



ORDINARY MEETING OF COUNCIL
MINUTES

28 AUGUST 2018

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 28 AUGUST 2018 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

DISCLAIMER:

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

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ATTENDANCE

Present:

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

Officers:

R McKim, Chief Executive Officer
P Melling, Director of Development & Community Services
B Davis, Director of Corporate and Commercial Services at 5.

C Lee, Director of Infrastructure Services
 L Taylor, Administration Officer, Corporate Services (Minute Secretary)
 S Moulds, PA to the Chief Executive Officer

P Kingdon, Coordinator Communications, Economic Development
 P Radalj, Manager Treasury & Finance
 E Enright, PA to Director Infrastructure Services

Others:

Members of Public: 12
 Members of Press: 1

Apologies:

Cr J Clune*

Cr S Elphick*

Noted as an apology until Leave of Absence is approved

Leave of Absence:

Cr R Hall

Cr T Thomas

Cr J Clune

Cr S Elphick

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

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

Sean Hickey, PO Box 2966, Geraldton WA6531

Question

How and of what importance does 'the City' place on the significance of the cultural relationship of local Aboriginal Heritage to the known gathering place of past local area groupings at 'Drummonds Cove.(see Geraldton's History).

Response

The City of Greater Geraldton is responsible for a wide range of significant natural, historic and Aboriginal heritage. These responsibilities

are articulated in key documents (list will be provided to the questioner). The City also does a lot of work with the Local Aboriginal community and when it comes to recognising areas of significance this is done in many ways from printed word through to signage and art.

A Senior Naaguja Elder has advised the City that Drummond Cove has significant cultural connections with both the Naaguja and Nhanda Groups. There are Songlines right along that coastal area along with a shell midden and a number of unregistered sites known only to males of both the claim groups. Over time the City through actions contained in City documents, the significance of Drummonds Cove gathering places could be highlighted and recorded.

Question

Would 'the City' explain the apparent approval of the use of Demolition Material and Rocks at the rear of a residential Bluff Point residence, backing west of the location (cr Kempton and Fuller Streets) over the dune and beach .

Response

The material in that area was believed to have been deposited in the 1960's and 70's. An important consideration is that the area where the material is deposited is in fact a private freehold lot, the lot extends into the water (a legacy of much earlier subdivision practices). As you will be aware the City is in the consultation phase of the CHRMAP (Geraldton Coastal Hazard Risk Management and Adaptation Planning Project) which has identified the risks faced along the City's coastline especially in this area.

Question

To what extent do you place 'poor decision making' on past Councils for the ugly, unsafe and avoidable event of tumbled rock and demolition material onto the beach south of the Greys Beach, Marine Terrace car park in the last weeks .The fall, covering approximately 80 meters, towards Separation Point) A location a few hundred meters south of the Point Moore Lighthouse. What now?

Response

The "tumbled rock and demolition material" in question is a legacy issue from around the 1950s which appears to be the remnants of road construction material associated with the previous road alignment that ran along the coast to Point Moore. Unfortunately, when the Council of the day made the decision to realign the road it appears that the existing road was not removed and was simply left to be covered with wind-blown sand and vegetation over time.

Recent storm events have caused other sections of the old road to be exposed resulting in the material being visible on the beach. City officers are reviewing and monitoring the area to identify the extent of the issue and develop cost estimates for removal of the exposed sections of

material. Once this information has been prepared officers will be in a position to bring the matter before the City's Executive Management Team or Council for consideration depending on the costs involved.

Mr Max Correy, PO Box 202, Geraldton WA 6531

Question

Is it Council Policy and its obligations to treat ratepayers with respect and also to record meetings in a true and accurate manner?

Response

Yes

Question

What will Council do about the following: words such as "inappropriately asserted", "flawed", "incorrectly implies", "incorrect and misleading proposition" and "publicly asserted" being used by Mr Davis when addressing my statements that CGG residential rates are the highest in WA when based on the same GRV value. I clearly stated that I was comparing with the equivalent GRV across the different Councils.

I want to let Councillors understand that CGG rates on the same GRV valued house are 54% higher than Busselton, 46% higher than Albany and 56% higher than Bunbury. With respect to my 2nd Motion regarding a Forensic Audit I stated that the Multi User Facility contract was initially awarded to a company who submitted a non-conforming tender.

The Mayor asked if it would be correct to reframe Mr Correy's questions, as Mr Correy was continually moving around a lot of different subjects, and that the question is – 'What are we going to do about the outcomes of the meeting [Mr Correy said Yes] and the motions that were moved' asked if that was a fair summation of the question. Mr Correy said No it is not.

Mr Correy said the question is what is council going to do about the misrepresentation, the denigrating of his name and his character in a public document, which Council accepted at a past meeting, with respect the misrepresentation and the false statements made. Mr Correy referred to the Multi User Facility and the statements he made, which he stands by, that it was awarded to a non-conforming tender.

Mayor advised he would take the bulk of the questions on notice as provided in the two page subsequent information, but would attempt to respond as follows.

Response

The minutes of the meeting were tabled and considered by Council as required by the Local Government Act.

The overwhelming theme of questions and comments from the floor and notably from the lead petitioner, involved Council projects from at least 7 years ago covering, the “Elvis Palms” from over 40 years ago, former CEO Tony Brun’s flagpole and dogs from eastern municipalities to name but a few. Other questions and statements from the floor focused on picnic spots for wildflower tours and pot holes on roads in the former Greenough district.

I note from the recording and my recollection of attendance when a member of the public began to ask questions about rates, it was you who stormed the stage trying to cut them off and it was me on behalf of the City that allowed the person to continue asking questions so that we could action responses for the community.

The City has engaged in significant actions in replying to all of these wide and varying questions since the meeting and I answer this with reference to my answer to your earlier question. The volume of material we have actioned is immense.

To be more precise, the LG Act section 5.33(1) requires decisions from an electors’ meeting to be considered_by Council at its first Ordinary meeting after the electors meeting. Minutes of Council meeting of 26 June 2018 agenda reference CEO051 refer to these minutes. The Act obliges the Council to do no more than CONSIDER decisions from an electors meeting. That was done as per the minutes.

The two resolutions from the electors meeting were noted and considered by Council. Resolutions of an electors meeting are not binding on Council. Again as noted in the minutes. They do not constitute an “instruction”. The Council considered the resolutions from the special electors meeting, having regard to the number of electors that attended. (60 attendees registered and many did not vote for the motions, though I accept it was carried) I also note that the Act obliges Council to make its decisions for the benefit of the whole district comprising a population of nearly 40,000 people.

Recording of documents – Minutes of meetings are kept as per Section 5.32(a) of the Local Government Act 1995, and made publically available on the City website for compliance as per Section 5.32(b) of the Local Government Act 1995. Hard copies were available at the subsequent Ordinary Meeting of Council (26 June 2018), the audio of the meeting is still available on the City’s website. No elector, or electors present at the Ordinary Meeting of Council of 26 June 2018, raised any issues concerning or challenging any element of the Minutes of this special meeting. The full audio transcript is available. We are one of the few, if any Council, that do that for a Special Electors Meeting. Note the Minutes of Meetings are not taken to be written as Hansard based, word for word, the Minutes are to report the substance of the meeting. Any responses to motions or questions taken on notice are read from written

statements, included in the Minutes and the Minutes also include the matters taken on notice.

Question

With respect to the Multi User Facility it was awarded to a non-conforming tender and the Minutes do not reflect that. The Author of those minute said that it wasn't true. The Minutes are maligning me and also misrepresenting the statements I made, I want to see four things happen - I want the Minutes of the Electors meeting corrected.

Mayor advised Mr Correy that he would no longer be heard, as he was not asking a question.

NOTE: As the additional 2 pages of information were provided by Mr Correy to the City too late for consideration of a response, and after Mr Correy had originally submitted his proposed questions, and as the 2 pages generally comprised statements rather than questions, the City will respond as appropriate by correspondence in the normal matter.

Dr Barry Thompson, PO Box 90, Geraldton WA 6531

Question

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

Response

This question will be Taken on Notice and responses will be published in the final Agenda and Council Meeting Minutes of 25 September 2018.

Public question time concluded at 5.18pm

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr R Hall	17 August 2018	23 October 2018	24/4/2018
Cr T Thomas	20 August 2018	19 September 2018	26/6/2018
Cr S Douglas	31 August 2018	5 October 2018	19/12/2017
Cr G Bylund	1 September 2018	9 September 2018	24/7/2018
Cr S Elphick	4 September 2018	4 September 2018	22/5/2018
Cr G Bylund	4 October 2018	15 October 2018	24/7/2018
Cr G Bylund	2 November 2018	12 November 2018	24/7/2018
Cr N Mcllwaine	16 November 2018	30 November 2018	23/1/2018

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

COUNCIL DECISION

MOVED CR FREER, SECONDED CR REYMOND

Cr J Clune requests leave of absence for the period 26 August 2018 to 29 August 2018.

Cr N Mcllwaine requests leave of absence for the period 22 March 2019 to 12 April 2019.

Cr S Elphick request leave of absence for the period 28 August to 2018 to 26 September 2018.

