. While this public amenity has addressed some of the additional needs since installation, the increasing popularity of the Memorial requires that the existing toilet facilities be supplemented with temporary toilet facilities and particularly when cruise ships visit the City.

At its Ordinary Meeting of October 2014, the Council passed the following recommendation:

1. ACKNOWLEDGE the need for public toilet amenities at the HMAS Sydney II Memorial at Mt Scott;
2. SUPPORT investigations into the need for a meeting room/storage for the Geraldton Volunteer Tour Guide facilities at the HMAS Sydney II Memorial at Mt Scott;
3. RANK these facilities for the Capital Works Priority list using the capital works prioritisation criteria;
4. CONDUCT a cost benefit analysis to determine the scope and location of such facilities; and
5. WORK with the HMAS Sydney II Memorial Advisory Committee to ensure appropriate stakeholder and community consultation throughout the process.

In October 2016, Council officers presented generic design concepts to the Committee that reflected the standard City design currently being used within Public Open Spaces (POS) but a larger version of the automatic system currently in place at the Memorial. The HMAS Sydney II Memorial Advisory Committee Chairperson and Memorial Warden opted to propose an alternative design by Smith Sculptors which also included an interpretive entrance space and a storage area.

The HMAS Sydney II Memorial Advisory Committee rejected the generic designs proposed by City Officers with a note by members to re-enforce its support of the Smith Sculptors design. Subsequently, the City engaged Eastman Poletti Sherwood Architects (EPS Architects) to provide Council with a further two (2) alternate concept design options that offer increased toilet provisions and functional storage space to those currently on site. Furthermore, the EPS Architects concept designs allowed for materials, access arrangements and functionality at lower construction and maintenance costs than the Smith Sculptors design.

The EPS Architects designs were also discussed by the Committee who remain firmly in favour of the Smith Sculpture design. The EPS Architects designs and the Smith Sculptures designs were both presented to the Council at a Concept Forum held on 6 June 2017.

The City is extremely appreciative of the volunteer group's efforts and contribution to the Memorial's operations and presentation which the City has built on with the establishment of the Inner City Precinct team that worked

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closely with the volunteers to arrange numerous improvements to the maintenance and operational performance of the Memorial.

Accordingly, the City's focus on renewal of existing assets recognises budget funding towards failing strip lighting within the 5<sup>th</sup> Element Water Fountain, replacement of the LED flag pole and ground lighting units, bollard lighting replacement and bench seating within narrative and commemorative spaces and structural issues associated with the Brede Street retaining wall. This existing infrastructure will require ongoing renewal and maintenance works to ensure the service level is retained at the standard expected by our community.

Whilst the Smith Sculptors design is aesthetically pleasing and provides space for future activities, it also presents public safety concerns as the location of the design, being embedded into the hill of Mount Scott, provides an enclosed facility in an underground location which may present increased safety risks to persons visiting at low traffic times.

The area has experienced anti-social behaviour and the proposed location is away from public view and existing CCTV. City Officers attend the Memorial several times a week in order to provide a heightened level of service to the area and Officers often experience evidence of vandalism and anti-social behaviour within the area.

The Executive and Committee are mindful of the Council adopted HMAS Sydney II Memorial Conservation Framework and pending Council's decision on this item, the Conservation Framework would continue to be used to facilitate a strategic approach to any development works for the Memorial.

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

### **Economic:**

The City notes and acknowledges the economic value of the HMAS Sydney II Memorial which attracts a large number of visitors to our City and there are positive economic outcomes from ensuring the Memorial has appropriate facilities to remain a tourism icon for the City.

### **Social:**

The HMAS Sydney II Memorial is a source of great pride and importance within the community. There is a strong level of community ownership and interest and any future amenity should acknowledge the social value of the Memorial and include avenues for continued community involvement.

The Geraldton Volunteer Tour Guides Association provide a voluntary service to the community through daily tours and have also expressed a need for a meeting/storage space near the Memorial to assist them in carrying out their daily tours, and storing of equipment which requires set-up on weekends and cruise ship visits. The type of equipment requiring set-up generally includes shade tents, tables, chairs, brochure/flyers and various other small items.



