



City of
Geraldton-Greenough
Climate of Opportunity

**ELECTORS SPECIAL MEETING
MINUTES**

8 APRIL 2009

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CITY OF GERALDTON-GREENOUGH
ELECTORS SPECIAL MEETING
HELD ON WEDNESDAY, 8 APRIL 2009 AT 5.30PM
AT COUNCIL CHAMBERS, EDWARD ROAD.

MINUTES

DISCLAIMER:

The City of Geraldton-Greenough advises that persons interested in any topics raised in these Minutes should wait for formal written advice from the City before taking any action on an application that is listed for consideration.

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.30pm.

2 ATTENDANCE

Present:

Mayor Ian Carpenter
Cr E J Sewell
Cr R L Ashplant
Cr G Bylund
Cr R D Hall
Cr D l'Anson
Cr N McIlwaine
Cr T W O'Toole
Cr F Smart

Officers:

A Brun, Chief Executive Officer
H L Eaton, Director of Corporate Services
P Melling, Director of Sustainable Communities
E Dines, Director of Commercial Enterprises
S Jerram, Director of Community Infrastructure
S Moulds, PA to the Chief Executive Officer
T Kirby, Executive Support Secretary
M Connell, Manager Town Planning
P Radalj, Coordinator Management Accounting
N Els, Manager Governance & Risk
K Payne, PA to Director of Creative Communities

Electors 83 (see Appendix 1)

Press

G Wynne, ABC

I Cutler, Geraldton Guardian

Apologies:

Cr R W Jefferies

Ian Blayney MLA

A Selvey, Director of Creative Communities

Leave of Absence:

Cr C Gabelish

Cr L J Boyle

3 PUBLIC QUESTION TIME**Mr Colin Cox, 42 Winetta Ridge, Geraldton WA 6530**Question

Why wasn't the council transparent and open with it's ratepayers in its dealing with Dome until it had given consent to Dome to develop a café/restaurant on the foreshore.

Response

The Council applied an open and transparent process in publically calling for Expressions of Interest on two occasions. On selection of a preferred proponent (being DOME Coffees Australia Pty Ltd) following extensive negotiations and assessment in conjunction with relevant State Government Agencies, the final proposal was put out for full public review prior to a final Council decision in January 2009.

Question

Why didn't the Council advise the ratepayers when the footprint and the location the Dome proposal changed to 10 times it size and was allocated the site set aside for the Surf Club facilities.

Response

Council at its meeting in April 2007 agreed to assign preferred proponent status on DOME Coffees Australia Pty Ltd based on their submission. Notwithstanding that it varied from the original advertised concept. This was done as it was the only submission received in the public and transparent process.

The final approved version is generally consistent with the submitted proposal as part of the open Expression of Interest process. Notwithstanding that, Council required full and open readvertising and public comment, identifying the changes arising from the Expression of Interest process prior to making its final decision in January 2009.

Question

Why did the Council ask Dome to submit a EOI for the foreshore when they had already (quote) identified several high street locations and willing landlords in the Marine Terrace precinct including opportunities within existing heritage buildings.

Response

The City was in fact approached by DOME Coffees Australia Pty Ltd via a letter dated 12 March 2007 expressing an interest to develop on the Foreshore and noting that Council had not appointed any proponents out of their previous advertising process in December 2006.

Based on the request from DOME Coffees Australia Pty Ltd a report was considered by Council on the 27 March 2007, where it resolved:

That:

- i. Council resolved to advertise for registrations of interest for the two potential lease areas identified on the Geraldton Foreshore Redevelopment plans for possible café and restaurant facilities.
- ii. Council appoints acting Mayor Ian Carpenter, Councillor Hall and Mr Brennan as the selection panel of the appointment of preferred proponents for the leased area, with a recommendation to be provided to the April Ordinary Council meeting.

Question

Why was Dome EOI accepted on the 24 April 2007 when the EOI's closed at 10am on the 23 April 2007.

Response

EOI was opened between the 6 April 2007 and 23 April 2007. It was advertised on the 6 April in the Geraldton Guardian and the 7 April 2007 in the West Australian. It is noted that the Information Pack showed the closing date as the 20 April 2007.