Cr J Critch requests leave of absence for the period 28 September 2018 to 11 October 2018.

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.

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr L Freer declared a Proximity Interest IS177 Geraldton 2050 Cycling Strategy, as his parents made a submissions to the feedback.

Director P Melling declared a Financial Indirect interest in DCS378 Proposed Demolition of Heritage Listed Building – Flores Road, Webberton as he is a client of Sun City Solar. In 2017 when he purchased a silver PV system for his home. Sun City provide maintenance on the system.

Mayor S Van Styn declared a proximity interest in Item DCS380 Vibe Nightclub – Carpark Events, as he lives within 200m of the Vibe (200m only relevant post Agenda Forum)

Advice Note: DCS380 Vibe Nightclub - Carpark Events. An Impartiality interest was disclosed in writing to the Chief Executive officer and Elected Members by Briefing Note on 20 August 2018 (prior to the Agenda Forum). The nature of the interest is that the Coordinator Environmental Health and Waste was a former flatmate of the proponent from June 2013 to March 2016. Due to an administrative oversight, the disclosure was not formally noted prior to discussion of the report at the Council Meeting. The Coordinator Environmental Health and Waste was not in attendance at the Ordinary Meeting of Council. This CEO Advice Note is therefore included in these Minutes.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 July 2018, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR TANTI, SECONDED CR CRITCH

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 24 July 2018, 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*

DATE	FUNCTION	REPRESENTATIVE
25 July 2018	ABC Breakfast – Geraldton Jail Break	Mayor Shane Van Styn
25 July 2018	Regional New Industries Fund Announcement by Minister MacTiernan	Mayor Shane Van Styn
25 July 2018	Meeting with Hon Alannah MacTiernan MLA Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade	Mayor Shane Van Styn
26 July 2018	Geraldton Opportunities – Various Land Development ideas	Mayor Shane Van Styn
26 July 2018	Wandina Primary School Visit to Council Chambers - Year 4 students	Mayor Shane Van Styn
26 July 2018	Spirit Radio – Outcomes of Council Meeting	Mayor Shane Van Styn
26 July 2018	ABC Interview China School	Mayor Shane Van Styn
27 July 2018	ABC Interview Jail Upgrade	Mayor Shane Van Styn
30 July 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
30 July 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
31 July 2018	Fusion – Cameliers Guesthouse Closure	Mayor Shane Van Styn
31 July 2018	Free Trade Local Planning Policy – Progress Discussion	Mayor Shane Van Styn
1 August 2018	Regional Capitals Alliance WA (RCAWA) Meeting in Perth	Mayor Shane Van Styn
3 August 2018	Indigenous Tennis Day	Mayor Shane Van Styn
3 August 2018	Wonthella Bowling Day	Mayor Shane Van Styn
3 August 2018	Quayside Vista – Vehicle Access on Vacant Land	Mayor Shane Van Styn
3 August 2018	Olive Street Reserve and Memorial Opening – Discuss Proceedings	Mayor Shane Van Styn
4 August 2018	Longboat AGM	Mayor Shane Van Styn
6 August 2018	Citizenship Ceremony	Mayor Shane Van Styn
6 August 2018	HMAS Sydney II Memorial Advisory Committee Meeting	Mayor Shane Van Styn
6 August 2018	Forrester Park Community Group Meeting	Mayor Shane Van Styn
7 August 2018	Drummond Cove - Update	Mayor Shane Van Styn
7 August 2018	Woodside – Renewable Hydrogen in Geraldton	Mayor Shane Van Styn
7 August 2018	Opening of Olive Street Reserve and World War I Memorial	Mayor Shane Van Styn
7 August 2018	Meeting with Premier of Western Australia – Hon Mark McGowan MLA, Hon Darren West MLC – Member for the Agricultural	Mayor Shane Van Styn

	Region and Hon Laurie Graham MLC – Member for the Agricultural Region – Matters Relating to the Region	
7 August 2018	WA Primary Health Alliance (WAPHA) - Presentation to Council	Mayor Shane Van Styn
7 August 2018	Concept Forum	Mayor Shane Van Styn
8 August 2018	Soft Launch of Mountain Bike Precinct Completion – Media Release	Mayor Shane Van Styn
8 August 2018	Biggest Family Bonding Tourism Program - Welcome	Mayor Shane Van Styn
9 August 2018	Meeting with Cr Caudwell – Drummond Cove Discussions	Mayor Shane Van Styn
9 August 2018	Rocks Laneway Review	Mayor Shane Van Styn
10 August 2018	Geraldton Regional Art Gallery Exhibition Opening - Relay League Angelica Mesiti/ Creations from the Man Cave	Mayor Shane Van Styn
13 August 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
13 August 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
13 August 2018	Regular Meeting with Local Member Ian Blayney MLA – Matters in Common	Mayor Shane Van Styn
13 August 2018	Ordinary Meeting of Council	Mayor Shane Van Styn
13 August 2018	Meeting with Commissioned Artist for Geraldton Regional Art Gallery Sculpture April Pine	Mayor Shane Van Styn
13 August 2018	Galena Mining Limited - Abra Heavy Metals Deposit Project - Briefing Session	Mayor Shane Van Styn
15 August 2018	Regional Capitals Australia (RCA) Executive Board Meeting in Canberra	Mayor Shane Van Styn
16 August 2018	RCA Meeting with Anthony Albanese - Shadow Minister for Infrastructure, Transport, Cities and Regional Development	Mayor Shane Van Styn
16 August 2018	RCA Meeting with Senator Brian Burston	Mayor Shane Van Styn
16 August 2018	RCA Meeting with Stephen Jones MP	Mayor Shane Van Styn
16 August 2018	Meeting with Hon Melissa Price MP, Assistant Minister for the Environment	Mayor Shane Van Styn
16 August 2018	RCA Meeting with Senator Peter Georgiou (One Nation)	Mayor Shane Van Styn
16 August 2018	Randolph Stow Young Writers Award Presentation Night	Deputy Mayor Neil McIlwaine
19 August 2018	Lighthouse Open Day & 140 th Birthday	Deputy Mayor Neil McIlwaine
20 August 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
20 August 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
20 August 2018	Seniors Bowls	Mayor Shane Van Styn
20 August 2018	Variety Fun Run – Media Release	Mayor Shane Van Styn

20 August 2018	Promotion of Yellow Submarine – Rotary Club	Mayor Shane Van Styn
21 August 2018	Mayoral Discretionary Funds - Guidelines	Mayor Shane Van Styn
21 August 2018	Agenda Forum - Mullewa	Mayor Shane Van Styn
22 August 2018	Red FM Interview – Council Update	Mayor Shane Van Styn
23 August 2018	MWDC Board Meeting	Mayor Shane Van Styn
23 August 2018	203 Lester Avenue Walk Through	Mayor Shane Van Styn
24 August 2018	Regular Meeting with Local Member – Hon. Laurie Graham MLC, Member for the Agricultural Region	Mayor Shane Van Styn
25 August 2018	85th Mullewa Show Day	Cr Jennifer Critch
27 August 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
27 August 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
27 August 2018	Aboriginal Businesses - Workshop on how to do business with the City	Mayor Shane Van Styn
28 August 2018	Citizenship Ceremony	Mayor Shane Van Styn
28 August 2018	Mid West Development Commission Meeting	Mayor Shane Van Styn
28 August 2018	Ordinary Meeting of Council	Mayor Shane Van Styn

11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS377 ADOPTION OF DRAFT 'R-CODES – STORMWATER MANAGEMENT' LOCAL PLANNING POLICY
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AGENDA REFERENCE:	D-18-059531
AUTHOR:	M Connell, Manager Urban and Regional Development
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	3 August 2018
FILE REFERENCE:	LP/8/0001
ATTACHMENTS:	Yes (x1) R-Codes – Stormwater Management Local Planning Policy

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to adopt the draft policy for the purpose of public advertising.

City Officers have prepared a new local planning policy to provide further clarity and guidance for stormwater management and the detail that is required to be featured in an application.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. ADOPT the 'R-Codes – Stormwater Management' (Version 1) local planning policy as a draft and advertise it for a period of 21 days;
2. ADOPT for final approval the 'R-Codes – Stormwater Management' (Version 1) local planning policy should no objections be received during the advertising period; and
3. REQUIRE Officers to present to Council a further report should there be any objections received during the advertising period.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Stormwater management is an integral part of building construction and all development is required to have water draining from roofs, driveways, communal streets and other impermeable surfaces directed to an approved stormwater disposal system.

The draft policy aims to ensure that sufficient information is provided with an application so that the local government can assess the means by which stormwater will be appropriately managed and specifies the minimum standards for the effective retention of stormwater on-site for all types of development.

The draft R-Codes – Stormwater Management local planning policy is included as Attachment No. DCS377.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts. The draft policy is not proposing any changes to the way in which stormwater is currently being managed. It simply clarifies the minimum standards for the effective retention of stormwater on-site and ensures that sufficient information is provided with an application so that the local government can assess the means by which stormwater will be appropriately managed.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council has previously adopted a number of local planning policies.