The service that the tour guides provide the community is tremendously important to the Memorial and to the City and its significance within the City has been recognised by a variety of organisations. Notably in 2016 the Memorial was ranked number 50 on the Western Australia Bucket List, and was listed on Trip Advisors 2014 Travellers Choice awards in the following categories:

- #7 in the Top 10 Museums in Australia;
- #9 in the Top 10 Museums for South Pacific 2015;
- #8 in the Top 10 Land marks in Australia; and
- #11 in the Top 25 Land marks for the South Pacific.

Other active groups that partake in memorial roles and responsibilities at the Memorial include the Return Serviceman's League (RSL), Rotary Club of Geraldton and Naval Association of Australia, and without the assistance from these volunteer groups the Memorial would not be the popular, history-rich attraction that it is today.

#### **Environmental:**

There are no environmental issues associated with remnant flora or fauna as the site has already been previously developed to its current form however, the Smith Sculptors structure is classified as an intensive green roof structure that allows for foot traffic. The general characteristics of this type of structure relating to the HMAS Sydney II Memorial site are:

- Requirements for a deep growing medium (200mm or greater).
- Requirements for a stronger roof structure.
- Must be suitable for access and use as roof garden.
- Relatively expensive due to structural requirements.
- Substantial thermal and acoustic insulation benefits.
- Regular maintenance requirements.

It is worth noting that the two key failures associated with green roofs are the waterproofing and the planting and there are generally recommendations of a five-year maintenance contract to accompany a green roof installation.

#### **Crime Prevention through Environmental Design (CPTED)**

The EPS Architects concepts address CPTED principles in that the concepts balance the visual impact of the building on the Memorial but are located adjacent to high traffic and legitimate activity areas, rather than in isolation. Smith Sculptors design is located in an isolated area that is not on a continuous high traffic route around the Memorial that may lead to public safety issues.

#### **Cultural and Heritage:**

The HMAS Sydney II Memorial is of significant cultural heritage value. It is recognised as a Military Memorial of National Significance. The Conservation Framework articulates this significance and future planning will be guided by the Conservation Framework.

**RELEVANT PRECEDENTS:**

The City has a priority focus on ensuring current assets are maintained and renewed. Four key elements that have influenced the City's actions are the City's Strategic Community Plan 2017–2027, Long Term Financial Plan (LTFP), Corporate Business Plan and the Asset Management Strategy.

The City has recently renewed several toilet facilities that have come to the end of their useful life cycle or introduced new capital infrastructure.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The HMAS Sydney II Memorial Advisory Committee consists of representatives from the following key stakeholder organisations with who City Officers have consulted:

- Rotary Club of Geraldton;
- Returned and Services League, Geraldton Sub Branch;
- Naval Association of Australia, Geraldton Sub Section;
- Geraldton Volunteer Tour Guides Association; and
- Councillor Hall, Councillor Bylund and Councillor Tanti (proxy) are Council representatives on the HMAS Sydney II Memorial Advisory Committee.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The City of Greater Geraldton adopted a Conservation Framework for the HMAS Sydney II Memorial on 27 August 2013. The Conservation Framework is a tool to assist Council decision-making for the management and long term planning for the Memorial. It assists in facilitating a planned approach to the ongoing management for the Memorial to safeguard the Memorial's position as a high profile community and national asset and preserve its independent and enduring purpose.

The designs by the Smith Sculptors are proposed to be an integral part of the Memorial that are cognisant of both the Memorial narrative and commemorative space by the architect of the sites original design with considerable background and knowledge of the site.

Both the EPS Architects design options are outside of the commemorative and narrative spaces within the Memorial and do not conflict with the HMAS Sydney II Memorial Conservation Framework nor do the designs impact on the architectural statements.

**FINANCIAL AND RESOURCE IMPLICATIONS:****Capital Costs:**

The indicative construction cost estimates for the three (3) concept designs referenced are as follows:

EPS Option 1	\$443,100 excl. GST
EPS Option 2	\$304,900 excl. GST
Smith Sculptors	\$692.250 excl. GST

The Smith Sculptors concept design cost has been estimated by a local contractor and City Officers noted several cost omissions associated with fire services, removal of excess cut, engineering design fees, brick paving and/or landscaping.