The DOME Coffees Australia Pty Ltd submission was received by the due date and time and a Report was prepared as a Late Item to full Council meeting on the 27 April 2007.

Question

Why has the Council disregarded its "commercial recreational tourism activity on crown land".

Local Planning Policy 16 July 2007
Which State!

3.0 objective:

3.1 To ensure that commercial activities on the reserve do not diminish the recreational amenity of the residents or visitors who are attracted to the municipality for its natural beauty and environment.

3.2 To ensure ecologically sustainable use and protection of the reserve for its benefit and enjoyment of future generations.

3.3 To retain reserves (where appropriate) as places for passive and/or active recreation for residents and visitors.

3.4 To regulate the intensity of commercial activities on the reserve as necessary to ensure that it does not destroy the value and nature of the activity and the resource on which it is based.

3.5 To provide appropriate (limited) opportunities for commercial tourism operators to provide services and facilities to the public to enhance their visit to the municipality.

Response

The Policy referred to in the question has specific relevance to undeveloped coastal reserves and those with a higher level of environmental significance. Essentially it is a generalist policy which guides development on Crown Reserves.

It is noted in the Foreshore Precinct Council and the State Government have identified and promoted the need for commercial development which supports and enhances the area.

In February 2002, the City in partnership with the Commonwealth Department of Transport and Regional Services undertook a comprehensive workshop and public consultation process in developing the concept plan and proposal for the "Geraldton Foreshore/CBD Redevelopment and Revitalisation Project".

The process included extensive public workshops and involvement of key State Government Agency representatives under the guidance of the independent facilitators, Taylor Burrell and APP Argenta.

The public and transparent outcome which was endorsed by Council on the 25 June 2002 highlighted and confirmed the need for activity nodes which incorporated commercial elements. It is worth noting that the report (p.26) specifically refers to "Candidate use may include 'Dome', 'Wendys' and similar".

Question

Why has the Council been reticent in understanding the needs and priorities of the community, providing good overall community planning and organisation and direct sound financial management; and make good decisions in respect to commercial development on the foreshore.

Response

Council has taken into consideration social and economic impacts of the proposal and believes its decisions to date are in the broader community interest and benefit.

Council and the State Government in determining the need for development in the Geraldton Foreshore Precinct were cognisant of the need to provide nodes of activity within the Open Space areas, which would both service the needs of the users of the precinct as well as providing a basis for casual surveillance and activation which would result in the minimisation in appropriate and illegal behaviour.

As identified in the previous response Council has in partnership at various times with both the State and Commonwealth Governments undertaken extensive planning and consultation from the pre-conception stage of the project, these processes highlighted the need for commercial nodes.

Question

On the back of the economic prosperity and opportunity there is a strategic capacity to facilitate the development of Geraldton as the State's major northern city with a population of 80,000 to 100,000 by 2020, where will all these residents or visitors who are attracted to the municipality for its natural beauty and environment go if the foreshore is cluttered with monolithic buildings.

Response

This proposal amounts to 0.65% of the total foreshore reserve. Such developments enhance the visitor and resident experience on the Foreshore, such examples are noted in Bunbury, Mandurah and Busselton where like Crown Land has areas set aside for commercial uses.

The City is reviewing options and proposals for extended coastal reserves to the north and south of the CBD to provide for the growing needs of the community and visitors.

Question

Why in the reference to the Councils "design guideline for the foreshore development" which clearly stated "long monolithic buildings should be avoided" the proposed Dome building is exactly that! Approximately 35m wide 20m deep and the floor level starting 2.2m above the high water line.

Response

Technically there are not any formally adopted guidelines or local planning policies specifically relating to the Foreshore Precinct. Notwithstanding, the City's officers have assessed the bulk and scale

and general design of the building and are satisfied that it is suitable for the proposed location.

Question

Why has the Council ignored other developers who are working on in fill developments along the foreshore and gone out and partnered a commercial enterprise in standalone development which could then hold back these other developments?

Response

Council has not ignored any developments and there is no evidence to support that statement.

