



ORDINARY MEETING OF COUNCIL
MINUTES

30 APRIL 2024

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 30 APRIL 2024 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

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 5:00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Mayor J Clune
Cr N Colliver
Cr S Cooper
Cr J Critch
Cr J Denton
Cr P Fiorenza
Cr A Horsman
Cr M Librizzi
Cr S Keemink
Cr V Tanti

Officers:

R McKim, Chief Executive Officer
R Hall, Director of Development Services
F Norling, Director of Community and Culture
P Radalj, Director of Corporate Services at 5:01pm

C Lee, Director of Infrastructure Services
S Moulds, PA to the Chief Executive Officer
M Wilson, PA to Director of Development Services – Minute Secretary
L Pegler, Executive Support Secretary
N Jane, Chief Financial Officer
M Dufour, Manager Climate, Environment & Waste
P Treharne, Manager Community & Cultural Development
A Salmon, Communications Officer
T Kingdon, Senior ICT Support Officer

Others:

Members of Public: 8
Members of Press: 1

Apologies:

Nil.

Leave of Absence:

Cr K Parker

4 DISCLOSURE OF INTERESTS

Nil.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were Taken on Notice at the Ordinary Meeting of Council held on 26 March 2024.

Vicki Armstrong, 217 Lester Avenue, Geraldton 6530

Question

Considering you mention Torres Strait Islander as part of the vernacular of referring to Aboriginal and Torres Strait Island peoples in your Acknowledgement of country and your Reconciliation Action plan why do you not fly and display the flag in Chambers?

Response

The Council follows the flag protocol set out by the Federal Government. The protocol stipulates the order of the flags and which flags are to be flown depending on the number of flag poles available. The City has four flag poles at the front of the civic centre and hence flies the Australian flag, the State flag, the Aboriginal flag and the City flag. Within Chambers there are three poles available and hence the Australia flag, the Aboriginal flag and the Council flag are flown. On significant dates, such as NAIDOC week, the City flag is removed and the Torres Strait Islander flag is flown.

Question

Can the CEO provide information in regards to the proposed lease to Jim's Carpet cleaning at ... Lester Avenue? that intends to operate as a commercial laundry as to noise, operating hours and emissions that would be associated with that type of business knowing that it would be operating under an offensive licence? What contingencies would council be putting in place to mitigate the issues of noise, emissions, operational hours, parking and traffic?

Response

The Council considered offering a commercial for 204 Lester Avenue, Geraldton at its Ordinary Council meeting of 26 March 2024. The Council approved the lease with the following conditions:

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

1. *ENTER a commercial lease agreement with Midwest Trade Hub Pty Ltd for Lot 100 (204) Lester Avenue, Geraldton;*
2. *SET the conditions as follows:*
 - a. *Endorse a five (5) year lease agreement, with a further term option of five (5) years by mutual agreement, commencing on the date of execution;*
 - b. *Commence the lease fee at \$66,000 (including GST) per annum;*
 - c. *Approve a rent free period of two (2) months from the commencement date;*
 - d. *Adjust the lease fee biennially based on:*
 - i. *Perth Consumer Price Index (CPI), beginning 2025;*
 - ii. *Market rent review, beginning 2026;*
3. *MAKE the determination subject to:*
 - a. *All regulatory approvals being obtained, including but not limited to, development approval and an offensive trade licence;*
 - b. *Advertising notice period of 14 days inviting public submissions.*
4. *AUTHORISE and APPROVE the transfer of all annual lease revenue received to the Parking Land Reserve; and*
5. *REFER the item back to Council should any objecting submissions be received.*

Officers are intending to put a public notice in this Friday's Geraldton Guardian (5 April) providing advice on the proposed lease and public submissions. Public submissions will be open until 12pm, 22 April 2024.

With respect to your specific concerns associated with noise, emissions, and traffic, these matters are dealt with as part of the Development Application process which is yet to commence.

These responses have been provided to Vicki Armstrong.

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

Nil.

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr K Parker	28 April 2024	5 May 2024	30/01/2024

**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 at 'Record of Attendance'.

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 March 2024, as previously circulated, be adopted as a true and correct record of proceedings.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 March 2024, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 10/0

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 designated representative*

DATE	FUNCTION	REPRESENTATIVE
27 March 2024	St Francis Xavier Primary School Excursion to the City of Greater Geraldton - Year 4 Students	Mayor Jerry Clune
27 March 2024	Opening of Wonthella Specialist Disability Accommodation	Cr Steve Cooper
27 March 2024	Meeting with Local Resident – Geraldton Surf Club and AVL	Mayor Jerry Clune
27 March 2024	2024 Hollomby Foundation Scholarship Presentation Event	Cr Steve Cooper
27 March 2024	Filming for Council Update Videos - Coffee with a Councillor	Mayor Jerry Clune
27 March 2024	HMAS Sydney II Memorial Sunset Tour	Mayor Jerry Clune
28 March 2024	City of Greater Geraldton Quarterly Catch Up with Local Media	Mayor Jerry Clune
2 April 2024	Concept Forum	Mayor Jerry Clune
3 April 2024	Triple M Interview - Outcomes of Council Meeting 2024	Mayor Jerry Clune
4 April 2024	Seniors Luncheon	Mayor Jerry Clune
4 April 2024	Bush Fire Advisory Committee Meeting - Mullewa	Mayor Jerry Clune
5 April 2024	Australian Citizenship Ceremony	Mayor Jerry Clune
5 April 2024	Triple M Interview – Recycling - Yellow Top Bins	Mayor Jerry Clune
5 April 2024	Geraldton Guardian Interview – Recycling – Yellow Top Bins	Mayor Jerry Clune
5 April 2024	Mayoral Discretionary Fund - Request from Alicia Kimberley to Assist in Bringing Speakers to Geraldton [Autism]	Mayor Jerry Clune
5 April 2024	ABC Radio Interview - Iwarra Wilungga Festival	Mayor Jerry Clune
5 April 2024	Bush Fire Advisory Committee Meeting - Greenough	Mayor Jerry Clune
6 April 2024	Iwarra Wilungga Festival	Mayor Jerry Clune
8 April 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
8 April 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
9 April 2024	WA Office Of The Auditor General – Survey Of Audit Committee Chairs	Mayor Jerry Clune
9 April 2024	Special Concept Forum	Mayor Jerry Clune
10 April 2024	Mid West Development Commission (MWDC) Audit	Mayor Jerry Clune
11 April 2024	Regional Development Assessments Panels (RDAP) Meeting – 238 Durlacher St, Geraldton	Mayor Jerry Clune
11 April 2024	Meeting with Local Resident – Theft Concerns	Mayor Jerry Clune
12 April 2024	MWDC Board Meeting	Mayor Jerry Clune
12 April 2024	Stargaze in Greenough	Cr Jenna Denton
13 April 2024	GNFL Pre-Season All Star Games	Deputy Mayor Cr Natasha Colliver
15 April 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
15 April 2024	Marketing & Media Regular Catch Up	Deputy Mayor Cr Natasha Colliver
15 April 2024	Regular Meeting - City of Greater Geraldton with Local Members Sandra Carr MLC, Member for the Agricultural Region and Lara Dalton MLA, Member for Geraldton	Deputy Mayor Cr Natasha Colliver
19 April 2024	Photo opportunity in response to the State Governments lack of funding for the Local Government Bush Fire Brigade Volunteers.	Deputy Mayor Cr Natasha Colliver
22 April 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
22 April 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
22 April 2024	WALGA Northern Country Zone - Hosted by the City of Greater Geraldton	Mayor Jerry Clune

22 April 2024	ABC Radio Interview - Films on the Foreshore	Mayor Jerry Clune
22 April 2024	Triple M Radio Interview - State Government emergency management announcement leaves Bushfire Brigade Volunteers disappointed	Mayor Jerry Clune
23 April 2024	Channel 7 - State Government Emergency Management Announcement Leaves Bushfire Brigade Volunteers Disappointed	Mayor Jerry Clune
23 April 2024	Audit Committee Meeting	Mayor Jerry Clune
23 April 2024	Agenda Forum	Mayor Jerry Clune
24 April 2024	Introduction - Dean of the Anglican Church	Mayor Jerry Clune
25 April 2024	ANZAC Day Dawn Service	Mayor Jerry Clune
25 April 2024	ANZAC Day Main Service	Mayor Jerry Clune
25 April 2024	Shore Leave Festival – Official Opening	Mayor Jerry Clune
26 April 2024	Geraldton Regional Art Gallery (GRAG) Exhibition Opening Night	Cr Steve Cooper
27 April 2024	Midwest Paddock to Plate – Shore Leave Festival	Mayor Jerry Clune
28 April 2024	Mid West WA Food Marketplace – Shore Leave Festival	Mayor Jerry Clune
29 April 2024	Mayor / CEO Regular Catch Up	Mayor Jerry Clune
29 April 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
29 April 2024	Meeting with Residents – Chapman River	Mayor Jerry Clune
30 April 2024	Introduction - City of Greater Geraldton and General Consul of China	Mayor Jerry Clune
30 April 2024	West End Development Site Visit	Mayor Jerry Clune
30 April 2024	Ordinary Meeting of Council	Mayor Jerry Clune

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

There is none.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT SERVICES

DS032	PROPOSED CHANGE OF USE (TAVERN AND ASSOCIATED ALTERATIONS AND ADDITIONS) – LOT 101 (NO. 1) CATHEDRAL AVENUE, GERALDTON
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AGENDA REFERENCE:	D-24-040417
AUTHOR:	R Hall, Director Development Services
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	TP23/089
ATTACHMENTS:	Yes (x3)
	A. Location Plan
	B. Development Plans
	C. Lot Configuration Diagram

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider a development application under the City's Local Planning Scheme No. 1 for a Tavern on Lot 101 (No. 1) Cathedral Avenue, Geraldton as shown in Attachment No. DS032A.

The proposal is for the redevelopment of the current building into a Tavern with indoor dining and a beer garden with associated alternations and additions. The proponents of the facility, Froth Craft Brewing Co., operate similar venues in Bunbury and Exmouth.

It is recommended that Council approve the development application with conditions.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. GRANT development approval for a Change of Use (Tavern and Associated Alterations and Additions) on Lot 101 (No. 1) Cathedral Avenue, Geraldton;
2. MAKE the determination subject to the following conditions and advice notes:
 - a. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;
 - b. Development and 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;

-
- c. The proposed portion of verandah which encroaches into Lot 51, is not approved as part of this development application;
 - d. Prior to the commencement of the development, the proponent must procure the registration of a public access easement, granted by the City as owner of the subject lots, in favour of the public at large, over Lot 66 and portions of Lots 18 and 12 on Plan 6547, to facilitate legal access for the proposed development;
 - e. Prior to an application for a building permit being made, revised plans shall be submitted to and approved in writing by the local government for the car park, incorporating the following measures:
 - i. Dimensions to be shown for each parking bay;
 - ii. Parking bay 2 to be moved to be clear of the car park and access easement G620896;
 - iii. Parking bay 3 to be widened by 0.3m. Parking bay 3 needs to have an additional 0.3m width, as per AS2890.1, as it is adjacent to a proposed fence; and
 - iv. Accessible car parking bay being provided in accordance with the National Construction Code Series and AS2890 Part 6 2009.
 - f. The area set aside for the parking of vehicles together with the associated access as shown on the updated plan required as part of condition e. shall:
 - i. be installed to the satisfaction of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the satisfaction of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - iv. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - v. be drained and sealed with an all-weather seal coat to the satisfaction of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
 - vii. be designed in accordance with AS2890; and
 - viii. provide for accessible car parking in accordance with the relevant provisions of the BCA and AS2890 Part 6 2009.
 - g. The area set aside for the parking of bicycles and end of trip facilities as shown on the attached approved plan(s) shall:
 - i. be installed to the satisfaction of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the approval of the local government;
 - iii. the bicycle parking shall be designed in accordance with AS2890.3; and
 - iv. be made available for such use at all times and not used for any other purpose, unless otherwise approved in writing by the local government.
 - h. Prior to the occupation of the development, a Travel Plan shall be submitted to and approved in writing by the local government. The Travel Plan shall be prepared having regard to the provisions of the City of Greater Geraldton Local Planning Policy Travel Plans. The

- approved Travel Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;
- i. Prior to the commencement of the development a detailed schedule of colours, finishes and materials shall be provided to and approved in writing by the local government. The colours, finishes and materials shall generally be consistent with the details shown on the approved plans;
 - j. Prior to an application for a building permit, an outdoor lighting plan must be submitted and approved in writing by the local government. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties. The approved outdoor lighting plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;
 - k. Prior to an application for a building permit, a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved in writing by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the satisfaction of the local government, with all storm water to be disposed of on-site;
 - l. Prior to an application for a building permit, a detailed landscaping plan shall be submitted to and approved by the local government. The landscaping plan shall be generally consistent with the submitted development plan and provide information regarding the species selection, reticulation, details of existing vegetation to be retained, pavement details and the treatment of landscaped surfaces. The approved Landscape Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;
 - m. Prior to the commencement of the development, the proponent is responsible to ensure that a delivery management plan, is lodged with the local government for its approval, and is approved by the local government. The delivery management plan shall demonstrate the measures to be implemented to ensure all loading and unloading associated with the development can occur in a manner that minimises interference with other vehicular traffic. Once approved, the proponent is responsible to ensure that the development operates at all times and in all respects in accordance with the approved delivery management plan;
 - n. Prior to the commencement of the development, the proponent is responsible to ensure that a waste management plan, is lodged with the local government for its approval, and is approved by the local government. Once approved, the proponent is responsible to ensure that the development operates at all times and in all respects in accordance with the approved waste management plan;
 - o. All areas of outdoor storage must be screened from public view to the satisfaction of the local government;

- p. The development shall operate in accordance with the Froth Craft Code of Conduct and Management Plan dated August 2023 to the satisfaction of the local government, unless otherwise approved in writing;
- q. Prior to an application for a building permit, a Noise Management Plan shall be submitted to with and is approved in writing by the local government setting out in detail the management commitments applicable to noise minimisation relevant to all installations, activities and processes, based on actual sound level measurements of plant, both individually and in combination. The Noise Management Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses, and the Plan shall demonstrate that noise emissions will achieve compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*. Once approved, the landowner/proponent from time to time is responsible to ensure, that all installations, activities and processes carried out at all times and in all respects in accordance with the endorsed Noise Management Plan;
- r. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;
- s. All loading and unloading associated with the development/land use is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic; and
- t. Any lighting device used to illuminate the horizontal signage 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 sensitive land uses or passing motorists.

Advice notes:

1. This is development approval under the provisions of the *Planning and Development Act 2005 only*. Nothing in this approval removes the need to comply with all relevant legislation including but not limited to the National Construction Code, the Environmental Protection (Noise) Regulations 1997, the Public Health Act 2016 and the Food Protection Act 2008;
2. Should the applicant wish to pursue approval of the portion of verandah which encroaches into Lot 51 a separate development application and request for approval to lease the land is required to be lodged with the local government for consideration; and
3. With regard to condition d. the City as owner of the subject lots, will grant the public access easement free of cost; however; the proponent is responsible for all costs associated with the registration of the public access easement, including the preparation and lodgement of an easement only deposited plan, all Landgate registration fees and the preparation and lodgement of the public access easement deed by the City's solicitors.

