



# ORDINARY MEETING OF COUNCIL AGENDA

10 AUGUST 2011

## TABLE OF CONTENTS

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>2</b>
<b>2</b>	<b>DECLARATION OF OPENING.....</b>	<b>2</b>
<b>3</b>	<b>ATTENDANCE.....</b>	<b>2</b>
<b>4</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>2</b>
<b>5</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>2</b>
<b>6</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>7</b>	<b>PETITIONS, DEPUTATIONS OR PRESENTATIONS.....</b>	<b>3</b>
<b>8</b>	<b>DECLARATIONS OF CONFLICTS OF INTEREST .....</b>	<b>3</b>
<b>9</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED .....</b>	<b>3</b>
<b>10</b>	<b>ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION).....</b>	<b>4</b>
<b>11</b>	<b>REPORTS OF COMMITTEES AND OFFICERS.....</b>	<b>5</b>
11.1	REPORTS OF THE CHIEF EXECUTIVE OFFICER .....	5
11.2	REPORTS OF CORPORATE SERVICES .....	6
CS015	INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGIC PLAN 2011 – 2015 AND NETWORK STRATEGIC PLAN 2011 .....	6
CS016	CITY OF GREATER GERALDTON REPEAL LOCAL LAW 2011 .....	10
CS017	COUNTRY LOCAL GOVERNMENT FUND PROJECT ALLOCATIONS .....	14
CS019	OFFICE ACCOMODATION PROJECT ARCHITECTURAL SERVICES.....	18
11.3	REPORTS OF SUSTAINABLE COMMUNITIES .....	22
SC009	DEDICATION OF PORTION OF RESERVE 47589, NARNGULU AS ROAD RESERVE.....	22
11.4	REPORTS OF CREATIVE COMMUNITIES .....	26
CC006	POLICY FOR MEMORIAL SEATING PLAQUES.....	26
CC007	HMAS SYDNEY II MEMORIAL COMMEMORATIVE PLAQUES.....	30
11.5	REPORTS OF COMMUNITY INFRASTRUCTURE .....	34
11.6	REPORTS OF COMMERCIAL ENTERPRISES .....	35
CE007	LEASE OF PORTION OF RESERVE 38307 (LOT 3111) LARKIN STREET, GERALDTON .....	35
CE008	LEASE – THEATRE 8 GERALDTON INC - RESERVE 29388 EIGHTH STREET, WONTHELLA .....	40
CE009	LEASE – SPALDING FAMILY CENTRE .....	45
CE010	LEASE AGREEMENT – COURIER AREA - BREARLEY TERMINAL GERALDTON AIRPORT .....	50
CE011	LEASE OF OFFICE SPACE - BREARLEY TERMINAL .....	55
CE012	ASSIGNMENT OF LEASE – PEDERICK NOMINEES PTY LTD AND R MORRIS TO KBM AVIATION PTY LTD.....	59
11.7	REPORTS TO BE RECEIVED.....	62
<b>12</b>	<b>COMMISSIONERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>63</b>
<b>13</b>	<b>QUESTIONS BY COMMISSIONERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>	<b>63</b>
<b>14</b>	<b>URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING .....</b>	<b>63</b>

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<b>15</b>	<b>CLOSURE .....</b>	<b>63</b>
	<b>APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED .....</b>	<b>64</b>
	<b>ANNEX 1 - CITY OF GREATER Geraldton Standing Orders Local Law 2007..</b>	<b>65</b>

**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON WEDNESDAY, 10 AUGUST 2011 AT 5.30PM**  
**CHAMBERS, EDWARD ROAD**

**A G E N D A**

**DISCLAIMER:**

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

**1      ACKNOWLEDGEMENT OF COUNTRY**

**2      DECLARATION OF OPENING**

**3      ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

**4      RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5      PUBLIC QUESTION TIME**

*Questions provided in writing prior to the meeting or at the meeting will receive a formal response.*

**6      APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**Existing Approved Leave**

<b>August</b>		
Nil.		

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS****8 DECLARATIONS OF CONFLICTS OF INTEREST****9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
– as circulated**

RECOMMENDED that the minutes of the Ordinary meeting of Council of the City of Greater Geraldton held on 13 July 2011 as previously circulated, be adopted as a true and correct record of proceedings.

**10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)**

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
21 July	Citizenship Ceremony	Commissioner Ian Carpenter
27 July	2011 Premiers Award for Excellence in Public Sector Management	CEO Tony Brun
28 July	Local Government Reform – Joint Structural Reform Transitory Arrangements Committee	Commissioner B Thomas, Commissioner N Messina, Commissioner N McIlwaine, Commissioner I Carpenter, CEO Tony Brun
2 August	Geraldton Greenough Sunshine Festival Inc.	Commissioner I Carpenter, Commissioner N McIlwaine
4 August	WA Regional cities Alliance Meeting	Commissioner I Carpenter, CEO Tony Brun

**11      REPORTS OF COMMITTEES AND OFFICERS**

**11.1    *Reports of the Chief Executive Officer***

Nil.

## 11.2 *Reports of Corporate Services*

CS015	INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGIC PLAN 2011 – 2015 AND NETWORK STRATEGIC PLAN 2011
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<b>AGENDA REFERENCE:</b>	<b>D-11-06231</b>
<b>AUTHOR:</b>	<b>P Sheriff, Manager Information Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>1 August, 2011</b>
<b>FILE REFERENCE:</b>	<b>IT/7/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>Nil</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

### **SUMMARY:**

The purpose of this report is for the Council of Commissioners to adopt the City of Greater Geraldton Information and Communication Technology Strategic Plan and the Network Strategic Plan.

### **PROPONENT:**

Not applicable.

### **BACKGROUND:**

Information and Communications and Technology (ICT) is more than a core productivity component for all modern organisations in the 21<sup>st</sup> Century. An ICT plan has been developed to assist the City to meet the needs of the community in relation to efficiencies and productivity as well as improved means for the community to interact with the City.

Attached to this plan is a Network Strategic Plan which supports the ICT Plan and provides an action plan to assist the City in reaching its full potential in ICT. An exhaustive evaluation of the current and proposed CGG network, has produced an authoritative plan of action which will enable CGG to provide a telecommunications network which will serve it effectively and securely in the years to come.

Both of these plans have actions and timelines associated with the ICT plan containing indicative budgeting for 5 years.

### **COMMUNITY CONSULTATION:**

Not applicable.

### **COUNCILLOR/OFFICER CONSULTATION:**

Consultation has been held with the Executive Management Team, Managers and relevant officers in CGG and Mark Canny Communications & Technology Project Manager Mid-West Development Commission.

### **STATUTORY IMPLICATIONS:**

There are no statutory implications.



**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Financial commitment by year is as follows:

2011/12	2012/13	2013/14	2014/15	2015/16
\$1,753m	\$2,765m	\$1,705m	\$670k	\$435k

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.4: Geraldton as a major industry and technology centre.

Strategy 3.4.2: Develop Geraldton Airport and the Geraldton Universities Centre technology and enterprise precincts.

Key Result Area 4: Leading the Opportunities.

Outcome 4.2: Constituent centric organisation.

Strategy 4.2.1: Ensure the effective delivery of services (externally customer focussed).

Strategy 4.2.2: Ensure the effective delivery of services (internally operational focussed).

Key Result Area 2: Opportunities for Creativity

Outcome 2.2: A city that attracts creative people through nurturing creative industries.

Strategy 2.2.3: Leverage off the ASKAP/SKA projects.

**Regional Outcomes:**

These plans set out a roadmap for the region to enable fast, secure and reliable communications underpinned by a solid standards based architecture and governance framework. This model may be expanded to include local government services in the region.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

Internal productivity will be enhanced with the implementation of sophisticated, resilient communications systems. Establishment of a technology park will also be underpinned by a fast resilient network.

**Social:**

There is a possibility of significant social changes with the implementation of “smart city” networks and technologies.

**Environmental:**

Increased use of virtualisation and video telecommunications will enhance sustainability initiatives within CGG and enable reduction of energy use and thus carbon footprint.

**Cultural & Heritage:**

There may be some positive impacts for indigenous populations with digital connectivity, for health, educational and economic outcomes.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to:

1. NOT ADOPT the City of Greater Geraldton Information and Communication Technology Strategic Plan 2011 - 2015 and Communications Network Strategic Plan 2011; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to:

1. Defer any action until the Council forms in October 2011; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**CONCLUSION:**

The ICT plan and Network Strategic Plan together provide a roadmap for the City for the next several years. Implementation of these plans will raise ICT at the City of Greater Geraldton to Australian Standards and provide a strong basis for future growth.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to ADOPT the City of Greater Geraldton Information and Communication Technology Strategic Plan 2011 - 2015 and Communications Network Strategic Plan 2011.

**CS016 CITY OF GREATER Geraldton REPEAL LOCAL LAW 2011**

<b>AGENDA REFERENCE:</b>	<b>D-11-06266</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>1 August 2011</b>
<b>FILE REFERENCE:</b>	<b>LE/5/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The attached City of Greater Geraldton Repeal Local Law 2011 is provided for consideration by the Commissioners for approval to advertise seeking community comments on the proposed local law.

**PROPONENT:**

City of Greater Geraldton.

**BACKGROUND:**

With the establishment the City of Greater Geraldton (the City) effective from the 1 July 2011 it is appropriate to repeal all local laws for the former City of Geraldton-Greenough, City of Geraldton, Shire of Greenough, Shire of Mullewa and the Geraldton Greenough Regional Council, that will not be repealed as part of the process of adopting of new local laws for the City.

It should be noted that when the City of Geraldton and Shire of Greenough amalgamated in 2007 the process of reviewing and repealing local laws was not undertaken so it is necessary to undertake this task with the further amalgamation involving the City of Geraldton-Greenough and Shire of Mullewa.

The City engaged BHW Consulting to review the Local Law Register managed by the Department of Local Government and other relevant documentation, particularly Government Gazettes, to identify all current local laws for the former entities and to prepare a draft local law to repeal all former local laws that are not subject to a new local law.

**COMMUNITY CONSULTATION:**

Section 3.12(5) of the *Local Government Act 1995* requires the City to give statewide notice for a period of 42 days from the date of publication of the advertisement inviting submissions on the proposed local law.