COMMUNITY/COUNCILLOR CONSULTATION:

The draft policy was referred to the Master Builders Association (MBA) and a select group of companies for preliminary comment.

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

There has been no Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the requirements and procedure for preparing a local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the municipality. A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies. In making a determination under the Local Planning Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial and resource impacts.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional impacts.

RISK MANAGEMENT:

By not adopting the policy there is a risk that the City will not have a sufficient planning framework to guide decision making.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

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

Stormwater management is an integral part of building construction and all development is required to direct water to an approved stormwater disposal system. The draft policy will ensure that sufficient information is provided with applications so that the local government can assess the means by which stormwater will be appropriately managed. The option to refuse is therefore not supported.

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

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

That Council by Simple Majority pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. **ADOPT** the 'R-Codes – Stormwater Management' (Version 1) local planning policy as a draft and advertise it for a period of 21 days;
2. **ADOPT** for final approval the 'R-Codes – Stormwater Management' (Version 1) local planning policy should no objections be received during the advertising period; and
3. **REQUIRE** Officers to present to Council a further report should there be any objections received during the advertising period.

CARRIED 11/0

Time: 5:31 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

DCS378 PROPOSED DEMOLITION OF HERITAGE LISTED BUILDING – FLORES ROAD, WEBBERTON
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AGENDA REFERENCE:	D-18-061947
AUTHOR:	T Maurici, Planning Officer
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	8 August 2018
FILE REFERENCE:	TP18/145 & A13749
ATTACHMENTS:	Yes (x2) A. Demolition Application B. Structural Engineering Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council conditional approval of the demolition and to amend the Municipal Inventory listing of the place accordingly.

An application has been received to demolish an industrial building on Lot 39 (No. 140) Flores Road, Webberton which is listed on the City's Municipal Inventory of Heritage Places. Should the demolition be approved, the applicant intends to extend the existing industrial business by providing improved access and car parking.

The application was received on 6 July 2018 and hence can be deemed refused on 4 September 2018.

EXECUTIVE RECOMMENDATION:**Part A:**

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

1. GRANT development approval for the demolition of the existing building on Lot 39 (No. 140) Flores Road, Webberton; and
2. MAKE the determination subject to the following conditions:
 - a. the demolition shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - b. prior to demolition, premises that are connected to tanks, leach drains or soakwells are to be pumped out by an approved operator. Septic tanks are to be removed or collapsed and back filled and compacted with clean sand; and
 - c. any significant built fabric from the heritage building (such as the original weatherboard wall cladding, timber floorboards and skirting, windows and doors) should be recycled where feasible.

Part B:

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

1. AMEND the City of Greater Geraldton Municipal Inventory of Heritage Places by changing the management category for Geraldton Place No. 165 from category 4 to category 6 once the place has been demolished.

PROPONENT:

The proponent is Eco Building & Design on behalf of the landowner SL Phillips.

BACKGROUND:

The site is located within the Webberton light industrial area along Flores Road. The industrial business, 'Sun City Solar', currently operates from the warehouse located to the rear of the site with the heritage building located at the front facing Flores Road.

The heritage building was a former brick and iron residence and has been previously used as caretaker's residence to the existing business. The building has undergone numerous internal and external modifications over time to accommodate its reuse for various shop/office commercial premises and was vacant for a number of years. Currently it is used for the temporary storage purposes for the Geraldton Dog Rescue.

The applicant has stated that the proposed demolition of the building would allow for improved access and car parking to the existing business and has also detailed the following issues:

- The building has become deteriorated largely due to the insufficient quality of the original building materials used, as it was constructed at a time where owners built their own homes often using whatever materials were available at the time.
- The groundwork was constructed on pebbles and not a solid formed foundation thus resulting in continual movement and cracking to the walls of the building. Cracking has also occurred due to the mortar not containing concrete (or similar) causing walls to begin collapsing.
- The full extent of damage has been concealed as the blocks were rendered and painted in an attempt to both improve the appearance of the building and provide additional support to the deteriorating blockwork.
- In-lieu of suitable lintels, car leaf springs were placed above windows and doorways to provide support for openings. These have now rusted through and it is only a matter of time before openings are compromised and collapse under the weight of the blockwork above. Noting that some openings are already showing signs of bowing.
- Ceiling within the building have collapsed due to water damage caused by missing flashing and barging in the roof.

- The asbestos and tin clad rear lean-to has large gaps in between walls and roof, missing panels and gaps or missing architrave around doors.

A copy of the demolition application (including photos) is included as Attachment No. DCS378A Demolition Application.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The site is listed (place no. 165) on the City's Municipal Inventory as follows:

Management Category: 4

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

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

The listing also contains the following statement of significance:

Although this place has been altered to accommodate a commercial activity the building nevertheless retains much of its original form such as the steeply pitched roof and gable end detailing. Formerly used as a residence, this building is one of the oldest in the area.

A copy of the Municipal Inventory of Heritage Places Record is included in the demolition application as Attachment No. DCS378A.

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

The place is not located within a Heritage Area or Special Control Area as defined under the Town Planning Scheme. As such there are no precinct issues which need to be taken into consideration in assessing this application. Similarly the building is not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of a wider area.

Given that the building is in the lower range of heritage value having been assigned a management category of 4, that it is not located within a heritage area or recognised character streetscape and that it is in a very poor condition with very little likelihood of restoration given the prohibitive costs involved, the demolition of the building is supported.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council adopted the Geraldton component of the City's Municipal Inventory of Heritage Places at its meeting on 28 June 2011.

There have been a number of applications for demolition of heritage places. More recently Council approvals include:

- Council approved the demolition of Lot 72 (No. 206) Chapman Road, Beresford (with Management Category 3X) at its meeting on 17 October 2017.
- Council approved the demolition of Lot 14 (No.18) Lewis Street, Geraldton (with a Management Category 3X) at its meeting on 27 March 2012.
- Council approved the demolition of Lot 28 (No. 17) Shenton Street, Geraldton (with a Management Category 4X) at its meeting on 26 February 2013.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

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

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

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

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

Heritage Conservation and Development local planning policy:

Relevant objectives of the policy are:

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

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

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

A structural engineering report, included as Attachment No. DCS378B was submitted with the application and states:

- There is nothing of structural interest to the exterior of the building.
- There is little original material left that is in an acceptable condition.
- The design, structure and quality of build are of a non-descript and mediocre standard.
- The cost of upgrading the building to an acceptable current standard would probably be similar to demolishing it and rebuilding.
- There is no reason why this building should be preserved.

Both the above engineering report and the advice from the Regional Heritage advisor concur that the place is in very poor condition. Therefore the demolition is supported and can be considered consistent with the objectives of the policy.

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

There are no inherent risks with the proposed demolition.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Whilst it is noted that the management category afforded to the place states that 'conservation of the place is desirable', and there is an underlying

intention to retain heritage buildings, it is considered that the particulars of this application warrant a departure in this instance.

The place is located within an industrial area with no recognised character streetscape and there are no other surrounding heritage buildings. The place is considered to be in a poor condition and has low integrity given it is highly unlikely that it could ever revert to its original residential use.

The option to refuse is not supported as the advice received from the Regional Heritage Advisor is considered to outweigh the level of significance of the place.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event a deferral may trigger a review right under Schedule 2, Part 9, clause 75 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which states that the local government is to be taken to have refused to grant the development approval if it has not made a determination within 60 days of receipt of the application (being 04 September 2018).

Director P Melling declared a Financial Indirect interest in DCS378 as he is a client of Sun City Solar. In 2017 when he purchased a silver PV system for his home. Sun City provide maintenance on the system. Director Melling left Chambers at 5.30pm.

COUNCIL DECISION

MOVED CR FREER, SECONDED CR KEEMINK

Part A:

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

- 1. GRANT development approval for the demolition of the existing building on Lot 39 (No. 140) Flores Road, Webberton; and**
- 2. MAKE the determination subject to the following conditions:**
 - a. the demolition shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
 - b. prior to demolition, premises that are connected to tanks, leach drains or soakwells are to be pumped out by an approved operator. Septic tanks are to be removed or collapsed and back filled and compacted with clean sand; and**
 - c. any significant built fabric from the heritage building (such as the original weatherboard wall cladding, timber floorboards and skirting, windows and doors) should be recycled where feasible.**

Part B:

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

- 1. AMEND the City of Greater Geraldton Municipal Inventory of Heritage Places by changing the management category for Geraldton Place No. 165 from category 4 to category 6 once the place has been demolished.**

CARRIED 10/1

Time: 5:39 PM

Not Voted: 4

No Votes: 1

Yes Votes: 10

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

Director P Melling returned to Chambers at 5.37pm

DCS379 PROPOSED LOCAL PLANNING SCHEME AMENDMENT – COMMERCIAL REZONING, WONTHELLA

AGENDA REFERENCE:	D-18-062155
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	07 August 2018
FILE REFERENCE:	LP/14/0007
ATTACHMENTS:	Yes (x1) Scheme Amendment Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to initiate the amendment and determine that the rezoning is a 'standard' amendment.

An application has been received to initiate a Local Planning Scheme Amendment ('amendment') to rezone Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.