For impartiality, City officers engaged an independent assessment of the Smith Sculptors concept design. The Quantity Surveyor consultant's report indicative costing for the Smith Sculptor Project is \$1,150,400 excluding GST.

The Quantity Surveyor allowed for the following items that were not included in the initial estimate:

- Latent conditions.
- Mechanical services except ventilation to toilets.
- Specialist lighting, power and communication for future fit out.
- Security.
- Soft landscaping.
- External lighting.
- Stormwater drainage to paved areas.
- Loose furniture and equipment.
- Services upgrades and headworks fees.
- Escalation beyond June 2017.

It should be noted that the HMAS Sydney II Memorial Advisory Committee and its stakeholder members may have the ability to reduce the overall project design costs by utilising volunteer/in-kind services or donated services to the project.

**Maintenance Costs:**

The Memorial's operations and maintenance costs are approximately \$119,000 per annum.

These costs are associated with lighting, planting, general cleaning, rubbish collection, turf maintenance, garden maintenance, reticulation repairs, toilet and sanitary servicing and specialty servicing to memorial items such as polishing plaques and statues, glazing, painting and water treatment and plant room service maintenance.

The estimated, additional, operational and maintenance costs associated with each proposed design are as follows:

EPS Architects Option 1	* \$25,000 / pa
EPS Architects Option 2	* \$10,500 / pa
Smith Sculptors	* \$48,500 / pa

\*The estimated maintenance costs are based on actual \$310 per m<sup>2</sup> per annum costs associated with the maintenance of the foreshore youth precinct toilet block with a similar surface area, servicing requirements and amenities.

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

Title: Community Strategy 1.5.1	1.5 Recognise, value and support everyone Supporting and strengthening community groups, organisations and volunteer services.
Title: Environment Strategy 2.3.1	2.3 Built Environment Promoting a built environment that is well planned and meets the current and future needs of the community.
Title: Environment Strategy 2.4.1	2.4 Asset Management Applying financial sustainability principles to ensure a coordinated and integrated approach to infrastructure planning, implementation, maintenance and renewal.

#### **REGIONAL OUTCOMES:**

The HMAS Sydney II Memorial is recognised as a significant national asset that attracts tourism and visitor benefits to the Region. The addition of appropriate public amenities will further demonstrate the regions commitment to providing high quality and well managed tourist attractions.

#### **RISK MANAGEMENT:**

Financial risk – The HMAS Sydney II Memorial Advisory Committee design created by Smith Sculptors requires significant investment and ongoing maintenance costs. These costs can be mitigated by approval of alternative options provided by City officers that meet both community and visitor needs, whilst meeting the objectives of the City's Long Term Financial Plan.

Reputational risk – The Geraldton Volunteer Tour Guides are a key stakeholder within the HMAS Sydney II Memorial who provide free tours of the Memorial on a daily basis. Should the Smith Sculptors design not be approved the tour guides may choose to cease operating and the City may be viewed as not supporting tourism requirements.

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

The following alternative options have been identified by City Officers:

**APPROVE** the HMAS Sydney II Memorial Advisory Committee design created by the Smith Sculptors with financial inclusion in 2018/19 budget.

**APPROVE** the HMAS Sydney II Memorial Advisory Committee design created by Smith Sculptors subject to all capital costs being funded by the Committee.

**APPROVE** the EPS Architects design Option (1) with an estimated value of \$443,100.

**LEAVE AS IS** – HMAS Sydney II Memorial Advisory Committee to source external funding opportunities and leave the current amenities “as is” with temporary amenities utilised as required.

