



ORDINARY MEETING OF COUNCIL
MINUTES

17 DECEMBER 2024

TABLE OF CONTENTS

1	DECLARATION OF OPENING.....	2
2	ACKNOWLEDGEMENT OF COUNTRY	2
3	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	2
4	DISCLOSURE OF INTERESTS	3
5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
6	PUBLIC QUESTION TIME	7
7	APPLICATIONS FOR LEAVE OF ABSENCE	7
8	PETITIONS, DEPUTATIONS	8
9	CONFIRMATION OF MINUTES	8
10	ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS	9
11	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	11
12	REPORTS OF COMMITTEES AND OFFICERS	12
	12.1 REPORTS OF DEVELOPMENT SERVICES	12
	<i>DS052 LOCAL PLANNING POLICY REVIEW</i>	<i>12</i>
	<i>DS053 RECONSIDERATION OF DECISION – CHANGE OF USE FROM NON- CONFORMING USE ‘STOCKFEED SALES & MANUFACTURE’ TO ‘INDUSTRY (PRECAST CONCRETE MANUFACTURE & STORAGE)’ – LOT 169 (NO. 34317) BRAND HIGHWAY, GREENOUGH.....</i>	<i>20</i>
	12.2 REPORTS OF COMMUNITY AND CULTURE - NIL	37
	12.3 REPORTS OF CORPORATE SERVICES	38
	<i>CS176 PROCUREMENT POLICY SUITE.....</i>	<i>38</i>
	<i>CS177 COUNCIL POLICY 2.1 INVESTMENT</i>	<i>42</i>
	<i>CS178 COUNCIL POLICY 4.18 LIVE STREAMING OF MEETINGS</i>	<i>45</i>
	<i>CS179 STATEMENT OF FINANCIAL ACTIVITY AND STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 30 NOVEMBER 2024</i>	<i>49</i>
	12.4 REPORTS OF INFRASTRUCTURE SERVICES.....	52
	12.5 REPORTS OF OFFICE THE CEO - NIL.....	53
	12.6 REPORTS TO BE RECEIVED	54
	<i>RR66 REPORTS TO BE RECEIVED - NOVEMBER.....</i>	<i>54</i>
13	MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	57
14	QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	57
15	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	57
16	MEETING CLOSED TO PUBLIC	57
	<i>IS319 RFT 2425 13 CONSTRUCTION OF SIDING ROAD THROUGH TO ABATTOIR ROAD MOONYOONOOKA.....</i>	<i>58</i>
17	CLOSURE	62
	APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED	63

CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 17 DECEMBER 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.

Livestreaming of meetings.

Council Meetings are livestreamed with a recording available after the meeting on the City's website.

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Mayor J Clune
Cr N Colliver
Cr S Cooper
Cr J Critch
Cr J Denton
Cr A Horsman
Cr K Parker
Cr M Librizzi
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
C Lee, Director of Infrastructure Services
S Moulds, PA to the Chief Executive Officer – Minute Secretary
N Jane, Chief Financial Officer
D Melling, Network and System Administrator

Others:

Members of Public: 2
Members of Press: 0

Apologies:

Nil.

Leave of Absence:

Cr S Keemink
Cr P Fiorenza

4 DISCLOSURE OF INTERESTS

Cr A Horsman declared a Proximity interest in Item No. DS053 Reconsideration of Decision – Change of Use From Non-Conforming Use ‘Stockfeed Sales & Manufacture’ to ‘Industry (Precast Concrete Manufacture & Storage)’ – Lot 169 (No. 34317) Brand Highway, Greenough as he leases a property with an adjoining boundary.

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 November 2024.

Ruth Highman 13/298 Chapman Rd, Beresford

Question

The WA State Government owns a large parcel of land east of Verita Rd. Why shouldn't the WA State Government build their own GROH (Government Regional Officer Housing) houses out of their 2-3 billion dollar operating surplus?

Response

As your question is seeking advice on the State Government's actions/intentions/decisions regarding their land and their budget priorities, the City will forward your question to the State Minister for Planning; Lands; Housing; Homelessness for a response.

Question

If the WA State Government wants to build GROH houses on the Olive St blocks, why doesn't the WA State Government purchase the land from the City of Greater Geraldton (CGG) and then finance the building and ongoing management costs themselves from their 2-3 billion dollar operating surplus.

Response

The City developed the 15 housing lots several years ago as part of the Olive Street site remediation project that saw the development of the much-loved Olive Street Reserve. The City's intention was to sell all 15 housing lots to assist funding of the Olive Street Reserve project but despite being for sale for several years, seven of the lots have not sold. Instead of them remaining dormant, the city approached the State Government with a proposal to jointly fund the development which the city will own and manage. The State Government's contribution is coming from the project underspend on the Beresford Foreshore Redevelopment project. The City is grateful to the State for the \$1.6 million contribution as the project is expected to provide additional local housing, local work opportunities and a positive financial return to the City.

Question

When did the provision of housing for WA State Government employees become the responsibility of Local Government?

Response

Local government is not responsible for the provision of GROH housing (or similar). However, the economic growth of Geraldton is being restricted because of the housing shortage. Australians and businesses who would like to move to Geraldton are finding relocating very difficult as they cannot find suitable housing. The local community is also requesting the State to bring more teachers, police, nurses etc to Geraldton to improve the area's liveability, which is difficult if suitable housing is not available. Instead of doing nothing, the Council has decided to investigate options in which it can improve the situation and be as proactive as possible. In this endeavour, the Council has provided financial incentives to various developers in the form of rates relief and car parking relief to assist them provide accommodation. The construction of seven homes is another effort to address this very serious issue.

Shane Van Styn, 51 Fitzgerald Street, GeraldtonQuestion

CGG has in tonight's agenda included a financial model for the Jetty and a detailed review of the business case. Given the Mayor has publicly stated the Olive Street project yields a 3.5% return and tonight's agenda item the Exec states returns anywhere from 5% to 8%; to provide better transparency we seek that CGG make the financial model for the housing project publicly available, noting it is being kept as a Confidential Attachment. This project is not in any Budget / Long Term Financial Plan or Community Strategic plan. Given this stands to be one of the largest projects Council will undertake, does Council endorse decision making by media releases and providing business cases confidentially or will it publicly release the confidential information?

Response

The project has been advanced through the Council's normal processes. Council Members considered and discussed the project at Concept Forums and two reports have now been presented publicly to Council for their consideration (May 2024 and November 2024). The first report sought approval to discuss the matter with the State Minister. The State has seen the value of the project and committed \$1.6 million to advance the project. The second report on the current agenda acknowledges the State's support and seeks permission to call tenders to construct the homes. A third report will come to Council with the tender outcomes. As per all tender reports, upon endorsement, the successful tenderer's price is made public. Subject to Council approval, it is also proposed to use the tender prices in an updated financial model which will be provided to the community. It should be noted that known financial figures have been provided within the body of the public reports.

Question

All sectors of our economy are struggling to attract and retain workers. Indeed, all workers are key workers. Why does CGG believe that singling out State Government employees to be given mini mansions on the beach to be an appropriate use of ratepayers money given the private sector have, in recent times bought such properties as, Batavia Motor Inne, Cameleers Guesthouse and Tarcoola Tavern to house more than 30 of their workers EACH at a combined, far lower cost than the 7 houses proposed by CGG?

Response

The Council is not considering building mini mansions. With the assistance of the State Government, the City is looking to utilise seven dormant City owned land parcels to construct standard Government Regional Officer Housing (GROH) specification dwellings to assist with the current housing shortage. Local businesses are indeed struggling to attract and retain workers. The fact that businesses are needing to buy hotels and old buildings to accommodate their workers highlights the need for additional housing in the region. The proposed Olive street model (rent and sell) has been proposed to maximise the financial return to the City. The proposal to provide the housing to the State Government further reduces the project's potential risks.

Question

CGG was once deeply involved in family day care across the State and as part of refocusing on core Council business, it exited the business in order to rein in rising costs being placed onto ratepayers. This project is unbudgeted and is now presenting itself as the largest project on the Council's project list. What key Council projects will be shelved and / or have scarce project management resources diverted away from them given the sole agreed purpose of the Olive Street project was to make enough money to pay for the remediation of a former informal waste disposal site and not burden ratepayers?

Response

By delivering this project, Council will not become deeply involved in the delivery of housing. The City is proposing this project as housing is a critical community need and central to its future economic development. There are no plans to shelve key Council projects.

Michael Reymond, 4A Verbena Place, StrathalbynQuestion

The State has committed \$1.6m from the Beresford Foreshore project savings. These savings, which were originally \$6m are now only \$3m. Why has the State not committed all of the \$3m if this project is so important; and will these funds have to be returned to the State Govt if the properties are sold? Are there conditions concerning or limiting the sale of these properties in the future? Why doesn't the State Govt just buy the vacant land from Council with their funds and develop the properties themselves given that the provision of public housing is not the remit of Local Government?