Question

In discussions with Councillors and the CEO it was apparent that the decision to partner DOME in this development had a lot to do with the fact that the Council believes that this land will become freehold in the future. How much was this part of the decision making process and what guarantees does the Council that this will be the case? If so which other lots will the Council develop on the Foreshore and then sell to private investors?

Response

Council acknowledges this may be an opportunity, however, it is recognised that it is subject to State Government approval to enable conversion to freehold. The potential future sale was not a primary or major basis for the decision to support the DOME Coffees Australia Pty Ltd proposal.

Question

Why has the Council not worked with the Surf Club to build premises that incorporates the DOME facility therefore reducing the bricks and mortar impact on the foreshore public space?

Response

They are separate facilities and proposals with differing objectives and outcomes. Council at its meeting on the 27 April 2007 resolved to move the location of the proposed Surf Club and facilitate the proposal received by DOME Coffees Australia Pty Ltd through the public Expression of Interest process.

The City is working collaboratively with the Champion Bay Surf Life Saving Club to progress their land tenure and ultimately the development of their building on the Geraldton Foreshore.

Question

Will the Council have the same partnership arrangement with other commercial businesses who want to develop on the foreshore under the same financial arrangements.

Response

Any future sites will be subject to the selection by Council of the most attractive proposal submitted in the course of a public and transparent Expression of Interest process.

Mr Robert Ramage, PO Box 830, Geraldton WA 6531Question

Will the Council in light of the negative reaction to the proposed development on the Foreshore beach area go back and renegotiate with Dome Coffey (sic) to occupy or develop on an alternative site?

Response

The Council has worked within the public and transparent process applied in identifying the site of the proposed development.

The City will continue to progress with the approved lease and development proposal unless there is an alternate direction provided by Council arising from the resolutions (if any) which may arise from the Special Electors Meeting.

Question

The Geraldton/Greenough City Council recently announced that it would aim to achieve a city population of 80,000 by 2020. How is it going to cope with this rising number of people if it is going to allow commercial development of its public open space on the foreshore?

Response

This proposal amounts to 0.65% of the total foreshore reserve. Such developments enhance the visitor and resident experience on the Foreshore, such examples are noted in Bunbury, Mandurah and Busselton where like Crown Land has areas set aside for commercial uses.

The City is reviewing options and proposals for extended coastal reserves to the north and south of the CBD to provide for the growing needs of the community and visitors.

Ms Jenni Hurley, 1 Bayview Street, Geraldton WA 6530Question

Council advertised the "Intended disposal of Lot 506 Foreshore Drive by way of lease to DOME Coffees Australia Pty Ltd" and provided a 4 week public submissions period. Why weren't the same terms applied to the Development Application for the Dome Café?

Response

The Development Application did not require public advertising as the proposal was consistent with the requirements and policies under the

City Centre zone, and therefore was subject to assessment under delegated authority (as all other similar applications are considered).

Question

Please specify the design parameters listed in the Foreshore Design Guidelines developed by Hames Sharley that the proposed Dome Café complies with?

Response

Hames Sharley produced a generic set of Foreshore Design Guidelines that gave some indicative built form, themes etc. As with all guidelines they are a guide and architects are able to interpret the methodology and produce their own ideas as was the case with the amenities facilities at the end of Fitzgerald Street. In the case of DOME Coffees Australia Pty Ltd City, officers also undertook their own assessment and used the built form guide, and themes developed by Hames Sharley as part of their assessment. Officers were satisfied that the concept submitted by DOME Coffees Australia Pty Ltd, met those elements.

Question

“Under the lease requirements Dome Café will be capped from increasing seating beyond the 140 patrons specified in the plans”. Why have Council approved the use of internal and alfresco dining spaces totalling 500sqm for a mere 140 patrons? Will Council monitor and enforce the seating cap?

Response

Council has assessed that 140 patrons is a suitable capacity.

The City monitors compliance with all its leases and approvals throughout its district.

Question

What analysis has been undertaken by Council to determine an appropriate size café on the Foreshore?

Response

The proposal arose out of a public and transparent Expression of Interest process. This effectively provided a commercial and market based determination of the appropriate size of the proposal.

It is noted that the proposal still required detailed assessment by City and State Agency staff to ensure that the planning objectives were met.

Various questions and statements were raised from the floor and responded to at the Electors Special Meeting.