*Cr Colliver moved a motion different from the Executive Recommendation*

*The Mayor foreshadowed an alternative motion should the motion be lost.*

### **COUNCIL DECISION**

#### **MOVED CR COLLIVER, SECONDED CR REYMOND**

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

1. **ACKNOWLEDGE** the Volunteer Groups and HMAS Sydney II Memorial Advisory Committee for their invaluable contribution towards the Memorial;
2. **APPROVE** the Smith Sculptors design (in principle) as supported by the HMAS II Sydney Memorial Committee, as the preferred option for the Memorial’s final element, incorporating contemplation room, toilet and tour guide facilities; with further consultation with city officers on the design details;
3. **CONSIDER** \$20,000 to progress the design and grant application requirements;
4. **SUPPORT** the HMAS Sydney II Memorial Committee to **SEEK** external grant funding contributions for the construction of the preferred option; and
5. **REFER** back to Council if funding support is not secured within 12 months of approval of this matter.

#### **LOST 6/5**

Mayor Van Styn	NO
Cr. Douglas	NO
Cr. Bylund	NO
Cr. Keemink	NO
Cr. Hall	NO
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	NO
Cr. Thomas	YES

#### **REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**

That Council approve the Smith Sculpture design *in principle* and support the Committee in seeking grant funding.

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

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

1. **ACKNOWLEDGE** the Volunteer Groups and HMAS Sydney II Memorial Advisory Committee for their invaluable contribution towards the Memorial;
2. **APPROVE** the location for the Memorial's toilet facilities as per Eastman Poletti Sherwood Architects design Option 2;
3. **APPROVE** the Eastman Poletti Sherwood Architects design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee and other key stakeholders, on the final design of the interpretive elements of the toilet design;
4. **CONSIDER** expenditure of up to \$20,000 within the 2017-18 Mid-Year Budget Review to complete detailed designs and construction cost estimates for the preferred option;
5. **SEEK** external grant funding contributions for the construction of the preferred option; and
6. **CONSIDER** providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.

**CARRIED 8/3**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Mcllwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>NO</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**

- i. To clearly demonstrate Council's preferred location for the memorial's toilet facilities; and
- ii. To allow for final feedback from the community on the interpretive elements of the toilet blocks as per the Eastman Poletti Sherwood Architects design.

IS154	CSRFF ANNUAL GRANT - WONTHELLA BOWLING CLUB
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<b>AGENDA REFERENCE:</b>	<b>D-17-60104</b>
<b>AUTHOR:</b>	<b>D Emery, Manager Sport &amp; Leisure</b>
<b>EXECUTIVE:</b>	<b>C Lee, A/Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>4 August 2017</b>
<b>FILE REFERENCE:</b>	<b>GS/1/0012</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Cover Letter from Wonthella Bowling Club</b>
	<b>B. CSRFF Application Form</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek a Council resolution for a Community Sporting and Recreation Facilities Fund (CSRFF) Annual Grant application.

The City received one application within this stream from the Wonthella Bowling Club Inc. requesting a one third contribution of \$144,602 excluding GST towards the replacement of two existing turf greens with synthetic bowling greens.

**EXECUTIVE RECOMMENDATION:**

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

1. NOT SUPPORT the Wonthella Bowling Club Inc. CSRFF Annual Grant application at this time; and
2. RECOMMEND the Wonthella Bowling Club Inc. submit a grant funding application under the CSRFF Small Grant scheme.

**PROPONENT:**

The proponent is the Wonthella Bowling Club Inc.

**BACKGROUND:**

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

CSRFF grants are generally provided based on one-third funding from the applicant sporting body, one-third CSRFF and one-third local government. Annual grants of \$66,667 – \$166,666 can be allocated to projects which must be complete within 12 months, for a total project cost of \$200,001 to \$500,000. Grant funding must be claimed in the financial year following the date of approval.

The CSRFF Annual Grant Application is open for one round per financial year. The grants are advertised and open in June and successful applicants notified in December/January. Wonthella Bowling Club Inc. have submitted an application within the Annual Grant category.

The City does not pre-allocate budget funding towards CSRFF grants however projects within this specific CSRFF category are considered by Council on a case by case basis and assessed on individual merit. Should Council find this application favourable, funding would need to be allocated within the 2018-19 budget.

The City has demonstrated a commitment to managing its operations in a financially sustainable manner and the Long Term Financial Plan does not include a commitment for a funding contribution to the Wonthella Bowling Club Inc. for this project.