Response

As parts of your question are seeking advice on the State Government's actions/intentions/decisions, the City will forward your question to the State Minister for Planning; Lands; Housing; Homelessness. The \$1.6 million from the State Government, for which the City is very appreciative, does not have to be repaid upon sale of the properties.

Question

Given that this project is unbudgeted and is now presenting itself as the largest project on the Council's project list, what Council projects could possibly be cancelled, further delayed, or deferred by having scarce project management resources diverted from them? The capital budget is notorious for its carry over of projects.

Response

The project has been advanced through the Council's normal processes. Council Members considered and discussed the project at Concept Forums and two reports have now been presented publicly to Council for their consideration (May 2024 and November 2024). The first report sought approval to discuss the matter with the State Minister. The State has seen the value of the project and committed \$1.6 million towards it. The second report on the current agenda acknowledges the State's support and seeks permission to call tenders to construct the homes. A third report will come to Council with the tender outcomes. There are no plans to cancel other projects if the Olive St Housing project proceeds.

Question

It is disappointing that the financial business case for this project is not being made public given that there will be an adverse impact on ratepayer's funds; for example, interest on reserves will be less, rates on these properties will be foregone and the possible income from the sale of the land is lost. None of this will reduce the pressure on rate increases

in the future. When will the financial analysis or business case be available for ratepayers to review and why does the Council think it can fund, build and rent residential properties more efficiently and profitably than the State Govt who have dedicated housing and accommodation departments who ironically appear be handballing their role and the costs to the Council and even divesting themselves of properties?

Response

As per all tender reports, upon endorsement, the successful tenderer's price is made public. Subject to Council approval, it is also proposed to use the tender price in an updated financial model which will be provided to the community.

These responses have been provided to those listed above.

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 none.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr P Fiorenza	15 December 2024	18 December 2024	26/11/2024
Cr S Keemink	17 December 2024	24 January 2025	26/11/2024
Cr J Denton	25 January 2025	4 February 2025	26/11/2024

Any new leave requests will be published in the final agenda.

**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'.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Leave of Absence for:
 - a. Cr P Fiorenza for the period 16 January to 30 January 2025.

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

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

- 1. APPROVE Leave of Absence for:**
 - a. Cr P Fiorenza for the period 16 January to 30 January 2025.**

CARRIED 9/0

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

8 PETITIONS, DEPUTATIONS

There is none.

9 CONFIRMATION OF MINUTES

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

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

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

CARRIED 9/0

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 November 2024	ABC Radio Interview - Olive Street Reserve Houses	Mayor Jerry Clune
27 November 2024	7 NEWS Interview - Olive Street Reserve Houses	Mayor Jerry Clune
27 November 2024	Triple M Interview - Outcomes of Council Meeting	Mayor Jerry Clune
27 November 2024	Filming of the 'Outcomes of Council Meeting' and 'What's your day job?' Videos with Cr Jennifer Critch - Tenindewa	Mayor Jerry Clune
27 November 2024	Greenough Regional Prison 40th birthday	Cr Jenna Denton
27 November 2024	Triple M Perth Interview - Outcomes from Council Meeting	Mayor Jerry Clune
27 November 2024	Strategic Community Plan Community Workshop	Mayor Jerry Clune
28 November 2024	Photo for Media Release - Regional Sounds Lease	Mayor Jerry Clune
28 November 2024	Australia Day Community Citizen of the Year Awards Panel Meeting	Mayor Jerry Clune
28 November 2024	Batavia Local Emergency Management Committee Meeting	Mayor Jerry Clune
28 November 2024	Office of the Auditor General (OAG) Public Sector Audit Committee Chair Forum	Mayor Jerry Clune
29 November 2024	Olive Street Reserve Housing Project Facebook Live Questions and Answers	Mayor Jerry Clune
29 November 2024	National Photographic Portrait Prize 2023 and GENESIS 2024	Cr Steve Cooper
30 November 2024	Geraldton Guardian Mid West Sports Awards	Mayor Jerry Clune
2 December 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
2 December 2024	Marketing & Media Regular Catch up	Mayor Jerry Clune
2 December 2024	Meeting with Local Resident – Olive Street Reserve Houses	Mayor Jerry Clune
2 December 2024	Strategic Community Plan Community Workshop	Mayor Jerry Clune
3 December 2024	Concept Forum	Mayor Jerry Clune
4 December 2024	Ventia Sponsorship Event of Doc Docherty Pool - Mullewa	Mayor Jerry Clune
4 December 2024	Meeting with the Mid West Sports Federation - Cycle Pathway	Mayor Jerry Clune
4 December 2024	Mid West Chamber of Commerce and Industry (MWCCI) Annual General Meeting (AGM)	Mayor Jerry Clune
5 December 2024	Walkaway Primary School Concert and Graduation	Mayor Jerry Clune
5 December 2024	Thank a Volunteer Day 2024	Mayor Jerry Clune
6 December 2024	Photo for Media Release - Geraldton Youth Hub - Sod Turning	Mayor Jerry Clune
6 December 2024	Filming for Festive Season Pet Adoption with Geraldton Dog Rescue and Midwest Cat Shelter	Mayor Jerry Clune
6 December 2024	MWCCI Business Leaders Lunch	Mayor Jerry Clune
7 December 2024	MS Westerdam Inaugural Visit and Plaque Handover	Mayor Jerry Clune
8 December 2024	Geraldton Carols by Candlelight	Mayor Jerry Clune
9 December 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
9 December 2024	Marketing & Media Regular Catch up	Mayor Jerry Clune
9 December 2024	Introductory Meeting with Geraldton Ministers Fellowship Coordinator	Mayor Jerry Clune
9 December 2024	Liontown First Shipment to Geraldton	Mayor Jerry Clune
9 December 2024	7NEWS Interview - Inaugural Visit of MS Westerdam and Cruise Ships in Geraldton	Mayor Jerry Clune
9 December 2024	Meeting with National Senate Candidate Paul Brown	Mayor Jerry Clune

9 December 2024	Filming of Mayor's Christmas Message	Mayor Jerry Clune
9 December 2024	Rotary Club of Batavia Coast - Guest Speaker	Mayor Jerry Clune
10 December 2024	Geraldton and Districts Seniors Action Group Christmas Luncheon	Cr Steve Cooper
10 December 2024	Regional Capitals Australia (RCA) AGM – via electronic means	Mayor Jerry Clune
10 December 2024	Agenda Forum	Mayor Jerry Clune
11 December 2024	The Geraldton Voluntary Tour Guides Annual Dinner and Christmas Party	Mayor Jerry Clune
12 December 2024	Mayor and Councillor Mullewa Catch Up	Mayor Jerry Clune
12 December 2024	Christmas on the Terrace 2024	Mayor Jerry Clune
12 December 2024	Photo for Media Release - Pets of Summer Public Artwork Launch	Cr Steve Cooper
13 December 2024	Regional Capitals Alliance Western Australia (RCAWA) Meeting – via electronic means	Mayor Jerry Clune
16 December 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
16 December 2024	Marketing & Media Regular Catch up	Mayor Jerry Clune
16 December 2024	Regular Meeting - Local Members / City of Greater Geraldton	Mayor Jerry Clune
16 December 2024	Introductory Meeting with Green Steel WA	Mayor Jerry Clune
17 December 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

DS052	LOCAL PLANNING POLICY REVIEW
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AGENDA REFERENCE:	D-24-154606
AUTHOR:	H Martin, Manager City Growth
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	21 November 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x10)
	A. R-Codes - Retaining Walls
	B. R-Codes - Vehicular Access
	C. Commercial Tourism Activity on Crown Land
	D. Development Approvals
	E. Dividing Fences
	F. Fast Food Outlets
	G. Activating Thoroughfares in the City Centre
	H. Compliance and Enforcement of Planning Laws
	I. Geraldton City Centre Revitalisation Plan
	J. Precinct Plan - Sunset Beach

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider revoking ten (10) Local Planning Policies that have been identified as no longer being required for various reasons.

The City of Greater Geraldton has 49 Local Planning Policies that provide information that assists in the assessment of development applications. The policy suite is being reviewed to ensure that it remains current.

Most of those policies (42) were prepared between 2007 and 2014 and the balance were prepared between 2016 and 2019. Most of the policies are therefore 10 to 15 years old and have not been reviewed in that time.

In 2023 the City undertook the Voice of the Customer survey that included customers of its planning services. The survey identified application processing times as the main source of customer dissatisfaction. Workshops with City Officers identified that the number of Local Planning Policies and duplication of content between the policies and other planning documents created confusion when conveying information to customers and resulted in additional assessment time of development applications.

It was therefore a key finding that to improve the customer experience and streamline development application processing time, there needed to be fewer policies that were up-to-date and relevant, ensuring any duplication is removed.

It is acknowledged that Strategies and documents prepared in the past can still serve a purpose as guiding information outside of a Local Planning Policy.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 3 cl. 6, RESOLVES to:

1. REVOKE the following City of Greater Geraldton Local Planning Policies:
 - a. R-Codes - Retaining Walls;
 - b. R-Codes - Vehicular Access;
 - c. Commercial Tourism Activity on Crown Land;
 - d. Development Approvals;
 - e. Dividing Fences;
 - f. Fast Food Outlets;
 - g. Activating Thoroughfares in the City Centre;
 - h. Compliance and Enforcement of Planning Laws;
 - i. Geraldton City Centre Revitalisation Plan; and
 - j. Precinct Plan - Sunset Beach.

