



ORDINARY MEETING OF COUNCIL MINUTES

10 AUGUST 2011

TABLE OF CONTENTS

1	ACKNOWLEDGEMENT OF COUNTRY	2
2	DECLARATION OF OPENING.....	2
3	ATTENDANCE.....	2
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
5	PUBLIC QUESTION TIME	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	PETITIONS, DEPUTATIONS OR PRESENTATIONS.....	4
8	DECLARATIONS OF CONFLICTS OF INTEREST	5
9	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED	6
10	ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION).....	7
11	REPORTS OF COMMITTEES AND OFFICERS.....	9
11.1	REPORTS OF THE CHIEF EXECUTIVE OFFICER	9
11.2	REPORTS OF CORPORATE SERVICES	10
	CS015 INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGIC PLAN 2011 – 2015 AND NETWORK STRATEGIC PLAN 2011	10
	CS016 CITY OF GREATER GERALDTON REPEAL LOCAL LAW 2011	14
	CS017 COUNTRY LOCAL GOVERNMENT FUND PROJECT ALLOCATIONS	18
	CS019 OFFICE ACCOMODATION PROJECT ARCHITECTURAL SERVICES.....	23
11.3	REPORTS OF SUSTAINABLE COMMUNITIES	28
	SC009 DEDICATION OF PORTION OF RESERVE 47589, NARNGULU AS ROAD RESERVE.....	28
11.4	REPORTS OF CREATIVE COMMUNITIES	32
	CC006 POLICY FOR MEMORIAL SEATING PLAQUES.....	32
	CC007 HMAS SYDNEY II MEMORIAL COMMEMORATIVE PLAQUES.....	36
11.5	REPORTS OF COMMUNITY INFRASTRUCTURE	40
11.6	REPORTS OF COMMERCIAL ENTERPRISES	41
	CE007 LEASE OF PORTION OF RESERVE 38307 (LOT 3111) LARKIN STREET, GERALDTON	41
	CE008 LEASE – THEATRE 8 GERALDTON INC - RESERVE 29388 EIGHTH STREET, WONTHELLA	47
	CE009 LEASE – SPALDING FAMILY CENTRE	53
	CE010 LEASE AGREEMENT – COURIER AREA - BREARLEY TERMINAL GERALDTON AIRPORT	59
	CE011 LEASE OF OFFICE SPACE - BREARLEY TERMINAL	64
	CE012 ASSIGNMENT OF LEASE – PEDERICK NOMINEES PTY LTD AND R MORRIS TO KBM AVIATION PTY LTD.....	69
11.7	REPORTS TO BE RECEIVED.....	73
12	COMMISSIONERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	75
13	QUESTIONS BY COMMISSIONERS OF WHICH DUE NOTICE HAS BEEN GIVEN	75
14	URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING	75

15	CLOSURE	75
	APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED	76

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

MINUTES

DISCLAIMER:

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

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

2 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.30pm.

3 ATTENDANCE

Present:

Chair of Commissioners R Yuryevich
Deputy Chair Commissioner I Carpenter
Commissioner N McIlwaine
Commissioner B Thomas
Commissioner N Messina

Officers:

A Brun, Chief Executive Officer
P Melling, Director of Sustainable Communities
C Wood, Director of Corporate Services
B Davis, Director of Commercial Enterprises
A Selvey, Director of Creative Communities
N Arbuthnot, Director of Community Infrastructure
S Moulds, PA to the Chief Executive Officer
S Smith, Acting Manager Arts Culture & Heritage

Others:

Members of Public: 7
Members of Press: 1

Apologies:

Nil.

Leave of Absence:

Nil.

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.

Chair of Commissioners read out the following e-mail received from Commodore Bob Trotter OAM RAN (Ret'd) FIEAust, Past President & Memorial Officer, Naval Association of Australia

CC007 HMAS Sydney II Memorial Commemorative Plaques

I must say that I am somewhat at a loss to describe my thoughts about how the matter of the RN & 9 Sqdn Plaques seems to have become derailed. Perhaps it's best to go over the history, briefly.