4 UNDER SECTION 5.28 OF THE LOCAL GOVERNMENT ACT 1995, DISCUSS THE FOLLOWING ISSUES :

5.1 *The use of Geraldton Foreshore Crown Land.*

5.2 *To request Council to reverse its decision in respect to the Dome Coffee Shop.*

5.3 *To request that Council refrain from approving any future commercial development on the foreshore without extensive public consultation.*

The three matters were considered in conjunction.

MOTION:

MOVED: MR C COX – SECONDED: B ANDERSON

That Council rescind its previous resolution which was to have permitted the DOME coffee building to be erected on the Town beach on Foreshore Drive which is public open space and for Council to renegotiate with Dome and offer alternative appropriate sites within the CBD and CBD foreshore areas e.g. Railway museum in Marine Terrace.

Proposed amendment to the Motion:

MOVED: MR G EATON – SECONDED: MR MOOREHEAD

That Council discuss with the DOME organisation other possible foreshore location options and/or other options alongside the foreshore.

Proposed procedural Motion:

MOVED: MR P CONNOLLY – SECOND: MR R RAMAGE

That the vote be put.

CARRIED

Vote on the amendment:

MOVED: MR G EATON – SECONDED: MR MOOREHEAD

That Council discuss with the DOME organisation other possible foreshore location options and/or other options alongside the foreshore.

LOST

Vote on the original Motion:**MOVED: MR C COX – SECONDED: MR B ANDERSON**

That Council rescind its previous resolution which was to have permitted the DOME coffee building to be erected on the Town beach on Foreshore Drive which is public open space and for Council to renegotiate with Dome and offer alternative appropriate sites within the CBD and CBD foreshore areas e.g. Railway museum in Marine Terrace.

CARRIED

MOVED: MR P CONNOLLY – SECONDED: MRS P GOULD

To request that Council refrain from approving any future commercial development on the foreshore without extensive public consultation.

CARRIED

5 CLOSURE

There being no further business the Chairman closed the meeting at 8.03pm.