PROPONENT:

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

BACKGROUND:

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide Council with the ability to prepare a Local Planning Policy (LPP) to provide guidance on matters relevant to the assessment of development applications.

The City has 49 LPPs. Most of those policies were prepared between 2007 and 2014 and the balance were prepared between 2016 and 2019. As reported to Council on 27 August 2024 (Item No. DS045) a review of the policies has commenced to ensure they remain current. Consultants, Element Advisory, have been engaged to deliver the review.

The consultants are considering a small batch of four or five policies each month, in consultation with City Officers. Once a policy is reviewed Council has three options under the relevant legislation:

1. Retain the policy without change.
2. Retain the policy with modifications.
3. Revoke the policy.

The *Planning and Development (Local Planning Schemes) Regulations 2015* identifies the steps that must be taken to implement those decision options. Those steps include undertaking community consultation where a policy is proposed to be modified.

25 policies have been reviewed to date. Three of those policies were revoked by Council on 27 August 2024 (Item No. DS045). 12 policies are recommended for retention and modification and 10 are recommended to be revoked. Proposed modification of the policies to be retained are in the process of being drafted and will be brought to Council for consideration at a later date. This report considers the following 10 policies proposed to be revoked.

1. R-Codes - Retaining Walls (Attachment No. DS052A)	
Background	Comments
This policy was prepared in 2008 to provide guidance to the construction of retaining walls.	Since 2008 the R-Codes have been amended to include the same guidance, creating duplication between it and the City's local planning policy. The local planning policy is therefore no longer required.
2. R-Codes - Vehicular Access (Attachment No. DS052B)	
Background	Comments
This policy was prepared in 2008 to provide guidance on the construction of vehicle crossovers, principally on changes that might result to the depth of the verge and implications for underground services.	This policy has been reviewed against the provisions of the R-Codes relating to crossovers. The R-Codes are considered to address matters relating to crossovers satisfactorily. The local planning policy is therefore no longer required.
3. Commercial Tourism Activity on Crown Land (Attachment No. DS052C)	
Background	Comments
This policy was created in 2007 to provide guidance on the use of crown land for commercial tourism.	The review of this policy has identified that the broader planning framework and the <i>Public Places and Local Government Property Local Law 2020</i> provide sufficient guidance on this matter. The local planning policy is therefore no longer required.
4. Development Approvals (Attachment No. DS052D)	
Background	Comments
This policy was prepared in 2007 to provide guidance on how requests to extend existing development approvals would be considered and the identification of some types of development approvals that need to be renewed annually e.g. home based business.	The information in this local planning policy doesn't inform the development assessment process, which is the purpose of a local planning policy. It provides information that might be relevant to some permit holders, which is information that is best conveyed in a fact sheet, which is in the process of being prepared. The local planning policy is therefore no longer required.

5. Dividing Fences (Attachment No. DS052E)	
Background	Comments
This policy was prepared in 2010 to provide guidance on appropriate and inappropriate construction materials for dividing fences.	Shared boundary fencing between neighbouring properties is a civil matter. It is therefore unnecessary for the City to have a local planning policy on that matter. The policy also provides guidance on materials considered inappropriate for use on front fences, such as barbed wire and electrified wire. Front fences are exempt development where they meet the requirements of the R-Codes. The local planning policy therefore has no effect and is no longer required.
6. Fast Food Outlets (Attachment No. DS052F)	
Background	Comments
This policy was prepared in 2007 to identify matters that would be considered in relation to development applications for fast food outlets.	This information is better conveyed through a fact sheet. A fact sheet is currently being prepared.
7. Activating Thoroughfares in the City Centre (Attachment No. DS052G)	
Background	Comments
This policy was prepared in 2018 to encourage the activation of streets within the Geraldton city centre through the use of footpaths as extensions of the abutting commercial premises e.g. for dining and display. Introduction of the policy clearly articulated the City's support for the use of footpaths for business activities and the way that it needed to be undertaken. It therefore created greater clarity and certainty and reduced red-tape and fees.	It is considered more appropriate to achieve the desired outcomes through the <i>Public Places and Local Government Property Local Law 2020</i> rather than under the <i>Planning and Development Act 2005</i> . The administration of this matter under the local law would be less onerous on both the City and local businesses. This change would therefore further reduce the level of associated red-tape and fees.
8. Compliance and Enforcement of Planning Laws (Attachment No. DS052H)	
Background	Comments
This policy was prepared in 2008 to provide guidance on how members of the community can raise concerns about planning matters e.g. illegal development, and how those concerns would be considered by the City.	This isn't information that would inform the consideration of a development application and is better conveyed in a fact sheet. The local planning policy is therefore no longer required. A fact sheet is currently being prepared.

9. Geraldton City Centre Revitalisation Plan (Attachment No. DS052I)	
Background	Comments
<p>This policy was prepared in 2017 following completion of the <i>Geraldton City Centre Revitalisation Plan</i>. The plan identifies actions to revitalise the city centre, focusing primarily on public spaces and infrastructure and non-development interventions e.g. marketing and branding, undertaking research, etc.</p>	<p>This information has little relevance to the development assessment process. It is recommended that the plan be retained as a strategic document and the policy revoked. The revitalisation plan will be added to the library of strategic documents available on the City's website so that the information it contains remains available to the public.</p>
10. Precinct Plan - Sunset Beach (Attachment No. DS052J)	
Background	Comments
<p>This policy was prepared in 2014 to provide guidance to development within the Sunset Beach area.</p>	<p>There have been several changes to the Planning Framework since the Precinct Plan was first adopted, including the adoption of State Planning Policy 7.2 Precinct Design. These changes mean that the policy is no longer fit for purpose.</p> <p>The <i>Geraldton Coastal Hazard Risk Management and Adaptation Planning Report</i> (Geraldton CHRMAP) was adopted by Council in 2018, following the preparation of this policy. It has therefore added to our understanding of the development issues within the Sunset Beach area.</p> <p>The main area of 'undeveloped' land within Sunset Beach that benefits from the guidance provided by the policy is lot 2346, immediately south of the Spalding Horse and Pony Club.</p> <p>A structure plan was recently prepared for that land to guide its future development.</p> <p>It is recommended that the Precinct Plan be revoked, and the future development of this area be further considered in the upcoming review of the planning strategy and planning scheme.</p>

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

There are no adverse community impacts. The LPP review will deliver a manageable suite of policies that reflect the City's current values and strategic direction while offering clarity and certainty to both applicants and the community.

Economy:

There are no adverse economic impacts. A manageable suite of policies that reflect current strategic direction will make a positive contribution to reducing the complexity of the planning framework, aid in reducing the time to prepare and assess development applications and by extension, the cost of doing development.

Environment:

There are no adverse environmental impacts. The LPP review will ensure that the City's current position on environmental matters is appropriately reflected in development related decisions.

Leadership:

The City is demonstrating leadership in undertaking a Local Planning Policy Review that will deliver a streamlined suite of planning information and support more efficient decision making and facilitate high quality development.

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/COUNCIL MEMBER CONSULTATION:

There has been no community consultation undertaken in the preparation of this report. The results of the Voice of the Customer Survey have contributed to the City's understanding of the need to review the LPPs. Council Members received a Briefing Note on 25 March 2024 outlining the proposed review process and the outcomes of the preliminary review. This was followed by a briefing at the Concept Forum on 2 April 2024.

LEGISLATIVE/POLICY IMPLICATIONS:

The Planning and Development (Local Planning Schemes) Regulations 2015 provides Council the ability to revoke a Local Planning Policy (LPP).

FINANCIAL AND RESOURCE IMPLICATIONS:

The Planning Policy Review will deliver greater efficiencies within the planning system and the use of Council resources in administering that system. Those efficiencies will translate into improved application assessment timeframes and cost savings to anyone seeking to undertake development.

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 1.4	Community safety, health and well-being is paramount.
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: 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 4.1	Meaningful customer experiences created for the people we serve.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Local planning policies guide decision making in relation to development matters.

The risk associated with revoking a policy is that the guidance they provide is no longer available. As noted in this report, the guidance provided by several of the policies duplicate other documents within the planning framework. The content of other policies is best conveyed in a different way, e.g. a fact sheet. Revocation of these policies will therefore not result in a lack of guidance.

The risk associated with not revoking these policies is that the planning system will continue to be unnecessarily complex and inefficient, adding to the cost of doing development and administering the process and deterring investment. The review of over 50 policies on a regular basis to maintain currency is of itself time consuming and costly.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Retaining the policies was considered as an alternative however, given the findings of the review in terms of their duplication of other documents within the planning framework, retention is not recommended.