PROPONENT:

The proponent is Harley Dykstra on behalf of Froth Craft Brewing Co. The landowner is Geraldton Property Pty Ltd.

BACKGROUND:

Lot 101 Cathedral Avenue, Geraldton (the subject site) is located on the corner of Cathedral Avenue and Foreshore Drive. The subject site is directly opposite the Geraldton foreshore within proximity of a range of amenities including the beach, children's play areas, extensive lawns and landscaping and a cycle/pedestrian path.

The subject site is located within the city centre and as such is surrounded by a mix of uses including retail, short stay accommodation and food and beverage outlets. The building on the subject site is single storey and has accommodated a range of uses including retail and café/restaurant.

The development application was originally made for a change of use of the subject site to accommodate a Tavern and Microbrewery which included additions and alterations to the existing building to accommodate these uses. Following the public advertising period, the applicant subsequently modified the development application to remove the proposed Microbrewery use.

As part of the assessment of the proposal, it was identified that access to the subject site is via land which is owned by the City however, there are currently no legal rights to the access established over the land. A suitable solution to the access issue has been identified and as such this development application can proceed to determination.

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

Several concerns were raised by the community during the public comment period. These concerns related to matters including car parking and access, noise and the potential for anti-social behaviour. More detail regarding the public comment period is provided in the Community Consultation section of this report.

Economy:

There is a potential economic benefit relating to this proposal. The proposed Tavern is consistent with the objectives of the Regional Centre zone under the City of Greater Geraldton Local Planning Scheme No. 1 (LPS No. 1) which aims to ensure the regional centre provides for a wide range of activities including entertainment and tourism businesses.

Environment:

There are no adverse environmental impacts that cannot be reasonably addressed via conditions of development.

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:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were briefed on the proposal at a Concept Forum on 2 April 2024. The application was publicly advertised in accordance with the requirements of Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising period was for 28 days (commencing 28 April 2023 and concluding on 26 May 2023) and involved the following:

- All landowners and occupiers within 200 metres of the subject property were written to and advised of the proposed development;
- The application details were available for viewing at the City's offices in Cathedral Avenue; and
- The application details were available for viewing on the City's website.

The City received 6 submissions with 8 key points made across the submissions. A summary of the submissions received and the City's responses are below:

No.	Nature of Submission	City Response
1	The proposal is close to a children's water park and playground which is incompatible with community, environmental and safety standards and expectations.	The proponent aims to establish a family friendly venue with a playground included in the design for the redevelopment of the site. The proposal is appropriate for its City Centre location which will contribute to the activation of the street and nearby foreshore area. The Operational Management of the premises are subject to Liquor Licensing controls and regulations.
2	There are enough developments of this nature in the area and opening another will be detrimental to the trade and viability of current businesses.	Concerns regarding competition are not a valid planning consideration. From an economic development perspective, new businesses can have a positive impact on existing businesses by attracting additional visitors and patrons into the City Centre through branding, marketing, and complementary product offerings.

3	Concern with how the building will be renovated and modified to accommodate the proposed use with the necessary noise abatement. The noise generated from the premises will have an impact on surrounding land uses.	Noise is a valid concern and Officers recommend that the proposal be required to prepare and meet the requirements of a Noise Management Plan to the satisfaction of the City, which is recommended as a condition of approval.
4	Concern with how traffic utilising the easement and right of ways will turn around in the eastern area of the lot and whilst mention is made about a loading bay it is not possible to see how a truck would turn around on site. The removal of the crossover landlocks the site.	Vehicle access is a key consideration for this development application and the proponent has demonstrated turning movements on-site meet the City's requirements. Officers have recommended Conditions regarding detailed design of the car parking bays, a delivery management plan and an access easement to facilitate safe movements.
5	The microbrewery will discharge a large volume of water during production and no details are given as to the adequacy of water infrastructure in what is a very constrained CBD area and to where the wastewater will be discharged. Of particular concern would be the discharge of wastewater, which would be discoloured and smelling of beer, into stormwater infrastructure that runs directly into the foreshore drainage outlets.	<p>The Microbrewery land use component has been removed and no longer forms part of the application of development approval. The preparation and approval of a Waste Management has been recommended as a condition of approval. The WMP should confirm:</p> <ul style="list-style-type: none"> • The location of bin storage areas and bin collection areas; • The number, volume and type of bins and the type of waste to be placed in the bins; • Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; • The collection arrangements (private/municipal) including frequency and truck type, and confirmation on site access, storage and egress arrangements are acceptable via detailed swept path arrangements; and • The amount and type of waste streams to be generated by the operation.

6	The proposal actively reduces carparking in the CBD by removing a substantial number of car bays on-site. If this was to be allowed a significant cash-in-lieu for parking should be made. There is also no disabled car bay provided on-site and one of the car bays proposed encroaches on the access easement.	The proposal involved removal of 6 bays, to convert into a beer garden to enhance the development outcome. The proponent has demonstrated that there is surplus car parking in surrounding parking facilities to support the proposal, and therefore there is no need for additional car parking, and therefore no cash-in-lieu is required.
7	Access to the site would solely be by City owned land, with the crossover to the site being removed, essentially landlocking the site which is a very suboptimal planning outcome.	The proposal to convert a crossover and car parking area would significantly improve the appearance, activity and amenity of the area when compared to the current state. City Officers have worked with the proponent to ensure there is safe and appropriate access in place to facilitate the development and a condition of approval is recommended to ensure legal access arrangements are formalised.
8	Improvements to the existing site is a good thing.	The site used to operate as Skeetas Restaurant and currently operates as a small scale retail store. The proposal facilitates the redevelopment of an underutilised building in a prime location in the Geraldton City Centre.

LEGISLATIVE/POLICY IMPLICATIONS:

There are a range of legislative and policy matters which need to be considered as a part of the assessment of the proposed development. These are included below.

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;* and
- City of Greater Geraldton Local Planning Scheme 1.

Local Planning Policies

- City Centre Local Planning Policy;
- Geraldton City Centre Revitalisation Plan;
- Signage Local Planning Policy; and
- Travel Plans Local Planning Policy.

Planning Assessment

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State Planning Policies and Local Planning Policies as outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations for the determination of this application:

- Land use;
- Use of City Land; and
- Car Parking.

Land Use

The subject site is zoned Regional Centre under the provisions of the City of Greater Geraldton Local Planning Scheme No.1. The objectives for the 'Regional centre zone' are outlined in Clause 3.2.1 and are as follows:

- a. ensure that the Geraldton regional centre continues as the largest multifunctional centre of activity, providing the most intensely concentrated development in the region, the greatest range of high order services and jobs and the largest commercial component of any activity centre.*
- b. support the maturation of the Geraldton regional centre into a diverse, intense and highly connected activity centre with high density residential.*
- c. promote development of the Geraldton regional centre as a focus for a wide range of retail, business, commercial, health, education, entertainment, cultural, recreational, community, tourism and public transport activities.*

Under the provisions of Table 12 – Zoning Table of LPS No. 1 the proposed Tavern is a 'D' use.

'D' - discretionary meaning that they are uses that are not permitted unless the local government has exercised its discretion by granting development approval.

In considering the appropriateness of the proposed uses, a range of matters have been assessed, including the objectives of the zone, the relevant development controls contained in the scheme and local planning policies and the previous use of the site.

The use proposed as a part of the proposed development will help to ensure the regional centre thrives into the future. The alterations and addition to the existing building will help to contribute to the identity of the city centre and the uses will draw people into the city centre throughout the day and into the evening. The use is consistent with the objectives for the zone and is appropriate for approval.

Use of City Land

The subject site has an existing carpark that is accessed over City owned land (Lot 12, Lot 18, Lot 51 & Lot 66). Officers identified that there is no legal access in place, which means that this needs to be addressed for this application to be determined. A lot configuration diagram is included as Attachment No. DS032 C which shows Lot 101 and abutting Lot 12, Lot 18, Lot 51 and Lot 66.

The applicant proposes access to a new three (3) bay car park through Lot 12 and Lot 18. Officers have worked with the proponent and sought legal advice to find the most appropriate solution, which is to create a public access easement over a portion of Lot 12, a portion of Lot 18 and Lot 66 shown in Attachment No. DS032C.

McLeods Lawyers have recommended that Council impose a condition requiring the proponent to procure the registration of a public access easement. Accordingly, an appropriate condition has been included in the Executive Recommendation.

The responsibility to satisfy the condition is with the developer / owner to pay for the costs associated with the registration of the public access easement which includes the preparation and lodgement of an easement only deposited plan, Landgate registration fees and the preparation and lodgement of the public access easement deed by the City's solicitors.

The proposed development, if undertaken, will maintain access to surrounding property / business within the vicinity of the site.

The application proposes a new verandah to accommodate an alfresco dining area along Foreshore Drive on Lot 51 which is owned by the City. As the proponent does not have a lease with the City for this land, the applicant has agreed to exclude the use of this land from this application. The proponent will pursue a separate application and potential lease arrangement with the City following determination of this application.

Car Parking

The proposed development seeks to convert six (6) of the nine (9) existing car bays into an outdoor beer garden with three (3) car bays on-site.

The proposal has been assessed under the City's Local Planning Scheme which requires 23 car bays be provided on-site.

In considering the car parking need and in support of the proposed reduction in car parking, the applicant engaged a qualified Traffic Engineering consultancy to undertake a Traffic Impact Statement and a detailed Car Parking Study. The parking study included an analysis of the existing car parking supply in the area and its occupancy rates.

The Car Parking Study found the following:

- There are 522 publicly available parking bays within a 450m catchment of the site;
- An on-site assessment of the parking availability on Friday, 24 February 2023 and Saturday, 25 February 2023 found that the maximum parking occupancy rate was 87% at midday on Friday, 24 February 2023. This represents approximately 67 available car parking bays in the area;
- On the weekday, parking occupancy within the Study Area ranged from 46% to 87%, suggesting there is available supply at all times. Capacity peaked at 12pm and declined before briefly picking back up in the evening from 7-8pm;
- On the weekend, the parking bays had a lower utilisation rate, ranging from 33% to 79%, reflecting a higher degree of available parking. Capacity peaked at noon and declined into the evening;
- The Tavern site is expected to be at its busiest after 5pm where the study found there were approximately 50% of car bays available on Friday and 40% available at 6pm. At 50% occupancy there would be approximately 250 available bays and at 60% occupancy there would be approximately 200 available bays; and
- The car park at Lot 601 was not included in the Study, however it was observed that even during the busiest time it showed 40% availability.

The City's Local Planning Scheme states that the local government may permit land uses to share or combine parking facilities, and may approve a reduction in the total parking requirement provided it is satisfied:

- No conflict will occur as a result of the joint use of the parking facilities;
- The peak demands for parking bays from the individual land uses do not coincide; and
- The combined parking provision will provide an adequate level of service for the approved uses.

The applicant's Car Parking Study demonstrates the above criteria have been met as there is sufficient car parking within proximity of the subject site, and that there is no need for additional car parking bays on-site beyond what is proposed.

The removal of six (6) of the existing car bays from the site and its replacement with a landscaped beer garden and outdoor play area is considered to have a positive impact and is supported in terms of design and street activation.

Therefore, Officers recommend that Council approve the proposed reduction in car parking.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications however, should Council refuse the application and the proponent seeks a review of the decision, a further cost is likely to be imposed on the City through its involvement in the State Administrative Tribunal process. The proponent could also seek a review of any conditions of approval that are imposed again resulting in a further cost to the City through its involvement in the State Administrative Tribunal process.

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.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
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 specific risks associated with this development. If Council were to refuse the proposed development, the applicant does have the right of appeal to the State Administrative Tribunal (SAT) and there would need to be valid town planning reasons given for the refusal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The option of not supporting the development application based on the lack of car parking provided on site was not considered appropriate given the applicant has provided a detailed traffic survey to demonstrate the availability of car parking in the locality. This shows there is likely to be adequate capacity in surrounding parking facilities to support the proposed variation to the provision of physical parking bays on site. Based on the planning merits of the application, the option to refuse the application is not supported.

The development application could be approved with a condition of approval requiring a cash in lieu payment for the shortfall of parking. This option is not recommended as the applicant has satisfactorily demonstrated that there is sufficient car parking within proximity of the site.

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

In conclusion it is considered that the proposed development will enhance and promote the vibrancy of the foreshore area. The design responds well to the current and future context of the area and is generally consistent with the relevant planning framework.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR COOPER

That Council by Simple Majority pursuant to Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

- 1. GRANT development approval for a Change of Use (Tavern and Associated Alterations and Additions) on Lot 101 (No. 1) Cathedral Avenue, Geraldton;**
- 2. MAKE the determination subject to the following conditions and advice notes:**
 - a. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;**
 - b. Development and 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;**
 - c. The proposed portion of verandah which encroaches into Lot 51, is not approved as part of this development application;**
 - d. Prior to the commencement of the development, the proponent must procure the registration of a public access easement, granted by the City as owner of the subject lots, in favour of the public at large, over Lot 66 and portions of Lots 18 and 12 on Plan 6547, to facilitate legal access for the proposed development;**
 - e. Prior to an application for a building permit being made, revised plans shall be submitted to and approved in writing by the local government for the car park, incorporating the following measures:**
 - i. Dimensions to be shown for each parking bay;**
 - ii. Parking bay 2 to be moved to be clear of the car park and access easement G620896;**

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- iii. **Parking bay 3 to be widened by 0.3m. Parking bay 3 needs to have an additional 0.3m width, as per AS2890.1, as it is adjacent to a proposed fence; and**
 - iv. **Accessible car parking bay being provided in accordance with the National Construction Code Series and AS2890 Part 6 2009.**
 - f. **The area set aside for the parking of vehicles together with the associated access as shown on the updated plan required as part of condition e. shall:**
 - i. **be installed to the satisfaction of the local government prior to the commencement of the approved use;**
 - ii. **be maintained thereafter to the satisfaction of the local government;**
 - iii. **be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;**
 - iv. **be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;**
 - v. **be drained and sealed with an all-weather seal coat to the satisfaction of the local government;**
 - vi. **have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);**
 - vii. **be designed in accordance with AS2890; and**
 - viii. **provide for accessible car parking in accordance with the relevant provisions of the BCA and AS2890 Part 6 2009.**
 - g. **The area set aside for the parking of bicycles and end of trip facilities as shown on the attached approved plan(s) shall:**
 - i. **be installed to the satisfaction of the local government prior to the commencement of the approved use;**
 - ii. **be maintained thereafter to the approval of the local government;**
 - iii. **the bicycle parking shall be designed in accordance with AS2890.3; and**
 - iv. **be made available for such use at all times and not used for any other purpose, unless otherwise approved in writing by the local government.**
 - h. **Prior to the occupation of the development, a Travel Plan shall be submitted to and approved in writing by the local government. The Travel Plan shall be prepared having regard to the provisions of the City of Greater Geraldton Local Planning Policy Travel Plans. The approved Travel Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;**
 - i. **Prior to the commencement of the development a detailed schedule of colours, finishes and materials shall be provided to and approved in writing by the local government. The colours, finishes and materials shall generally be consistent with the details shown on the approved plans;**