**COUNCILLOR/OFFICER CONSULTATION:**

BHW Consulting conducted a number of workshops with a number of employees, including the senior management, on Tuesday 14 and Wednesday 15 June 2011 when the overall local law proposals were reviewed.

**STATUTORY IMPLICATIONS:**

Section 3.12 outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the City is to give Statewide public notice stating:
  - the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
  - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it.
- at the close of submissions consider any submissions made and take into consideration such comments;
- adopt the local law as originally published or As amended subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
  - stating the title of the local law;
  - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

The purpose and effect of the City of Greater Geraldton Repeal Local Law 2011 is as follows:

**Purpose**

The purpose of the local law is to repeal all local laws for the former City of Geraldton-Greenough, City of Geraldton, Shire of Greenough, Shire of Mullewa and the Geraldton Greenough Regional Council, that will not be repealed as part of the process of adopting of new local laws for the City of Greater Geraldton.

**Effect**

The effect of this local law is to remove obsolete and out-dated local laws relating to the new district of the City of Greater Geraldton.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Advertising and publication of the local law in the Government Gazette will require appropriate allocation of funds for the purpose.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 4: Leading the Opportunities.

Outcome 4.4: Achieving and exceeding Statutory Compliance.

Strategy 4.4.3: Implement a comprehensive framework of audit and compliance.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural or heritage issues.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to Section 3.12 of the Local Government Act 1995 RESOLVES to:

1. DEFER the report.
2. MAKES the determination based on the following reason:
  - a. For the provision of further information to Council

**CONCLUSION:**

The City of Greater Geraldton Repeal Local Law 2011 will repeal obsolete local laws applicable to the former entities and provide clarity as to the management of local laws generally within the City. The report recommends the advertising of the Repeal Local Law as such there is no third option.

**EXECUTIVE RECOMMENDATION:**

That the Council by Simple Majority in accordance with Section 3.12 of the *Local Government Act 1995* RESOLVES to approve the advertising of the City of Greater Geraldton Repeal Local Law 2011, in order to seek public comment.

CS017	COUNTRY LOCAL GOVERNMENT FUND PROJECT ALLOCATIONS
<b>AGENDA REFERENCE:</b>	<b>D-11-06270</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager of Management Accounting</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>1 August 2011</b>
<b>FILE REFERENCE:</b>	<b>GS/1/0024</b>
<b>APPLICANT / PROPONENT:</b>	<b>Nil</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

The purpose of this report is for Council to approve the 2010-11 Country Local Government Fund (CLGF) direct allocation of funds to the following projects as per the City of Greater Geraldton adopted Capital Expenditure Budget for 2011-12 and as per guidelines set by the Department of Regional Development and Lands who administer this funding program:

1. Eadon Clarke Redevelopment (stage 1) - \$785,310
2. Derna Parade Park Development (stage 2) - \$287,005.

**PROPONENT:**

Not applicable.

**BACKGROUND:**

The Country Local Government Fund is a Royalties for Regions initiative that provides both direct and regional component funding allocations to all Western Australia councils.

Previously, Council on 28<sup>th</sup> September 2010 (CS251) endorsed the regional component allocation for 2010-11 (former City of Geraldton-Greenough and Shire of Mullewa allocations) to the following projects:

1. Wildflower Highway Project - \$168,404
2. Shire of Mullewa Pool Upgrade (Stage 2) - \$126,341
3. Power Upgrade Narngulu - \$250,000
4. Flores/Place Rd Intersection - \$227,400.

As part of the funding guidelines, the former City of Geraldton-Greenough was required in 2010-11 to submit a detailed 5-year Forward Capital Plan to the Department of Regional Development and Lands. Within this plan the City was required to detail the specific projects that the yearly allocation of Country Local Government Funds would be applied to, and any changes to these allocations will only be accepted by the Department subject to Council approval. In the original 5-year plan submitted, the allocations for 2010-11 were as follows:

- Eadon Clarke Redevelopment (stage 1) - \$210,600
- Derna Parade Park Development (stage 2) - \$574,400
- Flores/Place Rd Intersection - \$287,315.



Based on the new 10-year Forward Capital Plan and the adopted Capital Expenditure Budget for 2011-12, the CLFG direct allocation of 2010-11 funding will be applied to:

1. Eadon Clarke Redevelopment (stage 1) - \$785,310
2. Derna Parade Park Development (stage 2) - \$287,005.

The amendment to the proposed allocations is the result of a change to funding profiles and the timing in relation to the commencement and completion of each of the respective projects. The City cannot claim for 2011-12 CLGF direct allocation until the projects that have been allocated the 2010-11 funds are completed, hence, the allocations to the Eadon Clarke & Derna Parade Park projects which are scheduled to be completed in the first half of this financial year.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR/OFFICER CONSULTATION:**

As part of the consultation and briefing process undertaken in the adoption of the 2011-12 Capital Expenditure budget and review of the 10-year Forward Capital Plan.

**STATUTORY IMPLICATIONS:**

Section 5.20 (1) and Section 6.8 of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

No impact to budget as the proposed allocation of external funding was accounted for under the Capital Expenditure budget adopted by Council on 1<sup>st</sup> July 2011.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic & Plan for the Future Outcomes:**

Key Result Area 1:	Opportunities for Lifestyle
Outcome 1.2:	Infrastructure which provides a foundation for the community needs
Strategy 1.2.4:	Provide accessible active and passive recreational spaces

Key Result Area 4:	Leading the Opportunities
Outcome 4.2:	Constituent centric organisation
Strategy 4.2.2:	Preparation and updating of financial management reports

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural or heritage issues.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required to approve the allocation of funds.

Absolute Majority is required to amend the budget.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:****PART A**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to:

1. NOT ENDORSE and APPROVE the recommended allocation of the 2010-11 direct component of the Country Local Government Fund to the following nominated projects:
  - a. Eadon Clarke Redevelopment (stage 1) - \$785,310; and
  - b. Derna Parade Park Development (Stage 2) - \$287,005; and

2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**PART B**

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

1. AMEND the budget by deleting these projects and choosing the following projects to be allocated to the Country Local Government Fund:
  - a. to be determined by Council.

**Option 3:**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to:

1. DEFER consideration of this matter; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**CONCLUSION:**

The allocations are based on meeting the following criteria:

- Major projects that are incorporated into the City of Greater Geraldton Forward Capital Planning;
- Form part of the adopted Capital Expenditure Budget 2011-12;
- Meet the funding guidelines as set by the Department of Regional Development and Lands;
- Major projects linked to strategic and regional outcomes; and
- Projects scheduled to be completed in the 1<sup>st</sup> half of this financial year.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.20 (1) of the Local Government Act 1995 RESOLVES to:

1. ENDORSE and APPROVE the recommended allocation of the 2010-11 direct component of the Country Local Government Fund to the following nominated projects:
  - a. Eadon Clarke Redevelopment (stage 1) - \$785,310; and
  - b. Derna Parade Park Development (Stage 2) - \$287,005.

CS019	OFFICE ACCOMODATION PROJECT	ARCHITECTURAL SERVICES
<b>AGENDA REFERENCE:</b>	<b>11-D-07036</b>	
<b>AUTHOR:</b>	<b>Nicholas Els, Manager Major Projects &amp; Project Support</b>	
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>	
<b>DATE OF REPORT:</b>	<b>5 August 2011</b>	
<b>FILE REFERENCE:</b>	<b>PM/4/0005</b>	
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>	
<b>ATTACHMENTS:</b>	<b>Yes</b>	

**SUMMARY:**

Pursuant to the appointment of Matthews Architecture for the design of the Office Accommodation Project under Council Report CS227 dated 13 April 2010;

- the Executive wish to report back on the outcome of the tendering process for this project, and
- request Council to resolve to reject all tenders.

**PROPONENT:**

City of Greater Geraldton

**BACKGROUND:**

Matthews Architecture were appointed pursuant to Council Resolution contained in the council report CS227 dated 13 April 2010.

After a lengthy design process a final concept design was approved and developed into a detailed design for the refurbishment of the old library building and Civic Centre to new office accommodation under the Office Accommodation Project.

Matthews Architecture managed the tendering process which saw eleven (11) requests for tender documents being called for and six (6) firms finally submitting bids.

A confidential tender report is attached in Appendix.

**COMMUNITY CONSULTATION:**

There was no community consultation.

**COUNCILLOR/OFFICER CONSULTATION:**

Councillors have been extensively briefed as was the staff through the Office Accommodation Working Group.

**STATUTORY IMPLICATIONS:**

The initial appointment of Matthews Architecture, including the current tendering process, was undertaken in compliance with the Local Government

(Functions and General ) Regulations 1996 – Part 4 Provision of Goods and Services (Regulation 21 (1) & Section 3.57 (Division 2) of the Local Government Act 1995 (as amended).

**POLICY IMPLICATIONS:**

All procurement of services have been completed in accordance with the City's Procurement Policies and Procedures.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Funding allocations were set aside for this project and carried over to the 2011/2012 financial year. The allocation for the project is \$4 million.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

The Office accommodation project provides integral administration services to a local and regional community.

**Regional Outcomes:**

There are no perceived impacts on a regional basis.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

The economic benefit for the co-location of the administrative centres into one central location is the opportunity to dispose of the Edward Road Offices and generate an income source.

**Social:**

Once completed, the office accommodation project will centralise administration and assist in improving access for the community.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no Cultural or heritage issues..

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute majority is required if a variation to the budget is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

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**Option 2:**

That Council by Simple Majority by virtue of section 3.57 of the Local Government Act 1995 RESOLVES to:

1. DEFER its decision pending further analysis and report back to Council on the alternative options and funding requirement required to continue with the project in its current form;

**CONCLUSION:**

The current process has been a lengthy one covering several aspects of the scoping of the project to arrive at detailed designs based on a number of stakeholder inputs.

Following completion of the tendering process and initial assessment of the tendered prices it is quite clear at this early stage that none of the bidders proposals represent a “value for money” outcome and do not fall within the budget allocation for the project.

To progress the project and achieve an outcome that fits within the budget allocation and achieves the project objectives the following action is required:

1. Re-scoping the project to fall within the available funding allocation.
2. Retaining the services of Matthews Architecture, the Architects engaged for the project to prepare revised plans based on the reduced scope as a variation to their original brief); and
3. Resolving to undertake the refurbishment to achieve “best value” by re-tendering the revised package of works by one of the following approaches:
  - Cost Plus – one contract for the entire package.
  - Design and Construct – One contract for the entire package.
  - Project / Construction Management of project packages.
  - A combination of the above three approaches.