The requirement for the policy originated by the then Finding Sydney Foundation (FSF) initiative of firstly providing a large plaque signifying the discovery of Sydney and secondly providing funds from its public commemorative allocations for two plaques acknowledging the role of 9 Squadron RAAF and the Royal Navy personnel lost in Sydney.

Both the latter plaques were developed in conjunction with the 9 Sqdn and RAAF Associations and the British Defence Adviser (Canberra) respectively and the Senior Naval Historian for the RAN was also consulted. The proposal for the two plaques was made late 2009 through early 2010 and then considered at a July 2010 meeting convened by the Mayor. Much discussion ensued about the wording which at the time included names and ranks of individuals which were later removed and the plaques resubmitted as per the present design. A result of the July meeting last year was for the preparation of the policy for plaques. At the time it was envisaged that the policy and the plaques would be ready for both to be dedicated at the 19 November 2010 Memorial Service. This was not the case as the policy was not completed and submitted to Council until early 2011.

As the FSF was winding up in September 2010, all of its public funds needed to be spent and the plaques issue resolved in time for the plaques to be ordered and paid for before the Foundation books were closed. So, the design was discussed with Rotary and Council officers to match those already on the car park wall, was finalised as engraved stainless steel, with the dimensions 450mm x 350mm, and that design of the plaques used as the standard for the subsequent policy.

The FSF did close on 30 September 2010 so in good faith it was necessary for the plaques to be manufactured beforehand and they are now held in readiness to install at the Memorial by the former Chairman of the FSF on behalf of the No 9 Squadron Association and the British High Commission.

In summary, the 9 Sqn & RN plaques were the genesis of the Plaques Policy and as they were largely the development tools for it, demanding that they be subject to scrutiny of the policy they generated appears nugatory. It was disappointing that the dedication date of Nov 2010 was missed and it will be doubly so if 2011 also is allowed to pass by without the role of the brave RAAF men and the RN shipmates being acknowledged in this way. It is my personal view and that of the Naval Association of Australia (the Memorial is a National Naval Memorial) that the Memorial Service Working Group and the Council agree that the plaques are installed and dedicated this November.

6 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

MOVED COMMISSIONER MESSINA, SECONDED COMMISSIONER THOMAS

Commissioner N McIlwaine request his leave of absence for the period 20 August 2011 to 29 August 2011 inclusive, be approved.

CARRIED 5/0

Existing Approved Leave

August		
Nil.		

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Chair of Commissioners R Yuryevich acknowledged the former Councillors of the City of Geraldton-Greenough and the Shire of Mullewa who received WALGA 2011 Honours

Chris Gabelish received a Long and Loyal Service Award. Mr Gabelish was a Councillor with the City of Geraldton since 1998 and subsequently with the City of Geraldton-Greenough from 2007 up to the amalgamation with the Shire of Mullewa in July 2011. He has served the community for 13 years. He was fundamental in the amalgamation of Geraldton and Greenough and also the amalgamation between Geraldton-Greenough and Mullewa. His service to the community is highly regarded.

Mr Gabelish was present at the meeting where the Chair of Commissioners Ron Yuryevich presented Mr Gabelish with his Award.

Bob Hall received a Local Government Merit Award. Mr Hall has been a Councillor since 2001 and was re-elected to City of Geraldton-Greenough in July 2007 when Geraldton and Greenough amalgamated. He is a committed Councillor who communicates the needs of ratepayers back to the Council. He is committed to road safety and seniors issues. He was Chair of the RoadWise Committee; QEII Seniors Committed, Geraldton Australia Day Committee. Mr Hall's service to the community is well respected.