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

That Council by Simple Majority pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 3 cl. 6, **RESOLVES** to:

1. **REVOKE** the following City of Greater Geraldton Local Planning Policies:
 - a. R-Codes - Retaining Walls;
 - b. R-Codes - Vehicular Access;
 - c. Commercial Tourism Activity on Crown Land;
 - d. Development Approvals;
 - e. Dividing Fences;
 - f. Fast Food Outlets;
 - g. Activating Thoroughfares in the City Centre;
 - h. Compliance and Enforcement of Planning Laws;
 - i. Geraldton City Centre Revitalisation Plan; and
 - j. Precinct Plan - Sunset Beach.

CARRIED 9/0

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.

DS053	RECONSIDERATION OF DECISION – CHANGE OF USE FROM NON-CONFORMING USE ‘STOCKFEED SALES & MANUFACTURE’ TO ‘INDUSTRY (PRECAST CONCRETE MANUFACTURE & STORAGE)’ – LOT 169 (NO. 34317) BRAND HIGHWAY, GREENOUGH
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AGENDA REFERENCE:	D-24-154325
AUTHOR:	N Browne, Coordinator Statutory Planning
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	20 November 2024
FILE REFERENCE:	TP24/126 & A63839
ATTACHMENTS:	Yes (x5) 1x Confidential
	A. Photos of Unapproved Land Use (21 March 2024)
	B. Photos of Unapproved Land Use (16 April 2024)
	C. Amended Application Site Plan
	D. Amended Application Documents
	E. Confidential - Planning Assessment and Privileged Advice

EXECUTIVE SUMMARY:

The purpose of this report is for Council to reconsider development application TP24/126 under the City’s Local Planning Scheme No. 1 (LPS 1) for a change of use from a non-conforming use ‘Stockfeed Sales & Manufacture’ to ‘Industry (Precast Concrete Manufacture & Storage)’ on Lot 169 (No. 34317) Brand Highway, Greenough.

The decision to refuse development application TP24/126, which was made by Officers under delegation based on the information submitted by the applicant, has been appealed to the State Administrative Tribunal (SAT) by the applicant.

Officers attended a mediation session, chaired by a presiding member of SAT, on 11 October 2024, setting out the basis for the decision to refuse the development application. They included:

- The detrimental impact on the visual amenity of the surrounding area, including when viewed from the adjoining Brand Highway, resulting from the storage of concrete products at the front and rear of the property;
- The potential for detrimental impact on the surrounding area due to dust and noise emissions; and
- The potential for the amenity and environmental impacts of the proposed use to be greater than the existing use of the land (any change of land from one non-conforming use to another should result in a reduction in impacts).

During mediation the proponent proposed changes to their development application to address these issues. Those changes included:

- Only storing products at the rear of the site, i.e. no storage at the front of the site;
- Installing screening around storage areas at the rear of the site;
- Removing structures that will no longer be required, thereby reducing the visual impact of the structures on site, e.g. the grain elevator and small silos;
- Sealing internal accessways and parking areas to manage dust;
- Carrying out all production processes inside buildings to manage dust and noise;
- Ceasing public use of the weighbridge, to manage vehicle traffic; and
- Carrying out noise and dust suppression as identified within submitted management plans.

City Officers considered that these changes were sufficient to warrant reconsideration of the earlier decision to refuse the application.

Following mediation, SAT has directed that the City reconsider its decision.

It is recommended that Council set aside the decision and approve the proposed change of use with conditions. Officers have delegation to determine applications for development approval however, this amended application is presented to Council for reconsideration of the decision.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, in respect of the State Administrative Tribunal matter DR 131/2024 RESOLVES to:

1. RECONSIDER the decision made under section 214(3) of the *Planning and Development Act 2005*, to refuse the application for development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;
2. SET ASIDE the decision and substitute it with the following:
 - a. GRANT development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;
 - b. MAKE the determination subject to the following conditions and advice notes:
 - i. Development and land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - ii. The 'Stockfeed Sales & Manufacture' land use and all activities associated with this land use are to cease operating immediately and are not permitted to operate at any time on the property;
 - iii. The grain elevators and small silos and any other structures shown as being removed from site on the approved plan(s) are required to

- be removed entirely from the property by 28 February 2025, to the approval of the local government;
- iv. A landscaping plan incorporating native or locally acceptable trees shall be submitted to and approved by the local government within three (3) months of the date of approval. The landscaping plan is to be implemented in full within six (6) months of its approval, and maintained thereafter to ensure the vegetations survival, to the satisfaction of the local government;
 - v. The landscaping plan required under condition iv must include a visual screen along the northern boundary (abutting Lot 168) and the southern boundary of the precast and open area equipment storage area, as shown on the attached approved site plan, consisting of a minimum two (2) metre wide planted area, containing appropriate understorey plants, mid-storey plants as well as appropriate trees capable of growing to a minimum height of five (5) metres and being a minimum height of one (1) metre at the time of planting;
 - vi. The operating times for the approved use shall be limited to the hours of 6:00am to 7:00pm Monday to Friday, 7:00am to 4:00pm on Saturdays and no operations of the approved use is permitted to occur on Sundays and public holidays, unless otherwise approved in writing by the local government;
 - vii. No truck movements for the approved use or the production of concrete is permitted to occur on the property between the hours of 6:00pm and 7:00am Monday to Saturday and no truck movements or the production of concrete is permitted to occur on Sundays and public holidays;
 - viii. The storage of precast concrete products, plant and equipment associated with the land use is only permitted within the areas notated as 'Open Precast Storage' and 'Precast & Open Area Equipment Storage Area' as shown on the attached approved site plan;
 - ix. The landowner/proponent is responsible to ensure that all installations, activities and processes associated with the land use are carried out at all times and in all respects in accordance with the Noise Management Plan dated November 2024 as lodged with the local government;
 - x. The landowner/proponent is responsible to ensure that the land use is carried out at all times and in all respect in accordance with the Dust Management Plan dated November 2024 as lodged with the local government;
 - xi. The weighbridge shown on the attached approved site plan shall be limited for use associated with the approved land use only and is not to be used by the public;
 - xii. All stormwater is to be disposed of on-site to the satisfaction of the local government;
 - xiii. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;
 - xiv. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the

- property boundaries or cause any glare nuisance to any nearby residents or passing motorists;
- xv. All loading and unloading associated with the 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;
 - xvi. No precast concrete products are permitted to be stored higher than three (3) metres;
 - xvii. The internal vehicle accessways and staff/customer parking area as shown on the attached approved plan(s) is required to be sealed to a minimum 200mm compacted blue metal standard or similar hard standing road base suitable for heavy duty traffic to the satisfaction of the local government;
 - xviii. All operations, activities and processes associated with the manufacture of the precast concrete are required to be undertaken internally within existing buildings on-site at all times. No mixing of concrete or pouring of wet concrete is permitted externally;
 - xix. A maximum of three (3) road train deliveries is permitted to the site each week and a maximum of twenty (20) outbound road train deliveries are permitted from the site each week, being Monday to Saturday; and
 - xx. No waste produced on site is to be disposed of one site, including by burying or any other means, without the prior written approval of the local government.

Advice Notes:

1. All operations upon this site are to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act* in respect to noise emissions.
2. Main Roads WA have advised that the existing driveway access to Brand Highway is required to be upgraded and designed/constructed to Main Roads WA requirements. You are required to contact Main Roads WA directly with regard to the approval requirements for upgrading the existing driveway access.
3. No works are permitted within the Brand Highway reservation unless Main Roads WA has accepted the Application to undertake works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads WA website.
4. 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* and the *Environmental Protection Act*.
5. The entire lot may be affected by flooding during the 1 in 100 AEP event. The depth of flooding in a 1 in 100 AEP event surrounding the development is approximately 0.3 metres and velocities would be relatively low.

PROPONENT:

The proponent is Dynamic Planning and Developments on behalf of the landowner Shoc Holdings Pty Ltd.

BACKGROUND:The Site

The subject land is located approximately 25 kilometres from the Geraldton CBD and approximately two (2) kilometres to the south-west of the Greenough Hamlet. The subject land is situated within the 'Greenough Flats' and is surrounded by rural land uses.

Existing Development

The existing 'Stockfeed Sales & Manufacture' land use located on the subject property (known as Martins Mill) has non-conforming use rights in accordance with clause 3.19 of Local Planning Scheme No. 1 (LPS 1).

The current landowner purchased the subject property in February 2023. The 'Industry (Precast Concrete Manufacture & Storage)' land use commenced operating on the subject property between February 2023 and August 2023, without development approval. The landowner was advised by the City that the land use was unapproved and therefore, all operations associated with the 'Industry (Precast Concrete Manufacture & Storage)' were required to cease. The landowner has continued to operate from the premises.

Photos taken by the City of some of the operations of the unapproved land use are included as Attachment No. DS053A and Attachment No. DS053B.

The use 'Precast concrete manufacture and storage' involves mixing concrete on site, which is poured into a mould. When the concrete is sufficiently dry it is removed from the mould and stored on site. The concrete mixing and pouring occurs within the existing buildings. Storage occurs outside the buildings.

Previous Development Applications

In April 2024, the City received an application for retrospective development approval for the additional use 'Industry (Precast Concrete Manufacture & Storage)' on the subject property.