The project cost being capped at the current available allocated funding

Summary of optional approaches

Cost Plus

This approach is based on utilising one contractor with an “open book” process in which all costs are recorded daily for material purchases, labour and plant rates plus a margin. The approach relies on rigorous surveillance and scrutineering of all costs and labour hours. Management of the contractor’s costs, quality of materials and workmanship for this type of contract is critical to the success of the project. Detailed documentation is essential to minimise cost over runs.

### Design and Construct

The approach is based on the contractor preparing a detailed design based generally on concept plans prepared by the client. For new construction this approach can achieve excellent results however for refurbishment work issues with scope and quality can lead to disputes and cost blow outs. Design and construction is generally not suited to refurbishment work.

### Project / Construction Management

This approach offers flexibility and retains total control of the project in the hands of the client. Trade packages are let through the client procurement processes and managed by the appointed Project Manager with the supervision conducted by a Site Manager and hands on Site Foreman. The Site Manager and Foreman can be client nominated staff dedicated to the project and are a direct charge against the project. The approach while retaining control by the client also brings with it risk which is also placed in the clients hands. The success or failure of this approach is in the appointment of the right Project Manager.

The above project execution approaches provide an opportunity to revise the project scope within the available allocated funds. Each approach has advantages and disadvantages however the project outcome in each case has a direct relationship to, and is dependent upon the Management and Supervision from design to project closure.

### **EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority by virtue of section 3.57 of the Local Government Act 1995 RESOLVES to:

1. TERMINATE the current tendering process and reject all tenders received as they do not represent “value for money” and do not fall within the budget appropriation for the Office Accommodation project;
2. ENGAGE Matthews Architecture through a variation to their existing contract, to prepare plans for a revised scope of works for the Office Accommodation Project;
3. CALL for tenders for the revised scope of works in accordance with the City’s procurement policy and procedures; and
4. LIMIT expenditure for the project to the current available allocation of funds of \$4 million (inclusive of all construction, fixtures and professional services cost).

### 11.3 Reports of Sustainable Communities

SC009 DEDICATION OF PORTION OF RESERVE 47589, NARNGULU AS ROAD RESERVE

**AGENDA REFERENCE:** D-11-06052  
**AUTHOR:** K Elder, Strategic Planning Officer  
**EXECUTIVE:** P Melling, Director of Sustainable Communities  
**DATE OF REPORT:** 28 July 2011  
**FILE REFERENCE:** P142483  
**APPLICANT / PROPONENT:** HTD Surveyors and Planners  
**ATTACHMENTS:** Yes

#### SUMMARY:

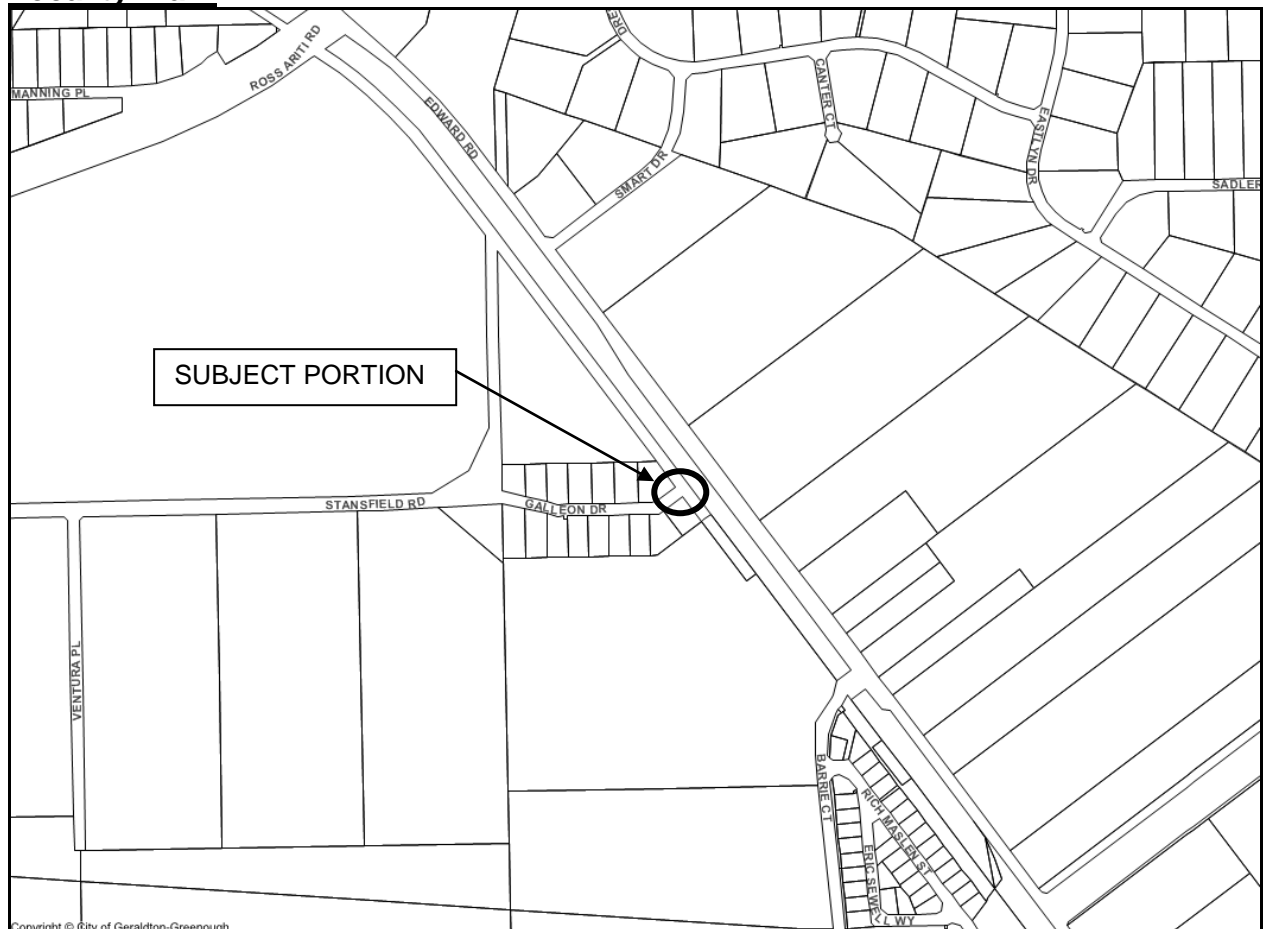
The City has received a request to resolve to dedicate a portion of Reserve 47589, Narngulu to road reserve in order to formalise the approved road access and subdivision of the adjoining land.

#### PROPONENT:

The proponent is HTD Surveyors and Planners.

#### BACKGROUND:

##### Locality Plan:





The adjacent Lot 3 Stansfield Road, Narngulu has recently been subdivided in accordance with the approved Narngulu Industrial Estate Buffer Precinct D Structure Plan. The subdivision of the Lot requires the creation of a road (Galleon Drive) which connects onto Edward Road to the east. This road connection traverses the Reserve vested with the Public Transport Authority, which was part of the old railway alignment.

As a result, the City is required to provide the Department of Regional Lands and Development, with a resolution under the Land Administration Act 1997 to dedicate a portion of the reserve, so that the road can be formally created. The portion of reserve to be dedicated is Lot 567 on Deposited Plan 70126 as shown on Attachment No. SC009.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR/OFFICER CONSULTATION:**

There has been no Councillor/Officer consultation.

**STATUTORY IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic & Plan for the Future Outcomes:**

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.4: Geraldton as a major industry and technology centre.

Strategy 3.4.1: Development of Oakajee and Narngulu industry precincts.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

**Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

Reserve 47589 is part of the *Geraldton to Walkaway Railway Precinct* which is currently listed as an interim entry onto the State Register of Heritage Places. The Heritage Council of WA has approved the interpretive road works across the Reserve which includes bitumen painting and railway sleepers.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 15 June 2010 resolved to adopt the Narngulu Industrial Estate Buffer Precinct D for final approval. The WA Planning Commission approved the Structure Plan in June 2010.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. NOT PROCEED with the dedication of a portion of Reserve 47589 (as shown on Deposited Plan 70126 as Lot 567) as a public road; and
2. MAKES the determination on the grounds that:
  - a. to be determined by Council.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

The matter of formal dedication of portion of the Reserve as a road is an administrative requirement under the Land Administration Act 1997.

Option 2 is not supported as the subdivision of the land has been approved and the constructions works are now completed.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the matter.

**EXECUTIVE RECOMMENDATION:**

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

1. REQUEST the Minister for Lands to dedicate a portion of Reserve 47589 (as shown on Deposited Plan 70126 as Lot 567) as a public road; and
2. INDEMNIFY the Minister against any claim for compensation.

## 11.4 *Reports of Creative Communities*

CC006	POLICY FOR MEMORIAL SEATING PLAQUES
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<b>AGENDA REFERENCE:</b>	<b>D-11-05861</b>
<b>AUTHOR:</b>	<b>S Smith, City Librarian</b> <b>S Nalder, Librarian – Heritage Services</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>12 May 2011</b>
<b>FILE REFERENCE:</b>	<b>CR/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

### **SUMMARY:**

The City Of Greater Geraldton occasionally receives requests for placement of commemorative plaques on public seating in the City's parks and gardens. This proposed policy provides guidance on the eligibility and style of plaques, and determines the application process and the responsibilities of the City and the Applicant. The policy supports the ongoing community, cultural and social engagement with the City's public spaces through the installation of appropriate plaques on public seating in parks throughout the City.

### **PROponent:**

The Proponent is the City of Greater Geraldton.

### **BACKGROUND:**

Occasionally the City receives requests for memorial plaques. Over the last four years the City has been contacted at least twice requesting permission to install memorial plaques on public seating. Until now, there has been a lack of policy in relation to installation of commemorative plaques in public seating within the City of Greater Geraldton.

The proposed policy:

- 1) states the guidelines, location, funding, application process and responsibilities in relation to commemorative plaques; and
- 2) serves to guide decision making when applications for memorial plaques are considered in the future.

### **COMMUNITY CONSULTATION:**

MidWest Heritage Inc – some of the members have expressed general support, no critique received.