**Project Overview – Wonthella Bowling Club Inc.**

The total project expenditure is estimated to be \$447,573 excluding GST with the Wonthella Bowling Club Inc. requesting a contribution of \$144,602 excluding GST from the City. City Officers have reviewed the application and confirmed the financial information within the application is correct.

It is recognised that the Wonthella Bowling Club Inc. has allocated a one third cash contribution towards the project as per the requirements of CSRFF applications. The Club has also included an additional in kind contribution towards volunteer labour and donated materials estimated at \$11,000. In addition the Club has requested the following also be considered by the City:

- The City waive the costs associated with the removal and disposal of (100) 3m x 0.15m sheets of asbestos. Estimated value \$3,000.
- The City supply the sand fill required for the project should the existing bowling green be of a clay base. Estimated value \$6,500.

The City's finance department reviewed the application and the following comments were provided:

- a. The Club has undertaken adequate financial planning for this project.
- b. The Club has budgeted a project contingency amount of \$21,253 for any unforeseen costs.
- c. The Club created a synthetic green sinking fund account in 2016/17, allocating \$25,000, with an additional \$10,000 per financial year for asset replacement and maintenance.

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

**Economic:**

The installation of synthetic greens will provide a high quality surface allowing the Club to be eligible for State and National competitions which could have a positive effect on sports-based tourism revenue opportunities.



**Social:**

There are no social impacts with the recommendation as the Wonthella Bowling Club Inc. consists of a strong volunteer community, the majority of which are either senior citizens or retired community members. The Club will continue to self-support itself and operate without the project going ahead as records indicate the Club has a sound financial position.

**Environmental:**

The proposed synthetic playing surface can be utilised year round and reduces turf maintenance and irrigation costs, assisting in making the Club more environmentally sustainable.

**Cultural and Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

The City has undertaken a similar project through the Capital Works Program, funding the synthetic turf installation at the Mullewa Sports Club in 2010/11. The Council recently resolved a reduction of funding towards the Geraldton Tennis Club and Geraldton Surf Lifesaving Club.

CSRFF funding is subject to a further approval process from the Department of Sports and Recreation and applicants can re-apply in future rounds should they not be successful.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Wonthella Bowling Club Inc. have met with Officers from the City on three occasions and met with DSR to discuss their proposed application as required. City Officers have advised the Club that an application under the CSRFF Annual Grant would not be recommended to Council.

The proposal has the support and backing of Bowls WA, with a letter of support from the Bowls WA Chief Executive Officer commending the Club for its application and acknowledging the benefits and savings attributed to the upgrade.

Furthermore the Club held meetings and conducted surveys and forums with all internal members. The results analysis of the survey indicated 137 members completed and returned the survey with 125 or 91% in favour of synthetic greens, and 12 or 9% not in favour of synthetic greens.

The Wonthella Bowling Club Inc. presented its application to Councillors at the 5 September 2017 Concept Forum.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Council Policy Manual section 1.8 'Minor Sporting Facilities and Self Supporting Loans' identifies the guidelines to assess each application in line with the City's current and long term financial position amongst other criteria.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The amount of \$144,602 excluding GST would be required to be allocated within the 2018/19 budget. No commitment has been made within the Long Term Financial Plan for this amount.

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

**REGIONAL OUTCOMES:**

As the regional capital for the Midwest, 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:**

While installation of synthetic turf reduces day to day maintenance costs, maintenance is still required as is the need to replace the synthetic surface at the end of its life. The Club would need to set aside adequate funds each year for this purpose or seek further funding when this point is reached. Wonthella Bowling Club Inc. indicated within their application that a sinking fund of \$25,000 had been established in 2016/17 with an additional \$10,000 per annum budgeted towards a maintenance program.

The City also recognises that the figures provided are budget figures and may vary in the construction phase. To mitigate the financial risk to the City, should this application be supported, Officers recommend capping the City contribution with any additional costs being the responsibility of the applicant.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

An alternative option exists for the Club to submit an application for the replacement of one turf green for consideration under the CSRFF Small Grant scheme.

