



ORDINARY MEETING OF COUNCIL
MINUTES

29 MARCH 2022

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 29 MARCH 2022 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

The State of Emergency and Public Health Emergency declared by the State Government on 16 March 2020, remains in force. Please refer to the information on the current restrictions [COVID-19 coronavirus: What you can and can't do \(www.wa.gov.au\)](https://www.wa.gov.au)

DISCLAIMER:

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

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance by Electronic Means

In accordance with the Local Government (Administration) Regulations 1996 regulation 14C (2) - Attendance by electronic means in public health emergency or state of emergency (Act s.5.25(1)(ba)) the Mayor authorised Cr T Thomas and Cr J Critch attend this meeting by electronic means.

Present:

Mayor S Van Styn
Cr J Clune
Cr N Colliver
Cr S Cooper

Cr J Critch *(by electronic means)*
Cr R D Hall
Cr M Librizzi
Cr S Keemink
Cr K Parker
Cr M Reymond at 5.01pm
Cr V Tanti
Cr T Thomas *(by electronic means)*

Officers:

R McKim, Chief Executive Officer
F Norling, A/Director of Development & Community Services
P Radalj, Director of Corporate and Commercial Services
C Lee, Director of Infrastructure Services
R Doughty, Chief Financial Officer
S Moulds, PA to the Chief Executive Officer
L Pegler, Executive Support Secretary
N Jane, ERP Project Manager
B Pearce, Manager Corporate Compliance and Safety
R Kapur, Manager Urban and Regional Development
T Gray, A/Coordinator Communications

Others:

Members of Public: 4
Members of Press: 2

Apologies

P Melling, Director of Development & Community Services

Leave of Absence:

Nil.

4 DISCLOSURE OF INTERESTS

Cr M Librizzi declared a Financial Indirect interest in Item No. IS254 Car Park Construction – Eighth Street and Mitchell Street as he delivering consultancy services to the owner of Red Dust Holdings.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

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

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

There were no public questions.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr M Reymond	30 June 2022	6 July 2022	22/2/2022
Cr M Librizzi	3 August 2022	14 August 2022	25/1/2022

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

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

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 2.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
 - a. Cr Jerry Clune for the period 4 April to 6 April 2022; and
 - b. Cr S Keemink for the period 9 April to 22 April 2022.

COUNCIL DECISION

MOVED CR HALL, SECONDED CR COLLIVER

That Council by Simple Majority pursuant to Section 2.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
 - a. Cr Jerry Clune for the period 4 April to 6 April 2022; and
 - b. Cr S Keemink for the period 9 April to 22 April 2022.

CARRIED 12/0

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

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 22 February 2022, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR KEEMINK

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 22 February 2022, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 12/0

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

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

DATE	FUNCTION	REPRESENTATIVE
23 February 2022	Triple M Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
23 February 2022	Role of Local Government with Flexible Learning Centre Students	Mayor Shane Van Styn
24 February 2022	Triple M Radio Interview - Chapman Road Reactivation - Increased Visitation	Mayor Shane Van Styn
28 February 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
1 March 2022	Concept Forum	Mayor Shane Van Styn
2 March 2022	Triple M Radio Interview - Weekly News Bulletin	Mayor Shane Van Styn
2 March 2022	Meeting with Airbnb - New Policy Framework for Short Term Rental Accommodation – via Teams	Mayor Shane Van Styn
2 March 2022	Operational Area Support Group (OASG) Meeting - WA Country Health Service (WACHS) – COVID-19 – via Teams	Mayor Shane Van Styn
3 March 2022	Rotary WA Driver Education - Pre Event Photo for Media Release	Mayor Shane Van Styn
8 March 2022	Urbis Workshop - Geraldton Housing Market Analysis	Mayor Shane Van Styn
8 March 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
8 March 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
8 March 2022	Two Australian Citizenship Ceremonies	Mayor Shane Van Styn
8 March 2022	Concept Forum	Mayor Shane Van Styn
10 March 2022	Meeting with Minister for Emergency Services Hon Steve Dawson MLC – Matters relating to the City of Greater Geraldton	Mayor Shane Van Styn
10 March 2022	ICT Business Continuity - Update	Mayor Shane Van Styn
12 March 2022	Harmony Festival	Mayor Shane Van Styn
13 March 2022	Radio Mama Interview – Monthly Update	Mayor Shane Van Styn
14 March 2022	Geraldton Hospital Redevelopment Delay	Mayor Shane Van Styn
14 March 2022	GWN7 Interview - Horizon, Drummond Cove Boat Ramp and Geraldton Regional Hospital	Mayor Shane Van Styn
18 March 2022	ABC Radio Interview – Batavia Coast Marina Stage 2 (BCM2)	Mayor Shane Van Styn
18 March 2022	Geraldton Regional Art Gallery (GRAG) Exhibition Opening - Printworks/ Focus 22/ Fountains of Dwayne	Mayor Shane Van Styn
19 March 2022	Doug Hogue Medal Count and the Mens & Womens Awards Night	Deputy Mayor Cr Jerry Clune
21 March 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
21 March 2022	Regular Meeting with Lara Dalton MLA, Member for Geraldton – Matters in Common	Mayor Shane Van Styn
22 March 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
22 March 2022	Mount Tarcoola Shopping Centre – Introduction to New Owner	Mayor Shane Van Styn
22 March 2022	Agenda Forum	Mayor Shane Van Styn

23 March 2022	Geraldton Guardian Interview – Federal Budget	Mayor Shane Van Styn
23 March 2022	4 Ways Fresh	Mayor Shane Van Styn
23 March 2022	ABC Radio Interview – Quad Bike Death	Mayor Shane Van Styn
24 March 2022	HMAS Stalwart - Follow Up Visit	Mayor Shane Van Styn
25 March 2022	Meeting with Representatives of Karara Mining – General Update	Mayor Shane Van Styn
25 March 2022	Photo for Media Release – New Bush Fire Truck	Mayor Shane Van Styn
25 March 2022	GWN7 Interview – Batavia Motor Inne	Mayor Shane Van Styn
27 March 2022	Radio Mama Interview – Monthly Update	Mayor Shane Van Styn
28 March 2022	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
28 March 2022	Regular Catch up – Media Team	Mayor Shane Van Styn
28 March 2022	Mayor’s Prayer Breakfast 2022 - Update	Mayor Shane Van Styn
29 March 2022	Ordinary Meeting of Council	Mayor Shane Van Styn

Note: Whilst it is noted that Council Members may have also been in attendance at the above events, this is a record of attendance by the Mayor, or where a Council Member has been asked to represent the Mayor.

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS
Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS517 PROPOSED DEMOLITION OF HERITAGE LISTED BUILDING – LOT 15 (NO.200) ERADU NORTH ROAD, ERADU

AGENDA REFERENCE:	D-22-027834
AUTHOR:	S Schewtschenko, Senior Statutory Planner
EXECUTIVE:	F Norling, A/Director Development and Community Services
DATE OF REPORT:	27 February 2022
FILE REFERENCE:	TP22/023 & A61207
ATTACHMENTS:	Yes (x2) A. Suite of Photos of the Building/s B. Municipal Inventory Place Record

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the demolition of heritage listed buildings on Lot 15 (No.200) Eradu North Road, Eradu and to amend the Municipal Inventory of Heritage Places (MI) place record accordingly.

EXECUTIVE RECOMMENDATION:

PART A

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

1. GRANT development approval for the demolition and removal of materials associated with the dwelling & outbuilding/s on Lot 15 (No.200) Eradu North Road, Eradu.

PART B

That Council by Simple Majority pursuant to Part 8, Section 103 of the *Heritage Act 2018* RESOLVES to:

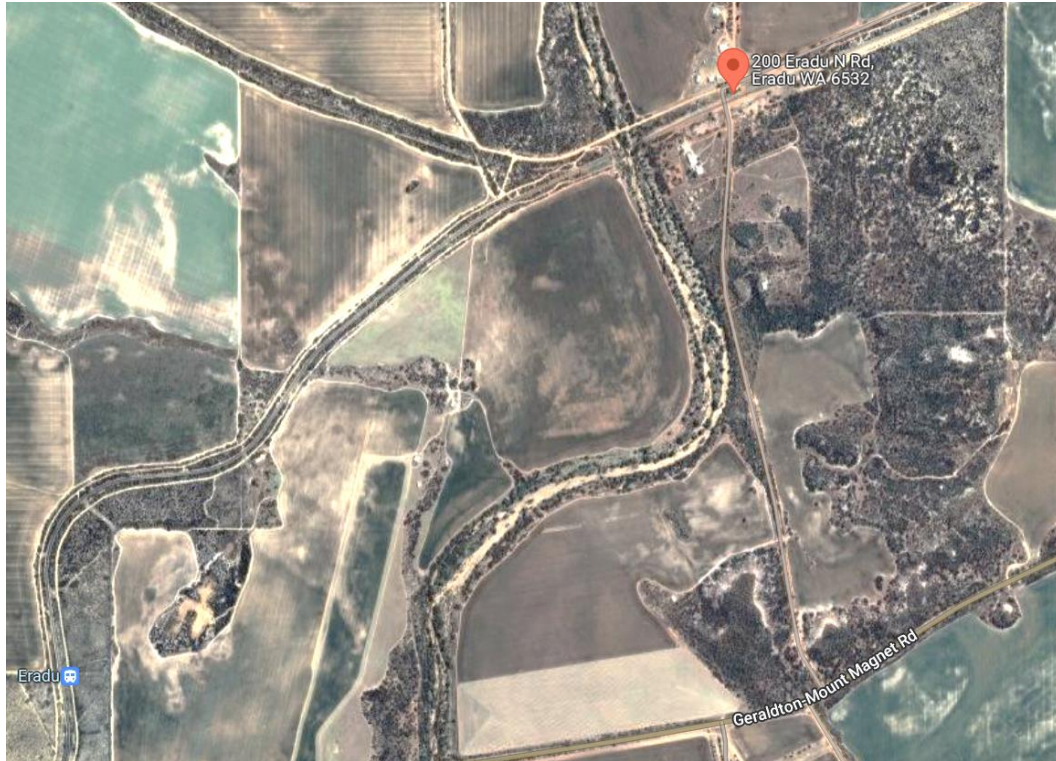
1. AMEND the City of Greater Geraldton local heritage survey, known as the Municipal Inventory of Heritage Places, by changing the Management Category for Greenough Place Number 167 from Category 4 to Category 6 once the place has been demolished.