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- j. Prior to an application for a building permit, an outdoor lighting plan must be submitted and approved in writing by the local government. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties. The approved outdoor lighting plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;**
 - k. Prior to an application for a building permit, a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved in writing by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the satisfaction of the local government, with all storm water to be disposed of on-site;**
 - l. Prior to an application for a building permit, a detailed landscaping plan shall be submitted to and approved by the local government. The landscaping plan shall be generally consistent with the submitted development plan and provide information regarding the species selection, reticulation, details of existing vegetation to be retained, pavement details and the treatment of landscaped surfaces. The approved Landscape Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;**
 - m. Prior to the commencement of the development, the proponent is responsible to ensure that a delivery management plan, is lodged with the local government for its approval, and is approved by the local government. The delivery management plan shall demonstrate the measures to be implemented to ensure all loading and unloading associated with the development can occur in a manner that minimises interference with other vehicular traffic. Once approved, the proponent is responsible to ensure that the development operates at all times and in all respects in accordance with the approved delivery management plan;**
 - n. Prior to the commencement of the development, the proponent is responsible to ensure that a waste management plan, is lodged with the local government for its approval, and is approved by the local government. Once approved, the proponent is responsible to ensure that the development operates at all times and in all respects in accordance with the approved waste management plan;**
 - o. All areas of outdoor storage must be screened from public view to the satisfaction of the local government;**
 - p. The development shall operate in accordance with the Froth Craft Code of Conduct and Management Plan dated August 2023 to the satisfaction of the local government, unless otherwise approved in writing;**

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- q. **Prior to an application for a building permit, a Noise Management Plan shall be submitted to with and is approved in writing by the local government setting out in detail the management commitments applicable to noise minimisation relevant to all installations, activities and processes, based on actual sound level measurements of plant, both individually and in combination. The Noise Management Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses, and the Plan shall demonstrate that noise emissions will achieve compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*. Once approved, the landowner/proponent from time to time is responsible to ensure, that all installations, activities and processes carried out at all times and in all respects in accordance with the endorsed Noise Management Plan;**
 - r. **No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;**
 - s. **All loading and unloading associated with the development/land use is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic; and**
 - t. **Any lighting device used to illuminate the horizontal signage 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 sensitive land uses or passing motorists.**

Advice notes:

1. **This is development approval under the provisions of the *Planning and Development Act 2005 only*. Nothing in this approval removes the need to comply with all relevant legislation including but not limited to the National Construction Code, the Environmental Protection (Noise) Regulations 1997, the Public Health Act 2016 and the Food Protection Act 2008;**
2. **Should the applicant wish to pursue approval of the portion of verandah which encroaches into Lot 51 a separate development application and request for approval to lease the land is required to be lodged with the local government for consideration; and**
3. **With regard to condition d. the City as owner of the subject lots, will grant the public access easement free of cost; however; the proponent is responsible for all costs associated with the registration of the public access easement, including the preparation and lodgement of an easement only deposited plan, all Landgate registration fees and the preparation and lodgement of the public access easement deed by the City's solicitors.**

CARRIED 9/1

Time: 5:07 PM

Not Voted: 1

No Votes: 1

Yes Votes: 9

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	NO
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

DS033	BERESFORD FORESHORE LICENCES – SWEET OLIVE CARAVAN AND CAFÉ ZUMA WA
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AGENDA REFERENCE:	D-24-043459
AUTHOR:	S Pratt-King, A/Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	30 April 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider two separate licences to Sweet Olive Caravan and Café Zuma WA to operate mobile food trailers on Beresford Foreshore Reserve 5660.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* and Section 18 of the *Land Administration Act 1997* RESOLVES to:

PART A

1. GRANT a licence for Commercial Activity on City Controlled Land to Sweet Olive Caravan;
2. SET the condition for the licence as follows:
 - a. Term to be set at two (2) years commencing on the date of execution;
 - b. Licence fee to be set in line with the City of Greater Geraldton Schedule of Fees and Charges, reviewed annually;
3. ADVISE the licensee they are responsible for paying all costs associated with the preparation and execution of the licence;
4. MAKE the determination subject to:
 - a. Consent from the Minister for Lands;
 - b. Advertising notice period of not less than 14 days inviting public submissions; and
5. REFER the matter back to Council should any objecting submissions be received.

PART B

1. GRANT a licence for Commercial Activity on City Controlled Land to Café Zuma WA;
2. SET the condition for the licence as follows:
 - a. Term to be set at two (2) years commencing on the date of execution;
 - b. Licence fee to be set in line with the City of Greater Geraldton Schedule of Fees and Charges, reviewed annually;
3. ADVISE the licensee they are responsible for paying all costs associated with the preparation and execution of the licence;
4. MAKE the determination subject to:
 - a. Consent from the Minister for Lands;
 - b. Advertising notice period of not less than 14 days inviting public submissions; and

5. REFER the matter back to Council should any objecting submissions be received.

PROPONENT:

The proponents are Sweet Olive Caravan and Café Zuma WA.

BACKGROUND:

Council resolved at its 19 December 2023 Ordinary Meeting to call for Expressions of Interest (EOI) for further activation opportunities on the Beresford Foreshore.

The licence area previously identified on Beresford Foreshore Crown Reserve 5660 is shown below. This space has been designed for multi-use commercial activities that are mobile in operation. The site is not serviced by water or power.



Beresford Foreshore Crown Reserve 5660 (Zone 2)

The City received three expressions of interest, which are outlined as follows.

1. Sweet Olive Caravan is an established mobile food vendor offering coffee and sweet snacks. They currently operate two days a week within the Geraldton region and propose to expand their operations one day a week at the Beresford Foreshore.
2. Café Zuma WA is a new mobile food vendor looking to establish itself within the Geraldton region specialising in gluten-friendly options and offering a variety of hot and cold beverages, sweet and savory snacks and lunchtime options. Café Zuma has proposed to operate up to six days a week (weather permitting) at the Beresford Foreshore.
3. A submission was received which expressed an interest in another location and will be considered separately.

Both food vendors are supportive of operating in a single location on alternative days to provide variety and choice for customers whilst activating the space.



1. Sweet Olive Caravan



2. Café Zuma

The third submission is from a start-up business identifying an alternative location on the Geraldton Foreshore Reserve 50100. The business concept is not mobile and would suit a lease arrangement aligned with the transportable structures already present along the Geraldton Foreshore. Further internal consultation and investigation into the innovative concept is underway.

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

There are no adverse community impacts. The two proposed business operations will enhance and activate the community and visitor experience on the Beresford Foreshore.

Economy:

These proposals have the potential to offer a viable local business opportunity to operate in a prime Geraldton location. Small businesses, such as these could trade from the sites and add to the economic vibrancy and vitality of our community.

Environment:

Sweet Olive Caravan is powered by a generator selected for its low noise emission, is fully self-contained with large fresh and wastewater tanks and rubbish bins. The business incorporates recycling practices into its operations including the use of a jug washer to minimise water consumption. All equipment is contained within the caravan to reduce visual impact on the environment.

Café Zuma operate from a self-contained, generator powered caravan. The business uses biodegradable single use cups/containers and recycles where possible. All wastewater and rubbish is contained within the caravan.

To ensure the area is kept tidy and free from rubbish the Licensee will be responsible for ensuring all rubbish generated as a result of the business is disposed of in bins provided by the operator and removed from site daily.

Leadership:

Active management of commercial activities on City managed land by way of a licence demonstrates good governance and reinforces accountable leadership to support local business growth.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

On 19 December 2023, Council Item No. DS025 resolved to grant two (2) separate licences to Fusions Gelato and Ultimate Watersports Pty Ltd on the Geraldton Foreshore Crown Reserve 50100.

COMMUNITY/COUNCILLOR CONSULTATION:

Expressions of interest for mobile activities/services to enhance the community and visitor experience on the Beresford Foreshore were advertised in the Geraldton Guardian on 6 February 2024.

LEGISLATIVE/POLICY IMPLICATIONS:

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

Section 18 of the *Land Administration Act 1997* outlines the requirement for Ministerial approval to grant a lease or licence over Crown land.

FINANCIAL AND RESOURCE IMPLICATIONS:

A commencing licence fee of \$500 per annum inclusive of GST plus all other costs associated with the preparation and issue of the licence agreement in line with the City of Greater Geraldton Schedule of Fees and Charges.

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: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no consequential risks inherent in approving, or not approving, the recommendation. The licensees will be required to hold an appropriate public liability insurance policy and Food Business Registration from the City of Greater Geraldton.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Not support the proposed licence for Sweet Olive Caravan or Café Zuma WA. This option is not recommended as both vendors' submissions align with the objectives to activate and enhance the Beresford Foreshore;
2. Only support one licence to either Sweet Olive Caravan or Café Zuma WA. This proposal is not recommended as both vendors offer complementary menu options and are supportive of activating the space on alternative days; and
3. Support a licence to the third vendor. This option is not supported as the submission is not mobile. Further internal investigation and consultation into this innovative submission are required to identify possible suitable locations and lease options for Council's consideration.

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

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* and Section 18 of the *Land Administration Act 1997* RESOLVES to:

PART A

1. GRANT a licence for Commercial Activity on City Controlled Land to Sweet Olive Caravan;
2. SET the condition for the licence as follows:
 - a. Term to be set at two (2) years commencing on the date of execution;
 - b. Licence fee to be set in line with the City of Greater Geraldton Schedule of Fees and Charges, reviewed annually;
3. ADVISE the licensee they are responsible for paying all costs associated with the preparation and execution of the licence;
4. MAKE the determination subject to:
 - a. Consent from the Minister for Lands;
 - b. Advertising notice period of not less than 14 days inviting public submissions; and
5. REFER the matter back to Council should any objecting submissions be received.

PART B

1. GRANT a licence for Commercial Activity on City Controlled Land to Café Zuma WA;
2. SET the condition for the licence as follows:
 - a. Term to be set at two (2) years commencing on the date of execution;
 - b. Licence fee to be set in line with the City of Greater Geraldton Schedule of Fees and Charges, reviewed annually;
3. ADVISE the licensee they are responsible for paying all costs associated with the preparation and execution of the licence;
4. MAKE the determination subject to:
 - a. Consent from the Minister for Lands;
 - b. Advertising notice period of not less than 14 days inviting public submissions; and
5. REFER the matter back to Council should any objecting submissions be received.

CARRIED 10/0

Time: 5:09 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES

Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

DS034	MID WEST PORT AUTHORITY - ROAD AND LAND MANAGEMENT
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AGENDA REFERENCE:	D-24-043848
AUTHOR:	S Pratt-King, Acting Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2)
	A. Road Widening Survey
	B. Lease Survey

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider three (3) separate land, leasing and infrastructure matters related to the Mid West Port Authority Marine Terrace Roundabout Project and Eastern Breakwater lease.

EXECUTIVE RECOMMENDATION:PART A

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

1. REQUEST the Minister for Lands, pursuant to section 56(1)(a) of the *Land Administration Act 1997*, to dedicate as public road a 2,404 square metre area of Crown Reserve 25300 being:
 - a. Portions of Lot 502 and Lot 503 on Deposited Plan 57801 being 298 Marine Terrace, Geraldton;
 - b. Portion of Lot 504 on Deposited Plan 57801 being 398 Marine Terrace, Geraldton;
2. INDEMNIFY the Minister for Lands, in accordance with the requirements of section 56(4) and section 56(6) of the *Land Administration Act 1997*, against any claim for compensation (not being a claim for compensation in respect of land referred to in section 56(6) of the *Land Administration Act 1997*) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister of Lands in considering and granting Council's request;
3. MAKE the determination subject to:
 - a. Advertise the proposed road dedication by way of local public notice for seven (7) days and consider any submissions received;
 - b. Seek submissions on the proposed dedication from affected service providers; and
 - c. Refer the matter back to Council should any objecting submissions be received.

PART B

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

1. DIRECT the Chief Executive Officer to negotiate a road maintenance agreement for Marine Terrace roundabout with Mid West Port Authority; and
2. CONTINUE to lobby the State Government seeking re-classification of local government roads providing key heavy haulage route connection between Main Roads Western Australia and the Mid West Port Authority.

PART C

That Council by Simple Majority pursuant to Section 3.55 of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the lease agreement between the City of Greater Geraldton and Mid West Port Authority for a portion of Reserve 25300, Lot 503 on Deposited plan 57801 being 298 Marine Terrace, Geraldton; and
2. AUTHORISE the Chief Executive Officer to execute the Deed of Variation, reducing the lease area by 240m².

PROPONENT:

The proponents are the Mid West Port Authority (MWPA), Main Roads Western Australia (MRWA) the Department of Planning, Lands and Heritage (DPLH) and the City of Greater Geraldton (the City).

BACKGROUND:**Part A - Road Dedication**

Due to a projected increase in trade and subsequent increase in vehicle movements the intersection located on Marine Terrace, West End (at the entrance to CBH) was identified for improvement by Mid West Port Authority (MWPA) to ensure it serviced the future needs of road users at the Port. A key objective of the Marine Terrace Roundabout Project (the Project) was to provide safe and reliable truck operations at the Port for CBH trucks entering the slip road.

The City of Greater Geraldton (the City) provided a letter of in principle support for the Project based on MWPA's commitment to the following:

1. MWPA shall be responsible for sole funding the Roundabout Project under the State Government's Royalties for Regions Program and ongoing maintenance in accordance with Item 2 below; and
2. Except for the ongoing maintenance of drainage, footpaths and vegetation (pruning and watering) which shall be the responsibility of the City, all ongoing maintenance of the new road pavement (including line marking) shall be the responsibility of MWPA.

At the Ordinary Meeting of Council of 31 January 2023, Council resolved as per Council Item No. DS010 to accept 2,404m² of Crown Reserve 25300 for the purpose of road widening to support MWPA's Project. The proposed road widening survey 30522AS1-1-0 is provided as Attachment No. DS034A.

Construction of the roundabout was finalised in 2023.

In accordance with section 56 of the *Land Administration Act 1997*, local government authorities may request the Minister for Lands, through the Department of Planning, Lands and Heritage (DPLH), to dedicate land as public road.

The local government authority must comply with:

- Section 56 of the *Land Administration Act 1997*; and
- Regulation 8 of the *Land Administration Regulations 1998* before submitting a request for the dedication of a road.

To comply with the requirements under the *Land Administration Act 1997* and *Land Administration Regulations 1998* the City will:

- Advertise the proposed road dedication by way of local public notice and consider any submissions received;
- Send letters of the proposal to the Water Corporation, Western Power, Telstra, ATCO Gas, Planning Division of DPLH and any other affected provider seeking submissions on the proposed dedication; and
- Refer the matter back to Council should any objecting submissions be received.

A formal application for the proposed road dedication will be lodged with DPLH through MWPA's Surveyors once the City has met the legislative requirements above.

Part B - Road Reclassification

The City formally approached Main Roads Western Australia (MRWA) in June 2023 requesting MRWA reclassify approximately 700m of Local Government owned road in Geraldton, to align with existing local MRWA network classifications.

The John Willcock Link (JWL) in Geraldton is currently classified as a State Road within the MRWA network, as it provides a key strategic heavy transport link through to the Port of Geraldton. Construction of the new roundabout on Marine Terrace has required a successful agreement to be reached between the City and MWPA to resolve associated land tenure issues, service corridor alignments and provision of designs to ensure the safety of pedestrians, cyclists and other users and commuters.