Geraldton Historical Society – some of the members have expressed support, no critique received.

Geraldton Cultural Trust – some of the members have expressed support, no critique received.

Geraldton Family History Society – some of the members have expressed support, some members hold the view that it is sufficient to commemorate significant people in street names.

**COUNCILLOR/OFFICER CONSULTATION:**

Ms Andrea Selvey, Director, Creative Communities;  
Mr Kim Trotter, Parks Manager, Community Infrastructure;  
Mr Richard McCracken, Project Development Officer, Community Development;  
Ms Yvonne Lovedee, Community Development Officer;  
Ms Dannika Barras, Coordinator, Economic Development; and  
Mr Kim Chua, Manager, Financial Services.

**STATUTORY IMPLICATIONS:**

There are no statutory implications.

**POLICY IMPLICATIONS:**

This agenda item is recommending a new Council policy.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The cost of the design, manufacture and installation of the plaques will be borne by the Applicant.

Standard maintenance activities such as cleaning and graffiti removal will be undertaken as required.

The City does not guarantee to maintain or retain the plaque after a period of 10 years. If the plaque falls into disrepair after the 10 year period, every reasonable attempt will be made to contact the Applicant to discuss maintenance costs or removal of the plaque.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 4:      Leading the opportunities.

Outcome 4.1.:           Leadership in organisation and community.

Strategy 4.1.3.:        Implement business and governance frameworks.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no direct or immediate economic impacts.

**Social:**

Commemorative plaques provide an opportunity for the members of the public to visibly acknowledge and commemorate the individuals and groups who have made a significant contribution to the social, cultural, political, industrial or economic development of the City. As such, it links the present community

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with the past and enhances the feeling of participation, pride, unity, achievement and belonging. The policy ensures a structured and agreed process to manage applications and installation of commemorative plaques.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

This policy will ensure a managed approach to applications for memorial plaques in the City's parks and gardens.

It provides an opportunity for the community members to celebrate the cultural, social, political, industrial and economic achievements of the generations past.

**RELEVANT PRECEDENTS:**

Policy for Commemorative Plaques – HMAS SYDNEY II MEMORIAL

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:**

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DECLINE adopting the Policy for Memorial Seating Plaques;
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**Option 3:**

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

1. DEFER adopting the Policy for Memorial Seating Plaques;
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**CONCLUSION:**

To efficiently process and manage the requests for memorial plaques, it is recommended that the City has a detailed policy in place to avoid ad hoc decisions and lack of consistency.

Adopting the policy makes it possible for both the public and the City to agree on responsibilities and the process involved in the application for a memorial plaque.

The set dimensions and design of the plaques, detailed in the policy, will ensure visually harmonious and consistent surroundings in the City's parks and gardens.

The development of this Policy has involved community consultation through which a general consensus on the content of the proposed Policy has been achieved.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to ADOPT the policy for Memorial Seating Plaques.

<b>CC007 HMAS SYDNEY II MEMORIAL COMMEMORATIVE PLAQUES</b>
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<b>AGENDA REFERENCE:</b>	<b>D-11-06538</b>
<b>AUTHOR:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>Day Month 2010</b>
<b>FILE REFERENCE:</b>	<b>CC007</b>
<b>APPLICANT / PROPONENT:</b>	<b>WA Chapter of the No9 Squadron Association Inc</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

This report seeks to advise Council of a request from Mr Peter Robinson, Vice President of the WA Chapter of the No9 Squadron Association Inc. for the laying of two plaques at the HMAS Sydney II commemorative service on 19 November 2011.

**PROponent:**

The proponent is WA Chapter of the No9 Squadron Association Inc. of Kingsley, Perth.

**BACKGROUND:**

At the Ordinary Meeting of Council on 22 March 2011, Council resolved to adopt a policy to inform and guide decision making relating to the placement of plaques at the site of the HMAS Sydney II Memorial at Mount Scott.

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

**That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to ADOPT the Policy for Commemorative Plaques at the HMAS Sydney II Memorial Site at Mount Scott.**

**CARRIED 5/4**

Following this decision, the City was approached by Mr Peter Robinson, Vice President of the WA Chapter of No9 Squadron Assoc, Inc. via an email dated 4 June 2011, asking if it would be possible to include a formal 'Laying/Dedication' at the Commemorative Service on 19 November 2011.

This request was relayed to the HMAS Sydney II Service Working Group at their meeting on 28 July 2011. See attached minutes from that meeting. The group unanimously agreed that it would not be appropriate to include the plaque laying at the commemorative service and to refer their recommendation to not support the request to Council.



**COMMUNITY CONSULTATION:**

The HMAS Sydney II Service Working Group includes the Member for Geraldton, Mr Ian Blayney and representatives from the RSL as the primary stakeholders.

**COUNCILLOR/OFFICER CONSULTATION:**

Commissioner Ian Carpenter is the City's representative on the HMAS Sydney II Service Working Group and has been involved in these discussions.

**STATUTORY IMPLICATIONS:**

There are no statutory implications.

**POLICY IMPLICATIONS:**

The Policy for Commemorative Plaques at the HMAS Sydney II Memorial Site at Mount Scott covers the content, design and placement of plaques. It does not however have direct bearing on the timing of installation.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial or budget implications.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 4:       Leading the opportunities.

Outcome 4.1:           Leadership in the organisation and community.

Strategy 4.1.3:       Implement business and governance frameworks.

**Regional Outcomes:**

There are no direct regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

As a tourism icon, the HMAS Sydney II Memorial generates economic benefit. Good management is therefore essential to ensure it retains its value as a tourism asset.

**Social:**

The HMAS Sydney II Memorial is highly significant in terms of social benefit. It is source of community pride and there is a strong sense of community ownership. The commemorative service is governed by protocols and any breach of protocol will have an impact on the sense of pride.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

As a recognised Military Memorial of National Significance, it is essential to ensure good governance to protect the Memorial's value as a heritage asset.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. AGREES to the request by the WA Chapter of No9 Squadron to lay two plaques at the HMAS Sydney II commemorative service on 19 November, 2011; and
2. MAKES the determination based on the following reason:
  - a. to be determined by council

**Option 3:**

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

1. DEFER a decision regarding the request by the WA Chapter of No9 Squadron to lay two plaques at the HMAS Sydney II commemorative service on 19 November, 2011; and
2. MAKES the determination based on the following reason:
  - a. to be determined by council

**CONCLUSION:**

HMAS Sydney II Service Working Group provides the City with guidance in terms of protocols for military services and functions. Based on this advice, it is deemed that the commemorative service on 19 November is not the appropriate occasion for laying plaques specific to particular squadrons. Given the timeframes for a decision, Option 3 to defer a decision is not supported by the Executive.

**EXECUTIVE RECOMMENDATION:**

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

1. DECLINE the request by the WA Chapter of No9 Squadron to lay two plaques at the HMAS Sydney II commemorative service on 19 November, 2011; and
2. ADVISE the proponents that future requests to Council to lay plaques at the HMAS Sydney II Memorial site may be approved, subject compliance with the Policy for Commemorative Plaques at the HMAS Sydney II Memorial Site.

**11.5    *Reports of Community Infrastructure***  
Nil.

## 11.6 *Reports of Commercial Enterprises*

CE007	LEASE OF PORTION OF RESERVE 38307 (LOT 3111) LARKIN STREET, GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-11-05987</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Property Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>29 July 2011</b>
<b>FILE REFERENCE:</b>	<b>R46860</b>
<b>APPLICANT / PROPONENT:</b>	<b>Geraldton Aboriginal Mens Association</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

### **SUMMARY:**

This report seeks Council approval for the leasing of portion of Reserve 38307 (Lot 3111) Larkin Street, Geraldton for the purposes of providing an indigenous mens shed on the site.

### **PROPONENT:**

The proponent is Geraldton Aboriginal Mens Association (GAMA).

### **BACKGROUND:**

The City has received an approach from the Department of Indigenous Affairs seeking approval to develop portion of Reserve 38307 for the purposes of establishing an indigenous mens shed on behalf of GAMA. This particular site was selected by them because of its apparent strong association with aboriginal people, formally known as 'blood alley', where many aboriginal people/families lived and camped some years ago.

GAMA has advised in their application that the purpose of the "mens shed" is to provide a safe and culturally appropriate place for the aboriginal men of Geraldton. The shed, will be a hub for the delivery of community services, including health, training, employment and cultural programs. It will enable the expansion of the services that GAMA currently provide and enable other service providers to come in and use the facility.

The following services will be delivered from the site:

- Social and emotional mental health services;
- Drugs and alcohol programs;
- Domestic violence programs;
- Employment providers and skills training; and
- Cultural identity and knowledge programs.

In the interim, officers sought and have received Regional Development and Lands – State Lands approval to change the Management Order from 'Park & Drainage' to that of 'Drainage and Community Centre' and to grant approval to lease portion of the Reserve for a period up to 21 years, subject to approval of the Minister.

**COMMUNITY CONSULTATION:**

The City advertised, seeking Expressions of Interest (EOI) from community groups to lease the reserve for community purposes.

At the closure of the EOI advertising period on the 4 May 2011 there was only one submission received, from the Geraldton Aboriginal Mens Association.

Should Council support the Executive recommendation, the local public notices process will be undertaken pursuant to Section 3.58 of the Local Government Act 1995.

**COUNCILLOR/OFFICER CONSULTATION:**

Consultation with Executives and officers from the Department of Planning and Sustainability on the project development.

**STATUTORY IMPLICATIONS:**

- Pursuant to section 47 of the Land Administration Act 1997 Part 4 Reserves – Minister may lease Crown Land in unmanaged reserves for certain purposes
  - (1) *The Minister may grant a lease in respect of Crown Land in an unmanaged reserve for a purpose which is in accordance with the purpose of the unmanaged reserve.*
- Pursuant to section 3.58 of the Local Government Act 1995 – Disposing of Property
  - (1) *In this section –*

***“dispose”*** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

***“property”*** includes the whole or any part of the interest of a local government in property, but does not include money.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
- (a) it gives local public notice of the proposed disposition –
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- Pursuant to Regulation 30 (1) (2) (b) Local Government (Functions and General) Regulations 1996 - a disposition of property under s 3.58 of the Local Government Act 1995 is an exempt disposition if the land is disposed of to a body, whether incorporated or not where the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational sporting or other like nature.