PROPONENT:

The proponent is Susan Cream.

BACKGROUND:

The subject property is located approximately 50km east of Geraldton on Eradu North Road that connects to Geraldton-Mount Magnet Road on its north. The subject property adjoins Eradu North Road on its southern side, as identified in the map below.





The road bends around the property along its western and northern sides with the railway line from Geraldton running close to the southern side of the property. This house is of brick construction with a hipped corrugated iron roof. The front verandah has been enclosed with brick and there is a brick lean-to roof at the rear. Windows to the south elevation have feature brick arches over and rendered sills, while there are replaced aluminium framed windows to the north. The roof is punctuated by two simple rendered chimneys.

The house was a former Station Master's house which was built in 1894, when the railway line between Geraldton and Mullewa was constructed.

The house is known as "Cream's House" or "Station Master's House" and has historic significance for its association with the rail transport in the district. Although altered considerably, there is some evidence of the original structure.

The subject dwelling is listed as a Heritage Place and had suffered considerable damage as a result of Tropical Cyclone Seroja in April 2021. An application has been received to demolish the dwelling known as "Cream's House", the outbuilding/s and other structures given their current dilapidated and unsafe state.

As part of the application, the proponent provided written supporting justification and an outline of the damage for the proposed demolition, which includes photos of the building/s, and are included as Attachment No. DCS517A.

The description of the damage by the landowner is as follows:

The damage includes the top of the chimneys that have fallen in, the tin roof has blown away, the wooden beams in the ceiling have fallen in, windows are broken, the doors are rotten and the walls are all cracked. It would cost hundreds of thousands of dollars to fix the house and because of its position next to the railway line, the vibrations of the heavy mineral carriages of the trains will only lead to more cracking of the walls.

The house was built on clay soil instead of the sand base and this has caused an ongoing problem with the house movement on the clay as the clay expanded and shrank during summer and winter months. This is why the wall on the north side of the house was replaced last century some time.

It is not a suitable building site on the corner and so close to the railway line and is of no value as a residential property. No one would want to live there with trains going past all day and during the night also with trucks going past the corner during harvest with dust from the gravel blowing into the house.

The house is not insured. It was stopped quite a few years ago because the insurance company said they would not pay out even if it was kept insured because of the age of the house.

The City's Regional Heritage Advisor has provided the following comments:

- With additional information regarding the damage to the house as well as the challenge relating to its location in close proximity to the operational rail corridor and based on the description of the house's current poor condition as well as the photographic evidence it is apparent that demolition will probably be the only option.
- The house is a lower category in the heritage inventory (Category 4) which reflects the numerous changes that have been made to the original house over time.
- The listing will not impinge on the plans for demolition given the extent of cyclone damage.

A site visit was undertaken by Urban and Regional Development Officers who met with the landowner on site.

The following observations were made by the Officers:

- The dwelling that is listed on the City's Municipal Inventory of Heritage Places, has suffered considerable damage as a result of Tropical Cyclone Seroja.
- Almost all of the roof structure and portions of the chimneys have been blown away.
- Cracks are visible in the external and internal walls.
- All fittings and fixtures in the rooms, the kitchen and bathrooms have been badly damaged.
- While there was no asbestos visible in the dwelling, there were portions of asbestos fencing.

- The dwelling is on a lot that is observed to be too close to the railway line running along its southern boundary (within 16 metres) and Eradu North Road that bends along the eastern and northern boundaries (within 4 metres to 12 metres).
- The frequency of trains, trucks (road trains) and other vehicles that travel over these transport routes have evidently multiplied over the years.
- Close proximity of the lot and the dwelling to these transport routes has resulted in increased levels of noise and dust experienced at the property.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The site is listed as Place Number 167 in the Greenough volume of the Municipal Inventory of Heritage Places as follows:

Management Category 4

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

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

A copy of the MI place record is included as Attachment No. DCS517B.

If the demolition of the heritage building is approved, it is recommended that the Management Category for the property be modified to Category 6 as follows:

Management Category 6

The 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.

The house has been identified as of low heritage value, having been assigned a Management Category of 4. The place is not located within a Heritage Area or Special Control Area as defined under the Local Planning Scheme. As such there are no precinct issues which need to be taken into consideration in assessing this application. Similarly, the house is not part of a consistent character streetscape wherein its loss will impact on the aesthetic value of a wider area.

The current condition of the building would necessitate almost complete rebuilding to meet modern building codes. This would mean there would be minimal original built fabric remaining and as such the heritage values of the place would be negated.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council adopted the Greenough volume of the Municipal Inventory of Heritage Places at its meeting held on 31 August 2005 (CO8.05.12 Item No. H08.05.6 Municipal Inventory Steering Committee Minutes).

There have been a number of heritage building demolitions supported by Council. The most recent examples were at:

Meeting held on 25 August 2020 (Item No. DCS464 Proposed Demolition of Heritage Listed Dwelling – Fifth Street, Wonthella) when Council resolved to support the demolition of a Municipal Inventory listed Management Category 4 dwelling on Lot 379 (No.238) Fifth Street, Wonthella.

Meeting held on 21 December 2021 (Item No.DCS512 Proposed Demolition of Heritage Listed Buildings – Brand Highway South Greenough) when Council resolved to support the demolition of a Municipal Inventory listed Management Category 2 buildings on Lot 1 (No.33761) Brand Highway, South Greenough.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Heritage Act 2018:

Section 103 of the Act requires the local government to prepare a local heritage survey of places (commonly referred to as a municipal inventory of heritage places) within its district which in its opinion are, or may become, of cultural heritage significance.

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

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

Heritage Conservation and Development local planning policy:

Relevant objectives of the policy are:

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

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

The property has been assigned as a Management Category 4 on the MI, with the Statement of Significance being that the house contributes to the historical development of the locality. However, in the current condition the house does not contribute to the streetscape. The property has diminished heritage significance and it is considered that the loss of this heritage building will not adversely affect the overall character of the streetscape.

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

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

In light of the observations made during the Officers' site inspection and the written account prepared by Officers as to the condition of the house, City Officers determined that such a report from a registered structural engineer is not necessary. Noting that the extent of the damage is evident, it was observed to be an additional financial burden on the property owner. Information submitted as part of the application demonstrates that there would be a significant amount of work necessary to bring the residence up to habitable standards in accordance with the Building Codes of Australia. A significant portion of the built fabric (e.g. walls, ceiling and floor) would be required to be removed and replaced which in turn will compromise the heritage value of the building. It is therefore considered that the building/s are not capable of conservation while keeping the significant built fabric intact.

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

While discretion could be exercised in relation to local planning policy provisions when considering an application for development approval, 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 immediate financial or resource implications. Should Council refuse the application however and the proponent decides to seek a review of the decision by the State Administrative Tribunal, a further cost is likely to be imposed on the City through this process.

INTEGRATED PLANNING LINKS:

Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no inherent risks with the proposed demolition.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

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

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

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

COUNCIL DECISION

MOVED CR CLUNE, SECONDED CR COLLIVER

PART A

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

1. **GRANT** development approval for the demolition and removal of materials associated with the dwelling & outbuilding/s on Lot 15 (No.200) Eradu North Road, Eradu.

PART B

That Council by Simple Majority pursuant to Part 8, Section 103 of the *Heritage Act 2018* RESOLVES to:

1. **AMEND** the City of Greater Geraldton local heritage survey, known as the Municipal Inventory of Heritage Places, by changing the Management Category for Greenough Place Number 167 from Category 4 to Category 6 once the place has been demolished.

CARRIED 11/1

Time: 5:11 PM

Not Voted: 0

No Votes: 1

Yes Votes: 11

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	NO
Cr. Tanti	YES
Cr. Thomas	YES

DCS518 PROPOSED OUTBUILDING - LOT 1 NO.34 HAMPSHIRE DRIVE, CAPE BURNEY

AGENDA REFERENCE:	D-22-028232
AUTHOR:	S Schewtschenko, Senior Statutory Planner
EXECUTIVE:	F Norling, A/Director Development and Community Services
DATE OF REPORT:	25 February 2022
FILE REFERENCE:	TP21/193 & A62461
ATTACHMENTS:	Yes (x4) A. Site Plan B. Floor Plan C. Elevation Plan D. Aerial Photo

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council determination to refuse the application for the proposed outbuilding on Lot 1 (No. 34) Hampshire Drive, Cape Burney. The proposed structure is observed to be non-compliant for the following reasons:

- The aggregate area of existing and proposed outbuildings of 164.8m² exceeds the total maximum allowable aggregate area of 120m². The existing outbuilding has an area of 45.5m² while the proposed outbuilding has an area of 119.3m²;
- The maximum height of the proposed outbuilding of 6.25m, measured to the ridge line, exceeds the total maximum allowable height of 4.5 metres;
- The aggregate width of the existing crossovers to the dwelling (4.93m and 3.43m) coupled with the proposed 6.0m wide crossover is 14.36m. This exceeds the total maximum allowable aggregate driveway width of 9 metres for any one property.

As also identified under the Risk Management section of this report, should Council support an alternative recommendation to endorse this development application, there is a risk that such an approval will create an undesirable precedent and encourage other prospective residents to submit applications that seek to obtain approvals for outbuilding that are significantly larger than the size permitted by City's Local Planning Policy.

This is observed to challenge the validity and effectiveness of having a size limit on Outbuildings in the City which is quite generous and permits an Outbuilding, twice the maximum size of 60 square meters permitted under the R-Codes. In the longer term, this would also be detrimental to the visual amenity and streetscapes across the City.

EXECUTIVE RECOMMENDATION:

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

1. REFUSE development approval for the proposed outbuilding on Lot 1 (No.34) Hampshire Drive, Cape Burney;
2. MAKE the determination on the following grounds:
 - a. The proposed outbuilding is in excess of the allowable aggregate area as specified under the City's Local Planning Policy – R Codes Outbuildings;
 - b. Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance and considers that the maximum allowable outbuilding aggregate area of 120m² is adequate for domestic purposes; and
 - c. Approval of this application is likely to set an undesirable precedent for a continuation of similar development proposals with increased aggregate areas for outbuildings, which in time could prove to be detrimental to the residential amenity and lifestyle opportunities of the locality.