As per above, the City and MWPA are jointly progressing with the development of an interim 'Roundabout Maintenance Agreement', to be fully managed and funded by MWPA at the completion of the works. This agreement is required, as it has been agreed between both the City and MWPA, that the current and projected future use of both Marine Terrace and Portway, from the new roundabout to JWL inclusive, fundamentally changes the classification of this section of road to align the MRWA classification for the JWL.

Advice received from MRWA is that they would require the City, at its own cost, to undertake maintenance and upgrade works required to bring the roads to the required heavy vehicle standards. If reclassification is recommended by MRWA following assessment, the timing of handover would not be until after the Port Maximisation Project is complete, and all agreed upgrades are completed.

Subsequently, officers met with representatives of MWPA in March 2024 and were advised that MWPA, who raised a question regarding the City undertaking maintenance work on a section of Marine Terrace between the overpass on John Willcock Link (JWL) and the entry to the ports truck unloader.

MWPA acknowledged that this section of Marine Terrace is City owned, failing rapidly and now requires significant maintenance work, prior to winter, to avoid failures and disruption to trucking movements entering the port.

Officers have reviewed and provided a desktop cost estimate in the order of \$1M for reconstruction of this affected section only, however, this work is unfunded and unplanned to be carried out by the City any time soon.

Based on this cost estimate alone, the MRWA upgrade requirement discussed previously, will require significant funding in the millions of dollars to upgrade critical access infrastructure connecting the MRWA heavy haulage network and the MWPA.

These City owned roads are now being utilised as part of the heavy haulage freight network to the port and are being required to perform a level of service far greater than that of a typical local government road.

Given the scale and nature of the MRWA required upgrades, it appears grossly inappropriate that the City, and its ratepayers, would be required to fund this work which should be a state government funded initiative to be completed as a matter of priority, prior to any community safety or efficiency issues developing.

Part C – Eastern Breakwater Lease

Crown Reserve 25300 is vested under the care, control, and management of Mid West Port Authority for the purpose of the *Port Authorities Act 1999*, including the power to lease for any term not exceeding 50 years.

The City (as Lessee) and Mid West Port Authority (as Lessor), previously Geraldton Port Authority, entered into a 42-year lease agreement for a portion of Crown Reserve 25300 being Lot 503 on Deposited Plan 57801 in 2012 to support the City's Eastern Breakwater construction project.

MWPA have prepared a Deed of Variation for the City's execution to reduce the lease area by 240m² to reflect the recent construction of MWPA's tourism jetty and to provide clarity on the ownership of the CCTV system installed by MWPA on City lighting infrastructure. The proposed new lease area survey 011-G-0006 is provided as Attachment No. DS034B.

In accordance with sections 28(2) and 28(5) of the *Port Authorities Act 1999*, MWPA is exempt from seeking Ministerial approval to grant or deal with an interest in respect of vested land.

As per delegation 1.1.22 *Acquisition of Interest in Land by Lease or other Short-term Instrument*, condition (b) a Council resolution is required to acquire an interest in land by lease, therefore retrospective Council approval of the lease and variation is requested.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts, the construction of the roundabout has improved traffic flow for trucks entering and leaving the port, and improved safety for local road users, pedestrians, cyclists, and port customers.

Economy:

There are no adverse economic impacts, the project will help to support more efficient and effective supply chains for the State's important grain export industry.

Environment:

The City is strongly of the opinion that a significant 24/7 increase in heavy haulage traffic fundamentally changes the nature of the road environment along Portway, between the roundabout and John Willcock Link, from that of a Local Distributor to a Primary Distributor.

The City currently has maintenance responsibility for this section of road however, Officers believe a fundamental change in road environment to that of a Primary Distributor, means the road should be vested with Main Roads W.A. for the ongoing maintenance and completion of the link to the Port.

Leadership:

The City demonstrated good leadership through proper planning of road infrastructure and land management matters.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

On 26 November 2019 Council Item No. DCS431 resolved to:

1. REQUEST the Minister for Land to dedicate Lot 101 as shown on Deposited Plan 411385 as public road; and
2. INDEMNIFY the Minister against any claims for compensation.

On 17 December 2019 Council Item No. DCS432 resolved to:

1. ADOPT a position that, whilst the City of Greater Geraldton fully supports the notion of Port maximisation, it does not support any development or expansion (Port related or otherwise) that could potentially undermine or jeopardise the values the Geraldton community places on liveability, wellness and environmental stewardship.

On 23 February 2021 Council Item No. DCS484 resolved to advise MRWA that the City has considered the draft Alignment Selection Report Dongara-Geraldton-Northampton (August 2020) and RESOLVE as follows:

1. REITERATE concerns that the State's focus on the Dongara-Geraldton-Northampton project has eclipsed the requirement for addressing more immediate road safety issues such as widening and passing lanes on the East-West corridor (Geraldton-Mt Magnet Road), and the construction of the inner by-pass; (Geraldton North-South Highway).

On 31 January 2023 Council Item No. DS010 resolved to:

1. AGREE to accept 2,404 square metres of Crown Reserve 25300 land for the purpose of road widening on Marine Terrace, West End.

COMMUNITY/COUNCILLOR CONSULTATION:

MWPA presented to Council at the 4 October 2022 Concept Forum and provided an update on the Port Maximisation Project which included details about the proposed Project.

MWPA have undertaken community consultation by way of letter drops and communication via regular updates to their website during the project implementation phase.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 56 of the *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998* provides for the dedication of public roads. Where land is acquired for use by the public under the care, control and management of a local government, the local government may request the Minister for Lands to dedicate that land as a road reserve.

Section 3A. of the *Local Government (Administration) Regulations 1996* provides the requirements for local public notice under Section 1.7 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications for Part A 'Road Dedication' or Part C 'Eastern Breakwater Lease' of this report.

There are significant financial implications to the City associated with Part B 'Road Reclassification', associated with increased maintenance and upgrade costs required for the road infrastructure connecting the MRWA heavy haulage route to the MWPA Port Maximisation Project.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.6	A diverse and globally recognised regional capital.
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.
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 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

The State Government's investment in the Geraldton Port through this project has contributed to maximising grain movements from the Port, supporting the region's economic growth.

RISK MANAGEMENT:

The road dedication will formally protect the tenure of the land which the roundabout is located on.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Not support the road dedication. This is not recommended as the City through Council Item No. DS010 has already accepted 2,404m² of Crown Reserve 25300 for the purpose of road widening, the dedication of this land is the final process required to finalise the land transaction.

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

PART A

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

- 1. REQUEST the Minister for Lands, pursuant to section 56(1)(a) of the *Land Administration Act 1997*, to dedicate as public road a 2,404 square metre area of Crown Reserve 25300 being:
 - a. Portions of Lot 502 and Lot 503 on Deposited Plan 57801 being 298 Marine Terrace, Geraldton;**
 - b. Portion of Lot 504 on Deposited Plan 57801 being 398 Marine Terrace, Geraldton;****
- 2. INDEMNIFY the Minister for Lands, in accordance with the requirements of section 56(4) and section 56(6) of the *Land Administration Act 1997*, against any claim for compensation (not being a claim for compensation in respect of land referred to in section 56(6) of the *Land Administration Act 1997*) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister of Lands in considering and granting Council's request;**
- 3. MAKE the determination subject to:
 - a. Advertise the proposed road dedication by way of local public notice for seven (7) days and consider any submissions received;**
 - b. Seek submissions on the proposed dedication from affected service providers; and**
 - c. Refer the matter back to Council should any objecting submissions be received.****

PART B

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

- 1. DIRECT the Chief Executive Officer to negotiate a road maintenance agreement for Marine Terrace roundabout with Mid West Port Authority; and**
- 2. CONTINUE to lobby the State Government seeking re-classification of local government roads providing key heavy haulage route connection between Main Roads Western Australia and the Mid West Port Authority.**

PART C

That Council by Simple Majority pursuant to Section 3.55 of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the lease agreement between the City of Greater Geraldton and Mid West Port Authority for a portion of Reserve 25300, Lot 503 on Deposited plan 57801 being 298 Marine Terrace, Geraldton; and
2. AUTHORISE the Chief Executive Officer to execute the Deed of Variation, reducing the lease area by 240m².

CARRIED 10/0

Time: 5:11 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

12.2 REPORTS OF COMMUNITY AND CULTURE

CC013	COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2024 - 2029
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AGENDA REFERENCE:	D-24-034756
AUTHOR:	J Steele, Coordinator Youth Development
EXECUTIVE:	F Norling, Director Community and Culture
DATE OF REPORT:	30 April 2024
FILE REFERENCE:	CS/16/0027
ATTACHMENTS:	Yes (x1) Community Safety and Crime Prevention Plan 2024-2029

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council endorsement of the Community Safety and Crime Prevention Plan 2024-29.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the Community Safety and Crime Prevention Plan 2024-29.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The City's Community Safety and Crime Prevention Plan (the Plan) was developed in 2018 with the aim to guide the City's Community Safety and Crime Prevention Committee. The plan was due for renewal in 2020 however due to staff constraints and delays in community engagement caused by COVID the updating of the plan was delayed.

There were a large number of achievements by the City and its partners in the community that have demonstrated that the work in this space is effective and ongoing. Achieving lasting change in response to community safety and crime prevention issues relies on roles performed by a range of stakeholders, of which the City is only one, with external organisations such as WA Police, Youth Justice Services, PCYC, MEEDAC, Geraldton Streetworks Aboriginal Corporation, Bundiyarra Aboriginal Community Corporation and Mid-West Chamber of Commerce and Industry (MWCCI) equally important partners in tackling the associated issues and behaviours.

Despite the challenges of perception regarding community safety and the complexity of related issues leading to crime and antisocial behaviour, the previous Community Safety and Crime Prevention Plan 2018-2020 delivered numerous actions that contributed to influencing community safety and preventing crime.

Highlights from the 2018-2020 strategic priorities include youth programs from Late Night Football delivered in Geraldton to Challenge Camps held out of the region; young people participating in community service through furniture restoration at the former temporary youth centre in Lester Ave and refurbishment of the Levy Street Hall kitchen; the completion of the Railway Street Safe Active Street Project; upgrades to the City's CCTV network across the CBD and Geraldton Works Depot; the delivery of over 100 alcohol free community events over the life of the Plan; safety for seniors workshops; in addition to the successful promotion of Bikelinc, Axon Citizen and the Community, Respect, Equality project.

The release of regular positive news stories and Local Legends series on social media was also a key action of the previous Plan delivered effectively. These operational achievements assisted to inform the evolution of the priority strategies for the new Plan (2024-2029) in highlighting the City's role in delivery, facilitation, design and advocacy to enhance community safety and crime prevention.

The plan focuses on four (4) strategic areas with associated identified actions to be undertaken by the City, as follows:

Breaking Cycles

Breaking cycles and building futures through social development. Intervention strategies that break patterns of disadvantage and cyclical intergenerational offending, particularly focusing on youth.

Examples of key actions in the plan are:

1. Support, facilitate and deliver diversionary programs for at-risk youth e.g. Late-Night Basketball program. The City currently has a Mullewa Youth Development Officer funded by Department of Child Protection and a Geraldton Youth Development officer delivering diversionary programs;
2. Operate youth centres in Geraldton and Mullewa (the timing of completion of the Geraldton Youth Centre is currently subject to funding application outcomes); and
3. Support, facilitate and deliver programs focused on inclusivity and diversity (e.g. NAIDOC Week, Youth Week, Harmony Day).

Safe Spaces and Places

Focuses on environmental design and management, built environments in a way that discourages antisocial activity. Application of a range of design principles including signage, increased community participation and involvement, CCTV, natural surveillance, limited access points and other approaches.

Examples of key actions in the plan are:

1. Support and facilitate place making initiatives and activation in the CBD, Foreshore and identified public spaces (e.g. Sundays by the Sea, School holiday programming and Rocks Laneway activation);
2. Continue the extension and upgrade of the City's CCTV network; and

3. Continue the rapid removal of graffiti in the CBD by the City.

Perception and Personal Responsibility

Focuses on reducing the fear of crime, changing how crime is perceived through the media, reducing preventable crime, encouraging reporting and improving home and personal security.

Examples of key action in the plan are:

1. Support and facilitate crime prevention awareness initiatives (e.g. QEII Seniors and Community Centre cyber awareness programs);
2. Promote Geraldton as a safe City; and
3. Support and promote the Neighbourhood Watch program.

Advocacy and Partnerships

Identifies how the City can amplify its impact through collaboration with relevant stakeholders in key areas of community safety. This strategy defines how the City will engage with complex community safety issues that fall outside the scope of a local government authority.

Examples of key actions in the Plan are:

1. Advocate for the Community Connections Transportation program;
2. Support the Community Wellness Plan and Geraldton Liquor Accord; and
3. Advocate for more foot patrols in the CBD and Foreshore.

Economy:

There are no measurable economic impacts.

Environment:

Delivery of effective Community Safety and Crime Prevention actions should result in an enhanced environment with regard to perceptions of safety and reduced incidence of antisocial behaviour, including in public spaces.

Leadership:

Through adoption of a new Community Safety and Crime Prevention Plan the City demonstrates its continued commitment to leadership in fostering a safer community.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

The previous Community Safety and Crime Prevention Plan was adopted by Council on 24 July 2018, Item No. DCS376.

COMMUNITY/COUNCILLOR CONSULTATION:

The City conducted the Community Safety and Crime Prevention Community Survey from 30 October 2023 to 20 November 2023. The City received 387 responses. The responses were collated and used for reference during a subsequent presentation at a workshop for internal stakeholders 27 November 2023 and an external stakeholder workshop 04 December 2023. The draft plan was distributed to internal stakeholders and relevant City Officers with responsibility for actions and finalised following feedback.

LEGISLATIVE/POLICY IMPLICATIONS:

The Plan aligns with the outcomes of the City's Strategic Community Plan and replaces the previously endorsed Community Safety and Crime Prevention Plan 2018-2020.

FINANCIAL AND RESOURCE IMPLICATIONS:

Actions listed within the Plan can be achieved within current resourcing levels.

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 1.8	Active living and recreation is encouraged
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play study, invest and visit.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.4	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

Regional outcomes include a safer community, which in turn leads to an improvement in Greater Geraldton's reputation regarding crime and safety.

RISK MANAGEMENT:

The City's Plan demonstrates its commitment to a safer community. Risk to public safety, property damage and antisocial behaviour are some of the key risks that are anticipated to be addressed through implementation of the Plan.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No other options were considered as this Plan replaces a previously endorsed version which is now out of date.

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

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

- 1. ADOPT the Community Safety and Crime Prevention Plan 2024-29.**

CARRIED 10/0

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 CORPORATE SERVICES**CS117 COUNCIL POLICY 4.12 INDEPENDENT COMMITTEE MEMBER FEES AND REIMBURSEMENTS**

AGENDA REFERENCE:	D-24-044427
AUTHOR:	P Radalj, Director Corporate Services
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	11 April 2024
FILE REFERENCE:	GO/14/0002
ATTACHMENTS:	Yes (x1) Draft Council Policy 4.12 Independent Committee Member Fees and Reimbursements (v2)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 2 based on further advice from the Department of Local Department, Sport and Cultural Industries (DLGSC).