EXECUTIVE RECOMMENDATION:**Part A:**

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

1. AMEND Local Planning Scheme No. 1 by rezoning Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.

Part B:

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

1. DETERMINE that the rezoning is a 'standard' amendment.
2. MAKE the determination on the following grounds:
 - a. the amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. the amendment has minimal impact on land in the scheme area that is not the subject of the amendment.

PROPONENT:

The proponent is Hille Thompson & Delfos Surveyors and Planners on behalf of Dunmarra Pty Ltd.

BACKGROUND:

The subject land is Lot 380 (No. 240) Fifth Street, Wonthella which is situated approximately 2.5km north-east of the Geraldton city centre. Lot 380 is located on the southern side of Fifth Street and directly adjoins Lot 6 which is

generally known as the 'Fifth Street Supermarket' and is recognised as a neighbourhood centre in the City's Commercial Activity Centres Strategy.

The lot is situated next to an existing activity centre and is bound to the north, west and south by existing residential development which is predominantly single houses.

The lot is zoned 'Residential R60' under Local Planning Scheme No 1 ('the Scheme') and the amendment proposes to rezone it to the 'Commercial' zone.

Lot 380 contains an existing residence and two outbuildings on site. The proponent has advised that the ultimate intention is to demolish the residence and one outbuilding which would then be replaced by a new commercial premises including a pharmacy.

The proponent considers the amendment is appropriate for the following reasons:

- the proposal is consistent with the objectives and intent of the State and Local Planning framework;
- a commercial zoning over the lot is appropriate given its strategic location directly adjoining an existing commercial premises and serves as a logical extension to the zone;
- the amendment provides a unique opportunity to potentially integrate any proposed commercial development with the existing premises given common ownership;
- it facilitates the maximum potential utilisation of the land for commercial purposes;
- with the increased density potential of the surrounding residential land the expansion of the commercial area to provide further available commercial floor area is required in order to support the growing population demands of the area; and
- detailed planning controls are contained within the Scheme to ensure that future development of the site is appropriate with regard to land use compatibility, reattainment of amenity, size and scale of the operations and the overall design.

A copy of the scheme amendment report is included as Attachment No. DCS379.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts. The amendment will facilitate the expansion of the commercial area to support the growing population demands of the area and any traffic impacts will be assessed at the development stage.

Environment:

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

Economy:

The amendment will facilitate the expansion of the commercial development along Fifth Street, Wonthella.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council at its meeting held on 22 November 2011 resolved to give final approval to Scheme Amendment No. 60 to the then Town Planning Scheme No. 3 which proposed to rezone Lot 381 Fifth Street, Wonthella from 'Residential R12.5/40/50' to the 'Local Centre' zone. The Minister gave final endorsement of the amendment on 11 April 2002.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council initiate the amendment it is required to be publicly advertised for a period of not less than 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

There has been no Councillor consultation however, at the conclusion of public advertising period the matter must be presented back to Council which will include a schedule of submissions received. A resolution must then be passed to either support the amendment (with or without modification) or not support the amendment.

LEGISLATIVE/POLICY IMPLICATIONS:**Planning and Development Act 2005:**

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

Planning and Development (Local Planning Schemes) Regulations 2015:

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

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

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

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

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

City of Greater Geraldton Local Planning Scheme No. 1:

The amendment proposes to rezone Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.

The objectives of the 'Commercial' zone are to:

- a) *Provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites and activity centres.*
- b) *Ensure activity centres provide for appropriate uses that do not undermine the established and/or planned hierarchy of centres.*
- c) *Provide for efficient, intense and compact centres with a diversity of activity appropriate to the purpose of the centre.*

The amendment is considered to be consistent with these objectives. The subject land abuts an existing neighbourhood activity centre. The increase in the commercial zone will not compromise the hierarchy of the centre and will facilitate a diversity of activity for the centre.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:

Geraldton Regional Plan:

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

Local Planning Strategy 2015:

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

The existing commercial developments in the area have been identified in the Strategy as a 'Neighbourhood Centre'. The Strategy lists a number of commercial strategies and actions, the most relevant being:

Strategies:

1. Establish a hierarchy of activity centres and areas where priority should be given for more intensification in close proximity to existing and planned services.

Actions:

1. Implement the land use planning recommendations from the Commercial Activity Centres Strategy; and
2. Zone land in and around activity centres to ensure they provide for residential, retail, commercial intensification and mixed use development as appropriate.

The amendment is considered to be consistent with the strategies and actions as it is proposing to zone land that will provide for commercial intensification around an existing activity centre.

Commercial Activities Centres Strategy:

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

Lot 380 adjoins the Wonthella shopping centre which is identified in the Strategy as a 'Status 1 Neighbourhood Centre'. The 'status' categories provide an insight into which centres the City has identified as areas of priority for intervention. Status 1 centres are prioritised for active intervention by the City to encourage additional development.

Neighbourhood centres have a greater focus on servicing the daily and weekly household shopping needs of residents and providing community facilities and a small range of other convenience services. Their relatively small scale and catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchment.

For neighbourhood centres, the Strategy proposes retail floor space to be in the range of 4,000m² – 6,000m². The existing floor space is in the order of 3,150m² and it is envisaged that, with the future development of Lot 380, it will increase to approximately 3,500m².

The amendment is therefore considered consistent with the Strategy as it will facilitate future development within a designated neighbourhood centre which is within the retail floor space guide.

RISK MANAGEMENT:

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

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

It is considered that the proposed amendment is consistent with the local planning framework and direction for commercial activity in Greater Geraldton. Lot 380 directly abuts Lot 6 which is within the existing Wonthella neighbourhood centre and serves as a logical extension of the commercial zone. As the centre is classified as a 'Status 1' centre, and is prioritised for active intervention by the City to encourage additional development, the option to refuse is therefore not supported.

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

COUNCIL DECISION**MOVED CR MCILWAINE, SECONDED CR BYLUND****Part A:**

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

1. **AMEND Local Planning Scheme No. 1 by rezoning Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.**

Part B:

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

1. **DETERMINE that the rezoning is a 'standard' amendment.**
2. **MAKE the determination on the following grounds:**
 - a. **the amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and**
 - b. **the amendment has minimal impact on land in the scheme area that is not the subject of the amendment**

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.

DCS380 VIBE NIGHTCLUB - CARPARK EVENTS

AGENDA REFERENCE:	D-18-062161
AUTHOR:	H Williamson, Coordinator Environmental Health and Waste
EXECUTIVE:	P Melling, Development and Community Services
DATE OF REPORT:	8 August 2018
FILE REFERENCE:	A11587
ATTACHMENTS:	Yes (x2) A. Vibe Nightclub Submission B. Vibe Nightclub Questionnaires

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council consideration and determination of a proposal for Vibe Nightclub events in the carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

EXECUTIVE RECOMMENDATION:

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

1. AGREE to trial six (6) events over a six (6) month period at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels;
2. AUTHORISE the CEO to issue the exemption approval for two (2) non-conforming events to the applicant with specific conditions to reduce the impact on the surrounding community;
3. MAKE the determination subject to the following conditions:
 - a. event start time 7pm and event finish time of 12:00am;
 - b. events must not run on concurrent days or weekends and must be at a minimum 3 weeks apart;
 - c. a 100db limit at the sound stage of the venue;
 - d. as the event will be over 60db an Environmental Health Officer will attend the event to undertake noise monitoring with the fee to be paid by the applicant;
 - e. all events must comply with the Health (Public Building) Regulations 1992 and Guidelines for concerts events and organised gatherings; and
4. REPORT back to Councillors at the end of the trial period.

PROPONENT:

The proponent is Vibe Nightclub.

BACKGROUND:

In 2017 Vibe Nightclub hosted an after party for the JLT Community Series Football game within the nightclub's carpark area. This was a successful

event for the business however the City received two noise complaints lodged from the event. This one event had been granted a one off exemption to exceed the assigned noise levels.

Due to this event's success at the venue, Vibe nightclub has provided the City with a submission for a proposed trial to hold 12 events in the Vibe Carpark area requesting that all of these events be granted a noise exemption to exceed the assigned noise levels Regulations 7 and 8 of the Environmental Protection (Noise) Regulations 1997. The assigned noise levels are the levels of noise allowed to be received at a premises at a particular time of the day or night. The assigned noise levels to be received at a residential property surrounding the Vibe Nightclub during the hours of 7pm to 7am must not exceed approximately 61db.

Under section 18 of the Environmental Protection (Noise) Regulations 1997 under special circumstances an approval for a non-confirming event can be assigned given for outdoor concerts that don't meet the assigned noise levels. The event has to meet the following requirements for this approval to be considered:

- The events noise emissions would exceed the assigned noise levels.
- The event must be a sporting, cultural or entertainment event that is open to the public.
- The event would lose its character or usefulness if it had to meet the assigned levels.

The approval can be granted to exceed the assigned noise levels with conditions on noise time limits, noise levels, set up and pack down times.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are both positive and negative impacts to the community regarding events held in the outdoor carpark section of the Vibe nightclub. The events will attract and promote a vibrancy to the City due to bigger acts being available to play in a larger regional venue.

The negative impact on the surrounding community could potentially be the noise and antisocial behaviour that can be associated with these types of events.