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

There are no budget expenditure implications. The 2011-12 budget does not include lease income on this Reserve.

#### **STRATEGIC & REGIONAL OUTCOMES:**

##### **Strategic & Plan for the Future Outcomes:**

Key Result Area 1: Opportunities for Lifestyle.

Outcome 1.2: Infrastructure which provides a foundation for the community's needs.

Strategy 1.2.1 Deliver effective whole of life asset management.  
 1.2.1 Develop a functional network of roads, paths and drainage.

##### **Regional Outcomes:**

The proposed development of this Reserve to enable establishment of a Men's Shed for the indigenous community is seen as a "better use" strategic development of this land than is currently designated for the purposes of park

and drainage. The facility and services proposed by the GAMA will enhance indigenous services delivery in the City region.

## **ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

### **Economic:**

There are no economic impacts with this proposal.

### **Social:**

The aim of the indigenous mens shed for aboriginal men is to provide a comfortable and culturally safe male space that can help establish connection with aboriginal tradition and culture, improve socialisation, encourage learning of new skills, recognition with old ones and restore self-esteem and respect.

### **Environmental:**

There are no direct environmental impacts.

### **Cultural & Heritage:**

There is a strong association with this site with aboriginal people, formally known as 'blood alley', where many aboriginal people/families lived and camped in past years.

## **RELEVANT PRECEDENTS:**

The City has current precedents for seeking registrations of interest from community groups to lease vacant Crown Reserves for community groups. For example, Council at its meeting of the 15 June 2010 resolved to seek expressions of interest from such groups and consequently on the 23 November 2010 resolved to lease portion of Reserve 24508 Utakarra Road to the Geraldton Off-road Model Car Club Inc and The Geraldton Menshed Inc.

## **DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

## **VOTING REQUIREMENTS:**

Simple majority is required.

## **OPTIONS:**

### **Option 1:**

As per Executive Recommendation in this report.

### **Option 2:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REJECT this item; and
2. MAKES the determination based on the following reason:
  - a. that the reserve be retained for future strategic assessment.



**Option 3:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. DEFER the recommendation; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**CONCLUSION:**

This proposed development on this Reserve should be seen as a strategic and “better use” development of this land that would recognise the strong association with this site with aboriginal people, formally known as ‘blood alley’, where many aboriginal people/families lived and camped some years ago. Council approval for GAMA to lease the site for the designated purpose of an indigenous mens shed would be seen as a significant symbolic gesture that would allow the City to show the aboriginal community of Geraldton that it is serious about working towards true reconciliation.

The return benefit to the City would be the fostering of solid relationships as it works with the indigenous community with other land development projects within that vicinity.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. APPROVE a lease for portion of Reserve 38307 (Lot 3111) Larkin Street, Geraldton to Geraldton Aboriginal Mens Association for the purposes of providing an indigenous mens shed;
2. MAKE the determination subject to:
  - a. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
  - a. enter into a twenty one (21) year lease agreement subject to Ministerial consent;
  - b. a commencing lease fee of \$305.00 as per the adopted City of Greater Geraldton Schedule of Fees and Charges;
  - c. adjust the lease fee in accordance with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually; and
  - d. the lessee being responsible for separately paying all applicable rates, taxes and other utilities.

CE008	LEASE – THEATRE 8 GERALDTON INC - RESERVE 29388 EIGHTH STREET, WONTHELLA
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<b>AGENDA REFERENCE:</b>	<b>D-11-05990</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Property Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>29 July 2011</b>
<b>FILE REFERENCE:</b>	<b>R29388</b>
<b>APPLICANT / PROPONENT:</b>	<b>Theatre 8 Geraldton Inc</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

This report seeks Council approval to approve a new lease for Theatre 8 Geraldton Inc for a period of five years.

**PROPONENT:**

The proponent is Theatre 8 Geraldton Inc.

**BACKGROUND:**

Reserve 29388, Lots 2499 and 2632 Eighth Street, Wonthella is under the control and management of the City with a Management Order for the purposes of Repertory Club Facilities with power to lease for any term not exceeding 21 years.

Council at its meeting on the 12 June 2007 resolved to approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007. At this time, high on the agenda of City strategic projects was the review of the Eighth Street Precinct that clearly identified Theatre 8 Geraldton Inc and the Reserve that it occupies as part of the study and impacted on the possible long term tenure of the reserve.

Pending completion of the Sporting Futures report the lease for Theatre 8 Geraldton Inc was continued on a monthly tenancy arrangement.

Recent discussions with representatives from Theatre 8 Geraldton and officers from the Department of Regional Development & Lands, State Lands Services has resulted in further clarity over the lease tenure and opened the way for a further short term lease with an agreement given from Theatre 8 Geraldton Inc to readily enter into discussions for relocation to an alternative site if deemed necessary. Officers from the City have provided assurances to Theatre 8 Geraldton Inc that if they were to be relocated they would be supported and assisted in this move by the City.

The repertory club is not ideally suited in its current location, physically away from all other significant culture and arts facilities of the City, and it would be better located elsewhere, close to or ideally within the CBD where other facilities would support and assist its growth and potential, at the same time adding vibrancy to the CBD.

Any decision that is made on the future location of Theatre 8 Geraldton Inc must be made in a timely manner as the building is aged and requires building works and upgrades to ensure public safety and amenity.

**COMMUNITY CONSULTATION:**

There has been consultation between officers from the City and members from Theatre 8 Geraldton Inc.

At the most recent meeting, directly associated with the purpose of this agenda item, representatives of Theatre 8 indicated their comfort with the now proposed lease extension of up to five years.

**COUNCILLOR/OFFICER CONSULTATION:**

There has been no consultation with Commissioners on this matter. Consultation with Chief Executive Officer and Director of Commercial Enterprises on the lease tenure of Theatre 8 Geraldton Inc.

**STATUTORY IMPLICATIONS:**

In accordance with Part 9.2 of Standing Orders Local Law 2007;

*No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.*

Regulation 10 (1) (b) of the Local Government Act (Administration) Regulations 1996;

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported;*
- (b) in the case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,*

Regulation 10 (2) (b) of the Local Government Act (Administration) Regulations 1996;

- (1) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made -*
- (b) in the case, by an absolute majority.*

Section 3.58(1) of the Local Government Act 1995 (as amended):

(1) In this section –

**“dispose”** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**“property”** includes the whole or any part of the interest of a local government in property, but does not include money.

Section 3.58 (2) of the Local Government Act 1995 (as amended):

Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 gives exemption to dispositions of property to which Section

3.58 of the *Local Government Act 1995* (as amended) does not apply. In this regulation a disposition of land is an exempt disposition if:

- (b) *The land is disposed of to a body, whether incorporated or not*
  - i. *the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
  - ii. *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

A commencing lease fee of \$305.00 is proposed, as per the adopted City of Greater Geraldton Schedule of Fees and Charges that is reviewed and adjusted annually accordingly.

#### **STRATEGIC & REGIONAL OUTCOMES:**

##### **Strategic & Plan for the Future Outcomes:**

Key Result Area 1: Opportunities for Lifestyle.

Outcome 1.1 A sustainable, built urban and rural environment.  
Strategy 1.1.1 Develop and implement a strategic planning framework.

Outcome 1.2: Infrastructure which provides a foundation for the community's needs.

Strategy 1.2.3 Develop and manage a social infrastructure that develops in line with population increase.

Key Result Area 2: Opportunities for Creativity

Outcome 2.1 A community that embraces and celebrates diversity.

Strategy 2.1.1 Create vibrant and diverse neighbourhoods that meet local and regional needs.

Outcome 2.2 A City that attracts creative people through nurturing creative industries.

Strategy 2.2.1 Develop, promote and market our unique arts, cultural and heritage qualities.

##### **Regional Outcomes:**

The future planning of this precinct is critical to position the City to cater for the rapidly expanding population in Geraldton.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

There are no regional outcomes.

**Economic:**

There are no economic impacts with this proposal.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

Future planning of the Eighth Street sporting precinct, to flow from the Sporting Futures process, has potential to impact the amateur club Theatre 8 Geraldton Inc. Extension of the lease for a period of five years enables adequate time for planning of an alternative location for the Theatre 8 repertory group, and the group has some certainty in the interim period. Should planning for the sporting precinct require alternative development on the site, associated planning will involve identification of an alternative site/venue for this group, ensuring that the group will not be disadvantaged by relocation. Location close to other cultural activity sites, most of which are within or close to the CBD, is seen as the optimum future outcome.

**RELEVANT PRECEDENTS:**

The City has current precedents of leasing Crown reserves for designated purposes and acquiring other land for relocation of club activities.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Absolute majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DECLINE the recommendation;
2. MAKES the determination on the following reason:
  - a. continues on the current holding over period with the existing expired lease.

**Option 3:**

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

1. DEFER the recommendation;
2. MAKES the determination based on the following reason:
  - a. Council requires more time to deliberate on the proposal.

**CONCLUSION:**

Council approval for a further five year lease would provide Theatre 8 Geraldton Inc with security for their lease on the reserve and enable them to work with the City on future planning of an alternative location and venue.

**EXECUTIVE RECOMMENDATION:****Part A**

That Council by 1/3 Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s5.25 of the Local Government Act 1995 CONSIDER to REVOKE the following Council meeting resolution of 12 June 2007:

*That Council approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007.*

**Part B**

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s5.25 of the Local Government Act 1995 RESOLVES to REVOKE the following Council meeting resolution of 12 June 2007:

*That Council approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007.*

**Part C**

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

1. APPROVE a lease for Theatre 8 Geraldton Inc for Reserve 29388 Eighth Street, SUBJECT to APPROVAL of the Minister for a period of 5 years to commence 1 September 2011;
2. REQUEST that officers commence to research alternative sites to relocate Theatre 8 Geraldton Inc during this period at the conclusion of their lease period; and
3. ADVISE Theatre 8 Geraldton Inc that in the event of any future relocation, they would be no worse off financially or in the quality of facilities.

**CE009 LEASE – SPALDING FAMILY CENTRE**

<b>AGENDA REFERENCE:</b>	<b>D-11-05992</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land and Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>29 July 2011</b>
<b>FILE REFERENCE:</b>	<b>A15322</b>
<b>APPLICANT / PROPONENT:</b>	<b>Department for Communities</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

The purpose of this report is to seek Council support to lease a portion of Lot 1124 (75) Mitchell Street, Spalding, the Spalding Community Centre, to the Department for Communities.