**PROCEDURAL MOTION****MOVED CR FREER, SECONDED CR HALL**

**That the meeting now adjourn for 5 minutes at 6.28pm.**

**CARRIED 11/0**

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

*The Meeting resumed at 6.33pm*

*Cr Reymond foreshadowed an alternative motion should the motion be lost to support the application.*

**COUNCIL DECISION**

**MOVED MAYOR, SECONDED CR COLLIVER**

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

1. **NOT SUPPORT** the Wonthella Bowling Club Inc. CSRFF Annual Grant application at this time; and
2. **RECOMMEND** the Wonthella Bowling Club Inc. submit a grant funding application under the CSRFF Small Grant scheme.

**CARRIED 9/2**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>NO</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

**IS156 RFT 03 1718 – PLANT & PERSONNEL HIRE FOR CGG RURAL ROADS FLOOD DAMAGE REPAIRS**

<b>AGENDA REFERENCE:</b>	<b>D-17-68612</b>
<b>AUTHOR:</b>	<b>R Criddle, Project Manager</b>
<b>EXECUTIVE:</b>	<b>C Lee, Acting Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>31 August 2017</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0079</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4) Confidential x2</b> <b>A. Confidential - Evaluation Report</b> <b>B. Confidential - Evaluation Worksheet</b> <b>C. Approved Scope of Works</b> <b>D. Flood Damage Works Map</b>

**EXECUTIVE SUMMARY:**

The City of Greater Geraldton has the opportunity to inject millions of dollars of external funds into its rural road network and the local economy through the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) program. Through this jointly funded program, the City has forty-three (43) rural roads approved for repair. Injecting these external funds into the City's rural roads will create a significant economic boost to the region through reducing transportation costs to road users and through spending millions of dollars into the local community.

The road works are spread over an extensive area and the total value of all works covered by this tender is expected to be approximately \$3.4M (a significant amount of money). The project complexity arises from the very detailed grant requirements to prove and demonstrate what road work activity is required to be undertaken and in which specific location along each road. The grant is also very specific concerning the road repair activities that have been approved in each location. Failure to demonstrate compliance with these requirements would result in the City's funding claims not being approved, which would result in the City covering the cost.

The purpose of this report is to seek Council approval to award RFT 03 1718 – Plant & Personnel Hire for CGG Rural Roads Flood Damage Repairs to the preferred tenderer.

**EXECUTIVE RECOMMENDATION:**

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

1. AWARD the contract for RFT 03 1718 – Plant & Personnel Hire for CGG Rural Roads Flood Damage Repairs to the preferred tenderer; and
2. RECORD the tender amount for RFT 03 1718 – Plant & Personnel Hire for CGG Rural Roads Flood Damage Repairs.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton secured \$4,390,815 funding from the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) on 1 May 2017 to repair forty-three (43) roads damaged by Australian Government Reference Number (AGRN 743) flooding events that occurred between January and February 2017 (please refer to attached list of roads and map). The funding conditions include that the work is issued through open tender and not undertaken by internal council resources. In accordance with these conditions, a Request for Tender (RFT) was prepared and called.

The scope of the works specified in the tender is to undertake road and drainage restoration/repairs resulting from the flood event. The majority of the repairs will be undertaken on unsealed roads. These unsealed roads will have some gravel added and then will be reconstructed to achieve standard cross falls and dimensions. Table drains will also be restored. Several sealed floodways will also be repaired. These floodways will be cement stabilised to restore them to previous condition, and resealed.

As detailed above, the successful tenderer must have highly developed financial and administrative skills as well as technical skills to ensure detailed funding claims can be submitted in accordance with the WANDRRA requirements. The successful contractor must be able to work with City officers and their representatives to patiently work through these funding requirements.

The Tender Process and Assessment was completed in accordance with Council's Procurement of Goods and Services Policy (CP010). The RFT was advertised in the Geraldton Guardian on Friday 21 July 2017 and the Western Australian on Saturday 22 July 2017 and advertised through the City's TenderLink e-Tendering Portal. The RFT closed on Monday 14 August 2017. As required, the tender assessment criteria were included in the documentation provided to potential contractors. Officers determined that it was appropriate to weight the qualitative (non-price) criteria at 60% and the quantitative (price) criteria at 40%.