Environment:

Potential noise impacts on the surrounding community due to the outdoor nature of the event and the proximity of the venue to residential properties.

Economy:

There are potential adverse economic impacts for the City if Vibe Nightclub do not get the opportunity to hold large scale events at the venue due to the missed opportunities of potential visitors requiring other facilities such as accommodation and food outlets.

Governance:

If an approval is granted for the events then community members which are negatively impacted by the noise at the event and are able to provide evidence that the noise generated is unreasonable.

RELEVANT PRECEDENTS:

After the 2017 AFL after party event at the Vibe Nightclub carpark area, the City received two noise complaints regarding the event. The [then] CEO decided that no further events would be approved until further noise mitigation actions could be implemented at the venue. The City is not aware of any mitigation works that have been undertaken, but the proposal has a plan to place some sound panelling along the open fence around the car park.

COMMUNITY/COUNCILLOR CONSULTATION:

Vibe have undertaken a questionnaire of the surrounding properties to gauge their approval of the events taking place. The questionnaire results found that twenty four (24) of the twenty seven (27) respondents are happy for the trials to take place but with mixed reviews on how often the events should take place with the majority in the often to occasional category. These survey results are contained in the applicant's submission which is included as Attachment No. DCS380 - Vibe Nightclub Questionnaires.

LEGISLATIVE/POLICY IMPLICATIONS:

The Environmental Protection (Noise) Regulations 1997, Department of Water and Environment Regulation (DWER) provides a summary of regulations providing guidance on the approval process for Regulations 18 approved non-conforming event process. The Summary sent out by DWER suggests to approve only two events in any twelve (12) month period at any venue. However, an approval for more than two (2) events can be granted if satisfied that the majority of the affected residents have no objections.

If the approved non-conforming events are issued it means a resident doesn't have an avenue to appeal this decision, but they may consider taking their own civil action against the City and/or the property generating the noise if it could be considered unreasonable.

FINANCIAL AND RESOURCE IMPLICATIONS:

Two Environmental Health Officers may need to attend all or some events to undertake noise monitoring, but costs will be recovered through the City's fees and charges for noise monitoring.

INTEGRATED PLANNING LINKS:

Title: Community	1.1 Our Heritage and the Arts
Strategy 1.1.4	Fostering and facilitating community and cultural events
Title: Economy	3.1 Growth
Strategy 3.1.2	Fostering a community where local business is supported
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.2	Promoting events and unique tourism experiences that aid in attracting visitors and investment.

REGIONAL OUTCOMES:

Potential for visitors to come to Geraldton for the large scale events and explore other regional areas whilst in Geraldton.

RISK MANAGEMENT:

Unreasonable noise can be identified through time, duration, noise level and frequency. To ensure unreasonable noise is not impacting the community in an unreasonable manner from the events conditions restricting these items will apply to the approval for the event to take place. The conditions will cover start and finish times, duration of event, restrictions of sound level at soundstage and frequency of the events.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following alternative options were considered by City Officers:

1. AGREE to trial twelve (12) events in a year at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels.

This option is in line with Department of Water and Environment Regulation summary guidance notes on allowing two (2) approved non-conforming events per venue. Officers have not supported this proposal as it is considered four (4) would enable the business to assess the effect and success of events and outdoor concerts.

2. AGREE to trial twelve (12) events in a year at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with twelve (12) of those events granted an exemption to exceed the assigned noise levels.

This option was considered by Officers, but the frequency of events could be considered as unreasonable to the surrounding community and increase the risk exposure of the City and would potentially not meet DWER principles around non-conforming events.

Mayor S Van Styn declared a proximity interest in Item DCS380 Vibe Nightclub – Events, as he lives within 200m of the Vibe (200m only relevant post Agenda Forum) and remained in Chambers.

Cr Douglas moved the motion with an amendment to the Executive Recommendation to include a new conditions, point 3f, to ensure the proponent is responsible for cleaning up after events and advising residents of noise exceeding events.

MOTION**MOVED CR DOUGLAS, SECONDED CR REYMOND**

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

- 1. AGREE to trial six (6) events in a year at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels;**
- 2. AUTHORISE the CEO to issue the exemption approval for two (2) non-conforming events to the applicant with specific conditions to reduce the impact on the surrounding community;**
- 3. MAKE the determination subject to the following conditions:**
 - a. event start time 7pm and event finish time of 12:00am;**
 - b. events must not run on concurrent days or weekends and must be at a minimum 3 weeks apart;**
 - c. a 100db limit at the sound stage of the venue;**
 - d. as the event will be over 60db an Environmental Health Officer will attend the event to undertake noise monitoring with the fee to be paid by the applicant;**
 - e. all events must comply with the Health (Public Building) Regulations 1992 and Guidelines for concerts events and organised gatherings;**
 - f. require the nightclub, at its expense to undertake a thorough street clean-up removing all rubbish within a 200m radius at the conclusion of each event and require the nightclub, at its expense to notify residents within a 200m radius of noise exceeding events by letterbox drop at least 24 hours prior to the event; and**
- 4. REPORT back to Councillors at the end of the trial period.**

Cr N McIlwaine foreshadowed an alternative motion should the motion be lost to amend option 1 to trial six (6) events over a six month period.

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

That the motion be put.

CARRIED 6/5

Time: 5:52 PM

Not Voted: 4

No Votes: 5

Yes Votes: 6

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

COUNCIL DECISION**MOVED CR DOUGLAS, SECONDED CR REYMOND**That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 **RESOLVES** to:

1. **AGREE** to trial six (6) events in a year at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels;
2. **AUTHORISE** the CEO to issue the exemption approval for two (2) non-conforming events to the applicant with specific conditions to reduce the impact on the surrounding community;
3. **MAKE** the determination subject to the following conditions:
 - a. event start time 7pm and event finish time of 12:00am;
 - b. events must not run on concurrent days or weekends and must be at a minimum 3 weeks apart;
 - c. a 100db limit at the sound stage of the venue;
 - d. as the event will be over 60db an Environmental Health Officer will attend the event to undertake noise monitoring with the fee to be paid by the applicant;
 - e. all events must comply with the Health (Public Building) Regulations 1992 and Guidelines for concerts events and organised gatherings;

- f. require the nightclub, at its expense to undertake a thorough street clean-up removing all rubbish within a 200m radius at the conclusion of each event and require the nightclub, at its expense to notify residents within a 200m radius of noise exceeding events by letterbox drop at least 24 hours prior to the event; and
4. **REPORT** back to Councillors at the end of the trial period.

LOST 5/6

Time: 5:54 PM

Not Voted: 4

No Votes: 6

Yes Votes: 5

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

Council considered Cr Mcllwaine's foreshadow motion.

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

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

1. **AGREE** to trial six (6) events over a six (6) month period at Vibe Nightclub carpark area on Lot 20 (No. 38) Fitzgerald Street, Geraldton, with two (2) of those events granted an exemption to exceed the assigned noise levels;
2. **AUTHORISE** the CEO to issue the exemption approval for two (2) non-conforming events to the applicant with specific conditions to reduce the impact on the surrounding community;
3. **MAKE** the determination subject to the following conditions:
 - a. event start time 7pm and event finish time of 12:00am;
 - b. events must not run on concurrent days or weekends and must be at a minimum 3 weeks apart;
 - c. a 100db limit at the sound stage of the venue;
 - d. as the event will be over 60db an Environmental Health Officer will attend the event to undertake noise monitoring with the fee to be paid by the applicant;
 - e. all events must comply with the Health (Public Building) Regulations 1992 and Guidelines for concerts events and organised gatherings;
 - f. require the nightclub, at its expense to undertake a thorough street clean-up removing all rubbish within a 200m radius at the conclusion of each event and require the nightclub, at its expense to notify residents within a 200m radius of noise exceeding events by letterbox drop at least 24 hours prior to the event; and
4. **REPORT** back to Councillors at the end of the trial period.

CARRIED 11/0

Time: 6:01 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

Cr. Thomas	NOT PRESENT
Mayor Van Styn	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION –
That Council trial events over a six (6) month period and request the Vibe Nightclub, at their expense to undertake a thorough clean up after each event they hold within a 200m radius; and notify residents within a 200m radius of noise exceeding events by letterbox drop at least 24 hours prior to the event, as per the new condition 3.f.

12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS347 ANNUAL REVIEW DELEGATIONS - COUNCIL TO THE CHIEF EXECUTIVE OFFICER

AGENDA REFERENCE:	D-18-055503
AUTHOR:	M Adam, Governance Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	19 July 2018
FILE REFERENCE:	GO/19/0009
ATTACHMENTS:	Yes (x2)
	A. Draft Register of Delegation - Council to CEO 2018-19
	B. Delegation Review - Comparison Table

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for delegations to the Chief Executive Officer (CEO) as recorded in the Delegation Register - Council to the Chief Executive Officer, 2018-19.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.42 and 5.46 of the Local Government Act RESOLVES to:

1. ENDORSE the review of delegations in accordance with section 5.46 of the *Local Government Act 1995*; and
2. DELEGATE the local government functions as listed in the Delegation Register - Council to the Chief Executive Officer 2018-19.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* (the Act) prescribes that Council may delegate its powers or duties to the Chief Executive Officer (CEO). Section 5.43 outlines the limitations on such delegations. Delegation to the CEO is also prescribed within other Legislation.