Nino Messina received an Eminent Service Award. Mr Messina was the longest serving Councillor in the history of the Shire of Mullewa, serving an outstanding 37 years. He was elected to the Shire in 1974. He was president of the Shire from 1997 up to the amalgamation with the City of Greater Geraldton. Mr Messina was instrumental in negotiating an agreement with Mt Gibson Iron, which has provided long term benefits for the Mullewa Community. He is a dynamic community leader who represents ratepayers on various community and regional boards. He was the Chairperson on the MidWest Regional Road Group, the Mid West Regional Road Central Subgroup, the Mullewa Community Trust and the Mid West Regional Council. He represented the Shire of Mullewa on the FESA District Operations Advisory Committee, the Mid West Strategic Infrastructure Group, the Northern Country Zone of the WA Local Government Association and was the Council's Chief Bush Fire Control Officer. Mr Messina is a member of the Greater Geraldton City Region Alliance Governance Group and was recently recognised with an Australian Fire Service Medal in the Australia Day honours list.

Barbara Thomas received a Long and Loyal Service Award. Ms Thomas has served the community for an outstanding 21 years. She was Deputy President of the Shire of Mullewa since 2005 and was a strong supporter of the structural reform process seeing the Shire amalgamate with the City of Geraldton-Greenough to become the City of Greater Geraldton. Ms Thomas represented the Shire on the rural Health Advisory Committee, the Mullewa Tourist Committee and has been on various Council Committees during her term as Councillor. Ms Thomas is now a Commissioner with the new formed City of Greater Geraldton until the elections in October 2011.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

**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.

COUNCIL DECISION

**MOVED COMMISSIONER CARPENTER,
SECONDED COMMISSIONER MCILWAINE**

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.

CARRIED 5/0

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
14 July	Regular Meeting with Hon Matt Benson	Commissioner I Carpenter
14 July	Meeting with Stan Maley – Greenough Pioneer Museum	Commissioner I Carpenter
15 July	Grants Commission Meeting	Commissioner I Carpenter
18 July	Meeting with Hon Brendon Grylls	Commissioner I Carpenter, CEO Tony Brun
19 July	Albany Council Meeting	Commissioner I Carpenter, CEO Tony Brun
21 July	DAP Training	Commissioner I Carpenter
21 July	Citizenship Ceremony	Commissioner I Carpenter
22 July	Meeting with Anthea Kalazich	Commissioner I Carpenter
26 July	Karen Bailey and Tiana Purba Barnard	Commissioner I Carpenter
27 July	Community Forum on Veterans Affairs	Commissioner I Carpenter
27 July	Geraldton Greenough Historical Society Presentation	Commissioner I Carpenter
27 July	Car Parking Meeting	Commissioner I Carpenter, Commissioner N McIlwaine
27 July	2011 Premiers Award for Excellence in Public Sector Management	CEO Tony Brun
28 July	Meeting with Brian Bosnan – Regional Development & Lands	CEO Tony Brun
28 July	Meeting with Max Trenorden, Grant Woodhams and Philip Gardiner	CEO Tony Brun
28 July	HMAS Sydney II 70th Anniversary Commemorative Service Meeting	Commissioner I Carpenter
28 July	Local Government Reform – Joint Structural Reform Transitional Arrangements Committee	Commissioner B Thomas, Commissioner N Messina, Commissioner N McIlwaine, Commissioner I Carpenter, CEO Tony Brun
29 July	2011 Clem Burns Heritage Award Presentation Ceremony	Commissioner I Carpenter
1 August	Presentation of Lotterywest Grant	Commissioner I Carpenter
2 August	Geraldton Greenough Sunshine Festival Inc.	Commissioner N McIlwaine
3 August	Regular meeting with Hon B Ellis and I Blayney	CEO Tony Brun
3 August	Northern Country Zone of WALGA	Commissioner I Carpenter
4 August	WA Regional cities Alliance Meeting	Commissioner I Carpenter, CEO Tony Brun
4 August	ICLEI Water Awards	Commissioner I Carpenter
4 August	Lord Mayor of Perth – Reception	Commissioner I Carpenter
5 August	Meeting with Geoff Parnell of Hames Sharley re: The WA Museum	CEO Tony Brun
8 August	David l'Anson President of GVTGA to discuss The Waiting Woman, Sydney Memorial	CEO Tony Brun, Commissioner I Carpenter
9 August	ABC Radio Interview - Overhead Power Lines	Commissioner I Carpenter
9 August	WIN Interview – Possible Royal Unit	Commissioner I Carpenter
9 August	Mr V Rigger – Building Issue	Commissioner I Carpenter
10 August	Australia Day Committee Meeting	Commissioner I Carpenter