PROPONENT:

The proponent is Robert Jenkin.

BACKGROUND:

The subject property is located in Cape Burney on Hampshire Drive, in proximity of the Greenough River and approximately 12km south of the Geraldton City Centre. The vacant property was previously identified as Lot 391 (No.32) Hampshire Drive until it was recently amalgamated with the abutting Lot 390 (No.34) Hampshire Drive to become Lot 1 (No.34) Hampshire Drive, Cape Burney.



An application has been received to construct a 9.95 metre by 11.99 metre (119.3m²) brick and colorbond outbuilding. The outbuilding is proposed to be used for parking of vehicles, as notated on the site and floor plans. The structure has a proposed wall height of 3.49 metres and a total maximum height of 6.25 metres located approximately 7 metres to the east of the existing single house. The proposed outbuilding is intended to be located 13.4 metres from the front boundary; and 1.5 metres from the eastern (side) and northern (rear) boundaries. These setbacks are considered to be compliant with the Residential Design Codes of WA (R-Codes) deemed to comply setbacks. The site plan, floor plan and elevation plan are included as Attachment Nos. DCS518A, DCS518B, DCS518C respectively.

The proposal is seeking discretion on the following matters with regard to the proposed outbuilding:

- The aggregate area of existing and proposed outbuildings of 164.8m² exceeds the total maximum allowable aggregate area of 120m². The existing outbuilding has an area of 45.5m² while the proposed outbuilding has an area of 119.3m²;
- The maximum height of the proposed outbuilding of 6.25m, measured to the ridge line, exceeds the total maximum allowable height of 4.5 metres; and
- The aggregate width of the existing crossovers to the dwelling (4.93m and 3.43m) coupled with the proposed 6.0m wide crossover is 14.36m. This exceeds the total maximum allowable aggregate driveway width of 9 metres for any one property.

The subject property is zoned Residential R20 under Local Planning Scheme No.1 and outbuildings (sheds) are subject to the R-Codes and the City's Local Planning Policy - R-Codes – Outbuildings (LPP) which was initially adopted 11 September 2007 (Item No. DS044 - Final Adoption of “Sea Containers”, “Home Based Businesses” and “Outbuildings” Local Planning Policies) with the latest version adopted 26 November 2013 (Item No. SC125 - Adoption of Draft (Revised) Outbuildings Local Planning Policy) and readopted 15 December 2015 (Item No. DRS242 – Re-adoption of Local Planning Policies).

The R-Codes as well as the LPP allow an outbuilding where it is on a lot that has an existing dwelling. Conversely, an outbuilding is not permitted on a residential lot that is vacant. Therefore, the amalgamation of a vacant lot with another lot containing an existing dwelling can mitigate these requirements. Additionally, the resulting amalgamated lots continue to be zoned ‘Residential’ with a density coding of R20. The following requirements contained in Clause 4.2 of the LPP apply:

Maximum standards for R10 and higher density:

120m² in area or 20% in aggregate of the site area, whichever is the lesser and in addition up to a maximum of 30m² unenclosed area, with a maximum wall height of 3.6m and a total maximum height of 4.5m measured from natural ground level.

The area of the original Lot 390 Hampshire Drive with the existing Single House (before amalgamation) was 914m². This lot has an approved Single House measuring 240m², a double garage of 39m², an outbuilding of 45.5m², an alfresco of 21m² and a carport measuring 88m². Two existing driveways with separate crossovers provide vehicular access to the house – one, off Hampshire Drive and the other off River Drive with widths of 4.93m and 3.43m respectively.

The original vacant Lot 391 that has now been amalgamated with the original Lot 390, discussed above, is proposed to be developed with the outbuilding is 595m². This portion of the parent lot is currently vacant. The aerial photo is included as Attachment No. DCS518D.

The proponent has provided the following additional information in support of the application:

- *The design, position of the outbuilding into the rear corner of the lot and the use of other matching design elements like matching paving and landscaping will tie this all together in a way that should be supported and celebrated by the City as outbuildings are rarely constructed to such a high standard, and with such a visible location this is a highly desirable outcome.*
- *This outbuilding is of a very high building standard as it has been specifically designed to match exactly to the style, colours, and materials of existing house. This needs to be given considerable weight in the assessment of this application as most outbuildings are colorbond and have no design elements that are particularly aesthetically pleasing and do not match with the design of a home.*
- *This is a residential outbuilding only and therefore ancillary to the main use of the dwelling. The outbuilding is for storage only. Landowner proposed to store caravan, spare car and personal workshop.*
- *The area of the proposed outbuilding is only considered noncompliant because of the construction of an existing small outbuilding to the rear of the existing home that is used as a garden shed 46m². This shed is small, low in height and unobtrusive for the most part as it is completely unviewable from Hampshire Drive and only very partially viewable from River Drive.*
- *It needs to be recognised that the approval of the amalgamation has created a lot that is now much larger than surrounding properties being 1509m² in size.*
- *The outbuilding will not affect the use and enjoyment of surrounding land as it is not overshadowing and it is not disrupting ventilation or light. Although higher than what is normally permitted under the Policy, it should be again noted that this area was an individual lot which could have seen a 300+m² house plus.*
- *120m² outbuilding constructed upon the land. This 120m² is a much smaller footprint than what surrounding landowners were anticipating and does not represent an active habitable use and therefore is of far lesser impact than the construction of a home.*

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There is an expectation that the amenity, use and enjoyment of a locality will not be adversely affected and in the interests of providing a sound planning framework, it is essential that the local government be guided in its discretion and decision making process by policies that have been prepared, revised and adopted by Council.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council at its meeting held 22 July 2008 (Item No. DS210 - Proposed Oversize Outbuilding – Lot 6 (No. 22) David Road, Waggrakine) refused an oversize outbuilding (34m² over the maximum aggregate size allowable) on Lot 6 (No.22) David Road, Waggrakine.

Council at its meeting held 09 September 2008 (Item No. SC06 - Proposed Oversized Outbuilding – Lot 9 (No. 374) Eighth Street, Woorree) refused an oversize outbuilding (74m² over the maximum aggregate size allowable) on Lot 9 (No.374) Eighth Street, Woorree.

Council at its meeting held 22 December 2009 (Item No. SC133 - Proposed Oversize Outbuilding - Lot 22 (No.11) Wellington Street, Woorree) refused an oversize outbuilding (84m² over the maximum aggregate size allowable) on Lot 22 (No.11) Wellington Street, Woorree.

The author is not aware of other relevant precedents set by previous Council, however it should not be construed that there are no other relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The proposal was advertised for a period of 14 days in accordance with Clause 4.1 of the Residential Design Codes to the affected landowners – along the north-western rear boundary; along the south-eastern side boundary; and the three lots directly across Hampshire Drive.

At the close of the consultation period, two submissions were received expressing ‘support’ for the proposal.

LEGISLATIVE/POLICY IMPLICATIONS:**Local Planning Scheme No. 1 – City of Greater Geraldton**

The subject property is zoned ‘Residential’ with a Residential Density (R-Code) of R20 under Local Planning Scheme No. 1 (City of Greater Geraldton).

The specific objectives of the ‘Residential’ zone are:

- (a) *provide for a range of housing and a choice of residential densities within the Geraldton urban area to meet the needs of the community.*
- (b) *facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*

- (c) *provide for residential intensification that is focused around activity centres to provide a more sustainable urban form, taking into consideration the unique layout, available or proposed infrastructure and services, and characteristics of the particular locality.*
- (d) *retain the single house as the predominant form of residential development in the Mullewa townsite and Walkaway.*
- (e) *provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

Essentially the locality is residential with a clear focus on the liveability and lifestyle afforded by the predominantly medium density single house and associated development. The continued push by landowners for increased outbuilding sizes, over a period of time would prove detrimental to the lifestyle opportunities afforded under the zoning.

State Planning Policy 7.3 Residential Design Codes Volume 1

Clause 5.3.5 Vehicular Access C5.2 Deemed to Comply provisions states:

Driveways to primary or secondary street provided as follows:

- *Driveways servicing for dwellings or less not narrower than 3m at the street boundary;*
- *No driveway wider than 6m at the street boundary and driveways in aggregate no greater than 9m for any one property.*

The proposal is seeking to increase the total aggregate width for the property from the deemed to comply maximum of 9.0m to 14.36m, a discretion of 5.36m.

Clause 5.3.5 Vehicular Access P5.1 Design Principles state - *Vehicular access provided for each development site to provide:*

- *Vehicle access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access;*
- *pedestrian safety;*
- *minimal crossovers; and*
- *high quality landscaping features.*

Given the proposal aims to implement a high level of landscaping and maintains less than 50% impermeable surface within the front setback and there are no footpaths or other access ways that would be affected by the additional width of crossover as proposed on the subject property it is considered acceptable and to meet the Design Principles of the R Codes.

Local Planning Policy – R Codes – Outbuildings

While discretion could be exercised in relation to local planning policy provisions when considering an application for development approval, 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.

The Outbuildings Local Planning Policy was initially adopted by Council in October 2008 (Item No. SC12 - Adoption of Draft (Revised) Outbuildings Local Planning Policy). The Policy was reviewed in November 2013 whereby Council at its meeting held 26 November 2013 (Item No. SC125 - Adoption of Draft (Revised) Outbuildings Local Planning Policy) resolved to revise the relevant clauses of the Outbuildings Local Planning Policy to effectively increase the maximum areas and allow additional maximum unenclosed areas for each of the specified areas.

The objectives of the Policy are:

- a) *To alter the deemed-to-comply provisions of the R-Codes for Design Principle 5.4.3 and 6.4.4 – Outbuildings.*
- b) *To provide further clarity and a clear interpretation to the definition of an ‘outbuilding’.*
- c) *To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building bulk (size and height).*
- d) *To limit the visual impact of outbuildings.*
- e) *To encourage the use of outbuilding materials and colours that complements the landscape and amenity of the surrounding areas.*
- f) *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.*

The above provisions were carried over into the current version of the Policy that was readopted by Council in December 2015 (Item No. DRS242 - Re-Adoption of Local Planning Policies).