At least once every financial year delegations are to be reviewed by the delegator (Council) under s.5.46 (2) of the *Local Government Act 1992*. Council last reviewed its delegations on 22 August 2017 (CCS270) and therefore a formal review is required.

Local Government Act 1995:

5.42 Delegation of some powers and duties to the CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under-
- (a) this Act other than those referred to in Section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute Majority required

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

5.46 Register of, and records relevant to, delegations to CEO and employees

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

To assist Local Governments in the task of Delegation, in July 2017 WALGA produced a standardised model Delegation Register containing delegations for powers and duties most regularly used by Local Governments under Western Australian Law.

Accordingly, in preparing the Register for Council consideration, City Officers have undertaken a comprehensive review of the current Delegation Register, Council to CEO 2017-18 with reference to the WALGA model. Existing delegations have been migrated to the new WALGA recommended format and content. A number of new delegations recommended by WALGA have been added to the draft Register, Council to CEO 2018-19, and one delegation has been removed, as prohibited under section 5.43(e).

The new draft register has an improved structure and numbering format, and delegations for the City's Local Laws have also been created in accordance with the WALGA model. The following amendments are included in the draft Register, and a comparison table is attached for your reference.

<i>New Delegations – Local Government Act 1995</i>	
Number	Title
1.1.2	Compensation from Damage Incurred when Performing Executive Functions
1.1.3	Powers of Entry
1.1.5	Confiscated or Uncollected Goods
1.1.6	Disposal of Sick or Injured Animals
1.1.8	Obstruction of Footpaths and Thoroughfares
1.1.9	Gates Across Public Thoroughfares
1.1.10	Public Thoroughfare Dangerous Excavations
1.1.11	Crossing – Construction, Repair and Removal
1.1.12	Private Works on, over or under Public Places
1.1.24	Rate Record Amendment
1.1.26	Determine Due Date for Rates or Service Charges
<i>Deleted Delegation - Local Government Act 1995</i>	
1.7	Payments for certain committee members (Section 5.100(2))
<i>New Delegations – Local Laws</i>	
1.2.1	Infrastructure Control –Activities in Thoroughfares and Public Places and Trading Local Law 2011
1.2.2	Dogs Local Law 2011
1.2.3	Pest Plants Local Law 2011
1.2.4	Bush Fires Local Law 2011
1.2.5	Health Local Law 2011
1.2.6	Parking and Parking Facilities Local Law 2012
1.2.7	Animals, Environment and Nuisance Local Law 2014
<i>New Delegations - Building Act 2011 Delegations</i>	
2.1.8	Private Pool Barrier – Alternative and Performance Solutions
2.1.9	Smoke Alarms – Alternative Solutions
<i>New Delegations -Bush Fires Act 1954 Delegations</i>	
3.1.1	Make Request to FES Commissioner – Control of Fire
3.1.4	Restricted Burning Times – Vary and Control Activities
3.1.5	Control of Operations Likely to Create Bush Fire Danger
3.1.9	Control and Extinguishment of Bush Fires
3.1.10	Apply for Declaration as an Approved Area
3.1.11	Recovery of Expenses Incurred through Contraventions of this Act
<i>New Delegations – Dog Act 1976</i>	
5.1.1	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons
5.1.2	Refuse or Cancel Registration
5.1.3	Kennel Establishments
5.1.5	Dispose of or Sell Dogs Liable to be Destroyed
5.1.6	Declare Dangerous Dog
5.1.7	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
<i>New Delegations – Food Act 2008</i>	
6.1.1	Determine Compensation
6.1.3	Food Business Registrations
6.1.5	Debt Recovery and Prosecutions

<i>New Delegations – Local Government Act 1995</i>	
Number	Title
6.1.6	Abattoir Inspections and Fees
6.1.7	Food Businesses List – Public Access
<i>New Delegations – Graffiti Vandalism Act 2016</i>	
7.1.1	Give Notice Requiring Obliteration of Graffiti
7.1.2	Notices – Deal with Objections and Give Effect to Notices
7.1.3	Obliterate Graffiti on Private Property
7.1.4	Powers of Entry
<i>New Delegations- Public Health Act 2015</i>	
8.1.1	Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

Council is required by the provisions of the *Local Government Act 1995* to review the delegations made under Division 4 of the Act once every financial year.

RELEVANT PRECEDENTS:

The Register of Delegated Authority to the Chief Executive Officer 2017-18 was adopted on 22 August 2017 (CCS270).

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted by Briefing Note on 24 July 2018, and at the Concept Forum on 7 August 2018.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 5.42 (1) of the *Local Government Act 1995 (the Act)* provides that:

1. A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
 - a. This Act other than those referred to in section 5.43; or
 - b. The Planning and Development Act 2005 section 214(2), (3) or (5).
- *Absolute majority required.

Section 5.43(a) to 5.43(h) of the Act provide limitations on the powers and duties a local government can delegate to its CEO.

Section 5.46 prescribes that delegations made under Division 4 of the Act are to be reviewed annually by the delegator.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no adverse financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

Council can decide not to delegate some of its powers to the CEO however there is risk that without delegation there will be a significant impact on the efficient and effective delivery of services as all decisions requiring the exercise of a delegation would have to go to Council. This would cause a delay in the delivery of services as Council only meets once a month and create a significant additional workload for Elected Members.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may determine not to endorse, or to amend the Register of Delegation, Council to CEO 2018-19, this is a matter for Council. However Council are required by s.5.46 of *Local Government Act 1995* to review the Delegations made under Division 4 of the Act at least once every financial year.

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

That Council by Absolute Majority pursuant to Section 5.42 and 5.46 of the Local Government Act RESOLVES to:

1. ENDORSE the review of delegations in accordance with section 5.46 of the *Local Government Act 1995*; and
2. DELEGATE the local government functions as listed in the Delegation Register - Council to the Chief Executive Officer 2018-19.

CARRIED BY ABSOLUTE MAJORITY 11/0

Time: 6:02 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

CCS348 COUNCIL POLICY CP 4.22 FRAUD CONTROL, WRITE-OFF DEBTS & WAIVE FEES AND CHARGES

AGENDA REFERENCE:	D-18-062273
AUTHOR:	P Radalj, Manager Treasury and Finance
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	7 August 2018
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x1) Draft Council Policy CP 4.22

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement of an update to Council Policy 4.22 – Fraud Control, Write-Off Debts & Waive Fees and Charges.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy CP 4.22 Fraud Control, Write-Off Debts & Waive Fees and Charges.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Officers have undertaken a review of the existing Council Policy 4.22 Fraud Control and Bad Debts. The purpose and policy details relating to fraud and bad debts has remained relatively unchanged with minor amendments and merging of roles and responsibilities of Executive Management, Managers, Coordinators and Supervisors under one group (Leadership Team). This policy sets the guidelines for the establishment of fraud prevention strategies and for these to be effective, fraud prevention requires a number of contributory elements, including an ethical organisational culture, a strong awareness of fraud among employees, suppliers and clients, and an effective control framework.

The significant change and/or addition to the current policy relates to a new section – Waive/Grant Concession. This section has been added to give clarity and guidelines on the waiving and/or granting of concessions on fees and charges per schedule adopted annually by Council. Council provides “in kind” support to the community which sometimes comes in the nature of provision of facilities and/or equipment at no charge. The amended policy details conditions associated with the waiving of fees and charges and ensures statutory compliance related to delegated authorities.

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

Policy outlines the level of “in kind” assistance available to the community related to event and activity based support.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

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

RELEVANT PRECEDENTS:

Council review or amend Council Policies per designated review dates.

COMMUNITY/COUNCILLOR CONSULTATION:

At the Concept Forum held on 7 August 2018, Councillors were provided with a final draft of the new and updated policy.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

(1) The council —

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

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

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

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

(b) determine the local government’s policies.

FINANCIAL AND RESOURCE IMPLICATIONS:

No financial impact to the 2018-19 adopted budget.

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 adverse regional outcomes.

RISK MANAGEMENT:

Ensuring that the Council Policy Register is current and comprehensive. Providing guidelines to manage fraud risk to an acceptable level, mindful of the changing landscape, source and types of fraud risk that must be assessed and managed.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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

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

- 1. APPROVE Council Policy CP 4.22 Fraud Control, Write-Off Debts & Waive Fees and Charges.**

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.