10 August	CEO Performance Review	Commissioner R Yuryevich, Commissioner I Carpenter, Commissioner N McIlwaine, Commissioner N Messina, Commissioner B Thomas, CEO Tony Brun
10 August	Greater Geraldton Council Meeting	Commissioner R Yuryevich, Commissioner I Carpenter, Commissioner N McIlwaine, Commissioner N Messina, Commissioner B Thomas, 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
-------	---

AGENDA REFERENCE:	D-11-06231
AUTHOR:	P Sheriff, Manager Information Services
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	1 August, 2011
FILE REFERENCE:	IT/7/0001
APPLICANT / PROPONENT:	Nil
ATTACHMENTS:	Yes

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 21st 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:

Estimates of forward expenditure by year are 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.

COUNCIL DECISION

**MOVED COMMISSIONER THOMAS,
SECONDED COMMISSIONER CARPENTER**

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.

CARRIED 5/0

CS016 CITY OF GREATER GERALDTON REPEAL LOCAL LAW 2011

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

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.

COUNCIL DECISION

**MOVED COMMISSIONER MCILWAINE,
SECONDED COMMISSIONER CARPENTER**

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.

CARRIED 5/0

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

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 28th 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 1st 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 1st 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.

COUNCIL DECISION**MOVED COMMISSIONER THOMAS,
SECONDED COMMISSIONER MESSINA****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.**

CARRIED 5/0

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

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.

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).

COUNCIL DECISION**MOVED COMMISSIONER CARPENTER,
SECONDED COMMISSIONER THOMAS****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).**

CARRIED 5/0

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:

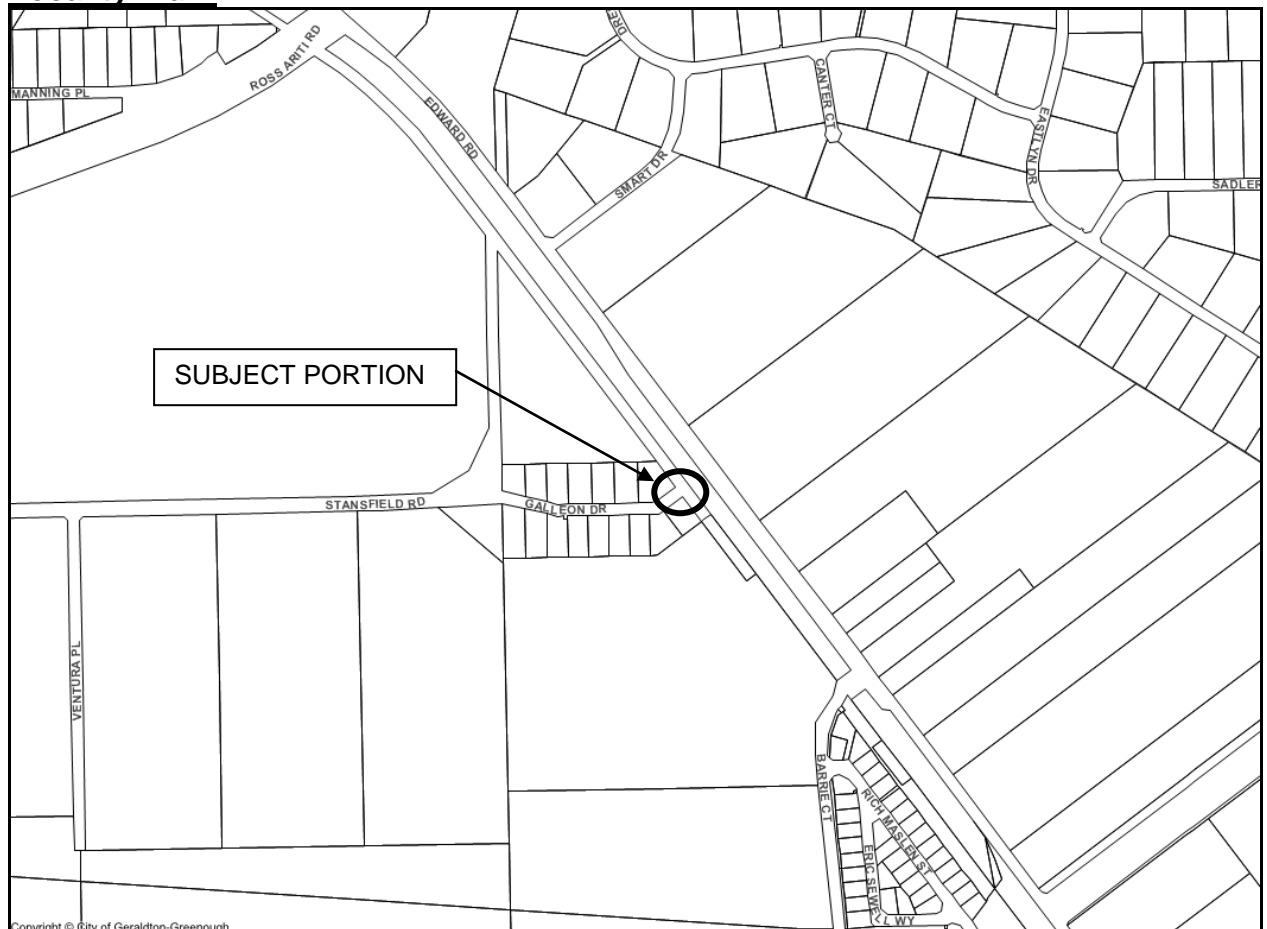
The City has received a request to resolve to dedicate a portion of Reserve 47589, Narngulu to road reserve in order to formalise the approved road access and subdivision of the adjoining land.