The maximum outbuilding area allowed under the Residential Design Codes is 60m² therefore in approving the Local Planning Policy, the City has already supported a significant variation to maximum outbuilding sizes. The significant increase in maximum outbuilding standards was done to support the unique characteristics of the Greater Geraldton lifestyle that demands greater outbuilding space. Before the limits were put in place outbuildings of significantly excessive sizes (such as 500m² almost double the size of many houses) were being requested and were in some cases used for more commercial or industrial types of uses and activities. It is considered the maximum standard of 120m² in residential areas balances the need for additional storage space whilst ensuring that outbuildings remain as incidental to the dwellings and the desired amenity for residential areas is achieved and maintained.

The applicant has advised that the proposed outbuilding will be used to store a caravan, spare car and a personal workshop. In terms of justification for an increase in maximum standards, the storage of accumulated personal items is not considered sufficient justification for an increase in the maximum standards particularly when there are other more suitable locations (such as Lower Residential Densities or Rural Residential) which make allowances for larger lot sizes and for further increases in maximum standards or other alternative off site storage facilities.

The underlying intention of the Outbuilding Local Planning Policy is to provide for adequate domestic storage to meet landowners' needs whilst regulating the size of outbuildings to minimise the impact on neighbouring development. Furthermore, the larger the outbuilding the greater the speculation as to the future use of the outbuilding for commercial or industrial purposes, which could prove contrary to the stated objectives of the zoning.

The principle as to what is a reasonable and acceptable standard for domestic use is still applicable and it is considered that the policy, allowing for 120m² aggregate size provides an adequate space for residential domestic use.

It is considered that there is no compelling justification provided by the proponent that warrants a concession to increasing the maximum allowable aggregate area.

In terms of the proposed increases in total allowable maximum height to 6.25 metres the LPP allows for increases to a maximum of 5 metres to be considered where all of the following criteria can be achieved:

- a) *The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling.*
- b) *The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling.*
- c) *The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling.*
- d) *The outbuilding is not within the primary or secondary street setback area.*
- e) *The outbuilding footprint is not greater than the existing (or approved) dwelling footprint.*
- f) *The aggregate of all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in clause 4.2.2 (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk).*
- g) *Setbacks to comply with the R-Codes.*
- h) *Consultation with adjoining properties is required.*

The proposed outbuilding has not met all of the relevant criteria to allow for an increase in height, as it is proposed to be higher than the allowable 5 metres with the additional height being due to the unique shape of the roofline to match with the existing dwelling. The proposed wall height is below the maximum allowable of 3.6 metres and the affected adjoining and opposite landowners have no objection to increase in the height. It is noted however that item f) stipulates that all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in clause 4.2.2 that is 120m². The intent is higher outbuildings are approved, the footprint of the outbuilding is reduced thereby reducing the building bulk. Given the proponent is seeking the discretion on exceeding the total allowable aggregate area they are also non-compliant with the principle of reducing the footprint area to compensate for increasing height.

The proponent has submitted that:

It needs to be recognised that the approval of the amalgamation has created a lot that is now much larger than surrounding properties being 1509m² in size.

This ultimately creates anomalies whereby any proposed development tis having to fill a very large vacant piece of land.

When the application was lodged it should have been recognised that further development was proposed, and that special consideration was going to be required to make sure that any future development considered the existing and proposed built form in a way that blends the two land areas physically. With the existing shed being mostly hidden, the construction of a 120m² shed on this open piece of land will not appear out of place or in excess of what is normally permitted within the area.

Whilst after the amalgamation the lot is now somewhat larger than the prevailing R20 minimum lot size of 350m² and 450m² average it is not exclusively the largest lot in the locality with other lots in the vicinity for example being 2527m², 1611m², 1043m², 1293m² etc. with a number of other lots also containing established dwellings which have a vacant lot adjacent.

It is recognised that the proposed amalgamation was undertaken to facilitate further development associated with the existing dwelling and associated structures, there was no development or proposed conceptual drawings submitted with the application for amalgamation whereby it was merely stated the purpose of the proposal was to '*allow the site to potentially be further developed with a shed to be used for storage purposes associated with the existing dwelling*'.

The purpose and reasoning for this amalgamation was considered to be acceptable in the assessment of the proposal for the amalgamation especially given that the Policy does not allow outbuildings to be constructed on vacant residential land.

The amalgamation of a vacant lot with another lot containing an existing dwelling can mitigate the requirements of building on vacant residential land, however approval of the amalgamation does not preclude the proposed development from being required to comply with all other relevant provisions of the Policy.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no immediate financial or resource implications. However, should Council refuse the application and the proponent decides to seek a review of the decision by the State Administrative Tribunal, a further cost is likely to be imposed on the City through this process.

It is also noted that while considering such a request for review, SAT will have due regard to the City's planning framework that would include, and not be limited to, consideration that the City's Local Planning Policy is quite generous in allowing outbuildings that are twice the size allowed under the R-Codes. While it will be prudent not to forecast SAT's position, it is also noted that the City hasn't had an instance whereby previously refused applications, referred to in the section 'Relevant Precedents' above relating to Council decisions or determined under delegated authority to City Officers, were the subject of SAT appeals.

INTEGRATED PLANNING LINKS:

Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Should Council support an alternative recommendation to endorse this development application, there is a risk that such an approval will create an undesirable precedent and encourages other prospective residents to submit applications that seek to obtain approvals for Outbuilding that are significantly larger than the size permitted by City's Local Planning Policy.

This is observed to challenge the validity and effectiveness of having a size limit on Outbuildings in the City which is quite generous and permits an Outbuilding, twice the maximum size of 60 square meters permitted under the R-Codes. In the longer term, this would also be detrimental to the visual amenity and streetscapes across the City.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Option 1:

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

1. GRANT planning approval for addition of an outbuilding to an existing Single House on Lot 1 (No.34) Hampshire Drive, Cape Burney; and
2. MAKE the determination subject to the following conditions and advice notes:
 - a. Conditions:

- i. Development/land use shall be in accordance with the attached approved plan(s) dated 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. (A1)
 - ii. Crossover(s) are required to be installed to the approval of the local government. (CP4)
 - iii. All stormwater is to be disposed of on-site to the approval of the local government. (D1)
- b. Advice Notes:
- i. With regards to condition (D1) above, a detailed design of stormwater collection and disposal system of developed areas is to be supplied along with the application for a building permit.
 - ii. Prior to commencement of the development, all land indicated as landscaped area on the attached approved plan(s) are to be landscaped effectively and maintained thereafter to the approval of the local government. (LS1)
 - iii. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists. (L1)
 - iv. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes. (OB1)
 - v. The development is to be undertaken and thereafter maintained according to the materials and colour scheme set out in the application and the attached approved plans, with any variations to be the subject of specific written approval of the local government. (RD2)
 - vi. The development is to comply with the National Construction Code Series. (BA3)

The underlying intention of the Local Planning Policy – R Codes – Outbuildings is to provide for adequate domestic storage to meet landowners' needs, whilst regulating the size of outbuildings to minimise the impact on neighbouring development. It should be noted that in order to comply with the City's Policy the outbuilding needs to be reduced by 44.8m², or alternative the existing 45.5m² outbuilding being removed so that the total aggregate area of outbuilding/s on the subject property is no greater than 120m².

Approval of concessions in the absence of adequate justification could potentially set a precedent and result in further applications being lodged which challenge the validity and effectiveness of having a size limit on outbuildings to the detriment of the overall area in the long term.

Therefore, in consideration of the reasons and information provided by the applicant and based on the above comments, Option 1 is not supported. It is recommended that the application be refused and the City's Policy should not be departed from in the circumstances of this application.

Option 2:

That Council by Simple Majority RESOLVES to DEFER the application.

Option 2 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.

Cr Cooper moved a motion different from the Executive Recommendation to grant planning approval for addition of an outbuilding to an existing Single House on Lot 1 (No.34) Hampshire Drive, Cape Burney

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

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

- 1. GRANT planning approval for addition of an outbuilding to an existing Single House on Lot 1 (No.34) Hampshire Drive, Cape Burney; and**
- 2. MAKE the determination subject to the following conditions and advice notes:**
 - a. Conditions:**
 - i. Development/land use shall be in accordance with the attached approved plan(s) dated 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. (A1)**
 - ii. Crossover(s) are required to be installed to the approval of the local government. (CP4)**
 - iii. All stormwater is to be disposed of on-site to the approval of the local government. (D1)**
 - b. Advice Notes:**
 - i. With regards to condition (D1) above, a detailed design of stormwater collection and disposal system of developed areas is to be supplied along with the application for a building permit.**
 - ii. Prior to commencement of the development, all land indicated as landscaped area on the attached approved plan(s) are to be landscaped effectively and maintained thereafter to the approval of the local government. (LS1)**
 - iii. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists. (L1)**

- iv. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes. (OB1)
- v. The development is to be undertaken and thereafter maintained according to the materials and colour scheme set out in the application and the attached approved plans, with any variations to be the subject of specific written approval of the local government. (RD2)
- vi. The development is to comply with the National Construction Code Series. (BA3)

CARRIED 12/0

Time: 5:15 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:

That Council grant approval to the application taking into consideration the following:

1. There are no objectors and two supporters.
2. If it were a separate block, a house built on it would be bigger in size than the proposed garage, both in size and height.
3. The design and construction of the proposed building is not insignificant. The owner has gone to great lengths to ensure it reflects the look of the current house, plus there will be quality paving and landscaping. In doing this it adds to the aesthetic look of the property and surrounding streets.
4. There will be no commercial use of the proposed building, it's for storage.
5. There are no economic, environmental or leadership concerns.
6. The relevant precedents listed in the Briefing Note, three of them only, were in 2008 and 2009. This was some 13 years ago indicating there has been no recent precedents set and that in all likelihood, times and situations change - a situation that we find ourselves in with the current application.

DCS519 MITCHELL STREET COMMUNITY CENTRE

AGENDA REFERENCE:	D-22-028606
AUTHOR:	L MacLeod, Coordinator Land and Property Services
EXECUTIVE:	F Norling, A/Director Development and Community Services
DATE OF REPORT:	10 March 2022
FILE REFERENCE:	A15322
ATTACHMENTS:	Yes (x2) Confidential A. Confidential - Correspondence from the Geraldton Sporting Aboriginal Corporation B. Confidential - Additional Information from Geraldton Sporting Aboriginal Corporation – Mitchell Street Community Centre

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to enter into a lease with the Geraldton Sporting Aboriginal Corporation for the Mitchell Street Community Centre located on portion of 75 Mitchell Street, Spalding.