CCS349 STATEMENT OF FINANCIAL ACTIVITY TO 31 JULY 2018

AGENDA REFERENCE:	D-18-062659
AUTHOR:	T Machukera, Senior Treasury Officer
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	9 August 2018
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 July 2018

EXECUTIVE SUMMARY:

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

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

EXECUTIVE RECOMMENDATION:

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

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

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

Operating Income	\$ 8,144	0.02% under YTD Budget
Operating Expenditure	\$ 162,232	1.4% under YTD Budget
Net Operating	\$ 154,088	0.4% positive variance
Capital Expenditure	\$ 55,854	0.5% under YTD Budget
Capital Revenue	\$ 39,029	2.5% over YTD Budget
Cash at Bank – Municipal	\$18,884,779	
Cash at Bank – Reserve	\$10,676,860	
Total Funds Invested	\$28,164,110	
Net Rates Collected	10.95%	
Net Rates Collected in July 2017	9.32%	

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 July financials shows a variance of \$154,088 in the net operating result (this takes into account commitments).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

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

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

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

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

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

CARRIED 11/0

Time: 6:05 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

13 REPORTS OF INFRASTRUCTURE SERVICES

IS177	GERALDTON 2050 CYCLING STRATEGY
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AGENDA REFERENCE:	D-18-058852
AUTHOR:	M Dufour, Acting Manager Engineering Services
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	10 August 2018
FILE REFERENCE:	TT/12/0003
ATTACHMENTS:	Yes (x2)
	A. Geraldton 2050 Cycling Strategy
	B. Geraldton 2050 Cycling Strategy - Schedule of Submissions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the Geraldton 2050 Cycling Strategy.

Adoption of this Strategy will provide a long-term aspirational vision of Geraldton's proposed cycling network, setting out a blueprint for connecting, enhancing and extending Geraldton's cycling network. It will also replace the City's Bike Plan (2009) and complements other existing strategies with a specific and detailed focus on cycling infrastructure.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the Geraldton 2050 Cycling Strategy; and
2. CONSIDER implementation of specific projects as part of the City's Annual Capital Works Program.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In 2017, the City of Greater Geraldton successfully obtained funding from the Department of Transport for the development of a 2050 Cycling Strategy. The intent of developing this Strategy was to replace the City's aging Bike Plan (2009) and to align with State planning around cycling. This Strategy complements the City's Integrated Transport Strategy (2015), with a detailed focus on cycling infrastructure.

Early community and stakeholder engagement was successfully undertaken to help inform technical development of the Strategy by the Department of Transport and specialist transport engineering consultant. A Draft Strategy was subsequently developed, and distributed to Councillors for review and feedback.

The draft strategy was released for public comment during May and June 2018. Submissions received were considered and responses provided under Attachment No. IS177B.

The final version of the Strategy is now presented for Council adoption, and includes minor content and presentation edits following the public comment period and final document review.

This Strategy provides a long-term aspirational vision of Geraldton's proposed 2050 cycling network, setting out a blueprint for connecting, enhancing and extending Geraldton's cycling network. This is communicated in the Strategy through the identification of key themes and opportunities for cycling in the City.

The Strategy includes a five-year action plan outlining the strategic priorities to be progressed by the City. These have been informed by community and stakeholder consultation throughout the project. While it is not possible to develop a comprehensive cycling network immediately, the action plan will help inform, plan and prioritise capital investment in cycling projects and position Geraldton in realising its long-term cycling potential. The action plan will also strengthen the City's future applications through the Regional Bicycle Network (RBN) Grants Program.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The Strategy will help plan for, and create, a safe, direct, comfortable and integrated cycling network for cyclists, providing a positive benefit for residents and visitors in Geraldton.

Environment:

There will be positive impacts in encouraging sustainable and low-carbon emission travel behaviours through the implementation of the Strategy.

Economy:

A sustainable and integrated cycling network could provide a variety of benefits, including opportunities for improved tourism and support of business servicing cycling.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

The City has previously endorsed and implemented the Geraldton Bike Plan 2009. The Geraldton 2050 Cycling Strategy updates and aligns with the State's cycling framework.

COMMUNITY/COUNCILLOR CONSULTATION:

Development of the Strategy has been undertaken in partnership with Department of Transport, and in close consultation with Councillors, community residents/groups and local agencies.

To support and inform the development of a Cycling Strategy, a two-pronged approach to community engagement was undertaken. This included a community survey conducted from 10 to 29 May 2017 and a drop-in session on 7 June 2017. The objectives of both activities was to gather information on the cycling community and to gain a better understanding of their wants and needs.

The survey was available both online and in hard copy at the Civic Centre on Cathedral Avenue. The survey was launched with a media release followed by a number of social media posts on the City's Facebook page and an advertising campaign on Everything Geraldton website and Facebook page. Posters promoting the survey and drop-in session were on display at key locations including at the two cycle shops in the City. Emails were also sent to a wide range of stakeholders including community and sporting groups, all schools, government agencies and known interested individuals inviting them to take the survey. The survey received 475 responses and a report on the survey results was sent to Councillors in mid-June 2017. The report is also available on the City's website. The drop-in session was promoted with a media release followed by a number of social media posts on the City's Facebook page and an advertising campaign on Everything Geraldton website and Facebook page. A Total of 50 community members came to the drop-in session and shared their ideas to improve cycling infrastructure.

The Draft Cycling Strategy was realised for a public comment period for a period of three weeks, commencing on 10 May 2018 and concluding on 4 June 2018, and involved the following:

1. City issued a Media Release on 10 May 2018.
2. Notice appeared in the Geraldton Guardian on 11 May 2018.
3. A copy of the Cycling Strategy was made available for viewing on the City's webpage dedicated to the Cycling Strategy being developed.
4. Detail of the Cycling Strategy was published on the City's website.
5. Online submissions form was developed using survey money, which included extracts of the Strategy's action plan and mapping.
6. A PDF submission form was available on the City website to download, fill out and submit.
7. Hard copies of the Cycling Strategy and submission forms were available at the City Civic Centre.
8. Details of the Cycling Strategy public comment period was listed on the both the City's and Department of Transport's Facebook pages.
9. The following agencies were notified of the Cycling Strategy public comment period and invited to make submissions:
 - a. Department of Transport (Geraldton);
 - b. Main Roads WA (Mid West-Gascoyne Region);
 - c. Mid West Development Commission;
 - d. Department of Local Government, Sport and Cultural Industries;
 - e. Mid West Sports Federation; and
 - f. Road Safety Commission.
10. Emails announcing the public comment period were sent to relevant sporting groups, community groups and all schools, inviting them to

make submissions and to share the opportunity with their members, students, parents, etc.

11. Posters advertising the public comment period were also given to the two cycling shops for display and promotion and were also displayed at the Geraldton Regional Library and in the Civic Centre foyer.

A total of 50 submissions were received.

Updates on the process have been provided to Council via:

- Briefing Note issued to Councillors in May 2017;
- Cycling community consultation report provided to Councillors in June 2017;
- Presentation and draft Strategy provided at the December 2017 Concept Forum;
- Presentation, Briefing Note and draft Strategy supplied at the May 2018 Concept Forum; and
- Briefing Note issued to Councillors in early August 2018.

A Schedule of Submissions is included in Attachment No. IS177B of this agenda item and includes Officer responses.

The Strategy was finalised following community consultation, with a summary of the key amendments made provided below:

- Addition of a section summarising the public comments received (Appendix C3, p.76-7).
- Addition of a section on Activation, Consultation and Engagement (section 5.3, p52).
- Minor amendments to the layout, imagery, mapping, grammar and some content.

LEGISLATIVE/POLICY IMPLICATIONS:

A range of strategies and plans pertaining to land use and transport were considered during the development of this Strategy, with a selection of these provided below:

- City of Greater Geraldton Integrated Transport Strategy (2015)
- City of Greater Geraldton Local Planning Strategy (2015)
- City of Greater Geraldton Community Strategic Plan (2017)
- Department of Transport WA Bicycle Network Plan (2014)
- Main Roads WA Policy of Cycling Infrastructure (2000)
- Austroads National Cycling Strategy (2010)

FINANCIAL AND RESOURCE IMPLICATIONS:

Adoption of the Strategy does not place any direct commitment on the City to fund the construction stage of cycle projects. However, the Strategy does propose City commitment to resourcing the investigation of a variety of strategic priorities over the next five years as contained in the Strategy's Action Plan.

The strategic priorities are proposed to be resourced predominantly through Officer time and specialist engineering consultants, with funding to be considered by Council through the City's budgetary processes.

This Strategy will help strengthen the City's future cycle grant applications, particularly with the RBN Grants Program which makes funds available annually for the planning, design and construction of cycling infrastructure by local governments in regional WA.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.2	Encouraging informal recreation through well planned and developed public open space, cycle/walk paths and green streetscapes.
Title: Community	1.3 Community Health and Safety
Strategy 1.3.2	Promoting healthy lifestyle initiatives and living standards.
Strategy 1.3.4	Encouraging initiatives to improve community safety
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

Increasing the number of people cycling for recreation, health and transport purposes is hoped help improve quality of life, something that is important for attracting and retaining people in regional areas.

RISK MANAGEMENT:

There are no identified risks in adopting the Strategy.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following alternate option was considered by City Officers:

Not endorse the Strategy. This would leave the City without a specific Strategy. There would be a reliance on the previous bike plan and more general WA cycle strategies. Potential for funding through the RBN Grants Program would be affected. This option is not recommended.

Cr L Freer declared a Proximity Interest IS177 Geraldton 2050 Cycling Strategy, as his parents made a submissions to the feedback. Cr Freer remained in Chambers.