**PROPONENT:**

The proponent is the Department for Communities.

**BACKGROUND:**

The former City of Geraldton entered into a lease agreement with the Minister for Family and Children's Services and the Spalding Family Centre Association Incorporated in 1989 for a portion of Lot 1124 Mitchell Street for a period of 21 years at a peppercorn rental. This included the building known as the Spalding Family Centre, built utilising State funds, which formed the rationale for Council to lease the area to the State agency, at peppercorn rental. The Spalding Family Centre Association Incorporated dissolved as an incorporated body on 19 November 1999 which left the lease in control of the Minister for Family and Children's Services now the Department for Communities.

When the lease expired on 9 June 2010, the City declined to enter into a new lease agreement with the Department, pending decisions as to the future of this freehold land asset, with total area of approximately 2.4 hectares.

A report was put to council on 28 June 2011 seeking support to request the Minister for Lands to approve City acquisition of Reserve 35027, which lies adjacent to the City's freehold Lot 1124 Mitchell Street. The purpose of the acquisition is to amalgamate that reserve into the City's freehold lot after which time the lot will be disposed of by public auction.

The recommendation also included the proposal to excise and retain a portion of Lot 1124 Mitchell Street, so as to continue the lease arrangements for the Spalding Family Centre. This report addresses that specific matter.

Council resolved on 28 June 2011:

*MOVED CR HALL, SECONDED CR BRICK*

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

1. *ACQUIRE Reserve 35027 under Section 20A "Public Recreation" Reserves Policy Guidelines for 5% of the unimproved land valuation from the Crown;*
2. *AMALGAMATE the new lot into Lot 1124 (75) Mitchell Street, Spalding;*
3. ***EXCISE portion of Lot 1124 (75) Mitchell Street, Spalding, currently utilised for the Spalding Family Centre, and continue with the existing leasing arrangements with the Department of Family and Children's Services for use of that Centre;***
4. *DISPOSE of Lot 1124 (75) Mitchell Street, Spalding by public auction pursuant to Section 3.58 of the Local Government Act 1995;*
5. *DELEGATE authority to the Chief Executive Officer to set the reserve price;*
6. *NET PROCEEDS from the sale of portion of Reserve 35027 Mitchell Street, Spalding to be allocated to the Public Open Space Trust for future upgrades of other reserves and recreational facilities in the Spalding area; and*
7. *ALLOCATE the net proceeds of the sale of Lot 1124 (75) Mitchell Street, Spalding to the Major Projects and Initiatives Reserve.*

CARRIED 10/0



The area required to meet ongoing needs of the Department for Communities has been surveyed, and is marked with red outline on the accompanying aerial photograph.



**COMMUNITY CONSULTATION:**

There has been no community consultation.

Representatives of the Department for Communities were consulted, to confirm the continuing need of the department to lease the land area with the building.

**COUNCILLOR/OFFICER CONSULTATION:**

Liaison with the Manager Land and Property Services.

**STATUTORY IMPLICATIONS:**

Section 3.58(1) of the *Local Government Act 1995* (as amended) – Disposing of Property:

In this section –

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*

Regulation 30(2)(c) of the Local Government (Functions and General) Regulations 1996 gives exemption to dispositions of property to which Section 3.58 of the *Local Government Act 1995* (as amended) does not apply.

(2) *The disposition of land is an exempt disposition if:*

(c) *the land is disposed of to –*

(i) *the Crown in right of the State or the Commonwealth;*

(ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*

(iii) *another local government or a regional local government.*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no 2011-12 budget implications.

Putting in place a specific surveyed section of the land holding, covered by a lease, resolves uncertainty for the State agency. Action is in progress to then excise that surveyed area from the lot, to enable its disposal, to generate funds for other City purposes.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 1: Opportunities for Lifestyle

Outcome 1.2: Infrastructure which provides a foundation for the community's needs

Strategy 1.2.3: Develop and manage a social infrastructure that develops in line with population increase.

- 1.2.4: Provide accessible active and passive recreational spaces.

**Regional Outcomes:**

There are no regional impacts.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

**Economic:**

There are no economic impacts with this proposal.

**Social:**

Support for this proposal will enable the Spalding Family Centre to continue to provide a community centre for the residents of Spalding and surrounding areas.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

There are no cultural, heritage or indigenous impacts with this proposal.

**RELEVANT PRECEDENTS:**

The City currently has 16 lease agreements at a peppercorn (\$1.00) rental with community groups over reserves and freehold land.

**DELEGATED AUTHORITY:**

There is no delegated authority with this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:**

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. REJECT this proposal; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**Option 3:**

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

1. DEFER this item; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**CONCLUSION:**

The Spalding Family Centre has provided Spalding residents with a children's health centre and play group for the past 21 years. Entering into a new lease agreement will ensure the continuation of these essential services via a community centre for the area.

This proposal enables implementation of clause 3 of Council's resolution of 28 June 2011.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE to lease the Spalding Family Centre located on a 1699 square metre portion of Lot 1124 Mitchell Street, Spalding to the Department for Communities;
2. SET the proposed conditions as:
  - a. enter into a ten (10) year lease agreement with a further option of ten (10) years subject to Council consent;
  - b. a lease fee of \$1.00 per annum including GST for the term of the lease;
  - c. any works being subject to, and compliant to, all necessary town planning, building and other relevant statutory approval;
  - d. the lessee being responsible for separately paying all applicable rates, taxes and other utilities; and
  - e. the lessee being responsible for general maintenance of the building and surrounds.

CE010	LEASE AGREEMENT – COURIER AREA - BREARLEY TERMINAL GERALDTON AIRPORT
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<b>AGENDA REFERENCE:</b>	<b>D-11-05993</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land and Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>29 July 2010</b>
<b>FILE REFERENCE:</b>	<b>PM/6/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>GH Country Couriers</b>
<b>ATTACHMENTS:</b>	<b>Yes (1x Confidential)</b>

**SUMMARY:**

The object of this report is to seek council's support to enter into a new lease agreement with GH Country Couriers for 74.5 square metres of office space at the Brearley Terminal for a period of five (5) years.

**PROPONENT:**

The proponent is GH Country Couriers.

**BACKGROUND:**

An item was put to council requesting support to lease 74.5 square metres of office space in the Brearley Terminal to GH Country Couriers at its meeting on 13 July 2011. Council resolved:

*That Council by Simple Majority RESOLVES to DEFER this item until further information is received by Council.*

A valuation of the Brearley Terminal was conducted in February 2009 recommending a lease fee of \$170.00 per square metre. After analysis by the City's licenced Real Estate officer, it was determined that the valuation of \$170.00 would still be applicable given the predicament of the financial climate and the fact the no major improvements have been made to the building.

Council requested a more recent valuation be conducted by a licenced valuer to determine the recommended lease fee.

A valuation was conducted on 27 July 2011 which stated the recommended lease fee for the office space at the Brearley Terminal to be \$170.00 per square metre.

**COMMUNITY CONSULTATION:**

Should council support the proposal to enter into a new five (5) year lease agreement with GH Country Couriers, local public notice inviting submissions on the disposal will be advertised and received for a period of not less than two weeks pursuant to section 3.58 of the Local Government Act.

**COUNCILLOR/OFFICER CONSULTATION:**

Liaison between the Manager Geraldton Airport and the Land and Leasing Facilitator.

**STATUTORY IMPLICATIONS:****Section 3.58 of the Local Government Act 1995 (as amended) – Disposing of Property**

Section 3.58:

- (1) *In this section –*
  - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely of not;*
  - “property” includes the whole or any part of the interest of a local government in property, but does not include money*
- (4) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
  - (a) *it gives local public notice of the proposed disposition –*
    - (iv) *describing the property concerned; and*
    - (v) *giving details of the proposed disposition; and*
    - (vi) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition –*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

A market valuation of the Brearley Terminal was conducted on 27 July 2011 which recommended a lease fee for office space to be \$170.00 per square metre per annum plus GST. Therefore the lease fee based on \$170.00 per square metre per annum for an area of 74.5 square metres would equate to \$12,665 per annum plus GST with CPI being applied annually.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.4: Geraldton as a major industry and technology centre.

Strategy 3.4.2: Develop Geraldton Airport and the Geraldton Universities Centre technology and enterprise precincts.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts with this proposal.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

There is no cultural, heritage or indigenous impacts with this proposal.

**RELEVANT PRECEDENTS:**

The City currently leases commercial office space to businesses in the Brearley Terminal.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DEFER this item; and
2. MAKES the determination based on the following reason:
  - a. to be determined by Council.

**Option 3:**

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

1. REJECT the proposal to enter into a five (5) year lease agreement with GH Country Couriers;
2. SEEK Expressions of Interest for the 74.5 square metres of the Brearley Terminal; and
3. MAKE the determination based on the following reason;
  - a. to be determined by Council.

**CONCLUSION:**

Support for Option 1 provides a continuing source of income for the Geraldton Airport and provide a continuation of service for the community. GH Country Couriers require close proximity to the Airport, to collect freight from the Australian Air Express carriers, for the service they provide to the Community. For continuation of services to the business and general community, continuation of lease of the relatively small floor area to the Air Express agent in Geraldton is considered essential.

**EXECUTIVE RECOMMENDATION:**

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

1. GIVE local public notice of the intent to enter into a lease agreement with GH Country Couriers for 74.5 square metres of office space in the Brearley Terminal located at the Geraldton Airport being part of Lot 363 Geraldton Mount Magnet Road, Moonyoonooka for a period of five (5) years;
2. MAKE the determination subject to:
  - a. advertising notice period of no less than two weeks inviting public submissions; and
  - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
  - a. enter into a lease agreement for a period of five (5) years with GH Country Couriers;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
  - c. the lessee being responsible for separately paying all applicable rates, taxes and other utilities; and

- d. any costs associated with the preparation and execution of the lease extension document will be borne by the lessee;
- 4. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
- 5. REFER the matter back to Council for final consideration if any objecting submissions are received.