APPENDIX 1 – ATTACHMENTS

Electors Special Meeting - 8 April 2009

Name	Address	Ratepayer	Elector
Matthew Grigsby	160 Gregory Street, Beachlands	Yes	Yes
Brian Thomas	30 Charles Street, Bluff Point	Yes	
Ian Stuart	6 Victoria Street, Geraldton	Yes	
Lara Dalton	21 Conway Street, Beachlands	No	Yes
Heath Disher	21 Conway Street, Beachlands	No	Yes
Shane Dillon	393 Place Rd, Woorree	Yes	Yes
Kevin Cassidy	PO Box 41, Geraldton	Yes	
Mark Ramage	4 Abrolhos St, Geraldton	Yes	Yes
Jenni Hurley	1 Bayview St, Geraldton	Yes	Yes
Brian Silver	96 McAleer Dr, Geraldton	Yes	Yes
Ray Underwood	9 Omega Pl, Geraldton	Yes	
Irene Noek	7 Foster Pl, Geraldton	No	Yes
Peter Creek	14 Foreshore Dr, Geraldton	Yes	Yes
David Crothers	160 Chapman Rd, Geraldton	Yes	Yes
L Smith	8 Eastern Rd, Geraldton	Yes	Yes
Judy Lewis	65 Glendinning Rd, Geraldton	Yes	
Patsy Gould	18 Lewis St, Geraldton	Yes	
Paul Robb	26 Bosuns Cres, Point Moore	Yes	Yes
Tim Duggan	21 Albert St, Geraldton	Yes	Yes
Dawn Hipper-Inman	RSL Village Unit 4/134 Gregory St, Geraldton		Yes
Nigel Oakey	67 First Ave, WA 6050	No	
Graham Sertorio	1 Filburn St, Scarborough	No	
Debbie Fry	25 Fuller St, Geraldton	Yes	Yes
Don Worthington	35 Harrison St, Geraldton	Yes	
Barbara Sheilds	3 Spalding St, Beresford	Yes	
Vaughan Sheilds	3 Spalding St, Beresford	Yes	
Mr Stuart	47 Wittenoorn St, Geraldton	Yes	Yes
Terry Marsden	PO Box 331, Geraldton	Yes	Yes
Neva Glass	29 Catherine St, Bluff Point	Yes	
Barry Thompson	28 Mayhill Quays	Yes	Yes
Robert Ramage	21 Mayhill Quays	Yes	
Ross Viner	54 Valh St, Geraldton	Yes	
Sue Svensson	61 Marine Tce, Geraldton	Yes	
Carol Pearce	31 Maidstone St, Geraldton	Yes	
Nevil Corner	28 Maidstone St, Geraldton	Yes	
Rod Bailey	14 Waverley St, Tarcoola	Yes	
Vivienne Lynn	142 Zodiac Lane, West End	Yes	
Russell Speed	11 Kononen Pl, Geraldton	Yes	Yes
Susan Bell	8 Eakins Cr, Ocean Ridge	Yes	Yes
Isabelle Scott	3/11 Kennedy Heights, Port Denison	No	No
Lenci Millman	214 Chapman Rd, Geraldton	Yes	
Andrea Johnston	21 Eastcott Way, Geraldton	Yes	Yes
Jenny Pollard	331 Sutcliffe Rd, Waggrakine	Yes	Yes
Jan Burgess	4 Highbury St, Mt Tarcoola	Yes	
Jenny Allen	80 Francis St, Geraldton	Yes	Yes
Wendy Watters	8 Meadowcroft St, Geraldton	Yes	Yes
Ian Walker	87 Fitzgerald St, Geraldton	Yes	Yes
John Thomson	239 Place Rd, Geraldton	Yes	Yes
Michael Woodburn	79 Jandanol Rd, Rudds Gully	Yes	
Lyn Sewell	Sandsprings Rd, Sandsprings	Yes	
R Watson	355 Eighth St, Woorree	Yes	
Randol Humich	9 Knutsford St, Fremantle	No	
Tim Beaver	70 Northerly Dr, Harrisdale	No	
Mark Worthington	25 Fuller St, Geraldton	Yes	
Ray McNaught	8 Catherine St, Bluff Point	Yes	
Lena Dunn	9 Bishops Crt, Beresford	Yes	
Ken Thompson	37 Sydney St, Geraldton	Yes	
Paul Connolly	63 Gregory St, Geraldton	Yes	
Colin Cox	42 Minnetta Ridge, Geraldton	Yes	
Barry Anderson	5 Foster Pl, Mt Tarcoola	Yes	
Dennis Pearce	31 Maidstone St, Tarcoola	Yes	
Ian Bunker	184 Shenton St, Geraldton	Yes	

Name	Address	Ratepayer	Elector
Geoff Barratt	278 Chapman Rd, Geraldton	Yes	
Russell Philip	13 Shoreview St, Wandina	Yes	Yes
R Matthews	195 Marine Terrace	No	Yes
J Brennan	144 Sanford St, Geraldton	Yes	
I McLeod	24 Norman St	Yes	
Geoff Lee	43 Barrett Rd, Wandina	Yes	Yes
Debra Silver	96 McAleer Dr, Geraldton	Yes	
Shane Van Styn	6 Seaview Blvd, Wandina	Yes	
Ann Tuddenham	26 Glendinning Rd, Geraldton	Yes	
Danny Tuddenham	26 Glendinning Rd, Geraldton	Yes	
Heather Greenlees	22 Glendinning Rd, Geraldton	Yes	
Lisa Sharratt	18 Dolphin St, Mt Tarcoola	Yes	Yes
Leanne Lynch	87 Fitzgerald St, Geraldton	Yes	Yes
Kevin Smith	8 Eastern Rd, Geraldton	Yes	Yes
John Lewis	65 Glendinning Rd, Geraldton	Yes	Yes
Gerry Gould	18 Lewis St, Geraldton	Yes	Yes
Karen Campbell	PO Box 2468, Geraldton	Yes	
Paula Duggan	21 Albert St, Geraldton	Yes	Yes
Graham Eaton	11 Conway St, Geraldton	Yes	
Jane Foreman	9 Moresby Rd, Geraldton	Yes	
Sean Hickey	21 Eastcott Way, Geraldton	Yes	Yes