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.

COUNCIL DECISION

**MOVED COMMISSIONER MCILWAINE,
SECONDED COMMISSIONER CARPENTER**

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.

CARRIED 5/0

11.4 *Reports of Creative Communities*

CC006	POLICY FOR MEMORIAL SEATING PLAQUES
-------	-------------------------------------

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

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

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.

COUNCIL DECISION

**MOVED COMMISSIONER CARPENTER,
SECONDED COMMISSIONER THOMAS**

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.

CARRIED 5/0

CC007 HMAS SYDNEY II MEMORIAL COMMEMORATIVE PLAQUES
--

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

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.

COUNCIL DECISION

MOVED COMMISSIONER MCILWAINE,

SECONDED COMMISSIONER MESSINA

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.

CARRIED 5/0

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
-------	---

AGENDA REFERENCE:	D-11-05987
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	29 July 2011
FILE REFERENCE:	R38307
APPLICANT / PROPONENT:	Geraldton Aboriginal Mens Association
ATTACHMENTS:	Yes

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 as the City of Greater Geraldton contribution towards establishing the proposed Men’s Shed for portion of Reserve 38307 (Lot 3111) Larkin Street, Geraldton to Geraldton Aboriginal Men’s 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, maintenance and other utilities.

COUNCIL DECISION**MOVED COMMISSIONER MESSINA,
SECONDED COMMISSIONER THOMAS****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 per annum 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, maintenance and other utilities.**

CARRIED 5/0

CE008	LEASE – THEATRE 8 GERALDTON INC - RESERVE 29388 EIGHTH STREET, WONTHELLA
-------	---

AGENDA REFERENCE:	D-11-05990
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	29 July 2011
FILE REFERENCE:	R29388
APPLICANT / PROPONENT:	Theatre 8 Geraldton Inc
ATTACHMENTS:	No

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.

Mrs Daphne Dodd, Treasurer, Theatre 8.**Statement**

Ms Dodd presented on behalf of Theatre in objecting the proposed Executive Recommendation.