CE011	LEASE OF OFFICE SPACE - BREARLEY TERMINAL
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<b>AGENDA REFERENCE:</b>	<b>D-11-05997</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land and Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>28 July 2011</b>
<b>FILE REFERENCE:</b>	<b>PM/6/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>Ilha Pty Ltd trading as Thrifty Car Rental</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

To seek Councils consent to lease 11.85 square metres of office space located at the Brearley Terminal to Thrifty Car Rental for a period of one (1) year with a further option of one (1) year.

**PROPONENT:**

The proponent is Ilha Pty Ltd trading as Thrifty Car Rental.

**BACKGROUND:**

Thrifty Car Rental contacted the Manager Geraldton Airport with a request to lease a 11.85 square metre portion of the Brearley Terminal to establish an office pending the future availability of land adjacent to the Greenough Terminal. Thrifty currently lease a booth in the Greenough Terminal but require extra space for their daily operations. The space they wish to utilise is currently vacant.

**COMMUNITY CONSULTATION:**

If Council support the proposal to lease portion of the Brearley Terminal to Thrifty Car Rental, public advertising for a period of not less than 14 days requesting submissions from the public about the proposal will be conducted pursuant to Section 3.58 of the Local Government Act 1995.

**COUNCILLOR/OFFICER CONSULTATION:**

Liaison between the Manager Geraldton Airport and the Land and Leasing Facilitator.

**STATUTORY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 (as amended) – **Disposing of Property**

Section 3.58:

(2) *In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money*

(5) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

*(a) it gives local public notice of the proposed disposition –*

*(vii) describing the property concerned; and*

*(viii) giving details of the proposed disposition; and*

- (ix) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

A current market valuation of office space at the Brearley Terminal was conducted on 27 July 2011 that recommended a lease fee of \$170.00 per square metre per annum plus GST. The application for an area of 11.85 square metres which would equate to \$2014.50 plus GST per annum and Lease fees will be increased by CPI annually.

#### **STRATEGIC & REGIONAL OUTCOMES:**

##### **Strategic & Plan for the Future Outcomes:**

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.4: Geraldton as a major industry and technology centre.

Strategy 3.4.2: Develop Geraldton Airport and the Geraldton Universities Centre technology and enterprise precincts.

##### **Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts with this proposal.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

There are no cultural, heritage or indigenous impacts with this proposal.

**RELEVANT PRECEDENTS:**

The City currently leases office space in the Brearley Terminal to commercial businesses.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DEFER this item; and
2. MAKES the determination based on the following reason:
  - a. to be determined by council.

**Option 3:**

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

1. REJECT the proposal to enter into a lease agreement for the period of one (1) year with a further option of one (1) year with Thrifty Car rental;
2. SEEK Expressions of Interest for the 11.85 square metres of the Brearley Terminal; and
3. MAKE the determination based on the following reason;
  - a. to be determined by Council.

**CONCLUSION:**

Support for Option 1 will provide a new source of income for the Geraldton Airport and provide an extension of services for visitors to the region.

**EXECUTIVE RECOMMENDATION:**

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

1. GIVE local public notice of the intent to enter into a lease agreement with Ilha Pty Ltd trading as Thrifty Car Rental for 11.85 square metres of office space in the Brearley Terminal located at the Geraldton Airport being part of Lot 363 Geraldton Mount Magnet Road, Moonyoonooka;
2. MAKE the determination subject to:
  - a. advertising notice period of no less than two weeks inviting public submissions; and
  - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
  - a. enter into a lease agreement for a period of one (1) year with a further option of one (1) year with Ilha Pty Ltd trading as Thrifty Car Rental;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
  - c. the lessee being responsible for separately paying all applicable rates, taxes and other utilities; and
  - d. any costs associated with the preparation and execution of the lease extension document will be borne by the lessee;
4. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

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CE012	ASSIGNMENT OF LEASE – PEDERICK NOMINEES PTY LTD AND R MORRIS TO KBM AVIATION PTY LTD
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<b>AGENDA REFERENCE:</b>	<b>D-11-06180</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land &amp; Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>1 July 2011</b>
<b>FILE REFERENCE:</b>	<b>PM/6/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>Pederick Nominees Pty Ltd and R Morris</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

The purpose of this report is to seek Councils consent to assign the lease of land at the Airport hangar precinct from Pederick Nominees Pty Ltd and R Morris to KBM Aviation Pty Ltd.

**PROPONENT:**

The proponent is KBM Aviation Pty Ltd.

**BACKGROUND:**

The former Shire of Greenough entered into a lease agreement with Pederick Nominees Pty Ltd and R Morris for a parcel of approximately 456 square metres of land in the hangar precinct for the purpose of constructing a private hangar. The current lease expires on 30 June 2015.

Pederick Nominees Pty Ltd and R Morris wish to assign the said lease of land to KBM Aviation Pty Ltd.

**COMMUNITY CONSULTATION:**

Should council support the proposal to assign the hangar land from Pederick Nominees Pty Ltd and R Morris to KBM Aviation Pty Ltd, local public notice inviting submissions on the disposal will be advertised and received for a period of not less than two weeks pursuant to section 3.58 of the Local Government Act 1995.

**COUNCILLOR/OFFICER CONSULTATION:**

Liaison with the Manager Geraldton Airport.

**STATUTORY IMPLICATIONS:**

There are no statutory implications.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The current lease rate is \$2,133.82 plus GST per annum increased by CPI annually. No further lease term option exists in the lease.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Key Result Area 1: Opportunities for Lifestyle

Outcome 1.2: Infrastructure which provides a foundation for the community's needs.

Strategy 1.2.4: Provide accessible active and passive recreational spaces.

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.4: Geraldton as a major industry and technology centre.

Strategy 3.4.2: Develop Geraldton Airport and the Geraldton Universities Centre technology and enterprise precincts.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There is no cultural, heritage or indigenous impacts.

**RELEVANT PRECEDENTS:**

Council may assign lease agreements relating to Council owned property when the lease document allows for such matters.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

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**Option 2:**

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

1. DEFER this matter; and
2. MAKES the determination based on the following reason:
  - a. to be determined by council.

**Option 3:**

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

1. REJECT this matter; and
2. MAKES the determination based on the following reason:
  - a. to be determined by council

**CONCLUSION:**

Revenue raised from the lease fees provides a source of income for the future development and upkeep of the Geraldton Airport.

**EXECUTIVE RECOMMENDATION:**

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

1. CONSENT to assign the current lease agreement from Pederick Nominees and Mr Robin Morris to KBM Aviation Pty Ltd on the following conditions;
  - a. ADVERTISE the disposal of land to KBM Aviation Pty Ltd for a period of not less than 14 days;
  - b. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
  - c. REFER the matter back to Council for final consideration if any objecting submissions are received.

**11.7 Reports to be Received**

REPORTS TO BE RECEIVED	
<b>AGENDA REFERENCE:</b>	<b>D-11-06450</b>
<b>AUTHOR:</b>	<b>A Brun, Chief Executive Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>FILE REFERENCE:</b>	<b>GO/0028</b>
<b>DATE OF REPORT:</b>	<b>2 August 2011</b>

**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.

**ADMINISTRATIVE COMMENT:**

The following reports are attached in the Appendix to this agenda:

CS018	Joint Structural Reform Transitional Arrangements Committee
SCDA055	Delegated Determinations – Applications for Planning Approval
CC004	Mid West Procurement Officer June 2011 - 1st Quarter
CC005	Midnight Basketball Progress Report January 2011 - June 2011

**CONSULTATION:**

Not applicable.

**STATUTORY ENVIRONMENT:**

Not applicable.

**VOTING REQUIREMENTS:**

Simple majority is required.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority RESOLVES to RECEIVE the appended reports attached to this agenda.



- 12      COMMISSIONERS MOTIONS OF WHICH PREVIOUS NOTICE HAS  
         BEEN GIVEN**
  
- 13      QUESTIONS BY COMMISSIONERS OF WHICH DUE NOTICE HAS  
         BEEN GIVEN**
  
- 14      URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR  
         BY DECISION OF THE MEETING**
  
- 15      CLOSURE**

## **APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED**

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

**ANNEX 1 - CITY OF GREATER GERALDTON STANDING ORDERS LOCAL LAW 2007****LOCAL GOVERNMENT ACT 1995****CITY OF GREATER GERALDTON****STANDING ORDERS LOCAL LAW 2007**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton, resolved on the 27 November 2007 to make the following local law.

**PART 1-PRELIMINARY****1.1 Citation**

(1) This Local Law may be cited as the *City of Greater Geraldton Standing Orders Local Law 2007*.

(2) In the clauses to follow, this Local Law is referred to as "the Standing Orders."

**1.2 Application**

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

**1.3 Interpretation**

(1) In these Standing Orders unless the context otherwise requires:

"**Act**" means the *Local Government Act 1995* as amended;

"**CEO**" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Greater Geraldton;

"**committee**" means a committee of Council described in section 5.9 of the Act and appointed under section 5.10 of the Act;

"**conflict of interest**" means any conflict between the performance of public duty and private or personal interests that may be described in the *Local Government (Rules of Conduct) Regulations 2007*;

"**Council**" means the Council of the City of Greater Geraldton;

"**presiding member**" means the presiding member of a Council committee or meeting, or the deputy presiding member or a member of the committee when performing a function of the presiding member in accordance with the Act;

"**Regulations**" means the *Local Government (Administration) Regulations 1996*; and

"**substantive motion**" means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

**1.4 Repeal**

The *City of Geraldton Standing Orders Local Law* as published in the *Government Gazette* on 22 June 1999 and as amended and published in the *Government Gazette* on the 1 April 2005 is repealed.

**PART 2-BUSINESS OF THE MEETING****2.1 Business to be specified on notice paper**

(1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that

—

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved; except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

**2.2 Order of business**

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows —

(a) Declaration of opening;

(b) Record of attendance/apologies/leave of absence (previously approved);

(c) Response to previous public questions taken on notice;

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

(k) Elected members motions of which previous notice has been given;

(l) Questions by members of which due notice has been given;

(m) New business of an urgent nature authorised by the presiding member;

(n) Closure of meeting.

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

(5) Notwithstanding subclause (1), the Council may include on the agenda of a Council or committee meeting in an appropriate place within the order of business provision for matters which it considers appropriate for a committee or Council to deal with at its meetings.

**2.3 Public question time**

(1) A member of the public who raises a question during question time is to state his or her name and address.