COUNCIL DECISION

MOVED CR REYMOND, SECONDED CR FREER

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

- 1. ADOPT the Geraldton 2050 Cycling Strategy; and**
- 2. CONSIDER implementation of specific projects as part of the City's Annual Capital Works Program.**

CARRIED 11/0

Time: 6:12 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

IS178	CSRFF SMALL GRANT APPLICATION – SPALDING PARK TENNIS CLUB
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AGENDA REFERENCE:	D-18-060876
AUTHOR:	D Emery, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	3 August 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. CSRFF Small Grant Application Form – Spalding Park Tennis Club
	B. CSRFF Small Grant Application Evaluation
	C. Confidential - CSRFF Small Grant Application Supporting Documentation

EXECUTIVE SUMMARY:

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

The City received one application within this stream from the Spalding Park Tennis Club Inc. towards resurfacing of two hard surface courts and replacement of the existing perimeter fence.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Spalding Park Tennis Club CSRFF Small Grant application for \$17,250 excluding GST; and
2. ADVISE the Spalding Park Tennis Club that any shortfall in funding for the project is the Club's responsibility to fund.

PROPONENT:

The proponent is the Spalding Park Tennis Club.

BACKGROUND:

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

CSRFF small grants of \$2,500–\$66,666 are allocated to non-complex projects requiring only a basic level of planning. The total project cost for small grants must not exceed \$200,000. The CSRFF small grants open twice yearly in February and July and close on the last working day in March and August of each year.

DLGSC Officers have advised the Spalding Park Tennis Club that resurfacing projects can expect to receive a reduced, if any, contribution to sporting ground resurfacing projects as per the 2018-19 CSRFF Guidelines for Applicants extract as follows;

Extract - 2018/19 CSRFF Guidelines for Applicants

“Resurfacing of existing sports surfaces. It is expected that facility managers will budget for these items as part of the ongoing operation of the facility, frequently over 7 to 10 years, and will be considered a low priority for funding. If supported a resurfacing project may attract a reduced funding percentage.”

Further advice from DLGSC Officers recommended that the Spalding Park Tennis Club acknowledge the changes to the Guidelines for Applicants and apply for 1/6 of the estimated resurfacing costs to possibly strengthen the success of the CSRFF funding application.

Application Summary- Spalding Park Tennis Club Inc.

The Spalding Park Tennis Club Inc. application proposes the resurfacing of two tennis courts and replacement of the perimeter fencing at the facility. Photographic evidence has been supplied to accompany their application (refer to Confidential Attachment IS178).

The total project expenditure quoted is \$64,000 excluding GST with the Spalding Park Tennis Club Inc. requesting a contribution of \$17,250 excluding GST from the City of Greater Geraldton. The breakdown is a 1/3 contribution for fencing replacement (\$4,084 excluding GST), and a 1/6 contribution towards surface replacement (\$13,166 excluding GST), which aligns with policy 1.8 Community Funding Programs and the CSRFF funding guidelines.

The fencing replacement and resurfacing will assist the club to continue to run its competitions and training whilst providing a safe place for members to play.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse social impacts with the recommendation as the Spalding Park Tennis Club consists of a strong volunteer community. Records indicate the club is in a sound financial position. The resurfaced courts can be utilised all year round.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

RELEVANT PRECEDENTS:

Council has previously supported the following CSRFF applications with the following outcomes:

1. Wonthella Bowling Club Inc. surface replacement: awarded \$66,666.
2. Geraldton Netball Association surface replacement - awarded \$26,000.
3. Geraldton Croquet Club court lighting - awarded \$3,800.
4. Geraldton Pistol Club Inc. - awarded \$9,903.
5. Geraldton Tennis Club resurface two hard courts - awarded \$5,407.
6. Geraldton Golf Club new pump & mainline pipe system - awarded \$50,000.

COMMUNITY/COUNCILLOR CONSULTATION:

The Spalding Park Tennis Club have met with Officers from the City and met with DLGSC to discuss their proposed application as required.

The Spalding Park Tennis Club have also completed the City's preliminary checklist (attached) which determined that the application complied with all criteria.

The proposal has the written support from the affiliated State Sporting Association (SSA) Tennis West, with a letter from the Chief Executive Officer commending the club for its application and acknowledging the benefits of the upgrade.

The Spalding Park Tennis Club has also provided club Committee meeting minutes supporting the scope of the application.

To obtain an independent industry review, City Officers engaged the Mid-West Sports Federation (MWSF) to evaluate the application.

The evaluation was based on; how the project would benefit its users and community, how well utilised the court would be, the level of detail that the application demonstrated and whether the project aligns with the City's community strategic plan (sporting futures and the sporting facilities support review). For the application evaluation, refer to Attachment No. IS178.

The MWSF also provided the following overarching comment:

"The application clearly demonstrated the Club's need for new fencing as a priority and resurfacing of the (2) x courts in worst condition.

I commend the Club on their efforts in increasing their usage rates by partnering with other user groups and their consideration of a staged approach to this renewal process."

Sue Patman – Midwest Sports Federation – Evaluation Comments

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The amount of \$17,250 excluding GST allocation will be required within the 2018-19 budget.

Within the 2018-19 FY, the City has already allocated \$66,666 towards the Wonthella Bowling Club Inc. turf replacement project. The City currently has \$33,334 available within the CSRFF budget to contribute towards eligible projects. If the Spalding Park Tennis Club were successful in securing the Officer recommended \$17,250, there would be \$16,083 remaining in the 2018-19 budget.

The City's Finance team have reviewed the application and find that the Spalding Park Tennis Club have the financial capacity to fund their portion of the project.

The Club's current balance sheet and profit and loss statements indicate the club has in excess of \$44,298.80 within its finance portfolio.

INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation & Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.
Title: Governance	4.1 Community Engagement
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

REGIONAL OUTCOMES:

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

RISK MANAGEMENT:

The club has provided financial records that indicate adequate funds are available to deliver the project.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

NOT APPROVE the application at this time and seek funding in future CSRFF application rounds.

APPROVE the application outside the council policy to the value of \$22,000 excluding GST which would be considered a (1/3) total contribution. This was not recommended by City Officers as only Council can determine to provide additional funds outside of the policy criteria.

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

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

1. **SUPPORT** the Spalding Park Tennis Club CSRFF Small Grant application for \$17,250 excluding GST; and
2. **ADVISE** the Spalding Park Tennis Club that any shortfall in funding for the project is the Club's responsibility to fund.

CARRIED 11/0

Time: 6:16 PM

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

14 REPORTS OF OFFICE OF THE CEO
Nil.

15 REPORTS TO BE RECEIVED**AUGUST - REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-18-063112
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	13 August 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. Delegated Determinations and Subdivision Applications
	B. 2017-18 Corporate Business Plan Quarter Four Report
	C. Confidential Report – List of Accounts Paid Under Delegation July 2018

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development & Community Services:
 - i. DCSDD137 - Report - Delegated Determinations and Subdivision Applications; and
 - b. Reports – Corporate and Commercial Services:
 - i. CCS350 – Report – 2017-18 Corporate Business Plan Quarter Four Report.

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. CCS351 – Confidential Report – List of Accounts Paid Under Delegation July 2018.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

COMMUNITY/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

COUNCIL DECISION

MOVED CR CRITCH, SECONDED CR CAUDWELL

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. DCSDD137 - Report - Delegated Determinations and Subdivision Applications; and**
 - b. Reports – Corporate and Commercial Services:**
 - i. CCS350 – Report – 2017-18 Corporate Business Plan Quarter Four Report.**

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. CCS351 – Confidential Report – List of Accounts Paid Under Delegation July 2018.**

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, if applicable, where confidential discussion is required.

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.

COUNCIL DECISION**MOVED MAYOR VAN STYN, SECONDED CR DOUGLAS**

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

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

Livestreaming was turned off and the Gallery were asked to leave the meeting at 6.17pm.

DCS381 CONFIDENTIAL ITEM – DEVELOPMENT AND COMMUNITY SERVICES
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AGENDA REFERENCE:	D-18-062481
AUTHOR:	L MacLeod, Coordinator Land and Property Services
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	9 August 2018
FILE REFERENCE:	GR/11/0044-02
ATTACHMENTS:	Yes (x1) Confidential

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

EXECUTIVE RECOMMENDATION:

As per the Executive Recommendation provided to Elected Members under separate cover.

COUNCIL DECISION

MOVED CR DOUGLAS, SECONDED CR FREER

As per the Executive Recommendation provided to Elected Members under separate cover.

CARRIED 11/0

Not Voted: 4

No Votes: 0

Yes Votes: 11

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

COUNCIL DECISION**MOVED MAYOR VAN STYN, SECONDED CR FREER**

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.

NOTE: This item remains confidential as it contains information as the City is not a party to the negotiation process. The State Government has requested that this report remain confidential at the present time.

20 ANNOUNCEMENT BY ELECTED MEMBER WITHOUT DISCUSSION

Cr Freer Congratulated Ms Melissa Price MP on her new appointment as the Federal Minister for Environment on behalf of City of Greater Geraldton Council. The Mayor advised he had also sent a note of congratulations to Ms Price.

21 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 6.44pm.

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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