Failure to amend the existing policy would result in the City being legislatively non-compliant with the *Local Government Act 1995* and associated Regulations. The amendment deals with the requirement to reimburse travel and childcare costs if such claim for reimbursement is submitted by independent committee members.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 2; and
2. REQUEST a review of this policy in 12 months.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

Council approved Council Policy 4.12 Independent Committee Member Fees and Reimbursements (the policy) on 27 February 2024 (Item No. CS098). This was in response to the *Local Government Amendment Act 2023* which made provision in section 5.100 of the *Local Government Act 1995* (the Act) for independent committee members to be paid meeting attendance fees and reimbursed expenses. The Salaries and Allowances Tribunal issue an annual Determination to allow local governments to set meeting attendance fees within a prescribed range. The policy approved at the Ordinary Meeting of Council of 27 February 2024 (Item No. CS098) set a meeting attendance fee of \$200.

An independent member is a committee member who is not a Council Member or an employee of the local government i.e. 'other person' as defined in s.5.9(1) of the Act and must be formally appointed by a Council decision.

Subsequent to Council endorsement of the new policy, the City engaged and received further advice from DLGSC, Western Australian Local Government Association (WALGA) and independent legal advice as there was ambiguity around the purpose of the legislation and how it applied.

Independent members from the following types of committees can be paid under section 5.100 of the Act:

- independent members of audit committees (established under section 7.1A of the Act)
- independent members of committees with delegated powers and duties (established under section 5.8 of the Act)
- independent members of committees with no delegated powers and duties (established under section 5.8 of the Act).

DLGSC advised that all committee members of that same committee are entitled to be paid and cannot be excluded based on their primary employment.

Regulation 34ACA of the Local Government (Administration) Regulations 1996 prescribes further detail on the application of section 5.100 of the Act, including mandatory reimbursements:

34ACA. Fees paid and expenses reimbursed to committee members (Act s. 5.100)

- (1) *A meeting of a committee of the council of which the committee member is not a member is a meeting of a prescribed type for the purposes of section 5.100(3).*
- (2) *For the purposes of section 5.100(4)(a), the kinds of expenses **that are to be reimbursed by all local governments** are childcare and travel costs incurred by a committee member because of their attendance at a meeting of the committee of which they are a member.*
- (3) *For the purposes of section 5.100(4)(b), the kinds of expenses **that may be approved by any local government** for reimbursement by the local government are —*
 - (a) *an expense incurred by a committee member in performing a function under the express authority of the local government; and*
 - (b) *an expense incurred by a committee member in performing a function in their capacity as a committee member.*

Independent committee members must be reimbursed prescribed expenses they incur in their capacity as a committee member (childcare and travel costs). These costs must be evidenced by the claimant and be consistent with the SAT Determination.

Local governments may approve other reimbursements which would be subject to either individual claims and a Council decision, or specified in the policy providing the types of additional reimbursements that are approved for claiming and the extent to which such claims may be made, with the claimant providing sufficient evidence that the expense has been incurred.

For future consideration by the Council would be a review of the current system of committees including whether establishment under section 5.8 of the Act is necessary, and if there are committees that should be established under other legislation i.e. Bush Fire Advisory Committees. Council could consider the role and purpose of committees and how it wishes the committee/group to operate.

Committees that do not have any delegated powers or duties may be instead established on an informal basis as an advisory or working group. Informal advisory/working groups are not specifically covered by the Act, section 5.100 of the Act would not apply to these groups.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The establishment of committees allows the views of community members to be heard on key focus areas.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Review of the policy ensure compliance with the provisions of the Act and associated regulations and provides a clear outline of entitlements for City Officers, Council Members, and independent committee members to understand.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council policies are reviewed and endorsed by Council on a regular basis. Council Policy 4.21 was reviewed and approved by Council on 26 March 2024 (Item No. CS109).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

The *Local Government Act 1995* provides for independent committee members to receive meeting attendance fees and be reimbursed for prescribed expenses.

5.100 Fees paid and expenses reimbursed to committee members

(1) *In this section —*

committee member means a person who is a committee member but who is neither a council member nor an employee;

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7BAA.

(2) *A committee member who attends a meeting of the committee is entitled to be paid —*

- (a) *the fee determined for attending a committee meeting; or*
 - (b) *if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.*
 - (3) *A committee member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*
 - (a) *the fee determined for attending a meeting of that type; or*
 - (b) *if the local government has set a fee within the range determined for meetings of that type — that fee.*
 - (4) *Subsection (5) applies if a committee member incurs —*
 - (a) *an expense that is of a kind prescribed as being an expense to be reimbursed by all local governments; or*
 - (b) *an expense —*
 - (i) *that is of a kind prescribed as being an expense which may be approved by any local government for reimbursement by the local government; and*
 - (ii) *which has been approved by the local government for reimbursement.*
 - (5) *The committee member must be reimbursed for the expense —*
 - (a) *if the extent of reimbursement for the expense has been determined — to that extent; or*
 - (b) *if the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement — to that extent.*
 - (6) *If an expense is of a kind that may be approved by a local government for reimbursement, the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (5) if the local government has approved reimbursement of the expense in a particular case.*
 - (7) *A local government cannot make any payment to, or reimburse an expense of, a person who is a committee member in that person's capacity as committee member unless the payment or reimbursement is in accordance with this section.*
- [Section 5.100 inserted: No. 11 of 2023 s. 80.]*

The *Local Government (Administration) Regulations 1996* prescribe further detail including mandatory reimbursements:

34ACA. Fees paid and expenses reimbursed to committee members (Act s. 5.100)

- (1) *A meeting of a committee of the council of which the committee member is not a member is a meeting of a prescribed type for the purposes of section 5.100(3).*
- (2) *For the purposes of section 5.100(4)(a), the kinds of expenses that are to be reimbursed by all local governments are childcare and travel costs incurred by a committee member because of their attendance at a meeting of the committee of which they are a member.*
- (3) *For the purposes of section 5.100(4)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —*
 - (a) *an expense incurred by a committee member in performing a function under the express authority of the local government; and*
 - (b) *an expense incurred by a committee member in performing a function in their capacity as a committee member.*

From 1 January 2024, local governments can make payments to independent committee members for attendance at meetings in accordance with SAT's determination. This is the date that section 80 of the *Local Government Amendment Act 2023* came into effect.

The Salaries and Allowance Tribunal (SAT) made a variation to the Local Government Chief Executive Officers and Elected Members Determination (Determination) issued on 6 April 2023 to provide for meeting fees for independent committee members. The variation sets the thresholds for the payment of meeting fees, and the extent of reimbursements for childcare and travel costs. The City are a Band 1 council, and therefore the prescribed meeting fees per meeting are a minimum of \$0 and maximum of \$415.

On 5 April 2024, the Salaries and Allowances Tribunal released the 2024 Determination which is effective 1 July 2024. The prescribed meeting fees will be a minimum of \$0 and a maximum of \$432.

FINANCIAL AND RESOURCE IMPLICATIONS:

Under the current version of the policy, it was estimated that the cost to the City in relation to the payment of attendance fees could be in the vicinity of \$30,000 per annum. With the addition and requirement to reimburse travel and childcare expenses it is difficult to estimate what these costs (including administration) could amount to, as this will be dependent on the uptake of independent committee members who wish to seek reimbursements.

Per the current SAT determination, the extent of reimbursement for child care costs incurred because of attendance at a meeting is the actual cost per hour or \$35 per hour, whichever is the lesser amount.

Reimbursement of travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 as at the date of the determination.

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 1.6	Community capacity, innovation and leadership is encouraged.
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 4.6	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 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.
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REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Ensuring that the Council Policy Register is current and comprehensive supports the role of Council in the effective government of the City.

This policy seeks to determine the committee meeting attendance fees and reimbursements for independent committee members as allowed in section 5.100 of the *Local Government Act 1995*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The Council could consider the following options:

- Option 1: The meeting attendance fee be set at the minimum for all independent committee members.
- Option 2: The meeting attendance fee be set at the maximum for all independent committee members.
- Option 3: Reimbursement of other expenses which may be approved by Council.

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

1. APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 2, *but with the following changes*:
 - a. to be determined by Council;
2. MAKE the determination based on the following reason/s:
 - a. to be determined by Council; and
3. REQUEST a review of this policy in 12 months.

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

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

1. **APPROVE Council Policy 4.12 Independent Committee Member Fees and Reimbursements, version 2; and**
2. **REQUEST a review of this policy in 12 months.**

CARRIED 10/0

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.

CS118	COUNCIL POLICY 4.26 COMPLIANCE MANAGEMENT
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AGENDA REFERENCE:	D-24-039279
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	2 April 2024
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x1) Draft Council Policy 4.26 Compliance Management (v4)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council review and approval of Council Policy 4.26 Compliance Management, version 4.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.26 Compliance Management, version 4.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

Council Policy 4.26 Compliance Management, version 3, was approved by Council on 25 October 2022 (Item No. CCS732). The objectives and strategic directives defined within the draft policy provided to Council are still relevant. The policy is due for biennial review prior to October 2024, as defined within the Council Policy Manual therefore the policy content has been reviewed by City Officers.

No changes to the intent of the policy are suggested, only administrative updates to amend the title of the Directorate of Corporate and Commercial Services to Corporate Services and the title of the Australian Standard as a new standard was published last year.

Council Policy 4.26 requires the implementation of appropriate structures and processes to ensure legislative requirements are achievable and integrated into City operations. The Compliance Management Plan, which underpins the policy and provides an operational guide to encourage a positive compliance culture and minimise the risk of non-compliance, was reviewed on 12 October 2022 and 4 January 2024.

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 *Local Government Act 1995* requires that Council establish good governance principles through the introduction of policies. Council Policy 4.26 is a critical governance document that supports the City's ongoing effective operations.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council Policy 4.26 Compliance Management, version 3, was approved by Council on 25 October 2022 (Item No. CCS732).

COMMUNITY/COUNCILLOR CONSULTATION:

Councillor consultation for Council Policy reviews is not required prior to the Agenda Forum or Ordinary Meeting of Council unless there are significant changes to a policy. There is no significant change proposed to the draft policy, as such the endorsement is sought via this item.

LEGISLATIVE/POLICY IMPLICATIONS:

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

2.7. Role of council

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

Pursuant to regulation 17 of the *Local Government (Audit) Regulations 1996*, the City is to establish effective risk management, internal control and legislative compliance systems:

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*

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:

The policy presented to Council is a component of the critical governance controls necessary for ensuring effective management of risk, compliance and business continuity systems across City operations.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The Council may choose to consider alternative amendments to the policy, this is a matter for the Council.

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

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

- 1. APPROVE Council Policy 4.26 Compliance Management, version 4.**

CARRIED 10/0

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.

CS119	GERALDTON-GREENOUGH RIFLE CLUB INC – REQUEST FOR DONATION TO COVER RATES
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AGENDA REFERENCE:	D-24-045868
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	FM/19/0006
ATTACHMENTS:	Yes (x2) A. Letter Requesting Donation B. CCS371 Council Minute Extract - Previous Request for Donation

EXECUTIVE SUMMARY:

The Geraldton-Greenough Rifle Club Inc. has approached the City of Greater Geraldton (the City) with an updated request that Council continue to reimburse the payment of rates for its properties at Lots 500 and 1106 McCartney Road, Greenough by way of an annual donation. The previous resolution expired 2022-23. The purpose of this report is to seek Council approval to grant this annual donation for a further five (5) year term.

EXECUTIVE RECOMMENDATION:

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

1. AUTHORISE an annual donation to the Geraldton-Greenough Rifle Club Inc equivalent to the rates levied on Lot 500 and Lot 1106 McCartney Road, Greenough, subject to the condition that the properties in question are continued to be used for their current purposes; and
2. MAKE the determination to grant this donation:
 - a. for a further period of five (5) years from 1 July 2023 to 30 June 2028.

PROPONENT:

The proponent is the Geraldton-Greenough Rifle Club Inc.

BACKGROUND:

At the Ordinary Meeting of Council of 23 October 2018 (Item No. CCS371) the following was resolved:

1. *AUTHORISE an annual donation to the Geraldton Greenough Rifle Club (Inc) equivalent to the rates levied on Lot 500 and Lot 1106 McCartney Road, Greenough, subject to the condition that the properties in question are continued to be used for their current purposes; and*
2. *MAKES the determination to grant this donation for the following period:*
 - a. *for a further period of five (5) years.*

In 1992, the West Australian Rifle Association purchased the land at Lots 500 and 1106 McCartney Road, Geraldton on a trust basis for the Geraldton Greenough Rifle Club Inc. The Rifle Association subsequently transferred two parcels of land located on the range containing the structures of heritage value

to the Shire of Greenough. The value of the land transferred to the Council exceeded \$100,000. In exchange for the transfer, the Shire of Greenough originally agreed to waive rates on the land used as the Rifle Range. From 1992 and up to the financial year ending 30 June 2023, Council has basically forgone the collection of rates revenue associated with these properties by various methods. The latest method as per the resolution denoted previously in this report, was via an annual donation.

The title of the Greenough Rifle Range changed its mix of ownership from 11 August 2015. The title changed from an entire West Australian Rifle Association ownership to:

- West Australian Rifle Association – 1/20th
- Geraldton Greenough Rifle Assoc – 17/20^{ths}
- North West District Rifle Clubs Association – 2/20^{ths}

The new ownership structure reflects the Memorandum of Understanding made between the associations in 1993 when the West Australian Rifle Association purchased the land under its auspices as, at that time, the local club could not raise a mortgage. Since then, the Geraldton-Greenough Rifle Club has paid back the loan.

The majority of sporting and community groups are exempt from rates under a Council Decision dated 27 March 2001 (City of Geraldton Item No. AF586), which was effective from 1 July 2001, and states:

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

In the adoption of the 2007-08 Budget (City of Geraldton-Greenough Item No. CS015, 14 August 2007), Council resolved to:

Not provide any concession or relief in 2007/2008 to any privately owned sporting or recreational grounds, however Council will consider by way of a donation an amount equivalent to the rates levied.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Geraldton-Greenough Rifle Club makes ongoing provision for use of part of its land by the Greenough Archery Club.

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:

This proposed donation arrangement has relevance to Council's previous resolutions relating to the Geraldton Greenough Rifle Club annual donation (Item No. CCS371 – 23 October 2018) and the Geraldton Hotrod & Country Inc annual donation (Item No. CCS446 – 15 October 2019).

Council's previous resolution exempting the majority of sporting and community groups from rates also has relevance to the proposed donation (Item No. AF586 – 27 March 2001).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.26(2) of the *Local Government Act 1995* (the Act) defines land that is not rateable land. The land in question does not satisfy any of the provisions of section 6.26(2) of the Act and is therefore rateable land. Council is therefore obliged to impose rates on the land.

Section 6.47 of the Act empowers a Council to waive rates or grant other concessions:

Section 6.47 Concessions

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

**Absolute majority required.*

However, section 6.48 of the Act and section 69A of the *Local Government (Financial Management) Regulations 1996* restricts the exercise of this power:

Section 6.48 Regulation of grant of discounts and concessions

Regulation may prescribe circumstances in which a local government is not to exercise a power under section 6.46 or 6.47 or regulate the exercise of the power.