The application for development approval proposed that the existing non-conforming use, being 'Stockfeed Sales and Manufacture' continue to operate and an additional land use, being 'Industry (Precast Concrete Manufacture & Storage)' be granted approval. While the existing non-conforming use would allow the property to continue to be used for stockfeed sales and manufacture by reference to clause 3.19 of Local Planning Scheme No. 1, that non-conforming use right did not extend to a concrete manufacturing use which would fit within the land use definition of 'Industry' under LPS 1 and as such, is outside the scope of the non-conforming use right.

The use class 'Industry' is a use that is not permitted within the 'Rural' zone under the Zoning Table of LPS 1. If a use of land is identified in a zone as being a use that is not permitted, the local government must refuse an application for development approval for that use in accordance with clause 3.15.6 of LPS 1.

Hence the application for development approval (TP24/082) was refused under delegated authority on 29 April 2024.

In June 2024, the City received another application for development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)'. Development approval for the proposed change of use was sought in accordance with clause 3.20.1(d) of LPS 1 which allows the local government to consider an application for development approval to change the use of land from a non-conforming use to another use that is not permitted by LPS 1. A local government may only grant development approval for a change of use of land from a non-conforming use to another use that is not permitted by LPS 1 if, in the opinion of the local government the proposed use:

- “(a) is less detrimental to the amenity of the locality than the existing non-conforming use; and*
- (b) is closer to the intended purpose of the zone in which the land is situated.”*

Given that the land use 'Industry (Precast Concrete Manufacture & Storage)' is a use that is not permitted by LPS 1 in the 'Rural' zone the provisions of clause 3.20.1(d) and clause 3.20.3 were applicable in the consideration of the application for development approval.

The application for development approval did not satisfactorily demonstrate that the proposed change of use to 'Industry (Precast Concrete Manufacture & Storage)' was less detrimental to the amenity of the locality than the existing non-conforming use and furthermore it also did not satisfactorily demonstrate that the proposed change of use to 'Industry (Precast Concrete Manufacture & Storage)' was closer to the intended purpose of the zone in which the land is situated, being the 'Rural' zone. Hence, the application for development approval (TP24/126) was refused under delegated authority on 2 August 2024.

On 30 August 2024, the landowner applied to the State Administrative Tribunal (SAT) for a review of the decision to refuse an application under a planning scheme, being development application TP24/126.

On 20 September 2024, the State Administrative Tribunal (SAT) held a Directions Hearing to establish how the matter will be dealt with and subsequently made orders that the matter be referred to mediation.

Officers attended a mediation session on 11 October 2024, chaired by a presiding member of SAT, setting out the basis for the decision to refuse the development application. They included:

- The detrimental impact on the visual amenity of the surrounding area, including when viewed from the adjoining Brand Highway, resulting from the storage of concrete products at the front and rear of the property;
- The potential for detrimental impact on the surrounding area due to dust and noise emissions; and
- The potential for the amenity and environmental impacts of the proposed use to be greater than the existing use of the land (any change of land

from one non-conforming use to another should result in a reduction in impacts).

During mediation the proponent proposed changes to their development application to address these issues. Those changes included:

- Only storing products at the rear of the site, i.e. no storage at the front of the site;
- Installing screening around storage areas at the rear of the site;
- Removing structures that will no longer be required, thereby reducing the visual impact of the structures on site, e.g. the grain elevator and small silos;
- Sealing internal accessways and parking areas to manage dust;
- Carrying out all production processes inside buildings to manage dust and noise;
- Ceasing public use of the weighbridge, to manage vehicle traffic; and
- Carrying out noise and dust suppression as identified within submitted management plans.

City Officers considered that these changes were sufficient to warrant reconsideration of the earlier decision to refuse the application.

Following mediation SAT directed that the proponent provide an amended application to the City, and the City reconsider its decision.

In accordance with the SAT orders the proponent has since provided an amended application and the reconsideration of the decision is referred to Council given that there is a matter of the interpretation of LPS 1 and therefore doesn't fall under delegations to Officers by Council under the *Planning and Development Act 2005*.

The site plan provided by the proponent in the amended application is included as Attachment No. DS053C. Other documents provided by the proponent in the amended application is included as Attachment No. DS053D and includes:

- Revised Development Application report;
- Noise Management Plan;
- Dust Management Plan;
- Operational Management Plan; and
- Traffic Impact Statement.

A comprehensive planning assessment including privileged legal advice is contained with Attachment No. DS053E.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts. All potential community impacts associated with the proposed development are considered to have been

appropriately mitigated by changes to the development application and conditions to the proposed development approval.

As noted below, surrounding land owners have shown support for the proposed development.

Economy:

There are no adverse economic impacts. The recommendation to approve the development application will enable an important business supplying essential products for the further growth of Geraldton, to continue. It will therefore have positive economic impacts.

Environment:

There are no adverse environmental impacts. All potential environmental impacts associated with the proposed development are considered to have been appropriately mitigated by changes to the development application and conditions to the proposed development approval.

Leadership:

There are no adverse leadership impacts. The City has shown leadership in working with the applicant to discuss concerns associated with their proposed development and finding appropriate solutions.

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/COUNCIL MEMBER CONSULTATION:

The application for development approval (TP24/126) was publicly advertised. The advertising period was for 14 days and involved the following:

- All landowners and occupiers within 500 metres of the subject property were written to and advised of the proposed change of use;
- The application details were available for viewing at the City's offices on Cathedral Avenue; and
- The application details were available for viewing on the City's website.

No submissions were received during the advertising period. There was also no Council Member consultation.

Although no submissions were received during the advertising period it is noted that the proponent provided four (4) letters of support from surrounding landowners. The letters stated that they were aware of and support the existing concrete manufacturing and storage business that is presently in operation at No. 34317 Brand Highway. Three of the letters of support were from landowners directly abutting the subject property (two directly to the north and one directly south) and the other letter of support was from a landowner located approximately 1.1 km to the north of the subject property.

It is noted that the amended application was not required to be advertised and as such has not been advertised.

Referrals/Consultation with Government/Service Agencies

Main Roads WA

The application was referred to Main Roads WA (MRWA) for comment given that the subject property abuts and proposes access to Brand Highway. MRWA had no objection to the proposed change of use and provided some recommended conditions and advice notes.

Department of Planning, Lands and Heritage

The application was referred to the Department of Planning, Lands and Heritage (DPLH) for comment given that the subject property abuts Lot 3 Company Road which contains a state registered heritage place, being the Hampton Arms Hotel. DPLH advised that given the significant distance between the proposed land use and the state registered heritage place referral to the Heritage Council was not required.

Department of Water & Environmental Regulation

Given that the subject property is located within Special Control Area 6 – Flood prone under the provisions of LPS 1 and the land use proposes to manufacture concrete, the application was referred to the Department of Water & Environmental Regulation (DWER) for comment. DWER had no objection to the proposed change of use and provided some general flood plain management advice given that the subject property is located within the Greenough River Flood Plain.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications however, should Council affirm the decision to refuse the proposed change of use there may be further costs imposed on the City through its involvement in the State Administrative Tribunal (SAT) 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 SAT process.

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 2.1	Local business is empowered and supported.
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.
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 the proposed change of use. If Council were to affirm the decision to refuse the proposed change of use, the proponent does have the right to take the matter further with the State Administrative Tribunal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may affirm the earlier decision to refuse the proposed change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)'.

Refusal of the proposed change of use is not recommended as the amended application has demonstrated that the proposed change of use will be less detrimental to the amenity of the locality than the existing non-conforming use.

Cr A Horsman declared a Proximity interest in Item No. DS053 Reconsideration of Decision – Change of Use From Non-Conforming Use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' – Lot 169 (No. 34317) Brand Highway, Greenough as he leases a property with an adjoining boundary and left Council Chambers at 5.09pm.