Response

The Executive noted that Theatre 8 representative, including Mrs Dodd had attending a meeting organised by the Department of Regional Development and Lands with City staff. It was noted that at this meeting the extensive detail and information was provided as was the basis of the executive recommendation proposing a 5 year lease and consideration of relocation conditionally on Theatre 8 being no worse off financially or facility wise. At that meeting the representatives of Theatre 8 indicated their clear understanding and support of such a recommendation. At no stage since that meeting has anyone from Theatre 8 provided advice to the contrary.

COUNCIL DECISION

**MOVED COMMISSIONER THOMAS,
SECONDED COMMISSIONER MESSINA**

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 a further report on the item.**

CARRIED 5/0

REASON FOR VARIATION TO EXECUTIVE RECOMMENDATION: That Council give Officers instruction to follow up with Theatre 8 on the proposed Lease Agreement and provide a report back to Council.

CE009 LEASE – SPALDING FAMILY CENTRE

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

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.

Strategy 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.

COUNCIL DECISION

**MOVED COMMISSIONER MCILWAINE,
SECONDED COMMISSIONER THOMAS**

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.**

CARRIED 5/0

CE010	LEASE AGREEMENT – COURIER AREA - BREARLEY TERMINAL GERALDTON AIRPORT
-------	---

AGENDA REFERENCE:	D-11-05993
AUTHOR:	L MacLeod, Land and Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	29 July 2010
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	GH Country Couriers
ATTACHMENTS:	Yes (1x Confidential)

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.

COUNCIL DECISION

**MOVED COMMISSIONER CARPENTER,
SECONDED COMMISSIONER MCILWAINE**

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.**

CARRIED 5/0

CE011	LEASE OF OFFICE SPACE - BREARLEY TERMINAL
-------	---

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

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.

COUNCIL DECISION**MOVED COMMISSIONER THOMAS,
SECONDED COMMISSIONER CARPENTER****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.**

CARRIED 5/0

CE012	ASSIGNMENT OF LEASE – PEDERICK NOMINEES PTY LTD AND R MORRIS TO KBM AVIATION PTY LTD
-------	---

AGENDA REFERENCE:	D-11-06180
AUTHOR:	L MacLeod, Land & Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	1 July 2011
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	Pederick Nominees Pty Ltd and R Morris
ATTACHMENTS:	No

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.

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.

**MOVED COMMISSIONER THOMAS,
SECONDED COMMISSIONER CARPENTER**

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.**

CARRIED 5/0

11.7 Reports to be Received

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

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

A correction was requested to the Midnight Basketball report January 2011-June 2011 to include the following financial table.

CC005 - Midnight Basketball Progress Report - January 2011 - June 2011		
Unspent Grant Funds		
Dept of Sport & Recreation	-6,406.00	
Dept of Attorney General	-56,360.00	
C/O Surplus to 2010/11	-62,766.00	
2010-11 Expenditure	72,212.00	
less CGG contribution	23,112.00	
	49,100.00	
Apply C/O Surplus	-62,766.00	
Midnight Basketball Funding	-18,600.00	
C/O Surplus to 2011/12	-32,266.00	
At Budget Adoption		
2011/12 Budget Expenditure	41,600.00	
less C/O surplus	-32,266.00	
CGG Contribution 2011/12	9,334.00	
Midnight Basketball Australia 2011/12 Funding	-18,600.00	
Amended Budget 2011/12 - Part of budget review with original CGG contribution	60,200.00	41,600 + 18,600
Amended Budget 2011/12 - Part of budget review without original CGG contribution	50,866.00	32,266 + 18,600

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.

COUNCIL DECISION

MOVED COMMISSIONER CARPENTER, SECONDED CR MCILWAINE

That Council by Simple Majority RESOLVES to RECEIVE the appended reports attached to this agenda, with the amended table referring to Page 7 of the Midnight basketball Progress Report of January 11/12

CARRIED 5/0

12 COMMISSIONERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

13 QUESTIONS BY COMMISSIONERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil.

14 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING
Nil.

15 CLOSURE
There being no further business the meeting closed at 6.00pm

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>