Regulation 69A When concession under Act s6.47 can not be granted

A local government is not to exercise a power to grant a concession in relation to a rate or service charge under section 6.47 of the Act in circumstances where the concession is based on whether or not, or to the extent to which, the land in respect of which the rate or service charge is imposed is occupied by a person who owns the land.

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

FINANCIAL AND RESOURCE IMPLICATIONS:

The levied rates on the two properties in 2023-24 are \$4,255.82. There are no financial or resource implications as the existing budget and long-term financial plan make provision for this annual donation.

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 1.6	Community capacity, innovation and leadership is encouraged.
Outcome 1.8	Active living and recreation is encouraged.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

As there are similar donation arrangements in place with other community groups on freehold land, the issue and perception of parity should form part of the consideration of this matter.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following alternate option is available to Council:

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

1. NOT APPROVE an extension to the annual donation to the Geraldton Greenough Rifle Club Inc equivalent to the rates levied on Lot 500 and Lot 1106 McCartney Road, Greenough based on the following; and
2. MAKE the determination based on the following reason/s:
 - a. to be determined by Council.

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

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

1. AUTHORISE an annual donation to the Geraldton-Greenough Rifle Club Inc equivalent to the rates levied on Lot 500 and Lot 1106 McCartney Road, Greenough, subject to the condition that the properties in question are continued to be used for their current purposes; and
2. MAKE the determination to grant this donation:
 - a. for a further period of five (5) years from 1 July 2023 to 30 June 2028.

CARRIED BY ABSOLUTE MAJORITY 10/0

Time: 5:17 PM

Not Voted: 1

No Votes: 0
Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

CS120 STATEMENT OF FINANCIAL ACTIVITY AND STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 31 MARCH 2024

AGENDA REFERENCE:	D-24-044569
AUTHOR:	J McLean, Senior Management Accountant/Analyst
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	FM/17/0013
ATTACHMENTS:	Yes (x1)
	Monthly Management Report for period ended 31 March 2024

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City’s finances to 31 March 2024.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* RESOLVES to:

1. RECEIVE the monthly Statement of Financial Activity for the period ended 31 March 2024, as attached; and
2. RECEIVE the monthly Statement of Financial Position as at 31 March 2024, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The financial performance and position at the end of March 2024 is detailed in the attached report. Summarised below are the variances between Year-to-Date (YTD) budgets and actuals:

Operating Income	\$	231,924	0.3%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	440,965	0.7%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	672,890	5.0%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	645,593	2.2%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	592,398	7.2%	over YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$14,388,144
Cash at Bank – Reserve	\$ 6,000,000
Current Investments	\$47,186,886

Current Rates Collected to March 2024	93.87%
Current Rates Collected to March 2023	94.01%

Rates Arrears Collected to March 2024	46.21%
Rates Arrears Collected to March 2023	41.40%

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 performance presented in the March financials show a YTD positive variance of \$672,890 in the net operating surplus/(deficit) result.

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 and a statement of financial position. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Council Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences the ongoing financial management and 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, reporting on the revenue and expenditure as set out in the adopted annual budget.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* also requires the local government to prepare a statement of financial position as at the last day of the previous month.

A statement of financial activity, statement of financial position 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 statements relate.

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:

The provision of monthly financial reports to Council fulfils the 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 LIBRIZZI, SECONDED CR COLLIVER**

That Council by Simple Majority pursuant to Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* **RESOLVES** to:

1. **RECEIVE** the monthly Statement of Financial Activity for the period ended 31 March 2024, as attached; and
2. **RECEIVE** the monthly Statement of Financial Position as at 31 March 2024, as attached.

CARRIED 10/0

Time: 5:20 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES

Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

12.4 REPORTS OF INFRASTRUCTURE SERVICES

IS301	ACQUISITION AND INSTALLATION OF YELLOW SUBMARINE
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AGENDA REFERENCE:	D-24-043421
AUTHOR:	C Edwards, Manager Project Delivery and Engineering
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	30 April 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1)
	A. Yellow Submarine Site Selection Study
	B. Artist Impression of Site 04

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to acquire and install the restored experimental Yellow Submarine in the Francis Street carpark.

EXECUTIVE RECOMMENDATION:

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

1. ACCEPT the gifted asset of the refurbished Yellow Submarine from the Rotary Club of Batavia Coast;
2. INCLUDE a budget allocation of \$80,000 for the installation of the Yellow Submarine in the 2024-25 Financial Year Capital Program Report for consideration by Council; and
3. DIRECT the Chief Executive Officer to install the Yellow Submarine only at the recommended location (Site 02) in the Francis Street carpark detailed in the attached Site Selection Study for the Experimental "Yellow Submarine".

PROPONENT:

The proponent is the Rotary Club of Batavia Coast.

BACKGROUND:

The experimental "Yellow Submarine" was designed and built by a local farmer named Severn Graham in the 1960's for the M.G. Kailis Fishing Group. The vessel was intended to explore the potential of developing a green crayfish fishery in Western Australia's tropical waters, although its location of construction is disputed. Some sources suggest it was built in Dongara, while others claim it was made in Geraldton.

The submarine was first launched in Geraldton on 6 September 1969, but it never became operational due to concerns over toxic gas emissions from its batteries. The submarine, which was painted yellow after the Beatles' famous song, changed hands several times before finding a home along Marine Terrace, next to the old Geraldton Maritime Museum, for approximately 35 years.

It became a popular attraction and an icon of the City. However, the submarine's condition worsened over time. In 2007, the City of Geraldton-Greenough restored it with funding from Lotterywest and moved it to a new location on the Foreshore, close to Stow Gardens, as part of the 2008 Foreshore Redevelopment Project. In mid-2015, the submarine was deemed unsafe after years of exposure to the elements, was fenced off and removed from the site to make room for the Geraldton's Youth Foreshore Playground. The submarine was stored in the depot yard for a number of years before the City was approached by the Rotary Club of Batavia Coast. The Club felt that the submarine was an important part of Geraldton's history and wished to undertake a restoration of the submarine with a view to placing it at a site at the 440 Roadhouse as an attraction to raise money for needy causes.

The Rotary Club of Batavia Coast was gifted the submarine and the City provided the club with \$10,000 in funding to undertake the restoration. The restoration was completed in 2021 by the Club but, due to restrictions imposed by the Club's insurer's, the submarine could not be put on display in the public realm. The Club then made representation to Council at a Concept Forum on 6 February 2024, where it was requested that the City take ownership of the submarine once again and find a home for it within the City.

The Rotary Club of Batavia Coast presented at the Concept Forum that their preferred location for the submarine was at the entry to the Esplanade. They have subsequently offered another location near the Multi-Purpose Centre for consideration. The Club is seeking, if possible, to find a mechanism for the attraction of the submarine to be used to raise funding for both the Club's charitable activities and to assist the City to maintain the submarine into the future. The Club have indicated that funding of up to \$10,000 is available to contribute to installation of the submarine in its new position. Twelve sites around the City were reviewed as potential homes for the Yellow Submarine and a Site Selection Study was prepared.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

A part of the community have indicated on social media that the Yellow Submarine is a much-loved icon of the quirkier part within Geraldton's history and that it should be returned to a position of prominence.

Economy:

The Yellow Submarine will be a feature in the City and will be photographed and shared on social media. This may attract visitors to Geraldton which could, in turn, support local businesses based in the area having a positive effect on the local and regional economy.

Environment:

Softfall surface treatments and fencing will be installed to improve community safety. The submarine has been sprayed with marine grade paint and will be installed in a clean state to ensure no contamination.

Leadership:

The community values the iconic Yellow Submarine as a key piece of Geraldton's history will expect the City to support putting it back on display in a position of prominence.

RELEVANT PRECEDENTS:

In Item No. DCS373 Geraldton Art Gallery Sculpture, Council endorsed location of a sculpture adjacent to the Art Gallery.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted when the Rotary Club of Batavia Coast presented on the Yellow Submarine at the Concept Forum on 6 February 2024. Community feedback from recent social media posts regarding the imminent return of the submarine has been gauged with the majority in support of it being returned to the Foreshore. Consultation has also been entered into with the Geraldton Museum.

LEGISLATIVE/POLICY IMPLICATIONS:

The installation of the Yellow Submarine aligns with Council Policy 1.5 Foreshore Use & Development in showcasing our community and its heritage. The Policy also states that the Foreshore should be managed in a way that does not compromise the open space and maintains a certain sense of aesthetic, hence the installation of any associated sponsorship signage is not supported in a Foreshore location.

FINANCIAL AND RESOURCE IMPLICATIONS:

The installation of the Yellow Submarine will cost \$80,000 with up to a \$10,000 contribution being available from the proponent if installed in their preferred location at Site 04. The Club has also indicated, that should advertising signage be installed, there is a possibility of a small contribution to the City towards the ongoing maintenance of the submarine.

The resources are available in-house to execute the project. The cost to respray the submarine is \$10,000, however, the existing marine-grade paint finish could last up to ten years. The Yellow Submarine will become a formally registered City asset for inclusion within the City's insurances as required.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.
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 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.
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 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.

REGIONAL OUTCOMES:

The Yellow Submarine installation will contribute to the vibrancy of the City and will celebrate the local maritime history of the region.

RISK MANAGEMENT:

The installation will need to consider public safety. Co-location of the submarine with existing lighting and CCTV infrastructure would be advantageous but the proposed budget allows for installation. Officers have confirmed that the Rotary Club of Batavia Coast are the rightful owners of the Yellow Submarine and are able to gift the asset to the City.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may choose not to endorse the decision to accept the Yellow Submarine from the Rotary Club of Batavia Coast or Council may choose an alternative location for the submarine to be displayed.

Cr N Colliver moved a motion different from the Executive Recommendation.

During the debate, Cr V Tanti foreshadowed an alternative motion to direct the CEO to install the Yellow Submarine at Site No.4 (Foreshore Walk opposite the GMC) and to budget \$5,000 a year for future maintenance of the Yellow Submarine.

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

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

- 1. ACCEPT the gifted asset of the refurbished Yellow Submarine from the Rotary Club of Batavia Coast; and**
- 2. DIRECT the Chief Executive Officer to investigate options to install the Yellow Submarine on the Eastern Breakwater with a report to be presented to Council at the July 2024 Ordinary Meeting of Council.**

CARRIED BY CASTING VOTE 6/5

Time: 5:34 PM

Not Voted: 1

No Votes: 5*

Yes Votes: 5*

**As the vote was equally divided, the Mayor exercised his casting vote and declared the item Carried.*

Name	Vote
Mayor Clune	YES / Casted a second vote*
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	NO
Cr. Denton	YES
Cr. Fiorenza	NO
Cr. Horsman	NO
Cr. Keemink	NO
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	NO

**As Per Section 5.21(3) of the Local Government Act 1995: If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*

REASON FOR VARIATION TO EXECUTIVE RECOMMENDATION: There were concerns of the footprint size of site No.4 proposed by the proponent and the impact of the height and the location, which is used by the public. To keep the foreshore useable as a public open space, it is requested that The Eastern Breakwater site be investigated as an option, which would further enhance the area for locals and visitors.

IS302	COUNCIL POLICY 3.2 COASTAL ADAPTATION
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AGENDA REFERENCE:	D-24-044009
AUTHOR:	M Dufour, Manager Climate Environment and Waste
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	9 April 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 3.2 Coastal Adaptation (v3)
	B. Council Policy 3.2 Coastal Adaptation - Comparison Table

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of Council Policy 3.2 Coastal Adaptation, version 3.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT Council Policy 3.2 Coastal Adaptation, version 3.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The City is facing the continuing impacts of coastal erosion and inundation along its coastlines. Vulnerability of land use and development within the coastal zone is expected to increase in the future. In accordance with Western Australia's State Planning Policy 2.6 Coastal Planning (SPP2.6), the City has adopted a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

This Council Policy was initially approved by Council on 26 November 2019 (Item No. IS200 Council Policy 3.2 Coastal Adaptation). This was the culmination of a Councillor Workshop held on 5 October 2019 to develop the Policy. The Policy (version 2) was re-adopted, unchanged by Council, on 26 April 2022 (IS257 Council Policy 3.2 Coastal Adaptation).

On its biennial review, the following amendments have been proposed for this Policy:

- The Policy Statement has been expanded to provide context for the Policy details; and
- An 'Equity' Policy details section has been added to reflect fairness in decision making associated with:
 - the City's advocacy for no-regrets decision making;
 - the updated State Planning Policy 2.6 CHRMAP guidelines that includes assessing who benefits from implementing a 'protect' measure; and

- minimising the burden on the City's ratepayer base through seeking grants to co-fund coastal adaptation measures.

Other changes include:

- the removal of the sentence referencing changing the policy content since this is already captured in the biennial Council Policy review process;
- Addition of Key Term Definitions and Workplace Information; and
- Minor changes to sentence structure for improved readability.

Details of the changes are presented in the Comparison Table attached to this Item.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

This Policy provides the community on the Council's position in relation to the coastal adaptation, in the coastal zone.

Economy:

This Policy will serve as a document to support political and financial lobbying of State and Federal Governments for funding of coastal adaptation measures.

Environment:

This Policy aligns with State Planning Policy 2.6 and the Geraldton CHRMAP which provides the long-term adaptation pathways for managing and accessing the coastal zone.

Leadership:

The application of this Policy demonstrates the Council's leadership concerning the ongoing sustainable management and habitation in the coastal zone.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Council endorsed version 2 of this Policy on 26 April 2022 through Item No. IS257 Council Policy 3.2 Coastal Adaptation.

COMMUNITY/COUNCILLOR CONSULTATION:

Feedback was requested from Councillors through a Briefing Note on 26 March 2024. No feedback was received. The policy is presented to Council as per the changes proposed in the Councillor Briefing Note and this Item.

LEGISLATIVE/POLICY IMPLICATIONS:

This Policy aligns with Section 3.1 of the *Local Government Act 1995* which identifies that general function of a local government must be performed having regard to the following:

the need —

- (i) *to promote the economic, social and environmental sustainability of the district; and*
- (ii) *(ii) to plan for, and to plan for mitigating, risks associated with climate change; and*
- (iii) *in making decisions, to consider potential long-term consequences and impacts on future generations.*

The application of this Policy also supports the City's position concerning the impacts of climate change as identified in Council Policy 3.1 Climate Change.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no immediate financial or resource implications in adopting this, Policy. The Policy has been developed primarily to support financial leveraging from State and Federal governments.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit
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.
Outcome 3.2	Regional leader in adapting to climate change.
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 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

This Policy outlines Council's position to guide and inform new and existing landholders in their investment decisions in the City's coastal zone.

RISK MANAGEMENT:

Adopting Council Policy 3.2 Coastal Adaptation will ensure that the City maintains a contemporary position to addressing the impacts of climate change in the coastal zone. By not adopting this policy, the City may not be able to demonstrate its obligation to Section 3.1 of the *Local Government Act 1995*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Consideration was given to not changing the Policy since it was developed through a Councillor workshop. Nine of the Councillors involved in the original Policy were present when version 2 of the Policy was adopted, unchanged in 2022. This number has further reduced to four in 2024.