During the debate, Cr Tanti proposed an amendment to 2.b.xvi to remove the stored height reference of three (3) metres and replace with five (5) metres;

MOTION**MOVED CR TANTI, SECONDED CR COLLIVER**

That Council by Simple Majority, in respect of the State Administrative Tribunal matter DR 131/2024 RESOLVES to:

- 1. RECONSIDER the decision made under section 214(3) of the Planning and Development Act 2005, to refuse the application for development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;***
- 2. SET ASIDE the decision and substitute it with the following:***
 - a. GRANT development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry***

- (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;**
- b. MAKE the determination subject to the following conditions and advice notes:**
- i. Development and land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
 - ii. The 'Stockfeed Sales & Manufacture' land use and all activities associated with this land use are to cease operating immediately and are not permitted to operate at any time on the property;**
 - iii. The grain elevators and small silos and any other structures shown as being removed from site on the approved plan(s) are required to be removed entirely from the property by 28 February 2025, to the approval of the local government;**
 - iv. A landscaping plan incorporating native or locally acceptable trees shall be submitted to and approved by the local government within three (3) months of the date of approval. The landscaping plan is to be implemented in full within six (6) months of its approval, and maintained thereafter to ensure the vegetations survival, to the satisfaction of the local government;**
 - v. The landscaping plan required under condition iv must include a visual screen along the northern boundary (abutting Lot 168) and the southern boundary of the precast and open area equipment storage area, as shown on the attached approved site plan, consisting of a minimum two (2) metre wide planted area, containing appropriate understorey plants, mid-storey plants as well as appropriate trees capable of growing to a minimum height of five (5) metres and being a minimum height of one (1) metre at the time of planting;**
 - vi. The operating times for the approved use shall be limited to the hours of 6:00am to 7:00pm Monday to Friday, 7:00am to 4:00pm on Saturdays and no operations of the approved use is permitted to occur on Sundays and public holidays, unless otherwise approved in writing by the local government;**
 - vii. No truck movements for the approved use or the production of concrete is permitted to occur on the property between the hours of 6:00pm and 7:00am Monday to Saturday and no truck movements or the production of concrete is permitted to occur on Sundays and public holidays;**
 - viii. The storage of precast concrete products, plant and equipment associated with the land use is only permitted within the areas notated as 'Open Precast Storage' and 'Precast & Open Area Equipment Storage Area' as shown on the attached approved site plan;**
 - ix. The landowner/proponent is responsible to ensure that all installations, activities and processes associated with the**

- land use are carried out at all times and in all respects in accordance with the Noise Management Plan dated November 2024 as lodged with the local government;*
- x. The landowner/proponent is responsible to ensure that the land use is carried out at all times and in all respect in accordance with the Dust Management Plan dated November 2024 as lodged with the local government;*
 - xi. The weighbridge shown on the attached approved site plan shall be limited for use associated with the approved land use only and is not to be used by the public;*
 - xii. All stormwater is to be disposed of on-site to the satisfaction of the local government;*
 - xiii. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;*
 - xiv. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists;*
 - xv. All loading and unloading associated with the 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;*
 - xvi. No precast concrete products are permitted to be stored higher than three (3) metres;*
 - xvii. The internal vehicle accessways and staff/customer parking area as shown on the attached approved plan(s) is required to be sealed to a minimum 200mm compacted blue metal standard or similar hard standing road base suitable for heavy duty traffic to the satisfaction of the local government;*
 - xviii. All operations, activities and processes associated with the manufacture of the precast concrete are required to be undertaken internally within existing buildings on-site at all times. No mixing of concrete or pouring of wet concrete is permitted externally;*
 - xix. A maximum of three (3) road train deliveries is permitted to the site each week and a maximum of twenty (20) outbound road train deliveries are permitted from the site each week, being Monday to Saturday; and*
 - xx. No waste produced on site is to be disposed of one site, including by burying or any other means, without the prior written approval of the local government.*

Advice Notes:

- 1. All operations upon this site are to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions.**
- 2. Main Roads WA have advised that the existing driveway access to Brand Highway is required to be upgraded and designed/constructed to Main Roads WA requirements. You are required to contact Main Roads WA directly with regard to the approval requirements for upgrading the existing driveway access.**

3. ***No works are permitted within the Brand Highway reservation unless Main Roads WA has accepted the Application to undertake works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads WA website.***
4. ***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 and the Environmental Protection Act.***
5. ***The entire lot may be affected by flooding during the 1 in 100 AEP event. The depth of flooding in a 1 in 100 AEP event surrounding the development is approximately 0.3 metres and velocities would be relatively low.***

*Note: This Motion is not the final decision of Council.
Council considered the amendment to the motion.*

AMENDMENT TO MOTION

MOVED CR TANTI, SECONDED CR PARKER

That Council amend 2.b.xvi from three (3) metres to five (5) metres:

'xvi. No precast concrete products are permitted to be stored higher than five (5) metres;'

CARRIED 6/2

Time: 5:16 PM

Not Voted: 3

No Votes: 2

Yes Votes: 6

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

As the amendment to the motion was carried, point '2.b.xvi' in the substantive motion was updated to five (5) metres.

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

That Council by Simple Majority, in respect of the State Administrative Tribunal matter DR 131/2024 RESOLVES to:

1. **RECONSIDER** the decision made under section 214(3) of the Planning and Development Act 2005, to refuse the application for development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;
2. **SET ASIDE** the decision and substitute it with the following:
 - a. **GRANT** development approval for a change of use from a non-conforming use 'Stockfeed Sales & Manufacture' to 'Industry (Precast Concrete Manufacture & Storage)' on Lot 169 (No. 34317) Brand Highway, Greenough;
 - b. **MAKE** the determination subject to the following conditions and advice notes:
 - i. Development and land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - ii. The 'Stockfeed Sales & Manufacture' land use and all activities associated with this land use are to cease operating immediately and are not permitted to operate at any time on the property;
 - iii. The grain elevators and small silos and any other structures shown as being removed from site on the approved plan(s) are required to be removed entirely from the property by 28 February 2025, to the approval of the local government;
 - iv. A landscaping plan incorporating native or locally acceptable trees shall be submitted to and approved by the local government within three (3) months of the date of approval. The landscaping plan is to be implemented in full within six (6) months of its approval, and maintained thereafter to ensure the vegetations survival, to the satisfaction of the local government;
 - v. The landscaping plan required under condition iv must include a visual screen along the northern boundary (abutting Lot 168) and the southern boundary of the precast and open area equipment storage area, as shown on the attached approved site plan, consisting of a minimum two (2) metre wide planted area, containing appropriate understorey plants, mid-storey plants as well as appropriate trees capable of growing to a minimum height of five (5) metres and being a minimum height of one (1) metre at the time of planting;
 - vi. The operating times for the approved use shall be limited to the hours of 6:00am to 7:00pm Monday to Friday, 7:00am to 4:00pm on Saturdays and no operations of the approved use

- is permitted to occur on Sundays and public holidays, unless otherwise approved in writing by the local government;
- vii. No truck movements for the approved use or the production of concrete is permitted to occur on the property between the hours of 6:00pm and 7:00am Monday to Saturday and no truck movements or the production of concrete is permitted to occur on Sundays and public holidays;
 - viii. The storage of precast concrete products, plant and equipment associated with the land use is only permitted within the areas notated as 'Open Precast Storage' and 'Precast & Open Area Equipment Storage Area' as shown on the attached approved site plan;
 - ix. The landowner/proponent is responsible to ensure that all installations, activities and processes associated with the land use are carried out at all times and in all respects in accordance with the Noise Management Plan dated November 2024 as lodged with the local government;
 - x. The landowner/proponent is responsible to ensure that the land use is carried out at all times and in all respect in accordance with the Dust Management Plan dated November 2024 as lodged with the local government;
 - xi. The weighbridge shown on the attached approved site plan shall be limited for use associated with the approved land use only and is not to be used by the public;
 - xii. All stormwater is to be disposed of on-site to the satisfaction of the local government;
 - xiii. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways;
 - xiv. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists;
 - xv. All loading and unloading associated with the 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;
 - xvi. No precast concrete products are permitted to be stored higher than five (5) metres;
 - xvii. The internal vehicle accessways and staff/customer parking area as shown on the attached approved plan(s) is required to be sealed to a minimum 200mm compacted blue metal standard or similar hard standing road base suitable for heavy duty traffic to the satisfaction of the local government;
 - xviii. All operations, activities and processes associated with the manufacture of the precast concrete are required to be undertaken internally within existing buildings on-site at all times. No mixing of concrete or pouring of wet concrete is permitted externally;
 - xix. A maximum of three (3) road train deliveries is permitted to the site each week and a maximum of twenty (20) outbound road

train deliveries are permitted from the site each week, being Monday to Saturday; and

- xx. No waste produced on site is to be disposed of on site, including by burying or any other means, without the prior written approval of the local government.

Advice Notes:

1. All operations upon this site are to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions.
2. Main Roads WA have advised that the existing driveway access to Brand Highway is required to be upgraded and designed/constructed to Main Roads WA requirements. You are required to contact Main Roads WA directly with regard to the approval requirements for upgrading the existing driveway access.
3. No works are permitted within the Brand Highway reservation unless Main Roads WA has accepted the Application to undertake works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads WA website.
4. 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 and the Environmental Protection Act.
5. The entire lot may be affected by flooding during the 1 in 100 AEP event. The depth of flooding in a 1 in 100 AEP event surrounding the development is approximately 0.3 metres and velocities would be relatively low.

CARRIED 8/0

Time: 5:21 PM

Not Voted: 3

No Votes: 0

Yes Votes: 8

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

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:
Council felt that three (3) metres was too low, therefore amended the height restriction to five (5) metres to store products.

Cr Horsman returned to Council Chambers at 5.21pm.

12.2 REPORTS OF COMMUNITY AND CULTURE - NIL

There are none.