EXECUTIVE RECOMMENDATION:

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

1. ENTER into a lease agreement for a period of five (5) years with the Geraldton Sporting Aboriginal Corporation for the Mitchell Street Community Centre located on portion of Lot 1124 on Deposited Plan 152160 being 75 Mitchell Street, Spalding;
2. SET the proposed conditions as:
 - a. Enter into a five (5) year lease commencing on the date of execution of the lease;
 - b. Set the lease fee at \$1.00 incl. GST per year payable on demand;
 - c. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent by post, the City will seek a resolution of Council to determine the consequences of this inaction;
3. ADVISE the Lessee they are responsible for separately paying;
 - a. Rates, taxes and other utilities; and
 - b. All minor maintenance for the premises.

PROPONENT:

The proponent is the Geraldton Sporting Aboriginal Corporation (GSAC).

BACKGROUND:

The Department of Local Government and Communities leased the property from the City for a peppercorn rent since its construction in the 1980's. In a letter from the Department dated 27 June 2016, the City was informed the 2016-17 State Budget announced a Government decision that the Department will cease leasing and owning property for the purpose of subsidised accommodation to community groups and childcare providers and it was withdrawing from this role.

Subsequently, the City advertised a public Expression of Interest from interested parties to continue the role left vacant by the Department's withdrawal.

The WA Centre of Rural Health (WACRH) were the preferred respondents and in 2016 entered into a lease agreement for the property for a period of five (5) years expiring on 14 March 2022.

On 10 January 2022, the City wrote to WACRH advising them of the end of the lease and to gauge their interest in a new lease. City Officers met with representatives from WACRH on 2 February 2022 to discuss the future of the Community Centre.

WACRH formally declined the offer to consider entering into a new lease agreement stating, *that after considerable consultation and thought, WACRH will not apply to enter into another lease for the Centre.*

In the email, WACRH went on to say:

"We have worked collaboratively with GSAC (Geraldton Sporting Aboriginal Corporation) in the Centre over the past 5 years and their role in the building enhances the cultural safety of the building and we feel is a strong beacon for inclusion. Should GSAC be interested in taking on the lease, we would retain a supportive relationship with them".

The GSAC has been operating from the Mitchell Street Community Centre for the past four years and has collaborated with WACRH to provide services and community initiatives to the local community with an emphasis on youth and the older demographic.

The GSAC expressed interest on 14 February 2022 in leasing the Mitchell Street Community Centre. Their correspondence to the City is included as Confidential Attachment No. DCS519.

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

The Mitchell Street Community Centre provides valued health services and community initiatives such as sporting and educational activities, aged programs, and school holiday programs by partnering with local service providers.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts as the building is established on the land.

Leadership:

A lease is part of the formal structure that assists with the governance and management of the City and its assets.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The City leases Crown and freehold land and infrastructure to a variety of not for profit organisations.

COMMUNITY/COUNCILLOR CONSULTATION:

GSAC and Mitchell Street Community Centre user group representatives have been consulted through the Spalding Precinct Plan community engagement process and are aware and supportive of potential opportunities and upgrades to the centre identified as part of the process, albeit there is no final outcome as yet to that process.

LEGISLATIVE/POLICY IMPLICATIONS:

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

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* describes dispositions of property excluded from Section 3.58 of the *Local Government Act 1995* for recreational, sporting and other like natured organisations.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications as annual budget is set for structural maintenance of the building.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.4	Community safety, health and well-being is paramount.
Outcome 1.7	Reconciliation between Indigenous and non-Indigenous communities is supported.

Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.

REGIONAL OUTCOMES:

The Mitchell Street Community Centre provides essential community services to Spalding and surrounding suburbs by providing out of school and holiday programs. It also caters for the older demographic by providing a facility for groups to meet.

RISK MANAGEMENT:

Should Council not support an award of a lease to GSAC for the Mitchell Street Community Centre there is a risk that there will be no other interested parties with capacity to manage the facility and without Council assuming management responsibility, with significant associated resource costs, there is the potential for loss of community programs delivered from the venue. Reduction or loss of community programs and services in Spalding presents a risk of reputational damage to the City.

Additionally, the presence of a management body located on site reduces the risk of vandalism or antisocial behaviour, which may result in damage to the community centre.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

An alternative would be to advertise for Expressions of Interest to undertake the operations of the Centre however, this would be unlikely to achieve a superior end result as the Geraldton Sporting Aboriginal Corporation are already established at the Centre and are well versed in its operations.

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

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

- 1. ENTER into a lease agreement for a period of five (5) years with the Geraldton Sporting Aboriginal Corporation for the Mitchell Street Community Centre located on portion of Lot 1124 on Deposited Plan 152160 being 75 Mitchell Street, Spalding;**
- 2. SET the proposed conditions as:**
 - a. Enter into a five (5) year lease commencing on the date of execution of the lease;**
 - b. Set the lease fee at \$1.00 incl. GST per year payable on demand;**
 - c. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent by post, the City will seek a resolution of Council to determine the consequences of this inaction;**

-
3. **ADVISE the Lessee they are responsible for separately paying;**
a. Rates, taxes and other utilities; and
b. All minor maintenance for the premises.

CARRIED 12/0

Time: 5:18 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

DCS520 PROPOSED LICENCE – LOT 601 MARINE TERRACE, GERALDTON
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AGENDA REFERENCE:	D-22-029033
AUTHOR:	B Robartson, Manager Land and Regulatory Services
EXECUTIVE:	F Norling, A/Director Development and Community services
DATE OF REPORT:	10 March 2022
FILE REFERENCE:	A7759
ATTACHMENTS:	Yes (x1) Confidential Confidential - Draft Licence – Lot 601 Marine Terrace, Geraldton

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's support to enter into a five (5) year licence agreement with Development WA for lot 601 Marine Terrace, Geraldton, for the existing purpose of car park. The car park is currently in a poor condition and the estimated cost to regrade the area is approximately \$15,000. This cost would be borne by the City from its road maintenance budget. The draft Licence is included as Confidential Attachment No. DCS520.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.41 of the *Local Government Act 1995* RESOLVES to:

1. ENTER into a five (5) year licence agreement with Development WA for Lot 601 Marine Terrace, Geraldton, subject to the terms and conditions of the licence; and
2. NOTE that the licence has an early termination clause enabling Development WA to break the licence at any time.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Lot 601 Marine Terrace, Geraldton, is a strategic land parcel owned in freehold by the State Government through Development WA. The property will be transferred to the Yamatji Southern Regional Corporation (YSRC) as part of the Geraldton Alternative Settlement Agreement (GASA).

YSRC have asked Development WA for an extension of the hand over period from Development WA to YSRC of 12 months largely due to COVID-19 having an impact upon the originally anticipated timeframes for the establishment and the capability building of YSRC, to take on Lot 601. YSRC are still working through this establishment and capability building phase, with some great results to date.

Development WA have proposed a five year licence with an early termination clause that would enable the licence to be terminated should YSRC be in a position to take possession and develop the lot as they see fit.

The property was previously managed by the City under a lease agreement between Development WA and the City. This lease was not renewed because of the proposed hand over to YSRC. A small portion of the site is held separately under a licence to the Champion Bay Surf Lifesaving Club. The club's use of the site will continue under this proposed arrangement.

Development WA have advised officers that if the City is unwilling to agree to the draft licence, then the Development WA project team will refer the matter to Development WA's Corporate Executive for them to assess the risks to Development WA of continuing to make the site available for free parking. As there's no certainty the Development WA Corporate Executive will approve, they are encouraging the City to enter into the draft licence.

In considering this item, City Officers would like to draw attention to the work Development WA are currently undertaking on the adjacent Batavia Coast Marina Stage 2 (BCM2) property (behind the Railway Station) and an outstanding payment owing to the City of \$161,000.

Development WA have received funding and have awarded a tender to undertake service relocation work on BCM2. This tender will be followed up by a further tender to extend Marine Terrace through to Bayly Street. The aim of these projects is to de-constrain the BCM2 site to allow its development. BCM2 is also owned by the State Government.

As part of the BCM2 project, the City paid for the construction of the Marine Terrace / Forrest Street roundabout. The subsequent Memorandum of Understanding (MoU) with Development WA requires Development WA to refund the City for this work.

It was City Officers' understanding that this payment is payable to the City following extension of the 4th leg of the roundabout (Marine Terrace) into the BCM2 site. It is Development WA's understanding that the payment is due once the land (BCM2) is transferred from the State to Development WA. This is not expected to occur until a Development WA business case for the first stage of the commercial development is approved. Development WA will investigate if surplus funds from the sale of Lot 601 are available and sufficient to fund the payment sooner. No annual increase (CPI) was included in the MoU agreement.



COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The site provides a large amount of free parking for users of the foreshore and CBD.

Economy:

Having easy available parking has the potential to encourage users of the area which in turn promotes economic development.

Environment:

There are no environmental impacts as this area has been established as a parking station for some time and has been remediated to Environmental Protection Authority requirements.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The property was previously managed by the City under a lease agreement between Development WA and the City.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no Community or Councillor consultation in regard to this report. Consultation has occurred with Development WA and the Yamatji Southern Regional Corporation.

LEGISLATIVE/POLICY IMPLICATIONS:

The City is legislatively allowed to enter into a licence with the State as recommended.

FINANCIAL AND RESOURCE IMPLICATIONS:

The proposed licence fee is \$1.00 and deemed received upon execution of the licence deed by the City.

Estimated costs that would be incurred by the City for works to be undertaken to Lot 601 for surface repair of pot holes and levelling is estimated at circa \$15,000 should the licence for car parking be approved. This work is estimated to be required every one to two years depending on use.

The report notes the outstanding payment owed to the City from Development WA for construction of the Marine Terrace / Bayly Street roundabout.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Outcome 3.5	An integrated emergency and land management approach.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

Activation of Lot 601 with interim uses will revitalise this strategic site within the Geraldton City Centre. Its use will assist in the City achieving its vision for a revitalised City Centre in the short to medium term.

RISK MANAGEMENT:

Entering into the draft licence agreement for Lot 601 for car parking purposes would not result in any additional insurance costs as the City's insurance is set up to cover risks for these kinds of public spaces.