This and the updates to the State Planning Policy 2.6 CHRMAP guidelines lends itself to the amendments proposed in version 3 of this Policy. City Officers consider updating the Policy appropriate and therefore, do not recommend carrying over version 2 of this Policy.

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

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

- 1. ADOPT Council Policy 3.2 Coastal Adaptation, version 3.**

CARRIED 10/0

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.

12.5 REPORTS OF OFFICE THE CEO**CEO118 FINANCIAL SUSTAINABILITY OF THE LOCAL GOVERNMENT SECTOR - SUBMISSION TO INQUIRY**

AGENDA REFERENCE:	D-24-044923
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	5 April 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3)
	A. Inquiry Invitation
	B. Costs associated with recent legislative changes
	C. Priority Project List

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the Chief Executive Officer (CEO) to provide a submission to the Australian Government's Inquiry into the financial sustainability of the local government sector, to request support for the submission from the Western Australian Local Government Association (WALGA) Northern Country Zone (NCZ) and to provide information to Regional Capital Australia Western Australia (RCAWA) on the matter.

As is often said, local government is the level of government closest to the people. It is the sector that is very aware of current trends and is knowledgeable with respect to the needs, wants, views and feelings of local communities right around Australia. As such, the viability of the sector is critical to both the Australian Government and State Governments and the nation as a whole.

Local governments are no longer simply associated with roads, rates and rubbish. They are complex and diverse businesses effectively delivering a wide range of essential services, whilst only receiving 3.5 percent of Australia's total taxation. To enable the sector to continue to deliver for the community, support from the Australian Government and State Governments is essential.

EXECUTIVE RECOMMENDATION:

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

1. DIRECT the Chief Executive Officer to make a submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry into local government sustainability based on the information contained within this report;
2. REQUEST support for the submission from the WALGA Northern Country Zone as the matters covered in the submission are relevant to the surrounding local governments; and
3. APPROVE providing information and support to Regional Capitals Australia, Western Australia's (RCAWA) submission to the inquiry.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport (The Committee) will inquire into and report on local government financial sustainability. The Committee adopted an inquiry into local government sustainability on 21 March 2024, following a referral from the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP.

The Committee originally sought written submissions by 3 May 2024. On the 17 April 2024 the City was advised that due to significant interest in the inquiry, the submission deadline was extended to 31 May 2024. The particular focus of the Committee will be:

- The financial sustainability and funding of local government.
- The changing infrastructure and service delivery obligations of local government.
- Any structural impediments to security for local government workers and infrastructure and service delivery.
- Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.
- The role of the Australian Government in addressing issues raised in relation to the above.
- Other relevant issues.

City Officers welcome this opportunity from the Minister to provide a submission on the challenges facing the local government sector. It has been many years (approximately 20 years) since a similar inquiry was called and hence it is important that a submission is put forward.

Some of the many challenges faced by the sector can be summarised as follows:

- As Council Members would be well aware, the expectations of the community for services and infrastructure are increasing while their capacity/desire to pay is reducing. Simultaneously, the sector's legislative burden is increasing as is the breadth of services local governments are required to deliver. The only element that is not increasing is the sector's capacity to raise revenue. The City of Greater Geraldton have kept their annual rate increases below the consumer price index in recent years which is the expectation of the local community whilst absorbing cost increases from the Australian Government and State utility providers and suppliers of between ten and forty percent.

- The majority of the recent legislative reforms require local governments to undertake more activities and provide more reports whilst not providing a mechanism to generate the required revenue. Examples are numerous and have been summarised in Attachment No. CEO118C which indicates an increase in operational costs of approximately \$1 million annually as a result of legislative changes. This represents a two percent increase in rates.
- In addition to all of the above, being a regional capital, the hub for the surrounding areas of the Midwest, the City of Greater Geraldton must fund and operate services that are provided by the Australian Government and State Governments in capital cities. Examples include airports (Geraldton and Mullewa), Performing Art Centres, Museums, Regional Libraries, Class A Art Galleries, regional waste facilities and a wide variety of sporting venues and associated infrastructure.
- In addition, there is the issue of rates exemptions and ‘charitable purposes’ as defined in the Western Australian Local Government Act 1995. These requirements greatly reduce a local government’s ability to raise revenue and push the cost burden onto others. State entities are also exempt from paying local government rates, even though they are a significant user of local government infrastructure.
- The increasing frequency of natural disasters and their increasing severity is also impacting the local government sector. As local governments are on the front lines, the community turns to them in times of need who in turn look for support from the Australian Government and State Governments. Unfortunately, the bureaucracy involved in obtaining this support prevents the timely delivery of essential services. The inability to ‘Build Back Better’ should also be considered as the same infrastructure is repeatedly replaced as the funding to improve is not available.
- Changing climate patterns are also resulting in extremely complex and costly coastal erosion issues. When these costs are combined with the costs associated with implementation of carbon neutral endeavours, the sector’s finances are again impacted.
- Short term operational grants from the Australian Government and State Governments that end after say three years with the expectation that the local government will continue fund the service delivery from that time forward. (Art Galleries, theatres, seniors’ activities).
- Local governments are not able to appropriately fund road maintenance and renewal which is a significant cost to local government budgets. It is even harder when the Register of Approved Vehicles (RAV) ratings are increased by the State Government without any responsibility taken with respect to the required road improvements and increased maintenance costs.

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- The Australian Government and State Government delivery failures result in local government's being required by their local communities to resolve the issues at their expense. Recent examples would include funding Rural GP's; providing Australian Government and State services through the COVID pandemic; and regional housing solutions and homelessness activities and solutions.
 - Regional and Remote local governments are forced into providing significant funds to rural General Practitioners to ensure these services are provided which is just not right. The local governments are then criticised by the local community if the GP decides to move on. The provision of this service to regional Australia has simply been neglected by the Australian Government. Items provided by the sector include fully funded medical centres, fully funded houses, cars and cash.
 - The current Housing Australia Funding program fails to hit the mark as it only offers funding grants to defence Housing and Indigenous Corporations. This may address certain needs, however, one of the significant areas not being supported is that of housing for key workers in regional Australia. The State Government is also struggling to provide key worker accommodation for its officers due to market failure and resource limitations. This has resulted in the state government approaching local government to assist with the supply and building of such housing. This places additional financial risk onto Councils and impacts their borrowing limits.
 - The current Enterprise Bargaining process has probably run its course and needs to be reviewed. This adversarial / confrontational process creates a rift in the workforce and results in minimal benefit for either side. Evidence for this is reflected in the Nation's falling productivity figures. This process, combined with the current skills shortage and the requirement in Western Australia to migrate across to the State Award has resulted in high wages growth which is then passed on to local communities.
 - The only source of taxation revenue available for local governments is rates which is a tax on property ownership. Rates equates to approximately 3.5% of the total tax take per annum. Considering the growing variety of services the sector is required to deliver, this is probably the primary issue for the sector that needs consideration. By way of example, the Australian Government and State Governments impose approximately 125 different taxes on the community.
 - Local governments are responsible for approximately a third of Australia's non-financial assets worth more than \$350 billion (roads, parks, buildings, drainage systems, airports, art galleries, community halls, playgrounds, theatres, etc). The Australian Government, with 82% of the tax revenue, has just one tenth of the assets. These assets are aging and hence there is a significant short fall in funding available to renew critical community infrastructure.

In respect of competitive Australian Government and State Grants, the local government sector does not have mechanisms to raise its own revenue, therefore it is reliant on grants from the Australian Government and State Governments.

If you think about this, the Australian Government and State Governments collect tax from the local community and then require the local government sector to go through tedious bureaucratic red tape to potentially be given small quantities of these community funds:

- Firstly, there is a large bureaucratic cost in collecting these taxes in the first instance from the community.
- Secondly, there is a round of large bureaucratic costs to then determine which local governments are worthy of receiving some of these funds.
- Thirdly, there is a round of bureaucratic costs when the successful councils must arrange opening events for the Australian Government and State members to attend, have their pictures taken.
- Finally, there is a round of bureaucratic costs when the local government must provide audited accounts on how the funds were spent.

There must be a better way that results in a higher percentage of community funds flowing directly and efficiently back to the local community. As they are competitive, local governments cannot rely on these grants as a financial source. In fact, they often create a financial burden as the on-going running costs of the new infrastructure falls back to the local government.

- While local governments are under pressure to keep their rate increases below the consumer price index (CPI), the same cannot be said for State Government utility providers (Power, Water, Sewerage, Telecommunications). The charges being passed onto the local government sector by these agencies is scandalous. A current example is streetlight tariffs. This monopoly costs the City of Greater Geraldton over \$1 million per annum with the annual increases between 6 and 8 percent. These tariffs apply whether or not the light is working and does not include proactive inspections of the lights, which again falls back to the local governments to undertake at an additional charge.
- In addition to pushing more and more of its responsibilities onto local governments, in some situations the State Government uses the local government sector as its personal tax collector, while not allowing local governments to fully recover the associated administrative costs. In Western Australia, the best example of this is the requirement for local governments to collect the State Government's Emergency Services Levee (ESL). The ESL costs the City of Greater Geraldton approximately \$76,000 per annum to collect while only being able to recover \$35,000 per annum. All ESL funds collected must be given to the State Government. They cannot be used to fund the local

government's emergency services team or for training its bushfire volunteers, or to undertake vegetation reduction programs to keep the community safe. The local government must either obtain funds for these activities through rates or via grant requests to the State, which again means unnecessary bureaucratic costs in collecting and administering the revenue.

- Associated with the ESL issues is the fact that the volunteer bush fire brigades spend a lot of time and resources fighting fires that have started from Western Power 'Pole Top events' often the result of inadequate maintenance of state-owned infrastructure. Fires are also created by the State-owned trains / railways usually as a result of inadequate rail corridor maintenance. This is a subtle form of 'Cost Shifting' which is all too common.
- A further example of cost shifting in the regions is associated inadequate customer services systems offered by the National Telecommunications Carriers. For instance, a rural telecommunication tower will stop working. The local community attempt to gain information from the national carrier. When that is unsuccessful, the community approaches their local Councillor who in turn contact their Chief Executive Officer who must then commit local government resources to try and obtain the required information and to then relay it back to the telecommunications customer. As there are regular and repeated outages in the regions, this requirement consumes a reasonable amount of local government resource.
- Rural and Remote local governments must compete with the private sector, including the mining industry for skilled workers. Traditionally local governments competed based on worker conditions as the sector cannot compete on wage level. However, with the severity of the worker shortage, the private sector is now offering both high wages and great working conditions increasing the local government sector's recruitment efforts. This situation is further exacerbated by the regional housing crisis, the aging workforce crisis and the limited childcare options for families, including limited regional health, community and education services.
- Possibly because of the tyranny of distance, the communications between the Australian Government and the local government sector appears to be limited with respect to seeking feedback prior to the release of applicable grants and legislative reform. A recent example would be some of the housing funding initiatives which are well intentioned, but don't necessarily hit the mark regionally. This is a shame as the sector is in a good position to advance this issue if it was correctly incentivised.

- The impact of these issues on the mental health of CEO's and senior executives should not be underestimated. The increasing community expectations, increasing legislative compliance pressures placed by the State and Federal Governments, and the shortage of skilled staff are all adding to the very real issue. The local government CEO vacancy rate in Western Australia runs at over ten percent and is getting worse. A specific example relates to the new state safety legislation that threatens CEO's with Industrial Manslaughter charges if say a spontaneous Bushfire volunteer dies fighting a fire, with the legislation specifically banning the opportunity for insurance.

Solutions:

The City of Greater Geraldton supports the position put forward by the Australian Local Government Association (ALGA) with respect to the sector's financial sustainability. The sector is not hopeful that this inquiry will result in long term meaningful changes for the sector, but we do what we do best – we keep raising the issues. Some of the improvements the Australian Government could consider are as follows:

1. Broaden Revenue Sources (Taxes and Income)

Currently, the three primary income streams for local governments are rates, fees/charges and grants. For the City of Greater Geraldton, 50 percent of its revenue comes through rates. The community's tolerance for higher rates is diminishing, which puts pressure on Council Members to keep rate increases lower than what is actually required to run the business. The sector requires a broader range of revenue streams to be implemented to address this challenge.

This broadening might include public, private partnerships, the channelling of existing Australian Government and State taxes directly to the local government sector in a similar manner to the channelling of the GST directly to the State Governments.

“The capacity of local governments to raise revenue is important to their financial sustainability and their ability to promote the well-being of their local communities. Unfortunately, across Australia many local governments have insufficient revenue-raising capacity to maintain or upgrade their significant infrastructure holdings or provide the level of services that their communities desire.

Consequently, they are experiencing difficulties maintaining their road networks to the original design standards, let alone upgrading them to modern lane widths, safety standards or load-bearing capacities that cater for higher-productivity freight vehicles, higher traffic volumes, and congestion etc. These impositions require wider and stronger roads and significantly larger intersections and filter lanes – requirements which were never envisaged in 1996.

Many rural areas need horizontal equity support because of declining populations, with those councils having limited capacity to raise more revenue from their communities.

In high-growth area councils, the provision or upgrading of community and recreation facilities is not keeping pace with population growth.

In other local government areas, community and recreation facilities have aged and not kept pace with demographic and population changes and rising community expectations. Replacements to modern standards and provision of additional or alternate facilities are unfunded, often relying on grant funding to be upgraded, replaced, or built. Councils are faced with the real prospect of having to retire community infrastructure that they cannot afford to renew – infrastructure that in many cases is vital to community wellbeing and cohesion.” (ALGA website: www.alga.com.au; 10 April 2024)

2. Increase Un-Tied, Non-Competitive Grants

The City of Greater Geraldton is very appreciative of the Australian Government’s Financial Assistance Grants (FAGs), its Roads to Recovery Grants and the Local Road and Community Infrastructure Projects funds (LRCIP). These types of grants enable local governments to fund the meaningful day to day needs of their local communities. They don’t create an asset that is expensive to run and they assist the implementation of non-glamorous needs. As per the ALGA position, the City of Greater Geraldton would request that FAGs be increased to one percent of the annual tax take, for Roads to Recovery to be doubled and the LRCIP grant to reintroduced. The nation’s backlog of assets requiring renewal would be far higher without the Roads to Recovery funds which are critical to keep our roads at a reasonable standard.

The City of Greater Geraldton asks that the Australian Government restores funding to the Financial Assistance Grants (FAGs) to at least 1 percent of Commonwealth taxation revenue. The value of FAGS provided to local government has declined over the past decades from around 1% to 0.55%. The result of such a percentage increase to the City based on current proportional allocation could add a further \$3million annually to our revenue base. The City also seeks a continuing commitment to increase the un-tied, non-competitive funding for Roads to Recovery, Black Spot Program, LRCIP. This would provide financial security to LG’s in assisting to sustainably maintain their infrastructure to required service levels.

3. Include Regional Revenue Generation in Grant Criteria

The criteria upon which the Australian Government and State Government’s distribute the nation’s wealth does not take into account where that wealth is generated. It is the nation’s regions that generate the nation’s wealth which is then allocated to the nation’s largest cities. The mining and farming sectors generate significant wealth for the nation. However, those that chose to live in the regions and generate this wealth are only given unsealed roads and substandard health care services. This could easily be rectified.