If a project is very simple and straight forward, officers will place a high weighting on price (60%-70%). If the project is very technical and complex, officers will reduce the weighting on price to as low as 30% to ensure the successful contractor has the required expertise to undertake the project. While the physical works involved in the project are relatively straight forward, the quality of these works can vary significantly. A contractor who has submitted a lean price will endeavour to do the minimum amount of work required to meet the specification. This may result in disputes between the City and the Contractor and delays to the project. Whereas a contractor who has priced appropriately will undertake the required work to a higher standard. As this is a multi-million dollar contract spread over a large area with complex grant

requirements involved, officers determined that this project was best weighted with a higher qualitative requirement than price requirement.

The non-price (qualitative) assessment criteria represented a total of 60% of the overall score and was based on the following criteria:

- (a) Tenderer's Experience and Key Resources (20%);
- (b) Site Specific Project Methodology and Programme (20%); and
- (c) Occupational Safety and Health Management (20%).

Five (5) submissions were received.

The tender assessment was undertaken by a panel of four (4). Three (3) City officers (2 voting and 1 non-voting) and a voting Technical Advisor. The Technical Advisor specialises in undertaking WANDRRA projects for many local authorities in Western Australia. As such, they were included on the panel to ensure an optimum decision was reached.

In accordance with City Policy CP010, the maximum allowance for local content was applied to the tendered prices.

The contract period is for 26 weeks.

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

### **Economic:**

The City of Greater Geraldton has the opportunity to inject millions of dollars of external funds into its rural road network and the local economy through the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) program. Through this 100% funded program, the City has forty-three (43) rural roads approved for repair. Injecting these external funds into the City's rural roads will create a significant economic boost to the region through reducing transportation costs to road users and through spending millions of dollars into the local community.

### **Social:**

Improvement to the condition of rural roads is key to most aspects of life in rural Australia. A well maintained rural road network allows produce to be transported and for local communities to stay connected to one another.

### **Environmental:**

The roadworks will be undertaken in accordance with all environmental requirements.

### **Cultural and Heritage:**

The City of Greater Geraldton will carry out a Heritage investigation of the proposed works to ensure there are no impacts to any culturally sensitive area.

## **RELEVANT PRECEDENTS:**

The City of Greater Geraldton has previously undertaken Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) projects.

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**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community or Councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The strict funding conditions need to be adhered to ensure work payments (claims) are approved.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The available project budget is \$4,500,00 of which \$4,100,00 is funded by the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) with a City contribution of 1% of rates capped at \$400,000 included in the 2017-18 budget.

**INTEGRATED PLANNING LINKS:**

Community	1.1 Our Heritage and the Arts
Strategy 1.1.2	Recognising and preserving Aboriginal Heritage, history, traditions, languages and culture
Community	1.4 Emergency Management
Strategy 1.4.2	Undertaking a coordinated approach with relevant agencies to minimise the impact of disaster events
Environment	2.3 Built Environment
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.
Economy	3.1 Growth
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment
Governance	4.2 Planning and Policy
Strategy 4.2.1	Supporting local procurement.

**REGIONAL OUTCOMES:**

The completion of the project will see a positive impact on safety for regional road users.

**RISK MANAGEMENT:**

The risks associated with the project are:

**Occupational Health and Safety (OHS) risks**

The OHS risks associated with work on roads will be managed through contractual requirements (including contractor's safety management plan), audits and inspections and site supervision. An additional OHS risk associated with this project is worker fatigue. As most of the damage is in the Mullewa area, operators will have to travel up to 1.5 hours to and from site. The contractor will be required to address this issue by including regional accommodation and camping facilities into the scope of works. During the construction phase, this issue will be monitored closely by the City's site supervisors to ensure the fatigue has been managed, and to comply with all safety procedures.

**Financial risks**

The WANDRRA program requires that the scope of work be limited to like-for-like reinstatement to previous conditions prior to the flood damage (i.e. no upgrades are allowed as per the funding conditions). In addition, very detailed records need to be kept and catalogued for submission with the funding claim. If these details are not well managed, the claim is at risk of being rejected. An external consultant with previous experience in managing these types of contracts has been engaged to ensure data collation and record keeping is maintained as per the funding requirements.