(2) A question may be taken on notice by the Council or committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

## 2.4 Petitions

A petition, in order to be effective, is to -

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is -
  - (i) a proposal to change the method of filling the office of Mayor;
  - (ii) a proposal to create a new district or the boundaries of the Local Government;
  - (iii) a request for a poll on a recommended amalgamation;
  - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

## 2.5 Deputations

(1) A deputation requesting to meet the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor or the Presiding Member as the case may be.

(2) The Mayor if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or committee meeting;

- (a) is not to exceed three persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
- (b) is not to address the Council or committee for a period exceeding 10 minutes without the agreement of the Council or the committee as the case requires.

(4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

## 2.6 Confirmation of minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to -

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

## 2.7 Announcements by the presiding member without discussion

(1) At any meeting of the Council or a committee the presiding member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

## 2.8 Motions of which previous notice has been given

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO may under his or her own name provide relevant and material facts, circumstances and professional advice pertaining to the notice of motion and may provide recommendations to Council or committee on how it should deal with these matters.

(5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

(6) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse unless supported by an absolute majority of Council.

## 2.9 Questions by members of which due notice has been given.

(1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

## 2.10 Urgent business approved by the presiding member or by decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members present, be raised without notice and decided by the meeting.

## 2.11 Matters for which meeting may be closed

Any matter on the agenda of the meeting to be discussed "behind closed doors" is to be deferred for consideration as the last item of the meeting unless otherwise resolved by Council.

### **PART 3-PUBLIC ACCESS TO AGENDA MATERIAL**

#### **3.1 Inspection entitlement**

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

#### **3.2 Confidentiality of information withheld**

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be -

- (a) identified in the agenda of a Council or committee meeting under the item "Matters for which meeting may be closed to the public";
- (b) marked "confidential" in the agenda; and
- (c) recorded in the minutes that, "a decision was reached which being confidential in nature will be considered separately in full Council."

(2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

### **PART 4-DISCLOSURES OF CONFLICTS OF INTERESTS**

#### **4.1 Separation of committee recommendations**

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

#### **4.2 Member with an interest may ask to be present**

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

#### **4.3 Member with an interest may ask permission to participate**

(1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

#### **4.4 Invitation to return to provide information**

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

#### **4.5 Disclosures by employees**

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

### **PART 5-QUORUM**

#### **5.1 Quorum to be Present**

The Council or a committee is not to transact business at a meeting unless a quorum is present.

#### **5.2 Loss of quorum during a meeting**

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present -

- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -

- (i) a quorum is present to decide the matter; or

- (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of up to thirty minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) -

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

- (b) in the case of a Council meeting
  - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (ii) the provisions of clause 8.5 apply when the debate is resumed.

## **PART 6-KEEPING OF MINUTES**

### **6.1 Content of minutes**

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

### **6.2 Preservation of minutes**

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the State Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

## **PART 7-CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS**

### **7.1 Official titles to be used**

Members of the Council are to speak of each other in the Council or committee by their respective titles of Mayor or councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

### **7.2 Members to occupy own seats**

At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

### **7.3 Leaving meetings**

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Adverse reflection**

(1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed. Penalty \$1,000

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **7.5 Recording of proceedings**

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the

proceedings of the Council or a committee without the written permission of the Council.

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

### **7.6 Prevention of disturbance**

(1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so. Penalty \$1,000

(2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means. Penalty \$1,000

(3) Members and members of the public are not to use or have turned on mobile phones or paging devices without the approval of the presiding member.

## **PART 8-CONDUCT OF MEMBERS DURING DEBATE**

### **8.1 Members to indicate they wish to speak**

Every member of the Council wishing to speak is to indicate by a show of hands or other method agreed upon by the Council. When invited by the presiding member to speak, members are to address the Council through the presiding member.

### **8.2 Priority**

In the event of two or more members of the Council or a committee wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

### **8.3 The presiding member to take part in debates**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the presiding member may take part in a discussion of any matter before the Council or committee as the case may be.

### **8.4 Relevance**

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

### **8.5 Limitation of number of speeches**

No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

### **8.6 Limitation of duration of speeches**

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of the presiding member.

### **8.7 Members not to speak after conclusion of debate**

No member of the Council or a committee is to speak to any question after the right of reply has been exercised or declined.

**8.8 Members not to interrupt**

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 9.14; or
- (d) to move a motion under clause 10(1)(f).

**8.9 Re-opening discussion on decisions**

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

## **PART 9-PROCEDURES FOR DEBATE OF MOTIONS**

**9.1 Motions to be stated**

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

**9.2 Motions to be supported**

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

**9.3 Unopposed business**

(1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

(4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

(5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

**9.4 Only one substantive motion considered**

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

**9.5 Breaking down of complex questions**

The presiding member may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

**9.6 Order of call in debate**

The presiding member is to call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to, or reserve the right to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;

(h) Mover takes right of reply which closes debate.

**9.7 Member may require questions to be read**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**9.8 Consent of member required to accept alteration of wording**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**9.9 Order of amendments**

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

**9.10 Amendments must not negate original motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

**9.11 Substantive motion**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

**9.12 Withdrawal of motion and amendments**

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

**9.13 Limitation of withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

**9.14 Personal explanation**

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

**9.15 Personal explanation - when heard**

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

**9.16 Ruling on questions of personal explanation**

The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

**9.17 Right of reply**

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

**9.18 Right of reply provisions**

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

**9.19 En bloc motions**

When dealing with each report in Council, the presiding member shall highlight items within the reports that require absolute or special majority approvals or are items where members or attending officers have declared an interest.

The presiding member then invites members to identify other items they wish to deal with individually including items they wish to have amended or may want clarification on.

The presiding member then invites an en bloc motion to adopt the recommendations for the remaining items. The minutes shall record at the end of each report item that they were adopted by the en bloc method.

**PART 10-PROCEDURAL MOTIONS****10.1 Permissible procedural motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the matter be moved back to Committee;
- (b) that the Council (or committee) proceed to the next business;
- (c) that the question be adjourned;
- (d) that the Council (or committee) now adjourn;
- (e) that the question be now put;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.
- (i) that the council move to committee

**10.2 No debate on procedural motions**

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (d), (g), (h) and (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (e) and (f) of Clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

**10.3 Procedural motions - closing debate - who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**10.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**PART 11-EFFECT OF PROCEDURAL MOTIONS****11.1 Matter be moved back to committee – effect of motion**

The motion "that the matter be moved back to Committee," if carried, causes the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting enables the matter to be addressed by originating committee.

**11.2 Council move to committee – effect of motion**

The motion "that Council move back to committee" enables the matter to be discussed without the limitation on the number of speeches.

**11.3 Council (or committee) to proceed to the next business - effect of motion**

The motion "that the Council (or committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

**11.4 Question to be adjourned - effect of motion**

(1) The motion "that the question be adjourned", if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council -

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 8.5 apply when the debate is resumed.

**11.5 Council (or committee) to now adjourn - effect of motion**

(1) The motion "that the Council (or committee) now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was



adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1) -

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 8.5 apply when the debate is resumed.

#### **11.6 Question to be put - effect of motion**

(1) The motion "that the question be now put", if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

#### **11.7 Member to be no longer heard - effect of motion**

The motion "that the member be no longer heard", if carried, causes the presiding member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

#### **11.8 Ruling of the presiding member disagreed with - effect of motion**

The motion "that the ruling of the presiding member be disagreed with", if carried, causes the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

#### **11.9 Council (or committee) to meet behind closed doors - effect of motion**

(1) Subject to any deferral under clause 2.11 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the presiding member, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000

#### **11.10 Question - when put**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **11.11 Question - method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 12-MAKING DECISIONS**

#### **12.1 Question – when put**

When the debate upon any question is concluded and the right or reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **12.2 Question – method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 13-IMPLEMENTING DECISIONS**

#### **13.1 Implementation of a decision**

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that -

(a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and

(b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations; and

(c) if a motion to the same effect as any motion which has been negated by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority.

(2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the

Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:-

- (a) action has been taken to implement the decision; or
  - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.
- (4) Where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Committee whose responsibilities include Finance, unless by absolute majority or Council resolves otherwise.
- (5) If new written information is introduced at a meeting which materially affects an item of business to which a recommendation of any Committee has been made, then that item of business shall be referred back to the Committee for further investigation, unless by absolute majority Council decides otherwise.

#### **PART 14-PRESERVING ORDER**

##### **14.1 The presiding member to preserve order**

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

##### **14.2 Demand for withdrawal**

A member at a meeting of the Council or a committee may be required by the presiding member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

##### **14.3 Points of order - when to raise - procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

##### **14.4 Points of order - when valid**

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

##### **14.5 Points of order - ruling**

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

##### **14.6 Points of order - ruling conclusive, unless dissent motion is moved**

The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

##### **14.7 Points of order take precedence**

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

##### **14.8 Precedence of presiding member**

(1) When the presiding member rises during the progress of a debate every member of the Council or committee present shall preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

##### **14.9 Right of the presiding member to adjourn without explanation to regain order**

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting -

- (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 8.5 apply when the debate is resumed.

#### **PART 15-ADJOURNMENT OF MEETING**

##### **15.1 Meeting may be adjourned**

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

##### **15.2 Limit to moving adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

##### **15.3 Unopposed business - motion for adjournment**

On a motion for the adjournment of the Council or committee, the presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

##### **15.4 Withdrawal of motion for adjournment**

A motion or an amendment relating to the adjournment of the Council or a committee may be

withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

### **15.5 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

## **PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS**

### **16.1 Reports of committees - questions**

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the presiding member to the Presiding Member or to any member of the committee in attendance.

### **16.2 Permissible motions on recommendation from committee**

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be -

- (a) rejected by the Council; or
- (b) replaced by an alternative decision; or
- (c) referred back to the committee for further consideration.

### **16.3 Standing orders apply to committees**

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee -

- (a) clause 7.2, in regard to seating;
- (b) clause 8.5, limitation on the number of speeches.

## **PART 17-ADMINISTRATIVE MATTERS**

### **17.1 Suspension of standing orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

### **17.2 Cases not provided for in standing orders**

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(g).

## **PART 18-COMMON SEAL**

### **18.1 The Council's common seal**

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor

and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Dated: 27 November 2007

The Common seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of:

IAN CARPENTER, Mayor

GARY BRENNAN, Chief Executive Officer