4. Unfunded Cost Shifting Must Stop

Examples of services that are currently being pushed onto the local sector for solutions include homelessness and the housing crisis. The local government sector can readily assist with these matters if a reliable long term funding stream is provided. Otherwise, the arguing and wrangling will continue and those in need suffer.

“An ongoing issue of concern for local government is the transfer of responsibility for service provision – or being called upon to provide a service when the state or Australian government withdraws. This is more commonly referred to as cost-shifting.

The issue was considered serious enough in 2002 to lead to the House of Representatives Standing Committee on Economics, Finance and Public Administration undertaking work to discuss the financial position of local government, as well as the drivers affecting that position. The final report, Rates and Taxes: A Fair Share for Responsible Local Government, was tabled in October 2003.

In April 2006, the Inter-governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters (IGA) was signed by all levels of government (with ALGA signing on behalf of local government).” (ALGA website: www.alga.com.au; 10 April 2024)

5. Funding Provision For New and Amended Legislation

There has been a plethora of new and amended legislation being produced by the Western Australian State Government in recent years. A large percentage of these changes have resulted in additional administrative costs and service delivery costs being placed on the local government sector.

Whilst the sector makes no comment on the benefit or otherwise of the new and amended legislation, what it does ask is that there be a requirement that the new and amended legislation comes with a corresponding long term revenue stream to enable the local government sector to deliver what it is being asked to deliver. Recent examples would include the Puppy Farming legislation, the ‘PRIS’ legislation and the new safety legislation that requires the sector to treat community volunteers in the same manner that a full-time officer is treated (the City of Greater Geraldton has approximately 600 community volunteers, many of whom are elderly with their volunteering efforts being their only weekly outing).

6. Online Training and Placement Funding

Ongoing funding for Regional University Centres/Study Hubs and utilisation in innovative local government workforce training solutions.

Support for creation of on-line degree courses with block tuition where necessary (especially in states like WA and SA where they are not available) relevant to the sector: Environmental Health, Planning, Construction/Building Inspection, etc.

Travel bursaries for regional students to attend metropolitan and/or interstate course requirements.

Fully fund regional cadet models and apprenticeships in the sector.

HECS HELP reimbursements to attract graduates to regions for local government jobs.

Additionally, resource regional TAFE’s to concentrate on the skills that are required in the local area.

7. Communications / Relationships

Create opportunities for Australian Government officers to be seconded to regional local governments for say 6 months to enable them to get an understanding of regional life and issues. This would also work in reverse.

8. Adequately Fund Federal and State Services in Regional Australia

As highlighted in the issues section of this report, when Federal and State governments do not adequately resource their regional services, there is a subtle cost shifting to the local government sector (disaster response, information gathering and communicating with the local community). We would request that these services (railways, telecommunication carriers, energy providers etc) are required to provide a minimum level of customer service into the regions.

9. Regional Housing Ideas

Suggestions to increase the delivery of regional housing would include:

- Removal of the GST provision on local governments that construct and provide all types of housing would provide an automatic 10% incentive to the sector.
- Establish a separate tranche/category in the existing Australia Housing Funding program providing direct grants to local government enabling them to development and deliver regional housing stock as the State Governments don't have a local presence making the effective delivery of regional housing from the State very difficult.
- Review the Fringe Benefits Tax definition of 'remote' to enable all regional and remote local government officers to access the allowances available in the remote zone. This change would make it financially more attractive for workers to move to the regions and encourage more workers to make the change.

10. Other opportunities

Five-year recurrent grants to fund rural GP's (non-competitive).

A reduction in Australian Government and State Government red tape imposed on the sector with respect to grant administration (application, reporting, acquittals etc).

Cyber Security Assistance for the regions as the likelihood of being able to engage a suitably qualified officer is slim.

Add a further category into the FAGs calculations that provides a real financial incentive to Councils who are investing in reducing their carbon footprint.

Provide funding support to regional local governments to implement innovative waste management projects. In addition, continual investment into supporting an innovative and sustainable waste economy that focuses on waste reduction and reuse across various industries. For local governments to invest in waste

reduction there needs to be supporting industries. When surveying the community on services, waste diversion and recycling initiatives it always sits high on their priority list, but due to regional limited economies of scales comes with both a huge expense and high tax to the community and currently, may not provide the waste reduction and reuse outputs expected. The form of support could enable regional local governments to partner with the private sector to establish recycling facilities on their waste sites.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

A financially viable local government sector is critical to community wellbeing and resilience. If a local government is not financially viable, its ability to provide high quality services to the local community is constrained.

Economy:

The City of Greater Geraldton can be considered a large local business with an annual operational budget of approximately \$90 million. Every endeavour is made to spend these funds through local businesses and suppliers and hence an important part of the local and regional economy.

Environment:

A financially sustainable local government has the capacity to fund and promote environmental initiatives and projects critical to ensuring the sector is a leader in reaching carbon reduction targets.

Leadership:

The Council is demonstrating leadership by advocating for the sector to the State and Australian Government.

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 regularly participates in Australian Government and State Government consultation processes. Recent examples would be our participation in the telecommunications review. The City also provides feedback on legislative reforms such as the recent Puppy Farming legislation.

COMMUNITY/COUNCILLOR CONSULTATION:

The extremely tight timeframe provided by the Australian Government has not allowed for significant consultation to occur. However, Officers have been working with WALGA, RCA and RCAWA who have all indicated they will be putting in submissions on behalf of their members. Officers also sought and included advice from the Geraldton Universities Centre Director with respect to the on-line training segment of this report. A draft of this report was also sent to the Northern Country Zone CEO's for their reference and consideration. Feedback from the CEO's is being included into the submission.

LEGISLATIVE/POLICY IMPLICATIONS:

It is hoped that the Australian Government Inquiry will result in Australian Government decisions and legislative reform that ensures the local government sector's financial sustainability into the long term.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no immediate financial or resource implications. The attached submission has been completed by Officers without external resources.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
Outcome 2.6	A diverse and globally recognised regional capital.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities.

REGIONAL OUTCOMES:

Contributing to the long-term financial sustainability of the local government sector is critical to economic, environmental and social outcomes of the region.

RISK MANAGEMENT:

The local government sector as a whole is grappling with the issue of Financial Sustainability on a daily basis. The community's expectations are rising, but their capacity and willingness to pay is diminishing. Not providing a professional, well considered submission into this inquiry when the opportunity has been presented may make it difficult to seek Australian Government and State Government support in the future.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The Council may determine to not provide a submission to the inquiry or determine to submit an amended submission.

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. **DIRECT** the Chief Executive Officer to make a submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry into local government sustainability based on the information contained within this report;
2. **REQUEST** support for the submission from the WALGA Northern Country Zone as the matters covered in the submission are relevant to the surrounding local governments; and
3. **APPROVE** providing information and support to Regional Capitals Australia, Western Australia's (RCAWA) submission to the inquiry.

CARRIED 10/0

Time: 5:42 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

12.6 REPORTS TO BE RECEIVED**RR58 REPORTS TO BE RECEIVED - APRIL**

AGENDA REFERENCE:	D-24-047838
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	19 March 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x4)
	A. DSDD018 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CEO119 - WALGA State Council Agenda – 1 May 2024
	C. CS121 - List of Accounts Paid Under Delegation – March 2024
	D. CS122 - List of Payments by Employees via Purchasing Cards – March 2024

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 Services:
 - i. DSDD018 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Office of the CEO:
 - i. CEO119 - WALGA State Council Agenda – 1 May 2024.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS121 - List of Accounts Paid Under Delegation – March 2024; and
 - ii. CS122 - List of Payments by Employees via Purchasing Cards – March 2024.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

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 Leadership	Direction:	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 LIBRIZZI, 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 Services:**
 - i. **DSDD018 - Delegated Determinations and Subdivision Applications for Planning Approval; and**
 - b. **Reports – Office of the CEO:**
 - i. **CEO119 - WALGA State Council Agenda – 1 May 2024.**

PART B

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

1. **RECEIVE** the following appended reports:
 - a. **Reports – Corporate Services:**
 - i. **CS121 - List of Accounts Paid Under Delegation – March 2024; and**
 - ii. **CS122 - List of Payments by Employees via Purchasing Cards – March 2024.**

CARRIED 10/0

Time: 5:43 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES

Cr. Parker	NOT PRESENT
Cr. Tanti	YES

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are none.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

There are none.

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

There are none.

16 MEETING CLOSED TO PUBLIC

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

Confidential discussion was required.

PROCEDURAL MOTION**MOVED CR CRITCH, SECONDED CR COLLIVER**

That Council by Simple Majority **RESOLVES** to **MOVE** behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(1) of Meeting Procedures Local Law, as the matters if disclosed would reveal information that has a commercial value to a person (s.5.23(2)(e)(ii) of the Local Government Act 1995) and about the business, professional commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (s.5.23(2)(e)(iii) Local Government Act 1995).

CARRIED 10/0

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.

The public left Chambers at 5:45pm.

Livestreaming was turned off.

The Proponent was given permission by the Mayor to remain in Chambers, for any questions. There were no questions.

The Proponent left Chambers at 5.46pm.

DS035 CONFIDENTIAL – ECONOMIC DEVELOPMENT AND INVESTMENT ATTRACTION (Public Version)

AGENDA REFERENCE:	D-24-044637
AUTHOR:	R Hall, Director Development Services
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	GO/6/0013-002
ATTACHMENTS:	Yes (x1) Council Policy 2.5 - Economic Development and Investment Attraction

This item was provided to Council under separate cover.

Pursuant to Section 5.2 (1) of the Meeting Procedures Local Law February 2011, please note this part of the meeting will need to be closed to the public, as confidential discussion is required.

Note: This report to Council has been listed as confidential, as a matter that if disclosed would reveal information that has a commercial value to a person. (s.5.23(2)(e)(ii) of the Local Government Act 1995).

Item No. DS035 was considered and determined by Council behind closed doors, only the Council Decision is available for the public record.

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

PART A

That Council by 1/3rd Majority pursuant to Section 5.25 of the *Local Government Act 1995* and Regulation 10 of the *Local Government (Administration) Regulations 1996* RESOLVES to CONSIDER to RESCIND Part 2 of the Council Decision of City of Greater Geraldton made at the Ordinary Meeting of Council on 27 February 2024 (Item No. DS029 – Confidential Item - Economic Development and Investment Attraction):

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

- 2. NOT APPROVE any further incentive/concession to the Developer for this project in any form;***

CARRIED By 1/3rd MAJORITY 10/0

Time: 5:48 PM
Not Voted: 1
No Votes: 0
Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES

Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

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

PART B

That Council by Absolute Majority pursuant to Section 5.25 of the *Local Government Act 1995* and Regulation 10 of the *Local Government (Administration) Regulations 1996* RESOLVES to RESCIND Part 2 of the Council Decision of City of Greater Geraldton made at the Ordinary Meeting of Council on 27 February 2024 (Item No. DS029 – Confidential Item - Economic Development and Investment Attraction) and undertake any actions necessary to this previous decision:

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

- 2. NOT APPROVE any further incentive/concession to the Developer for this project in any form;**

CARRIED BY ABSOLUTE MAJORITY 10/0

Time: 5:49 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

Mayor J Clune moved a motion different from the Executive Recommendation for Part C.

During the debate, Cr M Librizzi foreshadowed Part C of the Executive Recommendation should the motion be lost.

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

PART C

That Council by Absolute Majority pursuant to Section 6.47 and 6.12(b) of the Local Government Act 1995 RESOLVES to:

- 1. APPROVE the waiver of all City of Greater Geraldton fees and charges related to the planning and building approvals (Council’s portion) for the approved development (DAP/23/02549) known as West End Stage One located at Lots 150 - 151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton; and**
- 2. APPROVE a concession of one hundred percent of the general rate on waiver of rates for the approved development (DAP/23/02549) known as West End Stage One located at Lots 150 - 151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton for a period of five years commencing from the date of the occupancy permit.**

CARRIED BY ABSOLUTE MAJORITY 10/0

Time: 6:12 PM
Not Voted: 1
No Votes: 0
Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: This variation demonstrates Council’s commitment to the project and to the CBD revitalisation. Part of the role of being a Council Member is to have a vision for community and to look beyond the immediate and be proud of having a part to play in the City’s future.

CS123	CONFIDENTIAL - POSSESSION OF LAND FOR UNPAID RATES AND CHARGES IN EXCESS OF THREE (3) YEARS (Public Version)
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AGENDA REFERENCE:	D-24-043986
AUTHOR:	S Russell, Coordinator Rates
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	10 April 2024
FILE REFERENCE:	RV/4/0027
ATTACHMENTS:	Yes (x3) Confidential
	A. Confidential - History of attempts to contact a representative of the Club
	B. Confidential - History of attempts to recover the debt
	C. Confidential - Constitution

This item was provided to Council under separate cover.

Pursuant to Section 5.2 (1) of the Meeting Procedures Local Law February 2011, please note this part of the meeting will need to be closed to the public, as confidential discussion is required.

Note: This report to Council has been listed as confidential, as the matter if disclosed would reveal information about the business, professional commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (s.5.23(2)(e)(iii) Local Government Act 1995).

Item No. CS123 was considered and determined by Council behind closed doors, only the Council Decision is available for the public record.

COUNCIL DECISION

MOVED CR COLLIVER, SECONDED CR COOPER

That Council by Simple Majority pursuant to Section 6.64, 6.68, 6.71 and 6.12(1)(c) of the *Local Government Act 1995* RESOLVES to:

- 1. APPROVE taking possession and offer for sale by public auction, Certificate of Title Volume 168, Folio 167A being Lot 2 on diagram 17144, 159-161 Marine Terrace, Geraldton for unpaid rates and charges in excess of three (3) years pursuant to Section 6.64 of the *Local Government Act 1995*;**
- 2. APPROVE taking possession of the property without the initiation of the process to recover money due on the land after having made reasonable efforts to locate the owner of the property and unable to do so as demonstrated in Confidential Attachment No. CS120A, pursuant to Section 6.68(2)(b) of the *Local Government Act 1995*;**
- 3. APPROVE the transfer of the land to the City if a contract of sale is not entered into at the expiration of 12 months under section 6.71(1) of the *Local Government Act 1995*;**
- 4. APPROVE to write-off the total of the rates and charges remaining after the proceeds of sale are distributed (including penalty**

- interest) on the property under section 6.12(1)(c) of the *Local Government Act 1995*; and
5. **APPROVE** to write-off rates and charges (including penalty interest) on the property under section 6.12(1)(c) of the *Local Government Act 1995* if the property is transferred to the City.

CARRIED 10/0

Time: 6:13 PM

Not Voted: 1

No Votes: 0

Yes Votes: 10

Name	Vote
Mayor Clune	YES
Cr. Colliver	YES
Cr. Cooper	YES
Cr. Critch	YES
Cr. Denton	YES
Cr. Fiorenza	YES
Cr. Horsman	YES
Cr. Keemink	YES
Cr. Librizzi	YES
Cr. Parker	NOT PRESENT
Cr. Tanti	YES

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 6:14pm.

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.cgg.wa.gov.au/council-meetings/>