**Commercial risks**

There is a risk of becoming involved in a commercial dispute with the contractor. This could occur for a number of reasons including the work not being undertaken to the high standard required, invoices and job records not being sufficiently detailed or inaccurate. This risk will be managed through effective site supervision and ensuring that works are undertaken as per the agreed scope of works and approved variations.

**Service Delivery risk**

There can be some impact on local residents and road users during the works as result of delays during construction, weather conditions etc. This will be managed through effective traffic management plans and regular communication with the local community.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

A condition of the funding is that the approved works are issued to the construction industry through public tender. This limited options associated with the delivery framework.

Officers could have recommended an alternative tenderer to Council. The reasons for their recommendation are provided in the attached confidential evaluation report.

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

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

- 1. AWARD the contract for RFT 03 1718 – Plant & Personnel Hire for CGG Rural Roads Flood Damage Repairs to the preferred tenderer being Red Dust Holdings Pty Ltd; and**
- 2. RECORD the tender amount for RFT 03 1718 – Plant & Personnel Hire for CGG Rural Roads Flood Damage Repairs being \$3,331,949.36 excluding GST.**

**CARRIED 11/0**

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



**14 REPORTS OF OFFICE OF THE CEO**

Nil.

**15 REPORTS TO BE RECEIVED****SEPTEMBER 2017 - REPORTS TO BE RECEIVED**

<b>AGENDA REFERENCE:</b>	<b>D-17-71528</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>14 September 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) Confidential x1</b>
	<b>A. DCSDD126 - Delegated Determination and Subdivision applications for Planning Approval</b>
	<b>B. CCS285 - Confidential Report – List of Accounts Paid Under Delegation – August 2017</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Development & Community Services:
    - i. DCSDD126 - Delegated Determination and Subdivision applications for Planning Approval

**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. CCS284 - Confidential Report – List of Accounts Paid Under Delegation – August 2017

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

Not applicable.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Not applicable.

**COUNCIL DECISION****MOVED CR HALL, 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 & Community Services:**
    - i. DCSDD126 - Delegated Determination and Subdivision applications for Planning Approval**

**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. CCS284 - Confidential Report – List of Accounts Paid Under Delegation – August 2017**

**CARRIED 11/0**

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

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

Nil

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

Nil

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

Nil

## 19 CONFIDENTIAL MATTERS

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

*Livestreaming will be turned off and members of the Gallery are required to leave Chambers.*

### EXECUTIVE RECOMMENDATION

That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting.

*Members of the Gallery left Chambers at 6.48pm*

### COUNCIL DECISION

#### **MOVED CR HALL, SECONDED CR BYLUND**

**That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting.**

#### **CARRIED 11/0**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

<b>DCS344 CONFIDENTIAL ITEM – DEVELOPMENT &amp; COMMUNITY SERVICES</b>
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<b>AGENDA REFERENCE:</b>	<b>D-17-69153</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>30 August 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0013</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential document provided under separate cover.</b>

*This item has been provided to Elected Members under separate cover.*

*Cr Douglas foreshadowed an alternative motion should the motion be lost.*

**MOTION**

**MOVED CR HALL, SECONDED CR COLLIVER**

**As per the confidential item.**

**PROCEDURAL MOTION**

**MOVED CR HALL, SECONDED CR FREER**

**That the motion be now put.**

**CARRIED 11/0**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

**COUNCIL DECISION**  
**MOVED CR HALL, SECONDED CR COLLIVER**  
 As per the confidential item.

**CARRIED BY ABSOLUTE MAJORITY 10/1**

Mayor Van Styn	YES
Cr. Douglas	NO
Cr. Bylund	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Tanti	N/V
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

*This item remains confidential as it contains information relating to a matter that is disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.*

**COUNCIL DECISION**  
**MOVED CR HALL, SECONDED CR THOMAS**  
 That Council by Simple Majority RESOLVES to MOVE from behind closed doors.

**CARRIED 11/0**

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

**20 CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 7.08pm.

**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.cgq.wa.gov.au/council-meetings/>