If Council does not agree to enter into the draft licence, there is a risk that Development WA will not allow its continued use for this purpose.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The City has a few options available on this occasion as follows:

1. NOT agree to enter into the proposed licence;
2. AGREE to enter into the licence with additional / changed conditions.
Some of these may include:
 - a. Require Development WA to fund 100 percent of the required car park improvements;
 - b. Require Development WA to fund a lesser percent of the required car park improvements, say 50%;
 - c. Require Development WA to refund the cost of the car park repairs if the draft licence is terminated any earlier than one year or a different time period agreed by Council; and
3. AGREE to the draft licence upon payment by Development WA of the outstanding debt owed to the City for the construction of the Marine Terrace / Forrest Street roundabout (\$161,000).

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

That Council by Simple Majority pursuant to Section 5.41 of the *Local Government Act 1995* RESOLVES to:

1. ENTER into a five (5) year licence agreement with Development WA for Lot 601 Marine Terrace, Geraldton, subject to the terms and conditions of the licence; and
2. NOTE that the licence has an early termination clause enabling Development WA to break the licence at any time.

CARRIED 12/0

Time: 5:20 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES

Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES

CCS677 COMPLIANCE AUDIT RETURN 2021	
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AGENDA REFERENCE:	D-22-025104
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	2 March 2022
FILE REFERENCE:	RM/6/0020
ATTACHMENTS:	Yes (x1) Compliance Audit Return 2021

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the Compliance Audit Return (CAR) 2021 as required under the provisions of the *Local Government (Audit) Regulations 1996*.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 7.13(1) of the Local Government Act 1995 and Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 RESOLVES to:

1. RECEIVE the Audit Committee report on the Compliance Audit Return for the period 1 January 2021 to 31 December 2021;
2. ADOPT the Compliance Audit Return 2021 for the period 1 January 2021 to 31 December 2021; and
3. NOTE that the Compliance Audit Return for the period 1 January 2021 to 31 December 2021 will be submitted to the Department of Local Government, Sport and Cultural Industries.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

Pursuant to regulation 14(3A) of the regulations:

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

The CAR 2021 was submitted to the Audit Committee Meeting on 22 February 2022 (Report AC115) for the Committee to review and subsequently report the results of the review to Council. There was no non-compliance identified within the CAR.

The Audit Committee resolved to:

1. *REVIEW the results of the Compliance Audit Return 2021.*
2. *REPORT to Council the results of the Audit Committee review of the Compliance Audit Return 2021, at the Ordinary Meeting of Council on 29 March 2022.*

The Minutes of the Audit Committee Meeting 22 February 2022 are attached in Report to be Received No. CCS680.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

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

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The Compliance Audit Return 2020 was adopted by the Council on 23 February 2021 (Item No. CCS567).

COMMUNITY/COUNCILLOR CONSULTATION:

The CAR was submitted to the Audit Committee Meeting on 22 February 2022 for the Audit Committee to review the results.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Local Governments are legislatively required to carry out a compliance audit for the period 1 January to 31 December each year and prepare a return in the form approved by the Minister. The return must be reviewed by the Audit Committee and the Committee is required to report to the Council the results of the review. Council must adopt the CAR and submit to the Department CEO by the 31 March following the period to which the return relates. Compliance with these provisions addresses the risk associated with regulatory obligation.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

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

That Council by Simple Majority pursuant to Section 7.13(1) of the Local Government Act 1995 and Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 RESOLVES to:

1. RECEIVE the Audit Committee report on the Compliance Audit Return for the period 1 January 2021 to 31 December 2021;
2. ADOPT the Compliance Audit Return 2021 for the period 1 January 2021 to 31 December 2021; and
3. NOTE that the Compliance Audit Return for the period 1 January 2021 to 31 December 2021 will be submitted to the Department of Local Government, Sport and Cultural Industries.

CARRIED 12/0

Time: 5:22 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

**CCS678 REQUEST FOR FREEDOM OF ENTRY TO THE CITY OF
GREATER GERALDTON – HMAS STALWART**

AGENDA REFERENCE:	D-22-027805
AUTHOR:	P Bennett, PA to Director Corporate and Commercial Services
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	24 February 2022
FILE REFERENCE:	GO/7/0021
ATTACHMENTS:	Yes (x1) Request for Freedom of Entry – HMAS Stalwart

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award the HMAS Stalwart, Freedom of Entry to the City of Greater Geraldton, during the period 23 June – 27 June 2022.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Clause 3.3 of Council Policy 4.3 Civic Ceremonies and Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the request from HMAS Stalwart for Freedom of Entry to the City of Greater Geraldton;
2. DELEGATE authority to the Chief Executive Officer to finalise the date to confer the Freedom of Entry award, either during the period of 23 June - 27 June 2022 requested by HMAS Stalwart, or an alternative date if there is a change in the operational requirements of the ship; and
3. ACKNOWLEDGE the relationship between HMAS Stalwart and the City of Greater Geraldton as the ship's ceremonial home port, and confer the award as a mark of respect and gratitude for the Stalwart's efforts in the defence of Australia, through the presentation of a certificate at the official Freedom of Entry parade.

PROPONENT:

The proponent is Commander Steven McCracken, Commanding Officer, HMAS Stalwart.

BACKGROUND:

An application requesting Freedom of Entry to the City of Greater Geraldton (the City) was received from HMAS Stalwart on 10 February 2022. The request is the first for the ship, in which they seek to undertake Freedom of Entry during the period 23 – 27 June 2022 (revised date was provided 24 March 2022).

Provision has been included in the recommendation to Council to delegate authority to the CEO to finalise the date to confer the Freedom of Entry award. This allows some flexibility if there is a change to the operational requirements of the ship, as experienced recently with the HMAS Stalwart being diverted to support flood relief efforts on the East Coast.

Freedom of Entry is a ceremonial honour, which became popular during the nineteenth century and draws some inspiration from medieval history. A military or civilian unit accorded this privilege is granted the right of entry to the City "with bayonets fixed, colours flying and drums beating".

The award is restricted to Australian military and civilian units that have, through their command, a significant attachment to the City. It is conferred in recognition of their achievement while on active service or overseas duty, or as a mark of respect and gratitude for their efforts in the defence of Australia. Freedom of Entry is celebrated with a parade of the unit through the streets.

HMAS Stalwart, commissioned into Royal Australian Navy service on 13 November 2021, is a Supply Class Auxiliary Oiler Replenishment ship with the primary role to provide logistics replenishment to naval combat units while at sea.

HMAS Stalwart is homeported at Fleet Base West, Rockingham. The City was announced as HMAS Stalwart's ceremonial home port, formalising a partnership between the ship, the City, and the Yamatji People, as the Traditional Owners and First People of the region.

The Royal Australian Navy and the City have had a long and shared history prior. Geraldton being the home to the HMAS Sydney (II) memorial, which was sunk off the coast in 1941, and two ships previously named after the City.

The partnership between HMAS Stalwart and the City provides opportunity to share a unique relationship at the community level to allow interaction, collaboration and to give back to the community. HMAS Stalwart and her crew hope to routinely visit Geraldton so the crew can engage with the community through open days, supporting local events and programs.

The request is submitted within the guidelines of Council Policy 4.3 Civic Ceremonies.

Proceedings for the Freedom of Entry event are yet to be finalised, with input from the City requested. Officers from the City's Executive Office, and Events and Venue team will work with the HMAS Stalwart to coordinate the Freedom of Entry celebration.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The selection of Geraldton as the ceremonial home port for the HMAS Stalwart, builds on the long-established connection between the Royal Australian Navy and Geraldton community. Visits to the region by the HMAS Stalwart, like the proposed Freedom of Entry event, provide opportunity for the ship and its crew to engage with and develop relationships with the community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse governance impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

This is the first time HMAS Stalwart have made a Request for Freedom of Entry. Council has approved Applications for Freedom of Entry to the City of Greater Geraldton for the 711 Squadron AAFC, most recently on 27 April 2021 – Item No. CCS586 and 22 May 2018 – Item No. CCS331.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Council Policy 4.3 Civic Ceremonies governs the conferral of Freedom of Entry to the City of Greater Geraldton.

FINANCIAL AND RESOURCE IMPLICATIONS:

Costs associated with the Freedom of Entry event will be in the order of \$10,000, primarily for traffic control. Funds will be utilised from within the existing City budget.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.3	Pride in place and a sense of belonging is commonplace.
Outcome 1.6	Community capacity, innovation and leadership is encouraged.
Outcome 1.7	Reconciliation between Indigenous and non-indigenous communities is supported.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

If approved, HMAS Stalwart will work in partnership with the City's Events and Venue team (who will undertake risk management planning via the City's event management procedures).

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by Officers.

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

That Council by Absolute Majority pursuant to Clause 3.3 of Council Policy 4.3 Civic Ceremonies and Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. **APPROVE** the request from HMAS Stalwart for Freedom of Entry to the City of Greater Geraldton;
2. **DELEGATE** authority to the Chief Executive Officer to finalise the date to confer the Freedom of Entry award, either during the period of 23 June - 27 June 2022 requested by HMAS Stalwart, or an alternative date if there is a change in the operational requirements of the ship; and
3. **ACKNOWLEDGE** the relationship between HMAS Stalwart and the City of Greater Geraldton as the ship's ceremonial home port, and confer the award as a mark of respect and gratitude for the Stalwart's efforts in the defence of Australia, through the presentation of a certificate at the official Freedom of Entry parade.

CARRIED BY ABSOLUTE MAJORITY 12/0

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

CCS679 STATEMENT OF FINANCIAL ACTIVITY TO 28 FEBRUARY 2022

AGENDA REFERENCE:	D-22-027859
AUTHOR:	J Bagshaw, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	8 March 2022
FILE REFERENCE:	FM/17/0009
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 28 February 2022

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 28 February 2022.

The statements in this report include no matters of variance considered to be of concern for the current budgeted end of year position.

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 statement of activity for the period 1 July 2021 to 28 February 2022, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of February 2022 is detailed in the attached report and summarised as follows, the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	378,890	0.5%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	212,608	0.4%	over YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	166,282	1.2%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	26,940	0.1%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	493,824	10.8%	over YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$	32,083,208
Cash at Bank – Reserve	\$	32,842,230
Total Funds Invested	\$	65,279,163

Current Rates Collected to February 2022	89.45%
Current Rates Collected to February 2021	87.88%
Rates Arrears Collected to February 2022	44.57%
Rates Arrears Collected to February 2021	41.16%

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 budget. The financial position presented in the February financials show a YTD positive variance of \$166,282 in the net operating surplus/(deficit) result (this takes into account commitments).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The Financial Management Regulations require presentation each month of a Statement of Financial Activity accompanied by other supporting information that is considered relevant. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Elected Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences ongoing financial management and the performance of the accounting systems. The monthly report provides a summary of the organisation's liquidity and going concern status.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require the local government to prepare a statement of financial activity each month, reporting on the source and application of funds as set out in the adopted annual budget.