12.3 REPORTS OF CORPORATE SERVICES

CS176	PROCUREMENT POLICY SUITE
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AGENDA REFERENCE:	D-24-146937
AUTHOR:	B Pearce, Manager Corporate Compliance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	8 November 2024
FILE REFERENCE:	GO/6/0030
ATTACHMENTS:	Yes (x3)
	A. Draft Council Policy 4.10 Procurement via Panels of Prequalified Suppliers (v5)
	B. Draft Council Policy 4.11 Regional Price Preference (v5)
	C. City of Greater Geraldton Code of Business Ethics (v4)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval of the following suite of procurement related policies:

- Council Policy 4.10 Procurement via Panels of Prequalified Suppliers, version 5;
- Council Policy 4.11 Regional Price Preference, version 5; and
- The City of Greater Geraldton Code of Business Ethics, version 4.

The policies have undergone a biennial review, with no significant amendments recommended for this review.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.10 Procurement via Panels of Prequalified Suppliers, version 5;
2. APPROVE Council Policy 4.11 Regional Price Preference, version 4; and
3. APPROVE City of Greater Geraldton Code of Business Ethics, version 4.

PROPONENT:

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

BACKGROUND:

Council Policy 4.10 Procurement via Panels of Prequalified Suppliers, Council Policy 4.11 Regional Price Preference, and the City of Greater Geraldton Code of Business Ethics were last reviewed by the Council on 30 August 2022 - Item No. CCS715. The purpose of these policies and code is to provide direction to City Officers and contractors in relation to procurement activities.

The primary procurement policy Council Policy 4.9 Procurement of Goods and Services is not included in this review, as it was updated 29 August 2023 – Item No. CS059.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The updated policies collectively seek to ensure that the City supports locally sourced goods and services, with a firm commitment to social corporate responsibility in all procurement activities.

Economy:

The updated policies detail the City's position in relation to supporting local businesses when procuring goods and services, which will have the effect of supporting the Mid West's regional economy.

Environment:

The updated policies include requirements for ensuring that social and environmental factors are considered as part of City procurement activities.

Leadership:

The Local Government Act 1995 requires that Council establish good governance principles through the introduction of policies and guidelines. The procurement policy suite establishes the Council's standards for ensuring the effective and ethical management of City procurement activities.

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 Policies 4.10, 4.11 and the Code have been previously adopted by Council as follows:

- Item No. CCS715 - Procurement Policy Suite – 30 August 2022.
- Item No. CCS522 - Procurement Policy Suite – 25 August 2020.
- Item No. CCS365 - Procurement Policy Framework - 23 October 2018.
- Item No. CCS231 - City of Greater Geraldton Council Policy Manual - 24 January 2017.

COMMUNITY/COUNCIL MEMBER CONSULTATION:

Council Member consultation for council policy reviews is not required prior to the Agenda Forum or Ordinary Meetings of Council unless there are significant changes to a policy.

There are no significant changes to the intent of the policy proposed and any amendments are administrative in nature, therefore Council consideration 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.*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

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 2.1	Local business is empowered and supported.
Outcome 2.5	Our competitive advantages are built upon and our business success is celebrated.
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 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

The updated policies provide clear direction and commitment to sourcing local goods or services where possible.

RISK MANAGEMENT:

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

The procurement policy suite is designed to ensure the City maintains its procurement compliance and probity responsibilities. As such, these policies and their supporting processes are linked to procurement risk mitigation strategies.

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 COOPER, SECONDED CR LIBRIZZI**

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

1. **APPROVE Council Policy 4.10 Procurement via Panels of Prequalified Suppliers, version 5;**
2. **APPROVE Council Policy 4.11 Regional Price Preference, version 4; and**
3. **APPROVE City of Greater Geraldton Code of Business Ethics, version 4.**

CARRIED 8/1

Time: 5:23 PM

Not Voted: 2

No Votes: 1

Yes Votes: 8

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

Cr Cooper advised that he intended to vote 'Yes', but inadvertently selected 'No'. This did not affect the vote.

CS177 COUNCIL POLICY 2.1 INVESTMENT

AGENDA REFERENCE:	D-24-157548
AUTHOR:	N Jane, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	18 November 2024
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 2.1 Investment (v4)
	B. Comparison Table Council Policy 2.1 Investment (v4)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for Council Policy 2.1 Investment, version 4. The policy has undergone its biennial review with changes proposed to sections 5.1 and 5.7 as detailed in the attached comparison table (Attachment No. CS177B).

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 2.1 Investment, version 4.

PROPONENT:

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

BACKGROUND:

Council Policy 2.1 Investment was last reviewed by the Council on 15 December 2020 - Item No. CCS558. The purpose of this policy is to provide guidelines for the investment of Council funds.

In summary the proposed changes include:

- Updated legislation references in section 5.1 and Workplace Information.
- Remove the list of major banks in section 5.7, this is not required as it is addressed by the ratings table.

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

Prudent management of ratepayer funds whilst providing flexibility to invest with local and community banks (based on the offering of competitive yields).

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 and guidelines.

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 2.1 Investment was last approved by Council on 15 December 2020 (Item No. CCS558).

COMMUNITY/COUNCIL MEMBER CONSULTATION:

There are no significant changes to the intent of the policy proposed and any amendments are administrative in nature, therefore Council consideration 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.*

Section 6.4 of the *Local Government Act 1995* provides the authority to invest. Local Government (*Financial Management*) Regulations 1996 outlines the requirements for control procedures for Investments, and restrictions on investments. The policy complies with these requirements.

FINANCIAL AND RESOURCE IMPLICATIONS:

The policy aims to provide range and flexibility to the City's investment decision making to achieve good returns whilst managing risk.

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 4.7	Council understands its roles and responsibilities and leads by example.

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 good government of the City of Greater Geraldton.

The policy provides guidance and criteria to be considered in the areas of:

- Preservation of Capital
- Credit Risk
- Diversification
- Liquidity Risk
- Market Risk
- Maturity Risk
- Rollover Risk

Portfolio and Counterparty limits are aimed at ensuring that when the City invests it is getting the premium rate possible at the time whilst not exposing Council to any unacceptable risk.

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 COOPER, 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 2.1 Investment, version 4.**

CARRIED 9/0

Time: 5:24 PM

Not Voted: 2

No Votes: 0

Yes Votes: 9

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

CS178 COUNCIL POLICY 4.18 LIVE STREAMING OF MEETINGS

AGENDA REFERENCE:	D-24-156805
AUTHOR:	S Bishop, A/Manager ICT Services
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	22 November 2024
FILE REFERENCE:	GO/19/0008
ATTACHMENTS:	Yes (x2)
	A. Draft Council Policy 4.18 Recording and Livestreaming of Council Meetings (v5)
	B. Comparison Table Council Policy 4.18 Recording and Livestreaming of Council Meetings

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for Council Policy 4.18 Recording and Livestreaming of Council Meetings, version 5. The policy has undergone its biennial review with proposed changes detailed in the attached comparison table (Attachment No. CS178B).

EXECUTIVE RECOMMENDATION:

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

1. APPROVE Council Policy 4.18 Recording and Livestreaming of Council Meetings, version 5.

PROPONENT:

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

BACKGROUND:

Council Policy 4.18 Live Streaming of Meetings was last reviewed by the Council on 25 October 2022 - Item No. CCS731. The purpose of this policy is to enhance Council's commitment to engage with its community through the livestreaming of its meetings through the internet.

Amendments to the *Local Government Act 1995* (the Act) require all Class 1 local governments to broadcast and make recordings of Council meetings publicly available from 1 January 2025.

As the City already livestreams its meetings, the impact to meeting proceedings is expected to be minimal. However, significant changes have been made to the policy to provide guidance on the administrative aspects of livestreaming and recording of Council meetings in accordance with the legislation.

The proposed revisions include changing the policy name from Live Streaming of Meetings to Recording and Livestreaming of Council Meetings to align with the vocabulary used within the Act.

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

Livestreaming of Council meetings allows community members to view Council meeting proceedings online (live) as they occur without having to be physically present in Council Chambers. Recordings of past Council meetings are also available to community members via the internet after meetings are completed.

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 and guidelines.

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 4.18 Live Streaming of Meetings was last approved by Council on 25 October 2022 (Item No. CCS371).

COMMUNITY/COUNCIL MEMBER CONSULTATION:

Council Members were asked to review Council Policy 4.18 via a Briefing Note sent on 12 November 2024, requesting comments and suggestions be provided by 25 November 2024. No feedback was received.

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 Part 2A of the *Local Government (Administration) Regulations 1996* the City must publicly broadcast and make publicly available recordings of its Council Meetings as of 1 January 2025.

14H. Class 1 local governments and class 2 local governments to broadcast council meetings publicly

- (1) *This regulation applies to a local government only if the local government is a class 1 local government or a class 2 local government.*

- (2) *A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —*
- (a) *is held at the council’s usual meeting place; or*
 - (b) *is an electronic meeting.*

14l. Local governments to make recordings of council meetings

- (1) *A local government must —*
- (a) *make a recording of every meeting of its council in accordance with subregulation (2); and*
 - (b) *make the recording publicly available —*
 - (i) *within 14 days after the meeting day; and*
 - (ii) *until, at least, the end of the period of 5 years after the meeting day;*
 - and*
 - (c) *retain the recording until, at least, the end of the period of 5 years after the meeting day;*

FINANCIAL AND RESOURCE IMPLICATIONS:

An allocation is made in the City’s ICT hardware renewal program to refresh the Chambers AV equipment relating to broadcasting and recording of Council meetings once it reaches end of usable life. The hardware used for livestreaming is due for renewal in the 2025-26 financial year.