A statement of financial activity and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Provision of monthly financial reports to Council fulfils relevant statutory requirements and is consistent with good financial governance.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

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

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

- 1. RECEIVE the monthly financial statement of activity for the period 1 July 2021 to 28 February 2022, as attached.**

CARRIED 12/0

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

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS255	CSRFF 2022-23 FEBRUARY SMALL GRANTS ROUND – SPALDING HORSE AND PONY CLUB
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AGENDA REFERENCE:	D-22-027638
AUTHOR:	M Adams, Manager Sport and Leisure
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	9 March 2022
FILE REFERENCE:	RC/12/0006-004
ATTACHMENTS:	Yes (x2) 1 x Confidential A. CSRFF Small Grant Application B. Confidential - Supporting Documents

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council support for the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant Application from Spalding Horse and Pony Club (SHPC).

The SHPC is seeking \$7,218 (excl. GST). The proposed project is to purchase and construct a storage shed to store equipment after Cyclone Seroja damaged the previous storage shed. The total project cost is \$21,654 (excl. GST).

The City of Greater Geraldton received one (1) application for this round of CSRFF Small Grants.

EXECUTIVE RECOMMENDATION:

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

1. SUPPORT the Spalding Horse and Pony Club CSRFF Small Grant application for \$7,218 (excl. GST);
2. MAKE provision in the FY2022-23 Annual Budget for this project subject to a successful State Government funding outcome of this application; and
3. ADVISE the Spalding Horse and Pony Club that any shortfall for the project is the Club's responsibility to fund.

PROPONENT:

The proponent is the Spalding Horse and Pony Club.

BACKGROUND:

The State Government, through the Department of Local Government, Sport and Cultural Industries (DLGSC), administers multiple funding programs. These programs provide financial assistance to community groups and Local Government to develop basic, sustainable infrastructure for sport and recreation. The aim is to increase physical activity participation in sport and recreation and ensure the rational development of quality, well designed and well-utilised facilities.

The majority of CSRFF grants are offered based on one-third funding contribution from the applicant sporting body, one-third CSRFF and one-third Local Government. The CSRFF Small Grants are opened twice yearly in February and July and close on the last day in March and August.

The SHPC was established in 1970 and has been at its current location in Sunset Beach since 1971. SHPC has machinery used for ground maintenance and events set up, which was previously stored in a shed constructed in 1975. In April 2021, Cyclone Seroja damaged this storage shed, which had to be removed, leaving the mechanical equipment unprotected and exposed to the elements.

SHPC received a full insurance payout of \$6,980 for the damage caused to the storage shed. This money will be used by SHPC to fund their third of this project.

Application Summary – Spalding Horse and Pony Club

The SHPC application is seeking funds for the following:

- Purchase and construct an 8m x 10m colour bond shed with zincalume roof sheeting and concrete floor.

The proposed design will provide SHPC with adequate storage areas for equipment with improved accessibility for machinery. Protecting their assets from the weather will prolong the life of the equipment (including jump poles and training equipment) stored in the trailers, which will enhance the safety of their riding activities.

A new storage shed will also enable HorsePower Midwest (*formerly* Riding for the Disabled) to store their equipment and allow the group to purchase additional equipment to expand their programs.

Alternate options, as noted in the SHPC application, were considered. However, they see the proposed option as the best long-term solution for storage and functional use issues.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Geraldton prides itself on having a rich sporting culture, which is reiterated through the City's community strategies. By supporting this project, the City is assisting SHPC in the provision of a storage facility that will assist in maintaining a safe venue for riders and horses.

Economy:

SHPC host and facilitate the following events:

- Open regional events
- Regional coaching clinics
- Regional school events

- Two annual shows open to competitors state-wide

Increased infrastructure will provide an opportunity for the SHPC to host significant events other than standard club meets. These events increase the economic sporting tourism and financial benefits to the City and the Club's income. This infrastructure will also enable Horsepower Midwest Group (Riding for the Disabled) to expand their current programs to accommodate the ever increasing demand. Local contractors will complete the project.

Environment:

The proposed project is within the CGG current lease Reserve 31961. The Club's lease is due to expire in 2026.

There are no adverse environmental impacts.

Leadership:

The assessment and prioritisation of applications by Local Government is an essential element of the CSRFF Small Grant Application process. Following endorsement by Council, this application will be forwarded to the DLGSC for formal assessment. The outcome of CSRFF Small Grants Applications is expected to be announced in May/June 2022.

One (1) application has been received for the CSRFF Small Grant Round as detailed in this report and is prioritised in the following table:

Priority Ranking Table

Ranking	Applicant	Project	Rating	City Contribution	Total Project Cost
1	Spalding Horse and Pony Club	Purchase and construction of a shed for storage	A	\$7,218 (excl. GST)	\$21,654 (excl. GST)

The applications were assessed by a minimum of two (2) City Officers and a member of the Mid West Sports Federation with relevant experience in projects, finance and sport.

The SHPC scored an average of 151.75 in the evaluation process ranking them first in the project prioritisation table as indicated below.

SCORING DETAILS

FORM TYPE	AVERAGE SCORE
Application Evaluation Form	76.25
Selection Criteria	75.5
TOTAL	151.75

OVERALL PROJECT RATING

A	Supported – Well planned and needed by the municipality Proceed to council	<input checked="" type="checkbox"/> 200 – 150
B	Project has merit – More planning or justification required Progress with City Officers	<input type="checkbox"/> 149 – 100
C	Not Recommended – Project is not eligible Recommend further work before being considered in the next round	<input type="checkbox"/> 100 & Below

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

The City recently supported the following 'Small' CSRFF Grant Applications:

- Geraldton Pistol Club – Fencing 2021-22
- Geraldton Clay Target Club 2021-22
- Geraldton Golf Club 2021-22
- Geraldton Yacht Club – Storage Upgrade 2020-21
- Moonyoonooka Horse and Pony Club – Surface Upgrade 2020-21
- Upgrade to Eighth Street West Floodlighting 2019-20

COMMUNITY/COUNCILLOR CONSULTATION:

Club delegates have met and discussed their project with Officers from the City and the DLGSC Midwest Regional Manager.

LEGISLATIVE/POLICY IMPLICATIONS:

City Officers can confirm that the SHPC application meets the CSRFF guidelines.

Council Policy 1.8 – Community Funding Programs provides the following guidelines (extract 6):

6. *CSRFF Funding: The City will accept applications as part of the CSRFF program and process applications in line with the Department of Local Government, Sport and Cultural Industries guidelines. Each eligible application will be assessed by the City administration. Recommendations and priority listings will be presented to Council for consideration.*

FINANCIAL AND RESOURCE IMPLICATIONS:

The City makes available \$100,000 in the budget for CSRFF Small Grants/Club Night Lights Program Applications annually. The below projects have been approved in the previous 2022-23 funding rounds leaving an available balance of \$27,831 for the 2022-23 financial year.

Applicant	Project	City Contribution
Geraldton Softball Club	Renew its current floodlighting luminaires with energy efficient LED floodlights	\$29,419 (excl. GST)
Geraldton Bowling Club	Upgrade floodlighting on two bowling greens. The installation includes energy efficient LED technology, replacement poles and upgraded fixtures and wiring	\$42,750 (excl. GST)
Total		\$72,169 (excl. GST)

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.5	The opportunity for all to reach their potential exists.
Outcome 1.8	Active living and recreation is encouraged.
Outcome 1.9	A strong sports culture exists through well-planned facilities.

REGIONAL OUTCOMES:

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

SHPC hold both regional open and school events. If the application is successful, SHPC will run an open Hickstead (showjumping) event. Hickstead events are a state-wide series attracting the top riders from within the state.

RISK MANAGEMENT:

Whilst there is no direct risk to the City, a successful project outcome will alleviate current storage pressures and accessibility issues for the members of the SHPC.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following option was considered by City Officers:

NOT SUPPORT the Spalding Horse and Pony Club CSRFF Small Grant application for \$7,218 (excl. GST).

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

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

1. **SUPPORT** the Spalding Horse and Pony Club CSRFF Small Grant application for \$7,218 (excl. GST);
2. **MAKE** provision in the FY2022-23 Annual Budget for this project subject to a successful State Government funding outcome of this application; and
3. **ADVISE** the Spalding Horse and Pony Club that any shortfall for the project is the Club's responsibility to fund.

CARRIED 12/0

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

12.4 REPORTS OF OFFICE THE CEO

Nil.

12.5 REPORTS TO BE RECEIVED**RR35 REPORTS TO BE RECEIVED - MARCH**

AGENDA REFERENCE:	D-22-031800
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	18 March 2022
FILE REFERENCE:	GO/6/0012-008
ATTACHMENTS:	Yes (x3) 1 x Confidential
	A. DCSDD180 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CCS680 - Audit Committee Meeting Minutes - 22 February 2022
	C. Confidential – CCS681 - List of Accounts Paid Under Delegation February 2022

EXECUTIVE SUMMARY:

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

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development and Community Services:
 - i. DCSDD180 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Corporate and Commercial Services:
 - i. CCS680 - Audit Committee Meeting Minutes - 22 February 2022.

PART B

That Council by Simple Majority, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS681 – Confidential Report – List of Accounts Paid Under Delegation February 2022.

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, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

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

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR KEEMINK****PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Development and Community Services:
 - i. DCSD180 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Corporate and Commercial Services:
 - i. CCS680 - Audit Committee Meeting Minutes - 22 February 2022.

PART B

That Council by Simple Majority, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS681 – Confidential Report – List of Accounts Paid Under Delegation February 2022.

CARRIED 12/0

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

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

16 MEETING CLOSED TO PUBLIC

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

No confidential discussion was required.

CCS682 RFT 2122 03 ERP SOFTWARE REPLACEMENT

AGENDA REFERENCE:	D-22-027877
AUTHOR:	N Jane, ERP Project Manager
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	14 March 2022
FILE REFERENCE:	FM/25/0244
ATTACHMENTS:	Yes (x1) Confidential Confidential – RFT 2122 03 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award tender RFT 2122 03 ERP Software Replacement to the preferred tenderer.