The Livestream subscription service costs \$1,254 excluding GST per annum. Approximately two hours is required per meeting for ICT and Executive Officers to setup and test the Live Stream.

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: 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.

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 good government of the City of Greater Geraldton.

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 4.18 Recording and Livestreaming of Council Meetings, version 5.**

CARRIED 9/0

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.

CS179 STATEMENT OF FINANCIAL ACTIVITY AND STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 30 NOVEMBER 2024

AGENDA REFERENCE: D-24-161792
AUTHOR: J McLean, Senior Management Accountant, Analyst
EXECUTIVE: P Radalj, Director Corporate Services
DATE OF REPORT: 5 December 2024
FILE REFERENCE: FM/17/0015
ATTACHMENTS: Yes (x1)
 Monthly Management Report for period ended 30 November 2024

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City’s finances to 30 November 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 30 November 2024, as attached; and
2. RECEIVE the monthly Statement of Financial Position as at 30 November 2024, as attached.

PROPONENT:

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

BACKGROUND:

The financial performance and position at the end of November 2024 is detailed in the attached report.

Summarised below are the variances between Year-to-Date (YTD) budgets and actuals:

Operating Income	\$	894,263	1.2%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	1,131,011	2.8%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	2,025,274	5.9%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	5,563,442	36.8%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	217,308	28.7%	under YTD Budget	<input checked="" type="checkbox"/>
Cash at Bank – Municipal		\$11,295,285			
Cash at Bank – Reserve		\$ 22,754			
Current Investments		\$75,143,134			
Current Rates Collected to November 2024		76.55%			
Current Rates Collected to November 2023		77.26%			

Rates Arrears Collected to November 2024	32.45%
Rates Arrears Collected to November 2023	32.39%

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 November financials show a YTD positive variance of \$2,025,274 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/COUNCIL MEMBER CONSULTATION:

There has been no community/council member 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 TANTI, 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 30 November 2024, as attached; and
2. **RECEIVE** the monthly Statement of Financial Position as at 30 November 2024, as attached.

CARRIED 9/0

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

12.4 REPORTS OF INFRASTRUCTURE SERVICES

Refer to '16 Meeting Closed To Public' for IS319 RFT 2425 13 Construction of Siding Road Through To Abattoir Road Moonyoonooka.

12.5 REPORTS OF OFFICE THE CEO - NIL

There are none.

12.6 REPORTS TO BE RECEIVED**RR66 REPORTS TO BE RECEIVED - NOVEMBER**

AGENDA REFERENCE:	D-24-161580
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	5 December 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3)
	A. DSDD026 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CS180 – List of Accounts Paid Under Delegation – November 2024
	C. CS181 - List of Payments by Employees via Purchasing Cards – November 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. DSDD026 - Delegated Determinations and Subdivision Applications for Planning Approval.

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. CS180 – List of Accounts Paid Under Delegation – November 2024; and
 - ii. CS181 - List of Payments by Employees via Purchasing Cards – November 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/COUNCIL MEMBER CONSULTATION:

There has been no community/Council Member consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR COLLIVER, SECONDED CR COOPER****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. DSDD026 - Delegated Determinations and Subdivision Applications for Planning Approval.**

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. CS180 – List of Accounts Paid Under Delegation – November 2024; and**
 - ii. CS181 - List of Payments by Employees via Purchasing Cards – November 2024.**

CARRIED 9/0

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

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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.

No confidential discussion was required.

IS319	RFT 2425 13 CONSTRUCTION OF SIDING ROAD THROUGH TO ABATTOIR ROAD MOONYOONOOKA
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AGENDA REFERENCE:	D-24-149205
AUTHOR:	C Edwards, Manager Project Delivery and Engineering
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	12 November 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Confidential Confidential – Tender Evaluation Report

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 2425 13 - Construction of Siding Road through to Abattoir Road, Moonyoonooka to the preferred tenderer.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.20 and Section 6.8 of the *Local Government Act 1995* RESOLVES to:

1. AWARD the contract RFT 2425 13 Construction of Siding Road through to Abattoir Road, Moonyoonooka to the preferred tenderer;
2. RECORD the contract price in the minutes; and
3. APPROVE an increase to the 2024-25 budget for this project of \$155,000 through a reallocation from the road renewal program.

PROPONENT:

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

BACKGROUND:

A Road Safety Inspection found that the road entrance of an un-named access road located between Bernie Clune Drive and Abattoir Road on Geraldton-Mount Magnet Road was located between two (2) crests and was unsafe for road users.

In response, the City successfully applied for Black Spot Funding to disconnect the un-named access road (to be named Siding Road) from direct access to Geraldton-Mount Magnet Road and provide alternative access using Abattoir Road.

To this end, the City's Engineering Services team prepared a design and Issue for Tender documentation package defining the scope of work and specification for the construction of works to achieve the above. Main Roads WA (MRWA) have reviewed the design and undertaken a road safety audit.

Tenders closed on 18 October 2024 and the City received two (2) fully compliant tenders from locally based contractors. Both tenderers were evaluated and found to be equally capable and experienced to carry out the works.

The recommended tendered sum exceeds the allocated project budget. City Officers subsequently worked closely with the MRWA Black Spot program team and negotiated an increase in funding to offset most of the budget requirement.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The closure of the existing access road will remove a road safety risk to the community. The upgraded Abattoir Road and Siding Road will continue to serve the members of the community who rely on the road.

Economy:

Awarding this tender will result in a proportion of the project funding flowing into the local economy through the employment of local businesses and contractors such as traffic controllers, surveyors, civil contractors, suppliers and equipment hire.

Environment:

All works within the scope of the RFT 2425 13 - Construction of Siding Road through to Abattoir Road, Moonyoonooka will be undertaken with environmental controls implemented as part of the contract.

Leadership:

Council approval of the Executive Recommendation will ensure that works align with the objectives of Council Policy 4.5 Asset Management and will deliver another road safety upgrade.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

In October 2024, Item No.IS316 Council was approved with a budget amendment for RFT 2425 09 Chapman Road, Bosley Street and Chapman Valley Road Roundabout Construction when the tendered price of the preferred tenderer exceeded the Project Budget.

COMMUNITY/COUNCIL MEMBER CONSULTATION:

Council Members were consulted as part of the process for the approval of the adopted 2024-25 financial year budget and more specifically through a Briefing Note at the Council Concept Forum on 3 December 2024.

Community consultation has yet to be undertaken for this project however, consultation will be carried out before the commencement of construction activities on site.

LEGISLATIVE/POLICY IMPLICATIONS:

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

The *Local Government Act 1995*, section 6.8 authorises a local government to amend a budget allocation during the year by an absolute majority decision of Council.

Safe Work Methods, Environmental Management and Cultural Heritage Management in line with legislative requirements will be observed as part of the delivery of the contract.

FINANCIAL AND RESOURCE IMPLICATIONS:

MRWA have approved an additional \$124,000 funding increase to the Black Spot grant funding for the project. There are no other financial implications associated with the Executive Recommendation as the City has the surplus funds required within the road renewal program for the remainder of the budget amendment.

The City has the necessary project management and supervision resources available to administer and manage the contract.

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 1.4	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 2.2	Efficient and accessible intrastate and interstate connectivity.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.5	A culture of safety, innovation and embracing change.

REGIONAL OUTCOMES:

Maintaining a functional and safe road network through the City of Greater Geraldton enhances the comfort and safety of local businesses, the community and road users.

RISK MANAGEMENT:

The closure of the current access road (to be named Siding Road) to Geraldton-Mount Magnet Road and the provision of a new access road at Abattoir Road reduces the risk of vehicle collisions by improving site distances.

The successful tenderer will be engaged under an amended form of the AS4000 General Conditions of Contract which provides industry standard mechanisms for managing risk during construction. Appropriate due diligence has been undertaken to ensure that the preferred tenderer has the necessary capability to undertake the project successfully.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

Cr Librizzi moved a motion different from the Executive Recommendation.

COUNCIL DECISION

MOVED CR LIBRIZZI, SECONDED CR COLLIVER

That Council by Absolute Majority pursuant to Section 5.20 and Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. **AWARD** the contract RFT 2425 13 Construction of Siding Road through to Abattoir Road, Moonyoonooka to the preferred tenderer being Hawthorn Group Holdings Pty Ltd;
2. **RECORD** the contract price in the minutes being \$643,923.99 exclusive of GST; and
3. **APPROVE** an increase to the 2024-25 budget for this project of \$155,000 and an increase to the grant revenue budget of \$120,000.

CARRIED BY ABSOLUTE MAJORITY 9/0

Time: 5:30 PM

Not Voted: 2

No Votes: 0

Yes Votes: 9

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

REASON FOR VARIATION TO EXECUTIVE RECOMMENDATION: To ensure road renewal funding is preserved and not used for new capital works.

17 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 5.30pm.

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/>