The initial contract will be in place for six years with the option for an unlimited number of two-year extension options, exercisable at the discretion of the Principal.

EXECUTIVE RECOMMENDATION:

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

1. AWARD the contract RFT 2122 03 ERP Software Replacement to the preferred tenderer;
2. DELEGATE authority to the CEO to negotiate the contract with the preferred tenderer; and
3. RECORD the annual estimated licensing contract value and estimated implementation cost in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

An Expression of Interest (EOI) was advertised in The West Australian on 3 July 2021 and in the Geraldton Guardian on 2 July 2021. The EOI was also advertised on the City's TenderLink e-Tendering Portal. The EOI closed on 19 July 2021. The purpose of the EOI was to enable the development of a short list of vendors who meet the City's core requirements as identified through the qualitative criteria.

Thirty-eight suppliers downloaded copies of the EOI and nine submissions were received. The submissions were assessed by a panel of five Officers, with three voting and two non-voting. The recommendation was to invite three vendors to respond to a Request for Tender.

The tender RFT 2122 03 ERP Software Replacement was issued on 25 September 2021 and closed on 5 November 2021. Three tenders were received. The submissions were assessed by a panel of seven, with five voting and two non-voting members.

The contract is for a six-year period with an unlimited number of two-year extension options.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Objectives of this project include improving the customer and user experience by streamlining processes and providing a platform for continuous improvement. This includes improved service to the community through increased self-service capability and an increase in online services resulting in improved customer request resolution and satisfaction.

Economy:

There are no adverse economic impacts.

Environment:

The implementation of a new business system will enable increased electronic workflows and therefore a reduction in paper use.

Leadership:

Delivery of secure technology that supports service delivery and the community is a key objective of this procurement. Once implemented, the new system will provide access to improved data and information thereby supporting well-informed decision-making.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council awards contracts in the general course of City business for provision of goods and services.

City of Geraldton, Shire of Greenough and Shire of Mullewa implemented the current system (*SynergySoft*) between 2000 and 2005.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were provided with Briefing Notes and Concept Forum presentations regarding the project and procurement process on 28 June 2021, 7 September 2021 and 8 March 2022.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Act 1995* and Council Policy 4.9 Procurement of Goods and Services were observed when preparing and recommending the award of this tender.

FINANCIAL AND RESOURCE IMPLICATIONS:

Funding for the project is provided in the 2021-22 endorsed budget and the 2021-31 Long Term Financial Plan. The project includes the external supplier component (this RFT) and an internal project team who will undertake change management, data migration, business processes, and organisation wide training.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.1	Meaningful customer experiences created for the people we serve.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.
Outcome 4.8	Deliver secured technology that supports sustainability, the environment, service delivery and the community.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The business system the City uses supports all of the services provided and is therefore critical to the operations.

The City is currently facing a risk as the current software has reached end of life and is no longer actively supported by the supplier. Not replacing the system is a high-risk option.

Undertaking an ERP Software system replacement and associated implementation is a broad scope and high impact project for the organisation. The risk will be managed by engaging a project implementation team and skilled consultants.

A new ERP system will add value by expanding e-Services capability, improving efficiency and productivity by the reduction in manual processes through implementation of electronic workflows and automation, provision of mobility and flexibility, improved data and system security, and improved compliance and risk management.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. ACCEPT an alternative tender submission. This option is not supported by the evaluation panel as the recommended tenderer is evaluated as the best in meeting the City's requirements and in providing a value for money outcome.
2. REJECT all tender submissions. This option is not supported by the evaluation panel as the current system has reached end of life and is no longer actively supported by the supplier; representing an ever increasing risk to operations.

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

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

1. AWARD the contract RFT 2122 03 ERP Software Replacement to the preferred tenderer being Technology One;
2. DELEGATE authority to the CEO to negotiate the contract with the preferred tenderer; and
3. RECORD the annual estimated licensing contract value being \$515,104 (without discount) and estimated implementation being \$1,202,841, excluding GST, in the minutes.

CARRIED 12/0

Time: 5:29 PM

Not Voted: 0

No Votes: 0

Yes Votes: 12

Name	Vote
Mayor Van Styn	YES
Cr. Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES

IS254	CAR PARK CONSTRUCTION – EIGHTH STREET AND MITCHELL STREET
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AGENDA REFERENCE:	D-22-022459
AUTHOR:	C Edwards, A/Manager Project Delivery
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	8 March 2022
FILE REFERENCE:	FM/25/0231
ATTACHMENTS:	Yes (x1) Confidential Confidential - RFT 2122 12 Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of the Executive Recommendation for RFT 2122 12 Car Park Construction – Eighth Street and Mitchell Street.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. REJECT the tender for RFT 2122 12 Car Park Construction – Eighth Street and Mitchell Street based on value for money;
2. MAKE provision in the FY2022-23 Capital Works Program for the Eighth Street works at completion of the basketball stadium construction; and
3. APPROVE the FY2021-22 \$250,000 Mitchell Street Community Centre Carpark to be carried over to FY2022-23 and included in the Spalding Urban Renewal Project capital works budget.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

RFT 2122 12 sought tender pricing for the construction of car parks adjacent to the basketball stadium on Eighth Street, Wonthella and at the Mitchell Street Community Centre, Spalding, Geraldton. The projects were combined into one tender with two separable portions in an attempt to make the package of work more attractive to tenderers, whilst providing the City flexibility in constructing one or both car parks if required. The estimated duration for construction was four months.

RFT 2122 12 was advertised on the City's TenderLink e-Tendering Portal on 20 November 2021. The RFT closing time and date was 12 pm Monday, 20 December 2021. Nine suppliers registered to receive copies of the tender and one tender submission was received and evaluated against the following key criteria:

- a) Relevant experience and key resources – 25%
- b) Methodology and programme – 25%

c) Price – 50%

The Mitchell Street Car Park (Separable Portion 2) is required to improve the quality and amount of available parking at the Mitchell Street Community Centre. However, funding has subsequently been received from the State Government for the Spalding Urban Renewal Project and in the process of developing the Precinct Plan, the need for an urban local road between Broome Street and Mitchell Street has been identified. This road passes through the proposed site for the new Mitchell Street Car Park. It is, therefore, necessary to postpone the construction of the Mitchell Street Car Park and integrate the design of the proposed new car park with the proposed new urban local road.

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

Allocating the Mitchell Street Car Park budget in to the Spalding Urban Renewal Project will increase the quality and value of the works to the community by providing car parking facility with a higher level of service than originally planned. Postponing the construction of the additional parking on Eighth Street car park will have no negative impacts on current parking arrangements.

Economy:

Given the current shortage of resources, and higher than normal pricing, in the construction industry, a delay to the project may have a positive effect of smoothing demand and therefore allowing the flow of funding into the local economy.

Environment:

There are no environmental impacts associated with the Executive Recommendation.

Leadership:

The Executive Recommendation is in accordance with the *Local Government Act 1995* section 6.8 and Local Government (Functions and General) Regulations 1996 section 18(5) enables rejection of tenders. Council Delegation 1.1.14 Tender for Goods and Services, function 12 enables rejection of tenders.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council held in February 2021, Council resolved to reject the tender for the construction of Item No. IS226 RFT 2021 27 Cathedral Avenue and Sanford Street Roundabout Construction and to seek better value for money for the City.

COMMUNITY/COUNCILLOR CONSULTATION:

The City consulted with Porter Consulting Engineers Pty Ltd regarding an assessment of the tender pricing against their pretender estimate.

The City also liaised with UDLA Pty Ltd, the lead consultants for the Spalding Park Precinct Plan, regarding the requirements of the Plan and the need for the local connector road between Broome Street and Mitchell Street and its impact on the proposed car park at the Mitchell Street community centre.

The City liaised with Geraldton Building Services and Cabinets Pty Ltd, the contractor for the construction of the new basketball stadium, regarding their programme of work and the potential impact the construction of the carpark would have on their activities.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Act 1985* and the City's Procurement Policy CP4.9 were observed during the tender process. Occupational Health, Safety, and Environmental management of the project will be in line with legislative requirements and implemented during delivery of the contract.

FINANCIAL AND RESOURCE IMPLICATIONS:

The City received one tender submission for the projects and a review of the submission pricing was undertaken by the lead engineering consultant and the City tender evaluation panel. The review concluded that the submission failed to provide good value for money and recommended that the tender be rejected on this basis.

The FY2021-22 Mitchell Street Community Centre carpark renewal budget is \$250,000 with the executive recommendation being to carry it over to FY2022-23 and reallocate it to the Spalding Urban Renewal Project.

City Officers expect that a budget of \$348,000 would need to be included in FY2022-23 Capital Projects for Eighth Street carpark.

INTEGRATED PLANNING LINKS:

Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well being.

REGIONAL OUTCOMES:

The delay in the construction of community infrastructure will delay the provision of facilities to cater for residents and tourists visiting the region.

RISK MANAGEMENT:

The rejection of the tender eliminates cost, contract and safety risk to the City at this time.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered given the implications of proceeding at Eighth Street on the stadium construction program and the opportunity to value add to the Spalding Urban Renewal Project.

Cr M Librizzi declared a Financial Indirect interest in Item No. IS254 Car Park Construction – Eighth Street and Mitchell Street as he delivering consultancy services to the owner of Red Dust Holdings and left Chambers at 5.28pm.

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

That Council by Simple Majority pursuant to Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. **REJECT** the tender for RFT 2122 12 Car Park Construction – Eighth Street and Mitchell Street based on value for money;
2. **MAKE** provision in the FY2022-23 Capital Works Program for the Eighth Street works at completion of the basketball stadium construction; and
3. **APPROVE** the FY2021-22 \$250,000 Mitchell Street Community Centre Carpark to be carried over to FY2022-23 and included in the Spalding Urban Renewal Project capital works budget.

CARRIED 11/0

Time: 5:31 PM

Not Voted: 1

No Votes: 0

Yes Votes: 11

Name	Vote
Cr. Reymond	YES
Cr. Parker	YES
Cr. Librizzi	NOT PRESENT
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Cooper	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

Cr Librizzi returned to Chambers at 5.31pm.

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 5.31pm.

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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